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They Think We Are Nothing

A survey of destitute asylum seekers
and refugees in Scotland

Mhoraig Green August 2006

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“They Think We Are Nothing” - quote from female asylum seeker living in Glasgow.



Scottish Refugee Council is an independent charity dedicated to providing advice, information and assistance to asylum seekers and refugees living in Scotland. We also provide specialist services in areas such as housing and welfare, education and employment, family reunion, women's issues, community development, the media and the arts.

We play a leading role in policy development and campaign on refugee issues to ensure that Scotland plays a full role in meeting the UK's legal and humanitarian obligations under the 1951 United Nations Convention on Refugees.

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Most importantly I am very grateful to all of the people who participated in this study by providing details of the extremely difficult situations in which they live. I hope that this report will contribute to improving the situations of these people who fled to the UK hoping to find protection, but who have instead been marginalised and left with nothing.

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Executive Summary

Scottish Refugee Council conducted this research in response to the growing number of destitute asylum seekers who were arriving at our offices looking for help. Other charities are experiencing the same problem and they became involved in collecting data for the project.

Destitution refers to the absolute and severe poverty that is experienced by asylum seekers when they do not have access to statutory support or the right to work to support themselves. The research focused on the responses of the voluntary sector, since people who are not allowed to work and are not entitled to support from the state inevitably become dependent on charity and the goodwill of others.

The aim of the research was to capture a snapshot of the number of destitute asylum seekers and refugees presenting to voluntary sector agencies in Scotland during a one-month period and to find out more about their experiences and what had led to them becoming destitute. A quantitative survey took place in Glasgow, where the overwhelming majority of Scotland's asylum seekers live, between 30 January and 28 February 2006.

Key Findings

The survey revealed that at least 154 asylum seekers, refugees and their dependents were destitute in Glasgow between 30 January and 26 February 2006.

This number includes 25 destitute children under the age of 18.

These numbers are likely to significantly under-represent the actual number of destitute people because of the methods used and the problems associated with reaching a hidden population.

27 people surveyed were asylum seekers with active claims, 7 were refugees and 78 had been refused asylum status and were at the end of the process. However, only 33% were satisfied with legal support indicating that people may have been let down by the well-documented failings of the asylum system.

The people surveyed came from 24 different countries, with the largest numbers coming from Iraq (21.6%), Iran (18.6%) and Somalia (8.8%).

Of the people surveyed 68% were male. 36% were in their twenties, almost 10% were under 20 years old and 17% of those surveyed were older than 50.

The largest group of people (46.5%) had been destitute for longer than six months. 21.8% of people had been destitute for less than two weeks. There is

a link between people at the end of the process and long-term destitution, and it is likely that short-term destitution is caused by administrative errors.

Causes of Destitution

76.5% of people surveyed were destitute because they were a refused asylum seeker. 26.5% were destitute despite the fact they still have an active asylum claim (8.8% because of an administrative error), and 6.9% were destitute because they had recently received asylum status and had yet to access mainstream support.

The only support available to asylum seekers at the end of the process is provided under Section 4 of the Immigration and Asylum Act 1999. 41 (52.6%) of the people surveyed at the end of the process had not applied for Section 4 support either because they were unwilling to sign up to the conditions (which include voluntary return) or because they did not meet the criteria. A further 19 (24.4%) had applied for Section 4, but had become destitute while they waited for a decision on their application or for their support to start.

What support is available?

The most commonly used sources of support amongst those surveyed were charities like Scottish Refugee Council (60.8% had received support) and Positive Action in Housing (29.6% had received support). Friends and family also provided support to 34.7% of those surveyed and 13.3% received support from community centres.

Family, friends and neighbours also provide shelter to 49.5% of the people surveyed, so the impact on community resources is clearly great. 41.3% of people surveyed remain in their National Asylum Support Service (NASS) accommodation.

The most common form of support given by the agencies involved in the research was information and advice. 60.8% of people received this during the visit on which they were surveyed. Only 24.0% received a small cash payment of less than £50 for a week. This is largely because of the limited resources available to allow charities provide material support.

There was a very low level of signposting by the agencies involved in the research. This is likely to be because there are very few resources available for asylum seekers who are destitute in Scotland or elsewhere in the UK.

Recommendations

Ending the destitution of asylum seekers

- The only way to prevent the destitution of asylum seekers is to revise asylum policy to allow for durable solutions. Reinstating the right to work for asylum seekers, particularly those at the end of the asylum process, is one potential solution.
- The responsibility of supporting destitute asylum seekers must be shifted from the voluntary sector, charity and social networks to the state, since only they are capable of providing sustainable support.
- Asylum seekers should not be penalised by NASS or any other authority for offering shelter to destitute friends and family.

Avoiding unnecessary destitution caused by administrative errors

- Administrative errors lead to short-term, unnecessary destitution. Statutory providers such as NASS must improve their processes to avoid the unnecessary, short-term destitution that arises as a result of administrative errors.
- NASS's decision making should be regionalised in order to minimise the risk of people losing their support before they reach the end of the asylum process. Both the Restart Investigation and Cessation Enquiries (R.I.C.E.) and Section 4 support decision making should be regionalised.
- Decision-making times for Section 4 support need to be reduced to prevent people waiting extended periods, such as six weeks or more. The quality of decision-making should also be improved.

Preventing children from becoming destitute

- The government should commit itself to guaranteeing that families with children should not be forced to become dependent on the charitable support of friends and family.
- All families with children should continue to be supported while they remain in the UK, regardless of whether the children were born after their parents become fully refused asylum seekers.
- Refused asylum seekers should be brought back into the NASS system if they have a baby or if a child joins them in the UK.

Legal provision and support during the asylum process

- Asylum seekers must have good quality and timely legal support to enable them to pursue their asylum claim. It is important that people have good quality legal support to take advantage of opportunities to appeal against negative decisions.
- Legal representatives should ensure that their clients fully understand the asylum process, their position within it and the options available to them.
- Legal representatives should access training on asylum support to ensure they understand what is required of them for support to be reinstated.
- Asylum seekers should be properly supported to challenge bad quality or misleading legal advice.
- Legal aid for asylum seekers in Scotland should be maintained at current levels.

Avoiding unnecessary destitution at the end of the process

- The government must accept that some asylum seekers cannot be immediately returned and that the support offered at end of the process needs to be reassessed.
- There is a need for suitable means of support for the end of process that will prevent other asylum seekers having to support their friends and put their own support at risk.
- The process for applying for Section 4 support should be reviewed to avoid destitution occurring while people wait for their support to start. Emergency bridging support should be provided for people who apply for Section 4 support after their NASS support has ended.
- NASS should produce and widely distribute good quality information on Section 4 support in community languages to ensure that asylum seekers fully understand the option.

Better service provision

- Joined up working across the voluntary and public sectors would improve the support available to each destitute asylum seeker by ensuring they access all of the most appropriate services.
- Statutory service providers should be encouraged to consider their response to the problem of destitute asylum seekers to make sure they meet their obligations, particularly where children and people with care needs are involved, and relieve pressure on the voluntary sector where possible.

- Accommodation providers should take into consideration the vulnerability of all of their tenants when pursuing evictions.
- Housing providers should explore creative housing solutions to ensure that destitute asylum seekers are able to access safe accommodation.

Better service provision for new refugees

- NASS Scotland should visit every asylum seeker who receives a positive decision to ensure they are aware of their rights regarding continued support and to ensure that the transition from NASS support to mainstream benefits is smooth. New refugees should be directly referred to the Sunrise programme during these visits (Sunrise is a government-funded programme to assist the integration of refugees. In Scotland it is run by Scottish Refugee Council).
- NASS and the Department for Work and Pensions (DWP) should work together to ensure all new claims are processed within the 28 day move-on period.
- NASS, the HM Revenue and local authorities should work together to ensure that claims for child benefit and child tax credit are processed promptly

Understanding the issues in more depth

- Destitution has a negative impact upon the physical and psychological health of asylum seekers, especially when it becomes a long term problem. Further research should be conducted into the impact this has on people.
- Inter-Agency Partnership should coordinate data collection on destitution to build a nationwide picture of the issue. (Inter-Agency Partnership consists of Refugee Council, Refugee Action, Migrant Helpline, Refugee Arrivals Project, Scottish Refugee Council & Welsh Refugee Council).

Part 1: Introducing the issue

01. Introduction

Background

Destitution has become a growing problem for asylum seekers in Scotland. People at the end of the asylum process are evicted from their homes, are often left without any statutory support and without the right to work to support themselves. People who are still waiting for their claim for asylum to be decided are left with no money or food when their support is wrongly stopped because of an administrative error by the National Asylum Support Service (NASS) or a delay processing their paperwork. Families now face a possible new threat of being torn apart when their children are taken into care and the parents are made homeless because they do not want to return to a country that they believe is unsafe.

Over the last three years Scottish Refugee Council has been helping increasing numbers of destitute asylum seekers. Other Scottish voluntary sector organisations are in a similar position. This destitution can be policy induced: a direct attempt by the Government to force people to return home or to deter them from coming to the UK in the first place; or it can happen as the result of an administrative error or delay. The agencies who work to support destitute asylum seekers in Scotland have limited funds, and so the help they provide is not sustainable. This research was conducted in response to a growing problem that was affecting more and more of our clients, and was becoming an increasing strain on our voluntary sector resources. The focus of the research is the destitution of asylum seekers and the responses of the voluntary sector, but there is certainly scope for further research to consider the role and involvement of public service providers.

This research set out to begin to quantify the scale of this problem in Scotland by surveying all destitute asylum seekers who used the services of a range of support agencies over a one-month period. This would have been impossible without the support of those other agencies, and the hard work of their staff. The information we collected is a snapshot and does not reflect the true scale of the problem of destitution of asylum seekers in Glasgow or Scotland, but it does

reveal more about the scale of destitution and experiences of people affected than was previously known.

What is destitution?

‘Without money, food and the other things necessary for life’

- Oxford English Dictionary

Destitution is severe and absolute poverty, which may be short-term and relieved within a week or a month, or it may be chronic and long-lasting. What distinguishes destitution from other forms of poverty is its depth and severity – it is an absolute form of poverty, where a person has no food, no money and no other means of sustaining themselves. Destitution occurs when a person is unable to meet their own subsistence needs and when they have no assets so they become dependant upon charity and the goodwill of others.

In Britain today, a welfare system exists to provide people who have few resources with payments around subsistence level. Therefore destitution is not as significant a problem as elsewhere in the world and should, in fact, be almost non-existent. However, some people do slip through the net and do not access the support provided by the Government for a variety of social reasons, for example destitution is still associated with the experience of homeless people in Britain. Charities like Shelter were established in the 1960s to support people affected by homelessness and help them access the benefits they were entitled to in an effort to end their destitution.

There is another growing group of people who are experiencing destitution across Britain, but who have little or no recourse to Government support to escape their situation. People seeking asylum in Scotland have often had to abandon their property and assets when they leave their home, and therefore arrive with nothing. Once a person has applied for asylum they are provided with support while their application is determined. However, this support can be withdrawn for a number of reasons, including administrative errors or as a result of Government policies designed to discourage people from seeking asylum. When support is withdrawn asylum seekers are in a position where they do not have food or money to sustain themselves, and therefore they become destitute. Unlike other forms of destitution in the UK, which arise because people have slipped through the social welfare net, the destitution experienced by asylum seekers is often the deliberate result of Government policy.

Destitution is characterised by economic, social and political powerlessness, which leaves the victim excluded and marginalised (Devereux 2003). This is certainly the case for destitute asylum seekers who have very little social power because they are housed in deprived areas where they are in danger of becoming isolated by language barriers, racism and lack of existing social networks. When an asylum seeker becomes destitute past research (Refugee Action 2005) has shown they are forced to turn to friends and family for support and therefore are in danger of becoming a burden on whatever community they have become part of, making them even more socially powerless. Asylum seekers are also likely to be politically powerless, since asylum seekers have very few rights and little recourse to politics until they receive refugee status and the right to remain in the United Kingdom.

It could be argued that one asset that many people living in poverty do have is their labour power, which can be traded for a wage. While there are undoubtedly barriers to accessing the labour market for all people living in poverty, asylum seekers are expressly forbidden from working in the UK. This means if an asylum seeker loses the small amount of support they do receive from the state, they do not have the right to work to support themselves, and therefore they become economically powerless. Exclusion from the labour market is in itself identified as a 'primary route to destitution' (Devereux 2003), and coupled with the social and political powerlessness experienced by many asylum seekers, becoming absolutely excluded and marginalised if the little financial support they do receive is stopped.

This research focuses on the growing problem of destitution experienced by asylum seekers in Scotland. The research focuses on the people that the voluntary organisations are supporting in Scotland, since destitute asylum seekers turn to the voluntary sector when statutory support is terminated. There is certainly scope for future research to consider the role and involvement of public service providers.

Within this report, destitution refers to the absolute and severe poverty that is experienced by asylum seekers when they do not have access to statutory support or the right to work to support themselves. Destitution refers to the depth and severity of poverty and not its persistence over time, so we set out to capture a snapshot of the problem, regardless of how long the individuals concerned had been affected for. This means that we surveyed every asylum seeker and refugee who was experiencing destitution when they arrived at a support agency.

02. Context

The causes of destitution of asylum seekers in the UK

Destitution is a widespread and growing problem amongst asylum seeker communities in the UK. Asylum seekers can become the victim of destitution after their support is terminated because of an administrative error by the Home Office or the National Asylum Support Service (NASS). Asylum seekers also experience destitution as the direct result of legislation and policy introduced by Government to promote their stated aim¹ of reducing the number of asylum seekers both arriving in the UK and remaining in the country. In the following section this report explains how administrative errors cause destitution and suffering; describes how asylum policy that is seemingly designed to encourage asylum seekers to return home by restricting their ability to sustain themselves; and examines other policies that appear to aim to prevent asylum seekers from coming to the UK in the first place by ensuring they have no means of supporting themselves while they exercise their right to claim asylum.

Policy induced destitution at the end of the asylum process

Asylum seekers who have reached the end of the asylum process are at great risk of experiencing destitution², despite the fact that returning to their home country is not a straightforward process. NASS has the right to end support to asylum seekers as soon as a person receives a final negative decision on their asylum claim, even if they still have the right to apply for a judicial review of the decision. Once a person's NASS support has been terminated their subsistence payments are stopped immediately and accommodation providers are instructed to begin eviction proceedings. Fully refused asylum seekers whose NASS support has been stopped (including those with the right to apply for a judicial review) can apply for limited support under [Section 4 of the](#)

¹ BBC's Newsnight 7 February 2003. Quoted on <http://news.bbc.co.uk/1/hi/programmes/newsnight/2738771.stm>

² Research conducted by Refugee Action (2005) found that 70% of destitute asylum seekers in the city were at the end of the asylum process. A report by Coventry Refugee Centre (2004) described the great impact of destitution on refused asylum seekers in Coventry.

Immigration and Asylum Act 1999. This allows NASS to provide full board accommodation to fully refused destitute asylum seekers who are currently:

- arranging to return home; or
- who are unfit to travel home; or
- who are still involved in a appeal or other further legal proceedings; or
- who have exceptional, compassionate circumstances; or
- in cases where the Home Office believes there is no safe route of return.

In Scottish Refugee Council's experience NASS is strict in adhering to the criteria and applications for Section 4 support are only accepted if they are supported by very strong evidence.

Many people who reach the end of the asylum process do not meet the criteria set out in Section 4 of the 1999 act, and would only be eligible for this support if they arranged to return home. People are often unwilling to sign up for voluntary return home because they are afraid they will face persecution or their lives will be in danger if they return home. Despite this there are currently no countries that the Home Office considers unsafe and therefore asylum seekers are unable to apply for Section 4 support on these grounds, and so they become destitute.

In the past the Home Office has decided that some countries are unsafe to return to, for example it was considered unsafe to return people to Iraq for a short period during the recent war and the following instability. When asylum seekers are able to apply for Section 4 support on the grounds that there is no safe route home they find themselves living in shared accommodation, and are provided either with food vouchers or full-board catering instead of cash payments. This means they are unable to choose which shops they use or what they eat and how it is prepared. They also have no cash to buy necessities like winter clothing.

Asylum seekers are not allowed to apply for Section 4 support until they are destitute. This means that they have to wait till their NASS support has been terminated before they apply. There can be further delays before an application is submitted because people have to collect evidence to support their application (for example, proof that their lawyer has lodged a fresh claim or further claim or evidence that they are arranging to return home). In Scottish Refugee Council's experience, once an application has been submitted it normally takes from six weeks to two months to process, but it can occasionally

take longer. In the meantime the applicant will have had their subsistence payments stopped and eviction proceedings will have begun. In England and Wales evictions typically happen after seven days notice, so people are likely to be homeless while they wait for Section 4 support to begin. In Scotland the eviction process is often longer because most NASS accommodation is provided by Glasgow City Council who have to follow Scottish law³. This involves applying to the Sheriff Court for an eviction order, attending the Sheriff Court hearing, then waiting for the Sheriff Officer to perform the eviction. The entire process normally takes a minimum of three months, during which time refused asylum seekers are able to remain in their NASS accommodation. This benefits refused asylum seekers (who may be waiting for their Section 4 application to be processed) because although they receive no subsistence payments they are not immediately homeless.

Other conditions attached to support at the end of the process

Section 10 of the Asylum and Immigration (Treatment of the Claimants etc) Act 2004 introduced another condition attached to Section 4 support, which has yet to come into effect. This provision requires asylum seekers to undertake community work in return for Section 4 support. The provision is yet to enter into force because the Home Office has failed to find partner organisations willing to take part in a pilot⁴. Forcing asylum seekers to work for limited support, which is normally in the form of full-board accommodation or accommodation and vouchers, will probably discourage people from accepting this support and will leave them destitute or driven to work illegally.

Are children made destitute at the end of the asylum process?

When refused asylum seekers are supporting a child, they should always be supported by NASS until their removal from the country is arranged. However, this does not always happen in reality, and there are cases where a family with children does not continue to receive NASS support. This happens if a child is born after a family's asylum claim is fully refused; or if a child joins the family

³ Other accommodation is provided by YMCA who do not have to follow these eviction procedures. NB: Glasgow City Council and YMCA are the main providers at the time of writing, but it will change soon because of a newly negotiated NASS contract.

⁴ YMCA England had provisionally agreed to pilot the scheme in Liverpool, but pulled out in June 2005 because of the criticism they received. (<http://news.bbc.co.uk/1/hi/uk/4597807.stm>)

from abroad after the asylum claim is fully refused; or if a child has not been properly recorded in the family's asylum claim. In these circumstances social work in Scotland have a duty to support the child under the Children Scotland Act 1995. In Scottish Refugee Council's experience whether social work provides support to the adults who look after the child varies depending on which social work team is responsible.

Families' right to support is protected under child protection law, however new legislation (which has yet to be implemented) is putting this under threat. If **Section 9 of the Immigration and Asylum (Treatment of the Claimants etc.) 2004 Act** is rolled out NASS will be able to terminate the support of asylum seeking families with children who have reached the end of the end of the process and exhausted their appeal rights if they fail to arrange to leave the country, or if they fail to comply with removal directions. If a family is made destitute, social work services will still have the responsibility to support the children involved, but they will be forbidden from providing support to parents. In practice this could mean that children will be removed from their destitute parents and taken into care. Research conducted by Barnardos found that the policy damaged children's welfare, was contrary to child protection laws and would be open to legal challenges (Kelley & Meldgaard 2005).

One of the aims of Section 9 was to encourage more families to sign up to leave the country voluntarily when they reached the end of the asylum process. However, a pilot was carried out in London, Leeds and Manchester, which affected 116 families and only one family left the country as a result of the policy (Refugee Council & Refugee Action 2006). Refugee Council and Refugee Action provide services to asylum seekers in the pilot areas and they were alarmed by the other impacts of the policy. The pilot caused 'panic and a feeling of victimisation' (ibid.) amongst the people directly involved in the exercise, but it has also led to panic and confusion amongst asylum-seeking communities across the UK, who have heard about Section 9 but are unsure of how it will affect them. Local authorities have said that they are unclear about their responsibilities and how Section 9 and their legal obligations to protect children under the Children Act 1989 (or the **Children Scotland Act 1995** in Scotland) (ibid.). Local authority staff including social workers expressed reluctance to implement the policy (ibid.). There are indications that the provision will be abandoned, including an amendment that was included in the Immigration, Asylum and Nationality 2006 Act (Section 44) that allows the government to repeal the section dependent on the outcome of an evaluation of the pilot.

Lack of good quality legal support as a cause of destitution

In recent years the Government has reduced the rights of asylum seekers to appeal against negative decisions on their asylum claim. The **Asylum and Immigration (Treatment of the Claimants etc.) Act 2004** replaced a two tier appeal system with a one-tier system. This is despite the fact that almost one fifth of asylum seekers who were initially refused asylum in 2004 went on to receive leave to remain (Home Office 2005). In England, the Legal Services Commission imposed strict time limits (5 hours at the pre-decision stage and 4 hours at the appeal stage) on the legal aid that asylum seekers receive from April 2004 (BID & Asylum Aid 2005). Bail for Immigration Detainees and Asylum Aid conducted research into the effects of these restrictions on legal aid and the right to appeal and found that cuts to legal aid had led to law firms pulling out of asylum work and remaining lawyers and voluntary sector legal representatives were unable to meet the demand for good quality legal support. Lawyers who do continue to practise are often forced to reduce the time they spend on each case, and therefore there is a risk that the service received by asylum seekers is of reduced quality. As a result of both these factors, asylum seekers are left with less legal support and there is a greater risk that they will not have proper access to justice, and they will be wrongly refused. The research concluded that when people are wrongly refused asylum they were likely to become a victim of destitution (ibid.).

It is clearly not desirable that asylum seekers are becoming destitute because they have reached the end of the asylum process before they have had the chance to make a properly supported asylum claim and fully exercise their appeal rights. If someone has been refused asylum because their asylum claim was poorly supported it is understandable that they may be afraid to return to their home country. It is worth noting that Scotland has a separate legal system to England and Wales, and the legal aid provision for asylum claims in Scotland has yet to be cut to the same levels as it has in England and Wales, and it is important that this is not allowed to happen. The changes to the appeal system did affect asylum seekers in Scotland in the same way as they have affected asylum seekers in other parts of the UK.

Policy induced destitution in process

The government has committed itself to reducing the numbers of asylum seekers arriving in the UK on a number of occasions⁵. One of the main ways in which they seek to achieve this is through using destitution as a policy tool. A number of measures have been introduced since 1999 that restrict the support available to asylum seekers. While the aim of these policies may be to act as a deterrent to ensure that people do not claim asylum in the UK for economic reasons, the support available has been restricted to the point where it could prevent genuine asylum seekers from fully exercising their right to claim asylum in the UK.

Government policy ensures that asylum seekers are amongst the poorest people living in the UK today. Asylum seekers are forbidden from working to support themselves for the duration of their asylum claim and after they are fully refused⁶. Previously asylum seekers were allowed to apply for the right to work once they had waited six months for a decision on their asylum claim, but this concession was removed in July 2002. They are now have no option but to live on NASS benefits provided under the [Immigration and Asylum Act 1999](#), which are 70% of standard income support levels⁷. Asylum seekers are not entitled to housing benefits and NASS only provides them with accommodation if they are willing to accept housing in one of a number of locations across the UK on a no-choice basis. Being dispersed around the country on this basis also means that asylum seekers risk becoming isolated from the support networks that exist in cities with more established refugee communities, making them more vulnerable if they become destitute.

In a context where asylum seekers are not allowed to work, destitution is always a threat but it became a more serious and immediate threat to people seeking asylum in the UK with the passing of [Section 55 of the Immigration, Nationality and Asylum Act \(2002\)](#). This provision allowed the Government to

⁵ BBC's Newsnight 7 February 2003. Quoted on <http://news.bbc.co.uk/1/hi/programmes/newsnight/2738771.stm>

⁶ The EU Council Directive laying down minimum standards for the reception of asylum seekers (2003/9/EC) requires EU countries to allow asylum seekers the right to work after they have waited more than a year for an initial decision on their asylum claim. Asylum seekers in the UK normally receive an initial decision very quickly then enter a prolonged appeal process so the right to work is rarely granted on this basis.

⁷ In 2005/06 a single person over the age of 25 would receive £56.20 in income support or job seekers allowance per week. An asylum seeker over the age of 25 would only receive £39.34 per week.

withdraw support from people who did not apply for asylum at the port-of-entry, and this began to be enforced from January 2003. While the legislation was passing through parliament, the Government said that Section 55 would only be used to target people who had been living in the UK for significant length of time before they applied for asylum⁸. However, in practice Section 55 was used to refuse support to people who had waited until even a few hours after their arrival in the UK before applying for asylum (IAP 2004; Refugee Council 2004).

Withdrawing support from people who applied for asylum in-country was particularly devastating because the Government had already removed the concession that allowed asylum seekers to apply for the right to work. People who delayed applying for asylum after their arrival in the UK even by a few hours found themselves in the position where they were not allowed to work to support themselves, and where the Government refused to provide accommodation or payments to meet their subsistence needs.

After a series of court challenges to the policy the House of Lords upheld a Court of Appeal decision that the Government could not refuse to support asylum seekers who had no other means of supporting themselves. As a result NASS is now unable to refuse to provide support to people who apply for accommodation and subsistence payments. However, they are still able to refuse to provide support to people who apply for subsistence payments but not accommodation.

Legislation introduced by the Government in recent years has included further provisions to allow NASS to stop supporting asylum seekers, but which have yet to be widely applied. For example, **Section 57 of Nationality, Immigration and Asylum Act** gave NASS the right to refuse to support asylum seekers who fail to provide information about their journey to the UK, any assistance provided by agents and the documents used to enter the UK. While this provision has not been widely applied, it remains on the statute book and could be used with devastating effect since many asylum seekers use agents to enter the UK and are given little information about their journey here (IAP 2004; Robinson et al. 2002).

⁸ Mr. Neil Gerrard (Walthamstow) (Lab) *Hansard* HC (series 5) vol. 415: Column 1637 (17 December 2003)

Destitution as the result of administrative errors and procedural gaps in support

Destitution amongst asylum seekers is not always the result of the direct impact of Government policy. Asylum seekers are also made destitute as the result of largely avoidable administrative delays by the Home Office or NASS⁹ or because of unnecessary gaps in support caused by NASS's procedures.

It is fairly common for asylum seekers to have their support terminated because NASS wrongly believes that their asylum claim has been discontinued. Asylum seekers have to appeal against negative decisions within a very short timeframe, then information has to be passed from the courts to the Immigration and Nationality Directorate who are responsible for informing NASS to continue support. If this process does not work quickly enough, NASS will be unaware of the appeal and will terminate support. Scottish Refugee Council and other organisations that support asylum seekers spend a considerable amount of time negotiating with NASS to restart support that has been wrongly terminated for this and other reasons.

NASS's own procedures also lead to destitution, and a key example of this has already been mentioned. People at the end of the asylum process are entitled to apply for support under **Section 4 of the Immigration and Asylum Act 1999** so that they are not destitute while they are pursuing further legal proceedings, if they are unable to return home or while they arrange to return home. However, asylum seekers are not entitled to apply for this support until their NASS support has been terminated and they have already become destitute. The application takes a considerable length of period so NASS's procedure ensures that people will be made destitute between their NASS support ending and Section 4 support beginning. When destitution arises because of NASS's procedures it is largely unavoidable and it raises the question of why these procedures have not been reviewed and changed.

Refugees are also made destitute because of procedural reasons. Once a person has received a positive decision on their asylum claim (and thus have been granted refugee status) their NASS support is terminated. NASS payments stop after 28 days and successful asylum seekers are required to vacate their NASS accommodation. Successful asylum seekers are entitled to

⁹ Research conducted by Refugee Action (2005) found that 6% of destitute asylum seekers in the city were destitute because of an administrative error.

work and also to claim mainstream benefits, but when there is a delay in finding a job or accessing jobseekers allowance or income support and housing benefit new refugees are at risk of becoming destitute. New refugees are also at risk of becoming homeless if there is a delay in accessing appropriate housing. The Home Office has identified this problem and is currently piloting the Sunrise (Strategic Upgrade of National Refugee Integration Services project), which aims to help successful asylum seekers move from NASS benefits to mainstream support smoothly.

Destitution is used as a policy tool at the end of the asylum process as a means of encouraging people to return home to potentially unsafe situations. Destitution is used as a policy tool during the asylum process to encourage people not to come to the UK and exercise their right to claim asylum. Destitution and suffering arises as the result of administrative errors. Although refugees do become destitute they are entitled to mainstream benefits and are allowed to work, unlike asylum seekers who are in a particularly vulnerable situation because they are affected by various policies that directly induce destitution. Therefore the destitution of asylum seekers is the main focus of this research, although we have recorded some information about destitute refugees. Having outlined the potential causes of destitution amongst asylum seekers, this research set out to identify the extent to which each of these causes affects asylum seekers in Scotland and to learn more about the experiences of the people affected by these policies and practices.

The UK context

After asylum seekers lost the right to work, Section 55 of the Nationality, Immigration and Asylum Act (2002) was the first Government policy that directly caused the destitution of asylum seekers. Research conducted by the Mayor of London in 2004 estimated that around 14,000 asylum seekers would have been affected by Section 55 each year across the UK if people continued to be refused support at the same rate as during 2003 (Mayor of London 2004).

Despite the fact that Section 55 has been successfully challenged and is no longer applied to the majority of asylum seekers, a number of other policies and practices continue to cause destitution and this is of concern to a number of organisations across the UK. As a result of this concern, a number of reports have been published by various refugee agencies. Since there are no official numbers available regarding the number of destitute asylum seekers, each of

these reports have used different methods in order to establish an estimate of the numbers of destitute asylum seekers within a city or region, or to establish the number of asylum seekers using particular services. While neither of these methods will accurately reflect the total numbers of destitute asylum seekers in a particular area, they do provide valuable evidence to demonstrate that destitution is a serious threat to asylum seekers across the UK and provide a good starting point for establishing the current extent of the problem of destitution for asylum seekers across the UK.

London Housing Foundation collected information about asylum seekers accessing day centres, outreach services and direct access hostel accommodation. They found that one fifth of bed-spaces in hostels undertaking a one-night count were occupied by refugees and asylum seekers, and that the majority of people accommodated were refugees. They warn that only one charity was involved in collecting the information so the results are indicative that destitution is a significant problem in London but not representative of the full extent of the problem (London Housing Association 2004).

As part of a report into destitution in Birmingham, Malfait and Scott-Flynn (2005) collected information about the number of destitute asylum seekers living within Birmingham and the West Midlands from a range of service providers and other stakeholders. Based on these figures, it was concluded that 1000 – 2000 destitute asylum seekers were living in the area, with less than 50 destitute asylum seekers and refugees presenting in need of accommodation each week (Malfait & Scott-Flynn 2005).

A coalition of organisations working with asylum seekers in Leeds produced a report into the problem of destitution in the city and the impact it was having on the health of asylum seekers, and the impact on voluntary sector organisations and refugee community organisations who support destitute asylum seekers (Leeds Destitution Steering Group 2004). Each of the agencies involved in the report recorded the number of destitute asylum seekers who used their services from 15 November to 17 December 2004. They recorded a total of 504 visits during this period, but concluded that this is a 'significant underestimate' due to the reluctance of people to be recorded and of the reluctance of organisations to share information. They believed that refugee community organisations in particular would be supporting a great number of asylum seekers, but they had been unwilling to provide figures (*ibid.*). The figure of 504 represents visits to agencies rather than individuals and is likely to include some degree of cross-counting.

The Coventry Refugee Centre has also produced a report into destitution in the city, focusing on the problems faced by people at the end of the process. They reported that over a two-week period from 25 October 2004 to 5 November 2004 they had 50 taken appointments relating to destitute clients (Coventry Refugee Centre 2004). Like the count from Leeds this represents visits and may include some cross-counting.

Refugee Action conducted a survey of destitution amongst asylum seekers in Leicester over a one-month period from 17 January 2005 to 18 February 2005. The survey recorded 253 visits to four voluntary sector agencies working with asylum seekers during the research period. The survey also recorded people's date of birth in an attempt to avoid double-counting. Despite some problems relating to people not knowing their exact date of birth, Refugee Action were able to say with some confidence that 253 visits represented 168 individual asylum seekers.

While these figures by no means represent an accurate reflection of the scale of destitution in the UK, they do demonstrate that it is a problem that affects significant asylum seekers in different areas across the UK. The absence of accurate and complete figures about the scale of destitution poses a number of problems in terms of service delivery at a local level and campaigning and lobbying work at a nationwide level. It would be useful to develop a nationwide method of collecting information about destitute asylum seekers and refugees¹⁰. This would lead to a more accurate impression of the scale of the problem and would also allow for comparisons to be made between local areas. We used the Leicester survey as a model for this research, and have adapted it based on the recommendations within that report. We recommend that our adapted version of the Leicester survey questionnaire could form the template for standardised data collection across the UK, and suggest that this could be coordinated by the Inter-Agency Partnership¹¹.

As well as attempting to quantify the problem of destitution, many of the previously mentioned reports have discussed the effects of destitution. A number of reports looked specifically at the impact of destitution on the health of asylum seekers, and concluded that it has a negative effect (IAP 2004;

¹⁰ Malfait and Scott-Flynn (2005) have already suggested this.

¹¹ The Inter-Agency Partnership is contracted by NASS to provide advice and support to newly arrived asylum seekers living in dispersal accommodation. The partnership consists of six established agencies – Migrant Helpline, Refugee Action, Refugee Arrivals Project, Refugee Council, Scottish Refugee Council and the Welsh Refugee Council.

Coventry Refugee Centre 2004; Refugee Council 2004; Leeds Destitution Steering Group 2004). Inter-Agency Partnership research also concluded that destitution could have a negative impact on voluntary-sector service providers, social services and community safety and cohesion. It is therefore clearly important to properly quantify the problem of destitution at a UK-wide level to allow for an appropriate response.

The situation in Scotland

The information available about the destitution of asylum seekers is as limited in Scotland as it is elsewhere in the UK. Scottish Refugee Council's client services team believe that they have helped increasing numbers of destitute asylum seekers since 2002. This is supported by recent research based upon analysis of grant applications between January 2000 and May 2004 made to Refugee Survival Trust, a Scottish charity which provides grants to help destitute asylum seekers (Refugee Survival Trust 2005). The charity reported that between 2001 and 2003 they received between 230 and 300 applications for grants to support destitute asylum seekers each year, but in the first five months of 2004 they had already received more than 200 applications. They also discovered that 22% of applications for support came from people who had previously received support. This could indicate that asylum seekers in Scotland are experiencing extended periods of destitution or are experiencing recurrent destitution.

Refugee Survival Trust's research demonstrates that destitution is a growing problem for asylum seekers in Scotland. However, the report has some limitations and further research was needed. Refugee Survival Trust monies are allocated according to necessarily strict criteria and their funds do not allow them to provide ongoing support to all destitute asylum seekers. Therefore the records are unlikely to represent the full scale of destitution. Since the research was based on analysis of past records it does not reveal the scale of the problem in 2006, and we believed that the scale of destitution in Scotland may have risen again since May 2004 as asylum policy becomes increasingly restrictive.

The situation in Glasgow

The majority of asylum seekers and refugees in Scotland live in Glasgow, since Glasgow City Council are the only Scottish local authority who has signed up to a contract with the National Asylum Support Service (NASS) to accommodate dispersed asylum seekers. At the end of December 2005 there were 5340 asylum seekers living in Glasgow (Inter-Agency Coordination Team 2006).

According to the latest figures from the Home Office for a complete year, 74% of asylum applications received during 2004 were eventually refused asylum (Home Office 2005). Of the 59,400 asylum seekers who became fully refused during 2004, only 21.2% were removed that year (ibid.). Assuming that these rates remain stable and that the situation in Glasgow is representative of the situation elsewhere then we can estimate that 3115¹² of the asylum seekers currently living in Glasgow will be threatened by destitution at the end of the process at some point in the future.

According to figures provided by Scottish Refugee Council, between 1 January and 28 February 2006 NASS support for 118 people living in Glasgow was terminated. In 61 (51.7%) of cases support was terminated because the person had received a negative decision on their asylum claim; 57 (48.3%) had been successful and would therefore be entitled to move on to mainstream benefits or look for work. An average of 6.8¹³ people had their NASS support terminated at the end of the process each week in this period. If we assume that this continues at the same rate throughout 2006, 354 asylum seekers will have their NASS support terminated after being refused asylum this year¹⁴. According to the latest Home Office figures for a complete year, the number of asylum removed during 2004 represented 28.6% of the total refusals for the year¹⁵. Based on this, 353¹⁶ of the people we estimated would have their NASS support terminated during 2006 will remain in the UK, with no access to mainstream NASS support and no right to work to support themselves.

¹² Of 5340 total asylum seekers, 3951.6 will eventually be refused asylum (74%) but only 837 will be removed (21.2%). This will leave 3115 people fully refused, but not removed. (Figures rounded to nearest whole number)

¹³ Based on 61 / number of days x 7

¹⁴ Based on 6.8 x 52 (rounded to nearest whole number)

¹⁵ There were 43,990 negative asylum decisions during 2004, but only 12,585 people were removed from the country or left voluntarily during 2004 and this represents 28.6% of the total refusals that year.

¹⁶ Rounded to nearest whole number

The situation in Edinburgh

Edinburgh City Council does not have a contract with NASS to provide accommodation, but the largest numbers of asylum seekers in Scotland outside of Glasgow are located there (Inter-Agency Co-ordination Team 2006). Asylum seekers who are able to provide their own accommodation can apply to NASS for subsistence payments only, and many of the asylum seekers living in Edinburgh are supported in this way. Until early in 2006 there were also a number of asylum seekers in the city who had claimed asylum before NASS was established in 2000 and who continued to be supported by Edinburgh City Council under the 'Interim Support' arrangements¹⁷.

In order to gather evidence about the experiences of destitute asylum seekers in Edinburgh, a meeting was held with the staff of the Edinburgh's Asylum Support Response Unit (ASRU). ASRU is a department of Edinburgh City Council's social work funded by the Home Office that is responsible for providing financial support to asylum seekers who arrived in Edinburgh before the establishment of the NASS. According to ASRU they had terminated the support of 17 people because their appeal rights were exhausted during 2005.

Since there is no NASS accommodation in Scotland, apart from Glasgow, asylum seekers make their own way to Edinburgh and other parts of Scotland rather than being dispersed. ASRU reports that many refused asylum seekers choose to stay on in the city and may be supported by friends and family. This means that there are likely to be people living in the city who are dependent on friends and family because they have no right to work and no entitlement to support.

The 'Interim Support' arrangement that allowed asylum seekers who had arrived before 2000 to continue to be supported by local authorities was being phased out during the first part of 2006. People who were being supported in this way were required to move on to NASS support, and because Edinburgh City Council had chosen not to explore an accommodation contract with NASS, this meant moving to Glasgow or another dispersal site, or providing their own accommodation and receiving subsistence payments only. The fact that this

¹⁷ From 6 December 1999 asylum seekers who had been supported by local authorities in Scotland under the provisions of the Social Work Scotland Act 1968 or the Children Scotland Act 1995 were deemed to be supported under the Interim Provisions. The Interim Provisions expired on 3 April 2006, and an Interim Scheme Project team was established to manage the transition to NASS support.

exercise was happening during the research period made it difficult to establish an up-to-date figure of how many asylum seekers were living in the city. We do know that at the end of December 2005 there were 160 asylum seekers living on NASS subsistence payments only in Scotland and it is probable that a proportion of these people are in Edinburgh (Inter-Agency Co-ordination Team 2006), but this number does not include people supported on 'Interim Support'.

The role of the voluntary sector in supporting destitute asylum seekers in Scotland

Asylum seekers become destitute when they are no longer entitled to access support from the state. When this happens, they become dependent on charity and the voluntary sector, especially because they are not allowed to work.

In Glasgow a number of charities work to support destitute asylum seekers. Scottish Refugee Council and Positive Action in Housing both provide advice and advocacy services in the city centre and have limited funds to make cash payments to destitute people. Positive Action in Housing also maintains a register of volunteers who are willing to provide a room to a homeless asylum seeker. Both organisations also administer grants on behalf of British Red Cross and Refugee Survival Trust. Refugee Survival Trust provides subsistence payments to destitute asylum seekers as well as grants to meet other costs, while the Red Cross is able to provide payments, supermarket vouchers, sleeping bags and other basic material support. There are also numerous other smaller organisations working in the city to support destitute asylum seekers, often at a local level. The contribution of churches and other faith groups is also significant. Local communities have recently started to organise themselves in order to respond to the problem of destitution, for example the Govan Integration Network, which is based in the south of the city, is seeking to work with local people and other organisations to coordinate practical and policy responses to the growing problem.

In Edinburgh a number of organisations alongside Scottish Refugee Council work to provide support to destitute asylum seekers. The Cyrenians work with destitute asylum seekers through the Edinburgh Refugee Centre and other projects. Asylum seekers are sometimes accommodated in a shelter operated by a consortium of churches in the city. In 2003 Bethany Trust, the Rock Trust and the Ark Trust fundraised to purchase a property to accommodate destitute asylum seekers, a number of destitute people benefited from this, but the

project had to end because of lack of funding for maintenance. The Ark Trust in particular continues to support destitute asylum seekers by providing meals.

There are a number of other charities and voluntary sector organisations that have responded to the growing challenge of supporting destitute asylum seekers in Scotland. One thing that each organisation has in common is that the support it provides is limited and therefore cannot constitute an alternative welfare system. The only sustainable means of supporting destitute people is through the state, but in the absence of statutory support, voluntary sector agencies are forced to piece together whatever help they can offer to desperately poor people. While we recognise that public sector agencies in Scotland do help destitute asylum seekers where possible, this research focuses on the responses of the voluntary sector and the experiences of people who they support.

03. Methodology

Scottish Refugee Council's research into destitution was triggered by awareness that an increasing number of asylum seekers and refugees were being affected by severe poverty after becoming unable to access from the state. We knew that destitution was a problem for a significant number of asylum seekers in Glasgow and elsewhere in Scotland, but that in order to better help these people we needed to collect more evidence about the scale of the problem and the different causes of the destitution.

The main aim of the research was to capture a snapshot of the scale and characteristics of the destitution of asylum seekers presenting to voluntary sector agencies in Glasgow during a one-month period, since this is where the overwhelming majority of asylum seekers in Scotland live. In order to measure the scale of the problem it was appropriate to use a quantitative method, and we decided to count the numbers of destitute asylum seekers presenting at voluntary sector organisations over a four-week period. In order to understand the characteristics of destitution we also collected information for example about why people had become destitute and how long they had been destitute for¹⁸. We used a survey questionnaire to collect this information and the information required to complete the questionnaire was gathered through interviews or from case notes. This questionnaire is included as appendix 1.

The main difficulty in uncovering the full scale of the destitution of asylum seekers in Glasgow is the hidden nature of the problem. There are no official figures available on the number of destitute asylum seekers, and there is no one support service where all destitute asylum seekers will present. In fact we expect that many asylum seekers will rely on informal support of friends, family and other members of their community. This belief is shared by the authors of other research (Refugee Action 2005; Leeds Destitution Steering Group 2004). It would be impossible to record information on all destitute asylum seekers in Scotland, because we would never be able to access everyone affected. Instead we aimed to collect information about the destitute asylum seekers who presented at as many organisations offering support as possible. The rationale behind doing this was that it would establish evidence of the minimum number of destitute asylum seekers present in the city during the research period. If a larger and better resourced study is conducted in future it would be useful to

aim to consider using a method that reaches into communities and support networks and thus constructs a fuller picture of this problem. Another method of gaining a fuller picture of the problem would be to use a similar method to this research, but to collect data over a much longer period.

Period	Tasks
December 2005	Planning and Preparation Background research; developing proposal; identifying potential data collection partners; contacting potential partners.
January 2006	Start of the research period Selecting methods; developing research tools; negotiating the participation of external agencies; delivering training to data collectors
February 2006	Data collection period Collection of quantitative data; planned collection of qualitative data.
March 2006	Data analysis and write-up period Analysis of data using SPSS; writing final report; beginning to disseminate results.

Figure 3.01 Project Timescale

The quantitative survey

A number of other regional organisations had already conducted research into destitution amongst asylum seekers and refugees in the areas they serve, and these provided a good model for this research. A quantitative survey was the most appropriate method because it enabled us to establish that significant numbers of asylum seekers in Scotland were becoming destitute, and also to gather some information about why they were destitute and the experience of destitution. Leicester Refugee and Asylum Seekers' Voluntary Sector Forum's *Report of Destitution in the Asylum System in Leicester* had used a survey questionnaire to collect information about the destitute asylum seekers and refugees that had presented at agencies across the city, and this provided a particularly useful model for this research. Their research also included a list of recommendations for future surveys and we were able to build this into our research design.

¹⁸ The full range of questions can be found in appendix 1.

The majority of asylum seekers living in Scotland are in Glasgow, because this is the only council who have signed up to a NASS contract. There are between 5000-6000 asylum seekers living in Glasgow under the NASS arrangements and around 160 living elsewhere in Scotland (Inter-Agency Co-ordination Team 2006). We decided that the survey should focus on the situation in Glasgow and that supplementary evidence could be gathered to construct a picture of destitution elsewhere in Scotland.

In order to build as complete a picture of the destitution of asylum seekers in Glasgow as possible we aimed to invite all voluntary sector agencies who may provide services to destitute asylum seekers to become involved in the data collection. We sent out a mailing to around 150 organisations in Glasgow, including refugee-focused charities, charities whose target groups include refugees, services for Scottish homeless, social inclusion partnerships and community organisations including refugee community organisations. Eighteen organisations expressed interest in taking part of the data collection. Twelve of those organisations eventually agreed to collect data. The main reason from those not taking part was that they did not expect to offer direct services to destitute asylum seekers during the research period. In the end, six organisations including Scottish Refugee Council collected data for the survey. These organisations were located in various areas of the city and performed a range of functions. The main gaps were that no refugee community organisation or mainstream homeless services became involved in the data collection. In the cases where organisations agreed to take part, but failed to return data it was mainly because other demands on staff time meant they had no time to complete the surveys. It is expected that the organisations who did return data may have not counted some people for similar reasons, for example Scottish Refugee Council completed 59 survey questionnaires, but reception staff recorded 143 visits by destitute people seeking assistance.

There is very little information available about the destitute asylum seekers living in Glasgow and certainly no database that could have acted as a sampling frame. It was therefore impossible to survey a random sample of destitute people and we opted instead for a convenience sample. We asked every organisation involved in the data collection to survey every destitute asylum seeker or refugee who used their services during a four-week data collection period.

We decided that a four-week period would be sufficient to generate enough data to begin to understand the scale and characteristics of the destitution of

asylum seekers in Glasgow. It was also achievable within the three months put aside for the project. The data collection period ran from Monday 30 January to Sunday 26 February 2006.

We developed a structured survey questionnaire based on the one used in the Leicester study, and incorporated their recommendations into the design. For example, we collected more demographic information and information about minor dependents. The questionnaire is included as appendix 1 and the data collection form we asked participating agencies to use is included as appendix 2. We delivered training to the people who were going to be involved in the data collection at each agency. This was based on a recommendation within the Leicester research, so that the reliability of the data collection could be improved by ensuring that all data collectors understood the questions and responses in the same way. Despite this measure, there is some evidence that data collectors misinterpreted the question responses, for example where one person has been surveyed at two agencies and each has recorded a slightly different reason for destitution. In future surveys it may be useful to further clarify the questions or responses through refining them or providing more data collection training.

One problem we identified with much of the previous research was that they simply counted the number of visits by destitute asylum seekers to the agencies involved, when it would be more useful to know how many individuals this represented. This would give a clearer picture of the number of destitute asylum seekers people using each service, and would also let us look at whether people were using one service or visiting a range. In Leicester they had attempted to identify individuals by looking for repeated date of births, but many people surveyed had not known their exact date of birth or had been unwilling to disclose it, so this method was problematic. They recommended that future surveys 'identify a way in which individuals that visit different projects and organisations are identifiable easy' (Refugee Action 2005). We developed a 'repeat visit symbol card', which was clear and recognisable and is included as appendix 3. We asked data collectors to show this card to every person they surveyed, and to ask them if they had taken part before, stating that if they had they would have been shown this symbol. This allowed data collectors to find out whether a person had been surveyed before and also gave people sufficient information to state they had been counted before. Data collectors then recorded whether the person had been surveyed previously or not, and we were able to test the validity of this by looking for duplicate date of births and

nationalities. It was largely effective and we would recommend using this technique in future surveys.

The data collected by all agencies was returned to Scottish Refugee Council at the end of each week, and the researcher collated and analysed the data using SPSS (Statistical Package for the Social Sciences).

Supplementary methods

We also initially planned to conduct a number of qualitative interviews with destitute asylum seekers in order to further explore the experience of being destitute and the impact it has on individuals. Interviews were identified as a more appropriate method than focus groups, because of the vulnerability of potential participants and the sensitivity of the issues that would be covered. It was also decided that through interviews the experience of individuals could be explored in more depth and this would lead to stronger case study material. However, funding constraints meant the project had to be completed within three months and in practice there was no time to arrange and conduct interviews. One of the reasons we did not have time to conduct qualitative interviews was because of the difficulty in identifying people who were willing to be interviewed. Scottish Refugee Council and Positive Action in Housing caseworkers helped with this, but when the researcher approached potential interviewees they were mainly reluctant to speak about their experiences. In order to successfully conduct qualitative interviews in future a longer lead in time is required to arrange successful interviews.

We also conducted a focus group with service providers, where we presented and discussed preliminary findings from the research. This gave more of an insight into the effects of destitution on the clients of the agencies involved and the impact helping destitute asylum seekers has on caseworkers. The focus group was also invaluable in interpreting and understanding some of the findings of the survey.

Part 2: Research findings

04. General observations

Number of destitute asylum seekers in Glasgow

Between 30 January and 26 February, the Glasgow agencies involved in the research recorded 126 visits by destitute asylum seekers looking for help and support. This represented 103 individuals.

Twenty-seven of the destitute asylum seekers also had dependents. A total of 51 dependents were recorded, 25 of whom were under the age of 18. That means the total number of destitute asylum seekers and refugees recorded during the research period was 154. This does not represent the total number of destitute asylum seekers living in Glasgow at this time, because we only counted those who visited certain agencies looking for support, but does provide a concrete figure representing the minimum number of destitute asylum seekers in the city at this point.

Demographic profile

Of the 103 people surveyed, 70 were male (68%). Despite the fact that women represented only 32% of the people surveyed it is likely that a greater proportion are suffering from destitution in the city in general, particularly because many of the men surveyed are likely to have a wife or other female dependents. The gender of dependents was not recorded.

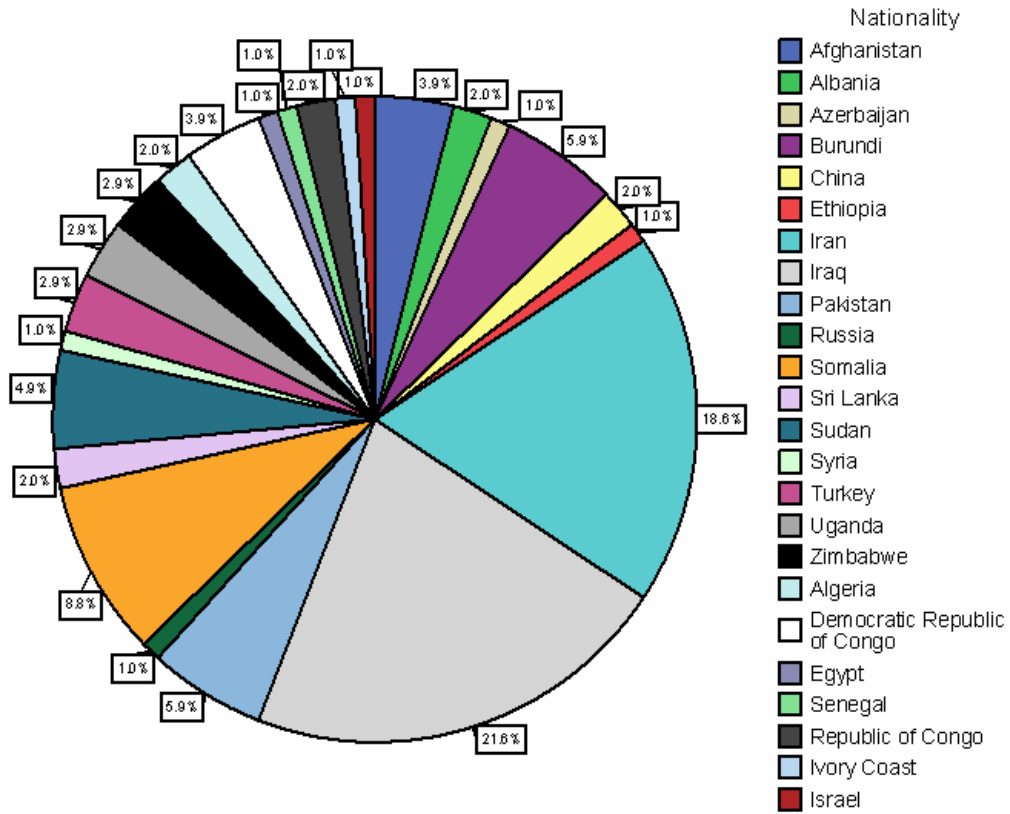


Figure 4.01 Nationalities of people surveyed (based on first visit n=102)

Figure 4.01 shows that the destitute people who were surveyed came from 24 countries. The largest groups were from Iraq (21.6%), Iran (18.6%) and Somalia (8.8%). It is significant that these countries are places where it is difficult or dangerous to return to. The instability in post-war Iraq and lawlessness in many parts is well-documented and kidnapping and murder is common. Somalia has been in state of civil war for decades, and has no official state. This means that there is no authority to issue travel documents to Somali people who are being required to return home, and it also means there is no authority to protect people who are returned.

The majority of people surveyed were in their twenties (36%). Almost 10% were younger than 20 years old. Only 17% of people surveyed were older than 50. Figure 4.02 shows that the age of the respondents is positively skewed, and therefore within the sample respondents are more likely to be below 39.

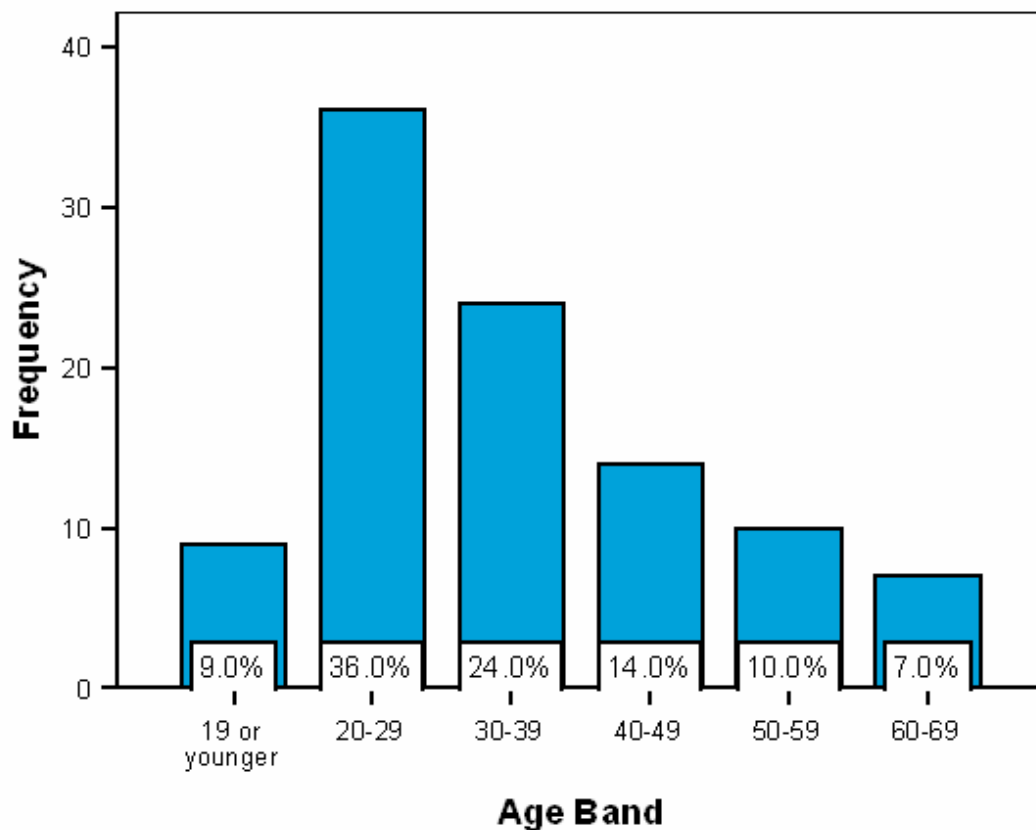


Figure 4.02 Age band of people surveyed (based on first visit n=103)

Why are people destitute?

One of the aims of research was to gather evidence about what was causing the destitution of asylum seekers in Glasgow. Research conducted in Leicester (Refugee Action 2005) indicated that the majority of asylum seekers who became destitute in that area had been refused asylum (70%)¹⁹. They also discovered that a number of destitute people (6%) had become destitute because their support had been cut after an administrative error or delay by the Home Office, National Asylum Support Service (NASS) or other mainstream services. A further 7% were destitute because they were newly-arrived asylum seekers who had yet to access NASS support. We were interested in finding out how the situation in Glasgow compared to the situation elsewhere and used categories similar to Leicester's in our survey questionnaire to record the reason for people's destitution²⁰.

¹⁹ 168 people were surveyed in Leicester, compared to 103 in Glasgow.

²⁰ Refer to question 8 in the survey questionnaire which is included as appendix 1.

Our research did reveal that people in Glasgow were destitute for similar reasons to people in Leicester. 76.5% of the people surveyed in Glasgow were destitute because they were a refused asylum seeker. A slightly higher proportion (8.8%) were destitute in Glasgow compared to Leicester (6%) because of administrative errors or delays. One positive feature of our findings was that only one person in Glasgow had become destitute because they were a new asylum seeker who was yet to access NASS support, compared to 11 people in Leicester. However, this could be because single people and couples without children who arrive in Scotland have to travel directly to Liverpool in order to claim asylum, since it is currently impossible for them to register their asylum claim in Scotland.

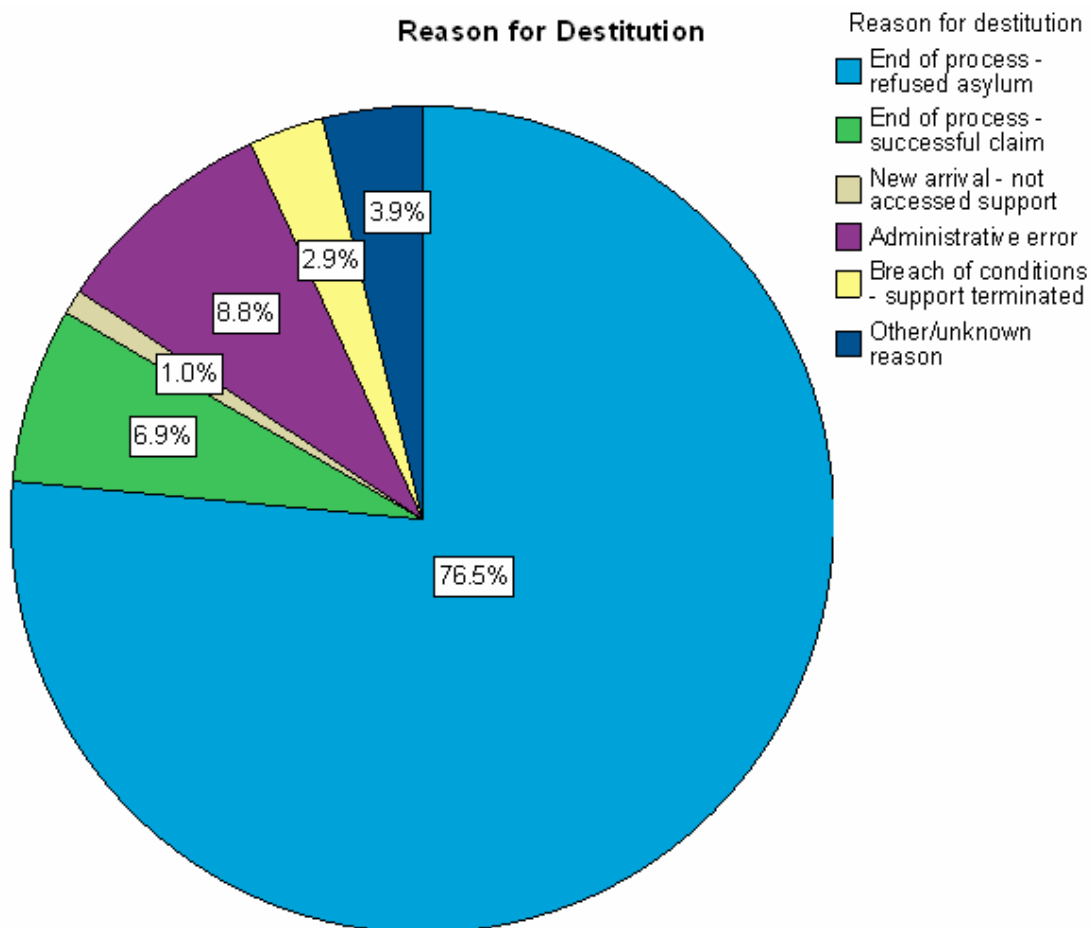


Figure 4.03 Reasons why people surveyed had become destitute (based on first visit n=103)

It is interesting that people made destitute in Glasgow appear to have been made destitute for broadly similar reasons as people in Leicester. In order to build a fuller picture of the problem of destitution as it is experienced by asylum seekers across the UK, it would be useful for the main agencies working with

asylum seekers to standardise their data collection so comparisons could be made and commonalities found. This could be coordinated by the Inter-Agency Partnership which coordinates joint working between the main agencies who provide services to asylum seekers in the UK. Standardised data collected at a nationwide level would provide a solid basis for a national campaign against the causes of destitution.

The majority of people who were surveyed were destitute because they are refused asylum seekers at the end of the asylum process (78 individuals). Once a person's asylum claim has been fully refused they are no longer eligible for National Asylum Support Agency (NASS) benefits and housing (unless they have children under the age of 18), any other form of state support and they are not allowed to work to support themselves. They do have the option to apply for 'Section 4' support, but only if they meet one of the criteria, which include being willing to arrange to return to their home country. The fact that 78 people were not receiving any support at the end of the process suggests that the options available are unsuitable for many, but this issue will be discussed later.

Nine people were destitute because of an administrative error on the part of NASS or the Home Office. This could happen for example because NASS had not received information about an asylum seeker's appeal or fresh claim, and had terminated support. The fact that people do become destitute as the result of administrative errors indicates that there is little scrutiny of NASS's decisions to terminate support and it may be appropriate for an independent authority to check these decisions before they are carried out. Anecdotally, Scottish Refugee Council caseworkers report that the number of people being made destitute as a result of administrative errors had decreased since the regionalisation of the NASS. It was suggested that this could be because decisions taken at Home Office's Croydon office were checked at the Scottish Enforcement Office and as a result errors were minimised.

Seven people had become destitute after receiving a positive decision on their asylum application, when their NASS support had ended, but before they accessed mainstream benefits or the labour market. Services must ensure that they effectively support people to move from NASS support to mainstream benefits. Five of these people were using the services of Scottish Refugee Council who are currently involved in the Home Office pilot of the Sunrise programme, which aims to support people after they have received a positive decision on their asylum claim. The other two people were surveyed by a church group and were not signposted to Scottish Refugee Council. It may be

useful to provide more information about the Sunrise programme to churches and community groups to ensure that all new refugees are able to access the service.

How long are people being left destitute for?

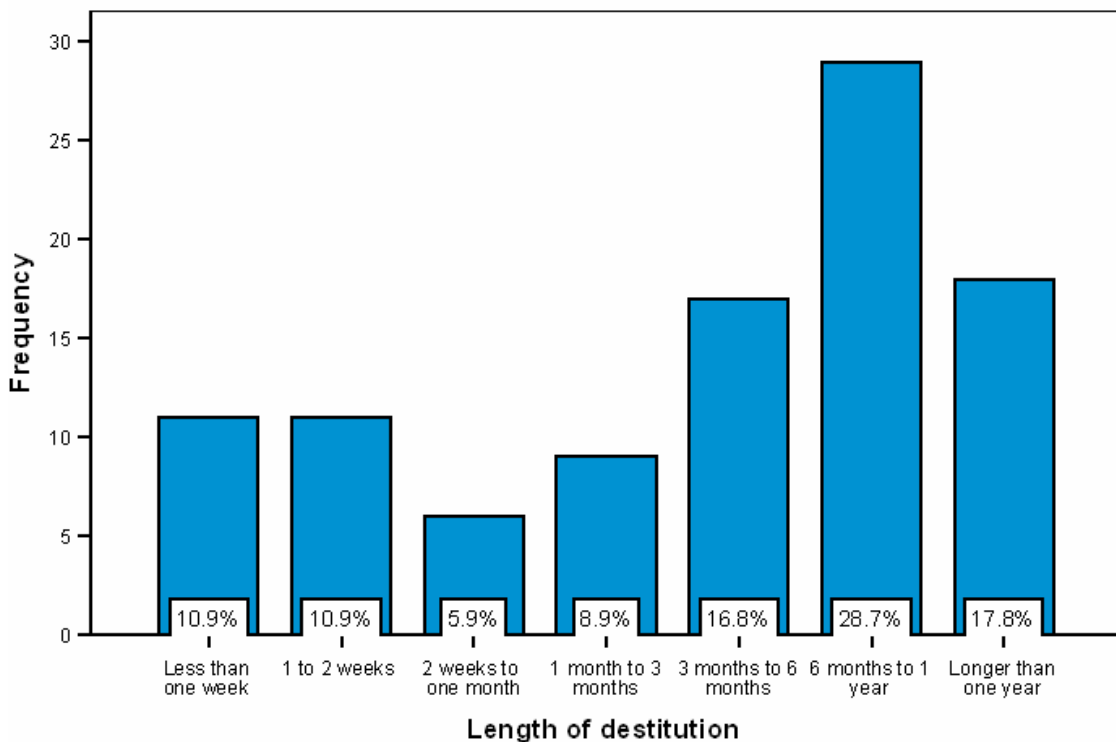


Figure 4.04 How long people surveyed have been experiencing destitution for (based on first visit n=101)

Long-term destitution appears to be a significant problem for asylum seekers in Glasgow. Figure 4.04 shows clearly that most destitute people have been without the means to sustain themselves for between six months and a year. The majority of people surveyed (46.5%) had been destitute for longer than six months. This is similar to the situation in Leicester, where 40% of the people surveyed had been destitute for longer than six months (Refugee Action 2005). The survey results revealed that women are as likely to have been long-term destitute as men are: 45.7% of men and 46.9% of women surveyed had been destitute for more than six months.

When a person has been relying on charity and the goodwill of other people for longer than six months their health and mental wellbeing is likely to have been adversely affected. A report on the destitution of asylum seekers in Leicester argued that destitute asylum seekers were forced to live in conditions that would promote the spread of infectious diseases such as tuberculosis. Therefore forcing asylum seekers to live in such conditions directly impacts upon the health of the people affected, but also promotes a threat to the health of the wider community (Leeds Destitution Steering Group 2004). A report by the British Medical Association argues that psychological distress is common amongst refugees and asylum seekers, but that it can be minimised if they are well integrated and have access to healthcare services (British Medical Association 2002). Destitute asylum seekers are likely to be isolated rather than integrated and access to healthcare will be affected by the fact that they are homeless and moving from place to place. Therefore it is likely that destitute asylum seekers experience psychological problems and it would be appropriate to explore this through further research.

Asylum seekers are offered incentive packages in the form of cash and services to encourage them to return voluntarily to their country of origin. The fact that people choose instead to remain in Scotland for months or years after they have been left with nothing could indicate reluctance to return to countries because of the fear of persecution. This issue is discussed in more depth later in the report.

It is also worth noting that a significant proportion (21.8%) had been destitute for less than two weeks, which suggests short-term destitution is also an issue. Shorter-term destitution can result from administrative errors, when NASS support is mistakenly stopped and is restarted after complaint. 28.6% of people who were destitute for less than two weeks were destitute because of administrative reasons, and this compares with only 8.8% within the sample as a whole and demonstrates the link between short-term destitution and administrative errors by NASS and the Home Office. It is important that agencies continue to advocate for asylum seekers who have had their support terminated by mistake. This is a drain on voluntary sector resources and statutory agencies should scrutinise decisions to terminate support before payments are ended or eviction notices are served.

Recommendations:

- NASS's decision making should be regionalised in order to minimise the risk of people losing their support before they reach the end of the asylum process. Both the Restart Investigation and Cessation Enquiries (R.I.C.E.) and Section 4 support decision making should be regionalised. Decision-making should be scrutinised to ensure administrative errors do not lead to destitution.
- Administrative errors lead to short-term, unnecessary destitution. Statutory providers such as NASS must improve their processes to avoid the unnecessary, short-term destitution that arises as a result of administrative errors.
- NASS Scotland should visit every asylum seeker who receives a positive decision to ensure they are aware of their rights regarding continued support and to ensure that the transition from NASS support to mainstream benefits is smooth. New refugees should be directly referred to Sunrise during these visits.
- NASS and the Department for Work and Pensions (DWP) should work together to ensure all new claims are processed within the 28-day move-on period.
- NASS, HM Revenue and Customs and local authorities should work together to ensure claims for child benefit and child tax credit are processed promptly.
- The responsibility of supporting destitute asylum seekers must be shifted from the voluntary sector, charity and social networks to the state, since only they are capable of providing sustainable support.
- Destitution has a negative impact upon the physical and psychological health of asylum seekers, especially when it becomes a long-term problem. Further research should be conducted into the impact this has on people.
- The Inter-Agency Partnership should coordinate data collection on destitution to build a nationwide picture of the issue.

05. How people survive being made destitute

When the Government terminates an asylum seeker's support they find themselves in a situation where it is almost impossible to find the means to sustain themselves. They are not allowed to work in the UK, and so become dependent on charity and the help from friends and family in order to find food, clothes and often shelter. One of the aims of this research was to discover how destitute asylum seekers manage to survive in Scotland, and where they find the means to sustain themselves and their families. In order to achieve this we collected information about what services destitute people used, where else they were finding support and where they had found shelter the night before they were surveyed.

During the four-week research period, the agencies involved in the data collection recorded a total of 126 visits by destitute asylum seekers to their own service and 5 visits to other agencies. Not all agencies providing support to asylum seekers participated in the research, and the agencies that did participate were not able to survey every destitute person who used their services, but the research does provide a good indication of where destitute people were finding the means to survive.

Agency Visited	Number of visits during research period	Percentage of total (visits)
Scottish Refugee Council	59	46.8%
Positive Action in Housing	47	33.3%
Castlemilk Community Forum	12	9.5%
Castlemilk Churches Together	9	7.1%
Medical Foundation for the Victims of Torture	3	2.4%
Maryhill Citizens Advice Bureau	1	0.8%
Total	131	100%

Table 5.01 Agencies that destitute asylum seekers visited during research period

Table 5.01 shows that Scottish Refugee Council and Positive Action in Housing received the majority of visits during the research period. Scottish Refugee Council and Positive Action in Housing are asylum support charities in Glasgow who both offer direct services to asylum seekers in the city centre. They also provide access to other services for destitute people, such as payments from Refugee Survival Trust and referrals to British Red Cross. This may explain why

they received the highest number of visits. Scottish Refugee Council's records show that their caseworkers did not record all visits by destitute asylum seekers during the research period for the purposes of the research since their official figures show that 143 destitute people actually presented for help during the month of February. The reason for this is that not all clients wished to be interviewed and had took part in the survey elsewhere.²¹.

The other organisations involved in the data collection all reported²² that they were aware that there were far more destitute asylum seekers living in the city than they had been able to survey. This is primarily because only people who visited support agencies were surveyed. In order to build a complete picture of the destitution of asylum seekers in Glasgow, more complete research is needed. However, an adequate number of people were surveyed for this research to allow trends to begin to emerge and to allow us to learn more about the causes of destitution and the situation people find themselves in.

Finding the means to survive

Everyone who was surveyed was asked where they had received support during the research period. Table 5.02 shows how many individuals received help and support from a range of sources during the research period according to the results of this question and the records or where people were actually surveyed.

The table below reveals that more than half of the people surveyed (53.1%) were receiving support from Scottish Refugee Council, and almost a third were receiving support from Positive Action in Housing (29.6%)²³. Both these organisations are charities with limited resources to support destitute people, so while they may be able to support people for short periods of time, this is unsustainable over the longer term.

Source of support	Number of people receiving support from this source	Percentage of total (individuals n=103)
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²¹ For discussion of this discrepancy see the section on the research methodology (p.28).

²² With the exception of Medical Foundation for the Victims of Torture, who were not present.

²³ It is important to note that these organisations provide support from their own resources, but also make grants on behalf of other charities, mainly Refugee Survival Trust.

Scottish Refugee Council	52	53.1%
Friends or Family	34	34.7%
Positive Action in Housing	29	29.6%
Community Centre	13	13.3%
Social Work	4	4.1%
Faith Groups – including churches and mosques	4	4.1%
Other source	7	7.21%
Refugee Community Organisations	1	1.0%

Table 5.02 Where people received help and support from during the research period

Of more concern is the fact that one-third of the survey respondents were receiving support from friends and family. Supporting a destitute person is a huge drain on any person's resources and many of the friends and family who support destitute asylum seekers are likely to be asylum seekers themselves and therefore living off of NASS payments which are equivalent to around two-thirds of income support²⁴. Furthermore, asylum seekers living in NASS accommodation are forbidden from allowing other people to stay with them. If asylum seekers are providing accommodation to destitute friends and family they run the risk of having their support stopped and being evicted themselves because they are in breach of the conditions attached to the support. When people within refugee communities are made destitute it puts a strain on the resources of other people who are already impoverished and they face the risk of losing the support they have in order to look after their friends.

The need to rely on friends and family for support and shelter becomes obvious when the support that voluntary sector agencies are able to give to the destitute asylum seekers who turn to them for help. Table 5.03 shows what support the agencies involved in the data collection were able to give out to the people who came to them for help during the research period:

Source of support	Number of people receiving this support	Percentage of total receiving this support (visits n=126)
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²⁴ In 2005/06 an asylum seeker over the age of 25 would only receive £39.34 NASS support per week. A single person over the age of 25 would receive £56.20 in income support or job seekers allowance per week.

Information or advice	76	60.8%
Small cash payment (less than £50 per person per week)	30	24.0%
Counselling or emotional support	12	9.6%
Vouchers or other cash substitute	5	4.0%
Overnight shelter	4	3.2%
Larger cash payment (more than £50 per person per week)	4	3.2%
Clothing	2	1.6%
Storage of personal goods	1	0.8%

Table 5.03 Support provided by agencies involved in data collection during the research period

The majority of destitute people who visited the agencies looking for help were given advice and information (60.8%). Only a quarter received a small cash payment (24%), and even fewer received other material support such as overnight shelter (3.2%), clothing (1.6%) or food (0%). This is because of the limited resources of the voluntary sector organisations who are struggling to support destitute asylum seekers. During a focus group with service providers one manager from a community development forum said that dealing with destitute asylum seekers made workers feel like they had failed as professionals and as human beings:

“We feel like we have failed as professionals because we can’t meet our aim of supporting destitute asylum seekers because there are simply no resources available to us, but we also feel as if we have failed as human beings because we can’t provide sustainable help to people who have found themselves in a desperate, desperate situation.”

Voluntary sector organisations are struggling to find the means to support their destitute clients. Both Scottish Refugee Council and Positive Action in Housing have destitution funds from which they can provide small cash payments. British Red Cross provides food vouchers and Refugee Survival Trust can provide subsistence payments for a limited number of weeks. However, all these resources are limited and they cannot come close to replacing statutory support. When these resources are exhausted people are inevitably forced to

look for help from people within their communities who are close to impoverished themselves.

Finding shelter

Homelessness and rough sleeping are a threat for asylum seekers who become destitute. At the point when this research was conducted almost all asylum seekers in Glasgow live in NASS accommodation provided under a contract with Glasgow City Council and accommodation was also provided by the YMCA²⁵. When an asylum seeker becomes destitute it is normally because their NASS support has been terminated for whatever reason, and it follows that they are at risk of being evicted from their NASS accommodation and becoming homeless. Evictions from Glasgow City Council accommodation are subject to Scots law and the process involves applying to the Sheriff Court and takes a minimum of three months. Evictions from YMCA accommodation, on the other hand, can happen almost immediately. In order to measure the problem of rough sleeping and discover where people did find shelter, people surveyed for this research were asked where they slept the previous night.

Figure 5.01 below demonstrates that the overwhelming majority (84.4%) of the destitute people surveyed either remained in their own NASS accommodation (41.3%) or were living with friends or neighbours (43.1%). The fact that almost half the people surveyed were living with friends and family provides more evidence that destitute asylum seekers are being forced to rely for support on people within their communities. As was already stated, many of these people are likely to be asylum seekers and are probably very poor and at risk of having their support terminated because they are allowing someone else to stay in their NASS accommodation.

²⁵ The NASS contract has been negotiated and from April 2006 accommodation will also be provided by a private provider.

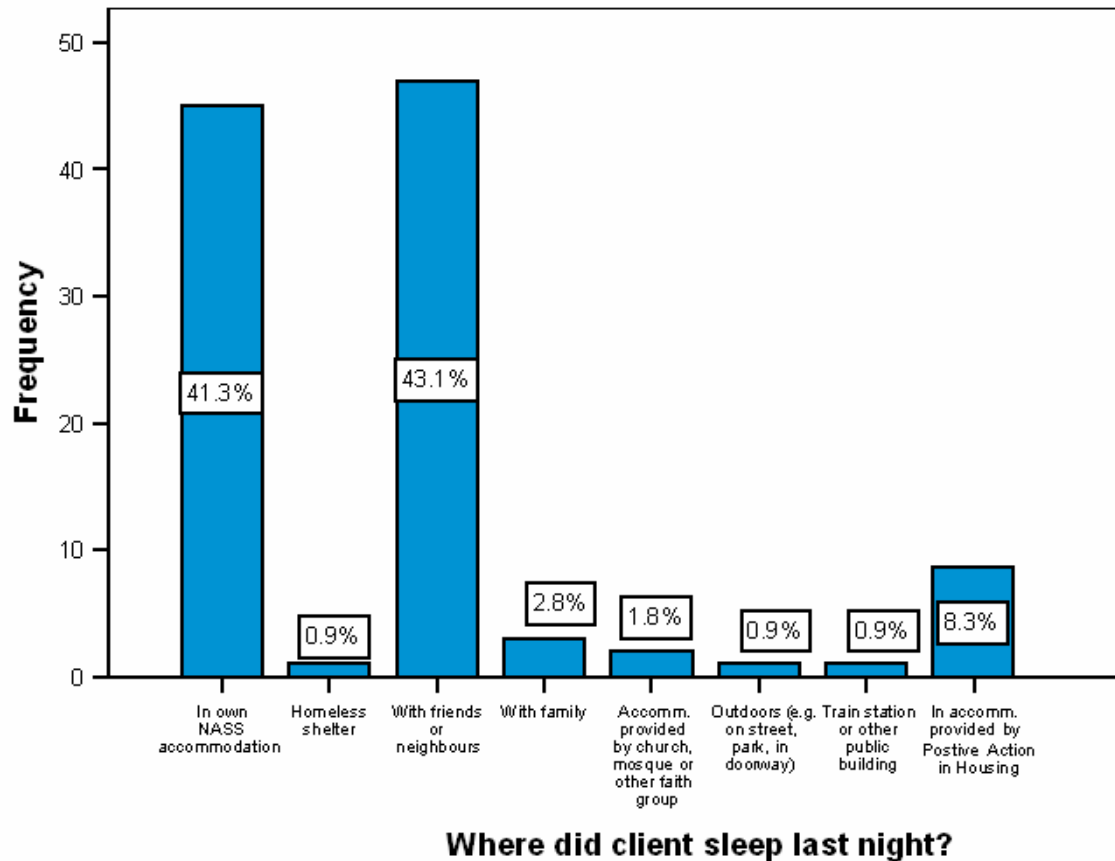


Figure 5.01 Where people surveyed slept last night (based on total visits n=119)

In total, 64 people with 41 dependents were homeless and had relied on friends, family or charity to provide them with shelter the night before they were surveyed. There were 2 people who were actually roofless and who had spent the night before they were surveyed sleeping on the street or in a public building. These figures are likely to represent only a proportion of asylum seekers who are actually homeless in Glasgow because it is likely that many people who are being supported within communities will not have used the services of the agencies who conducted the survey during the research period. People may have accessed the services in the past, realised that the support available is limited and now rely solely on the support of friends and family.

When these results are broken down by gender they reveal an interesting difference between the experience of destitute males and destitute females within the survey sample:

Where did female clients sleep last night?

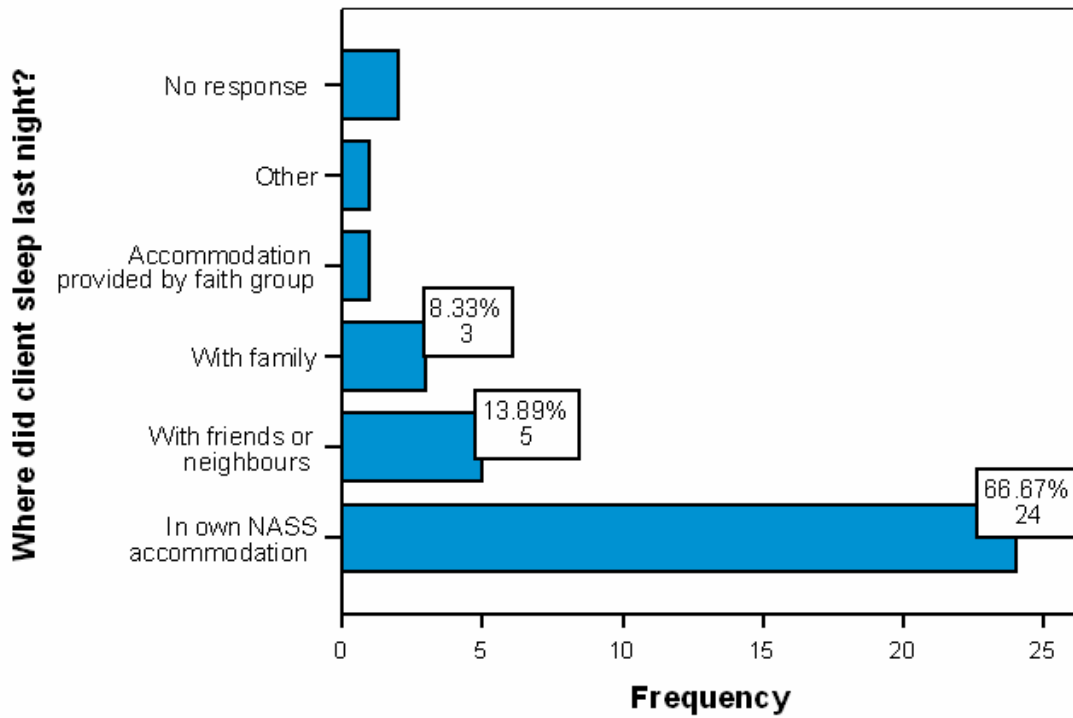


Figure 5.02 Where destitute females slept last night (based on per visit n=36)²⁶

Where did male clients sleep last night?

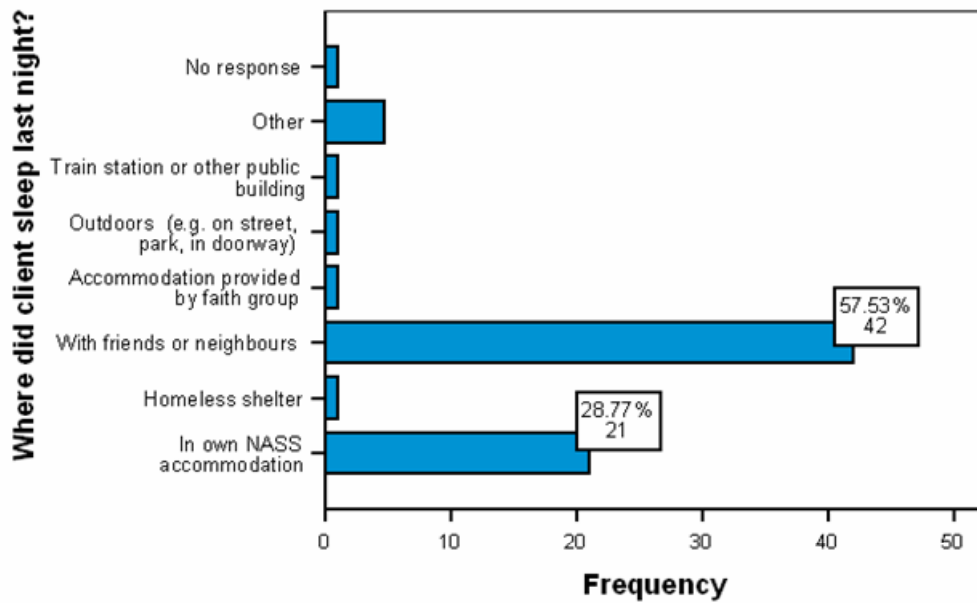


Figure 5.03 Where destitute males slept last night (based on per visit n=73)

²⁶ Some responses excluded from charts 5.02 and 5.03 for simplicity.

The number of destitute women who remain in their NASS accommodation is greater than the number of men who remain in their NASS accommodation. A total of 24 women surveyed remained in their NASS accommodation, and this represents 66.7% of the total number of women surveyed. On the other hand, 21 men remained in NASS accommodation, but this represents only 28.8% of the total number of men surveyed.

A possible explanation why a larger percentage of women remain in NASS accommodation compared to men could be that more women are supporting dependents under the age of 18, and therefore remain in NASS accommodation for child protection reasons. However, only five of the women who remain in their NASS accommodation have children aged under 18, compared with nine of the men remaining in NASS accommodation, so it seems that in fact more men are supporting child dependents.

An alternative explanation is that accommodation providers may recognise that women may be particularly vulnerable if they end up living on the streets and therefore prolong eviction proceedings as far as possible. The fact that women remain in NASS accommodation and are not faced with immediate rooflessness indicates that accommodation providers may be operating a gender-sensitive approach to evictions and this is certainly positive. However, it is also important that general vulnerabilities not related to gender are also identified and accommodated if possible.

Recommendations:

- There is a need for suitable means of support for the end of process that will prevent other asylum seekers having to support their friends and put their own support at risk.
- Asylum seekers should not be penalised by NASS or any other authority for offering shelter to destitute friends and family.
- Accommodation providers should take into consideration the vulnerability of all of their tenants when pursuing evictions.
- Asylum policy should be reviewed to find durable solutions to prevent asylum seekers becoming destitute and dependent on charity, friends and family support. Reinstating the right to work for asylum seekers, particularly those at the end of the asylum process, is one potential solution.
- Housing providers should explore creative housing solutions to ensure that destitute asylum seekers are able to access safe accommodation.

06. Not just a single issue: how children and families are left without support

Destitute children

Destitution is not just an issue for single people and childless couples. This research revealed that there were at least 24 asylum-seeking children from 16 families affected by absolute poverty living in Glasgow during February 2006. Seven of those families (a total of 10 children) have been destitute for longer than six months, as shown in figure 6.01.

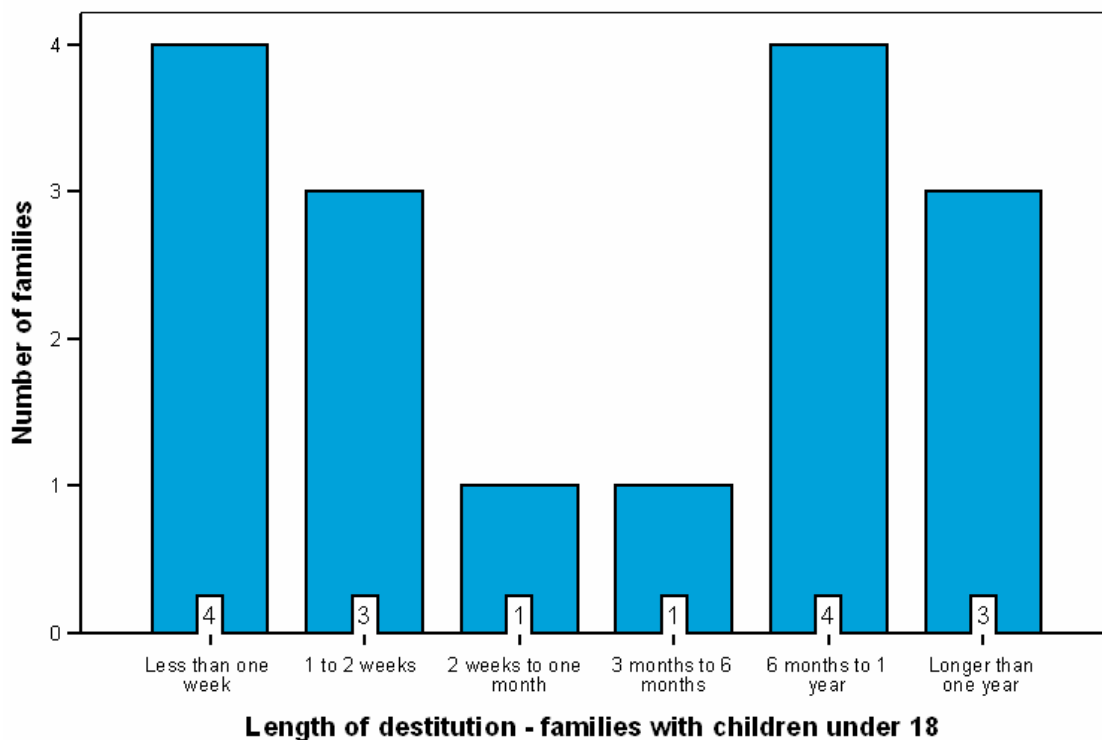


Figure 6.01 How long people with children have been experiencing destitution for (based on first visit n=16)

43.8% of families had been destitute for less than two weeks, and this is a far larger proportion than within the sample as a whole, where only 21.8% had been destitute for less than two weeks. It therefore seems that families with children are more likely to have been destitute for shorter periods compared to other people who were surveyed, however it is important to bear in mind that

generalisations are difficult with such a small number of cases. While it is positive that children seem less likely to be made destitute for longer periods of time, it is unacceptable that any child is left without support, regardless of how short a period the destitution lasts for. It is also contrary to the spirit of the Children Scotland Act 1995, which aims to protect children in Scotland regardless of their immigration status.

Why are children being left destitute?

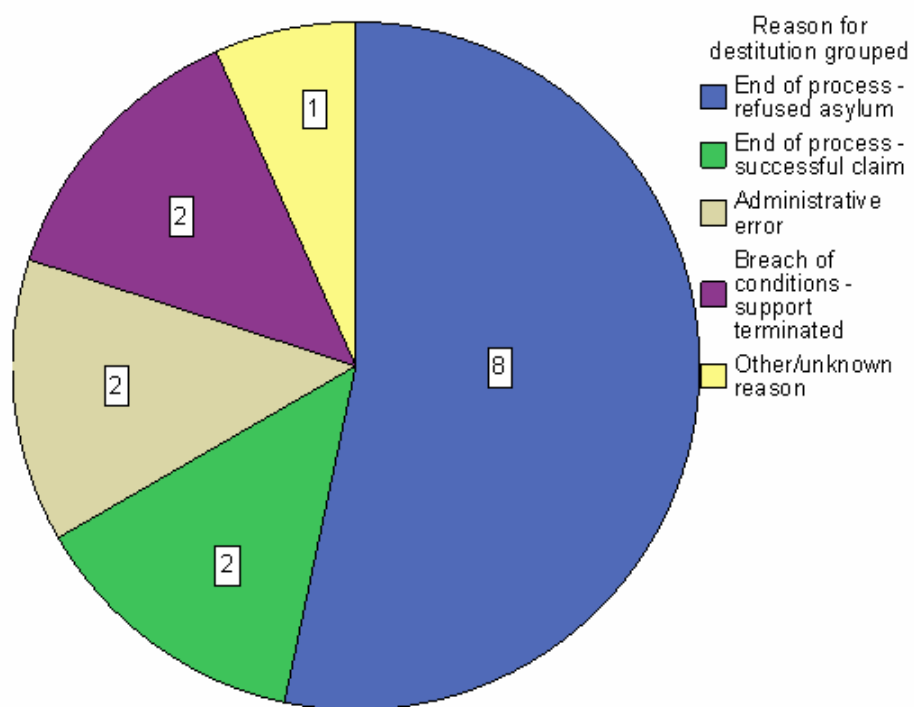


Figure 6.02 The reasons why people with children have been made destitute (based on first visit n=15)

Until 2004 the authorities were prevented by law from terminating the support of families with children. Families would continue to receive support until the point where they received removal directions. If the family failed to comply with removal directions (for example if a flight had been arranged for them but they failed to board the plane) the children and the adults who care for them become the responsibility of the local authority who is required to provide support to them under schedule three of the Nationality Immigration and Asylum Act (2002).

However, the Immigration & Asylum Act (Treatment of Claimants etc.) 2004²⁷ introduced a new provision (which has not yet implemented beyond a pilot) where the support of families could be terminated if they fail to comply with removal directions. Under the 2004 act, local authorities still have a duty to support children but not the adults within a family. However after unsuccessful pilots of this new provision in a number of English cities it is now unlikely to be rolled out across the UK. An amendment tabled by the Government during the Lords stage of the Immigration, Asylum and Nationality Bill 2005 will remove the Section subject to the outcome of the pilot evaluation²⁸, which is yet to be published. Despite this policy, the research has demonstrated that asylum seekers in Scotland being left without the means to buy food and other necessities for their children. Figure 6.02 gives us some indication of the causes of this destitution.

Eight of the families who were recorded within the survey are destitute because they are at the end of the process. Three of those families have applied for Section 4 support but have become destitute while they wait for it to start. That means that a total of four children were destitute in Glasgow during February 2006 because of an administrative delay on the part of the Home Office.

A further four families are also at the end of the asylum process but are not receiving Section 4 support either because they do not meet the criteria for the support or were unwilling to apply. These families should continue to be supported until they are removed from the country. However, this is often not the case either because a child has been born after the parents received their final refusal on their asylum case, or because they failed to register their child on their asylum claim, or because a dependent child has arrived in the country the asylum claim is failed. In these cases social work are obliged to provide support for the children, but whether they also provide support to the parents varies depending on which social work team is responsible for the area the family live within.

Two families were destitute and potentially homeless because their NASS support has been terminated because of a breach of conditions (for example, being caught working or allowing destitute asylum seekers to share their accommodation). This is despite the fact that families whose NASS support has

²⁷ Section 9 of said Act

²⁸ *Hansard* HL (series 5) vol.678: Column 586 (7 February 2006)

been terminated for this reason should be supported by local authorities under Section 22 of the Children Scotland Act 1995.

Where do destitute children find shelter?

Families with children should not officially be made homeless, they should be supported by NASS until the point where their parents fail to follow removal directions. After that they become the responsibility of local authority. The majority of destitute families were remaining in their NASS accommodation (12), however two families (total five children) were living with extended family and one family (with one child) was living in accommodation provided by a church.

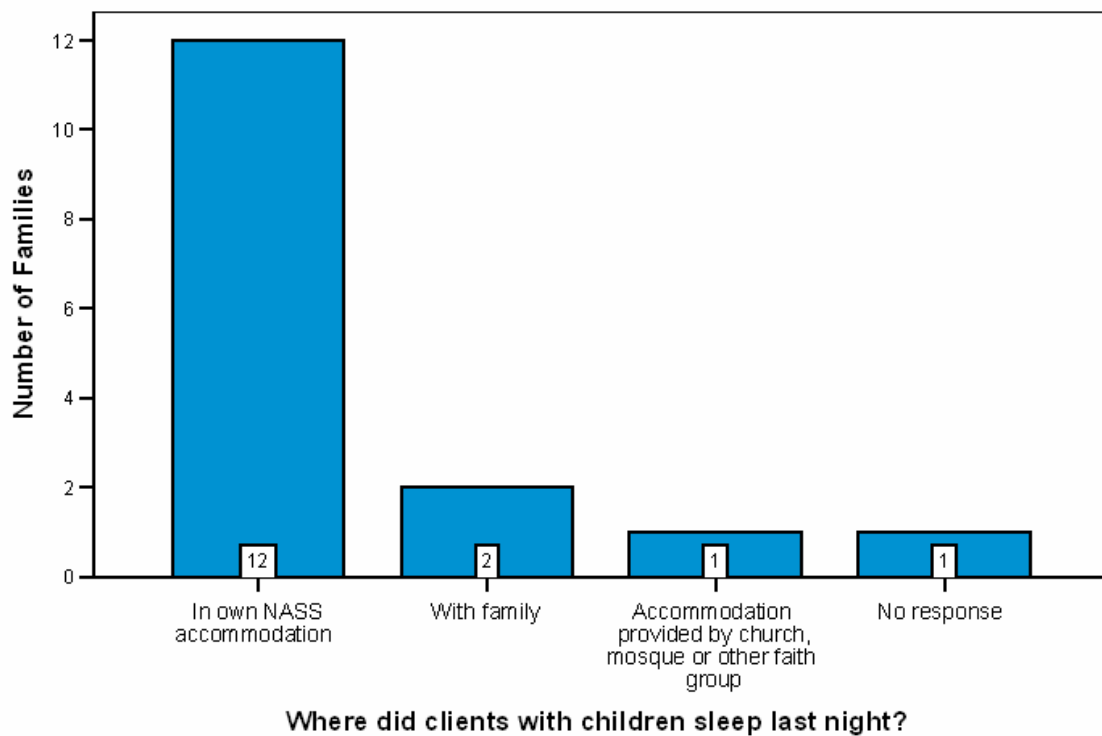


Figure 6.03 Where destitute people with children find shelter at night (based on first visit n=16)

Recommendations

- The government should commit itself to guaranteeing that families with children should not be forced to become dependent on the charitable support of friends and families.
- All families with children should continue to be supported while they remain in the UK, regardless of whether the children were born after their parents become fully refused asylum seekers.
- Refused asylum seekers should be brought back into the NASS system if they have a baby or if a child joins them in the UK.
- The role and responsibility of local authorities for supporting destitute asylum seeking families should be clarified to ensure that children are not made destitute.

07. Legal support

Claiming asylum in the UK is essentially a legal process and good quality legal support is crucial to a successful outcome. Previous research has suggested a link between unsatisfactory legal support and destitution and so this research aimed to discover whether destitute asylum seekers in Glasgow were satisfied with their legal support. Two previous research projects suggested that destitution arose as a result of unsatisfactory legal support.

A recent report by Bail for Immigration Detainees and Asylum Aid argued that cuts to legal aid had led to a deficit of good quality legal support to support asylum claims which leads to many asylum seekers are left without proper support, which means they are unable to access justice, their asylum claim is rejected and they are left destitute (BID & Asylum Aid 2005). Research conducted into destitution in Leeds also reached the conclusion that changes in the legal system had led to large numbers of asylum seekers without legal representation, which often leads to their asylum claims being refused and people being made destitute (Leeds Destitution Steering Group 2004).

In order to discover whether the destitute people we surveyed were satisfied with the legal support they had received, we asked them the question directly. Figure 7.01 shows the responses to this question recorded the first time each individual was surveyed. While the largest group of people were not satisfied with the legal support they had received (44.0%) the organisations involved in the data collection were surprised that this number was not higher. It was suggested during a focus group that people were only satisfied with the legal support they received because they were unaware of their legal rights and their entitlement to legal support. Whether or not this is the case, only one-third of people said that they were satisfied with the legal support they had received meaning that two-thirds were either dissatisfied or unsure.

Satisfied with legal support?

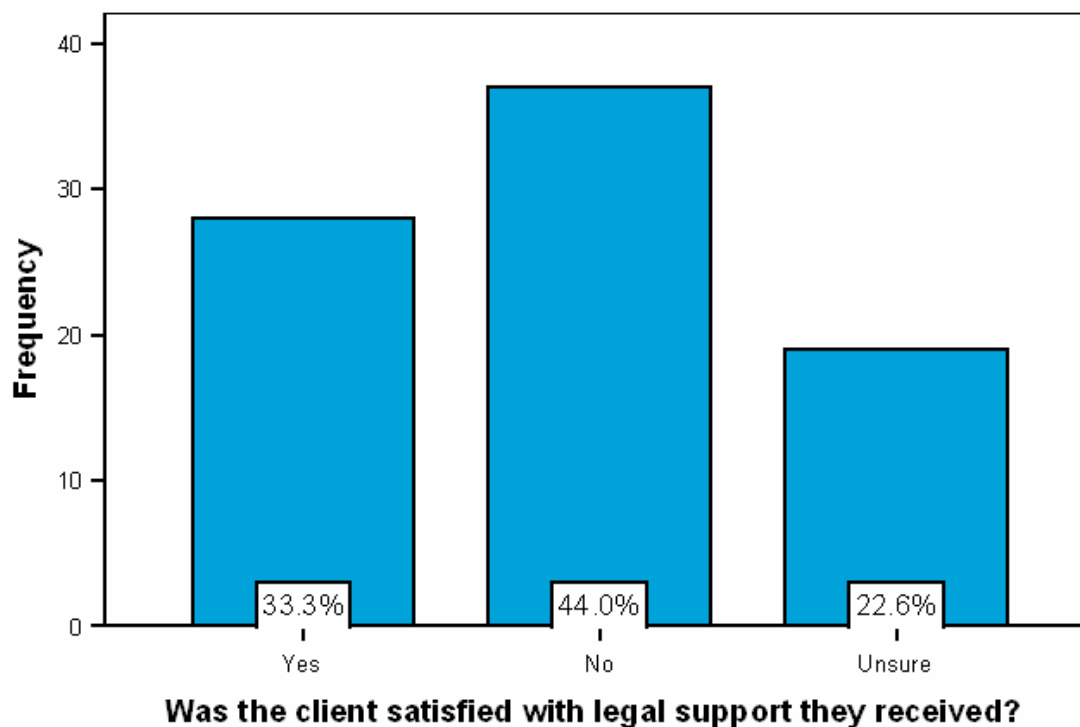


Figure 7.01 Whether the client satisfied with the legal support they received (based on first visit n=84)

We also recorded whether asylum seekers who were destitute at the end of the process had exhausted their appeal rights or not. We recorded whether or not people at the end of the process had been able to take advantage of every opportunity to appeal negative decisions or has their claim been discontinued because of lack of legal support. Figure 7.01 shows that a significant proportion of people at the end of the process had not exhausted their appeal rights. This suggests that they had insufficient legal support to pursue a successful asylum claim and this may have contributed to their claim being rejected and to them becoming destitute.

However, Scottish Refugee Council caseworkers also pointed out that asylum seekers may not be in a position to say whether their appeal rights are exhausted because of a lack of understanding of the complex asylum appeals process. More worryingly, Scottish Refugee Council caseworkers have come across evidence that asylum seekers at the end of the process are unclear about what representations have been made by their lawyer, often mistakenly believing that an appeal or a fresh claim is being made on their behalf. This comes to light when the asylum seeker presents at Scottish Refugee Council to

claim Section 4 support while they pursue their appeal or fresh claim. Scottish Refugee Council will contact the lawyer for evidence of the legal proceeding to support the Section 4 application and in many cases it turns out that the lawyer has actually dropped the client.

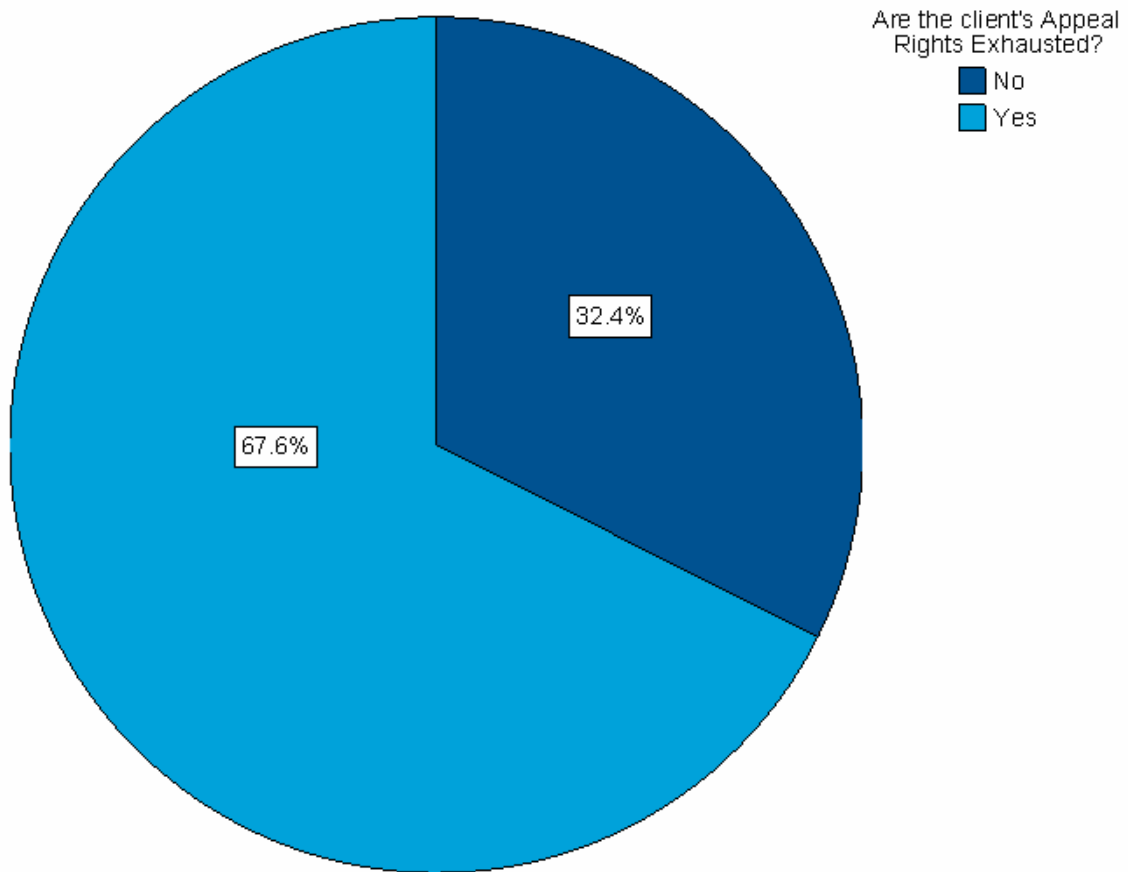


Figure 7.02 The proportion of clients at the end of the process whose appeal rights are exhausted (based on first visit, 'don't know' responses excluded n=65)

Recommendations

- Asylum seekers must have good quality and timely legal support to enable them to pursue their asylum claim. It is important that people have good quality legal support to take advantage of opportunities to appeal against negative decisions.
- Legal representatives should ensure that their clients fully understand the asylum process, their position within it and the options available to them.
- Legal; representative should access training on asylum support to ensure they understand what is required of them for support to be reinstated.
- Asylum seekers should be properly supported to challenge bad quality or misleading legal advice.
- Legal aid for asylum seekers in Scotland should be maintained at current levels.

08. End of Process

The overwhelming majority of people surveyed for this research had become destitute because they were at the end of the asylum process (76.5%) and their asylum claim had been rejected. Previous research had also highlighted the issue of destitution at the end of the process: the research conducted in Leicester (Refugee Action 2005) found that 70% of people surveyed were destitute and a report into destitution in Coventry (Coventry Refugee Centre 2004) focused on the problem of people being refused asylum in the UK but being unable to return home. Section 4 of the Immigration & Asylum Act (1999) is supposed to provide support to fully refused asylum seekers who are unable to or are waiting to return home. However, despite the existence of support significant numbers of people are becoming destitute at the end of the process and this issue clearly needs further consideration.

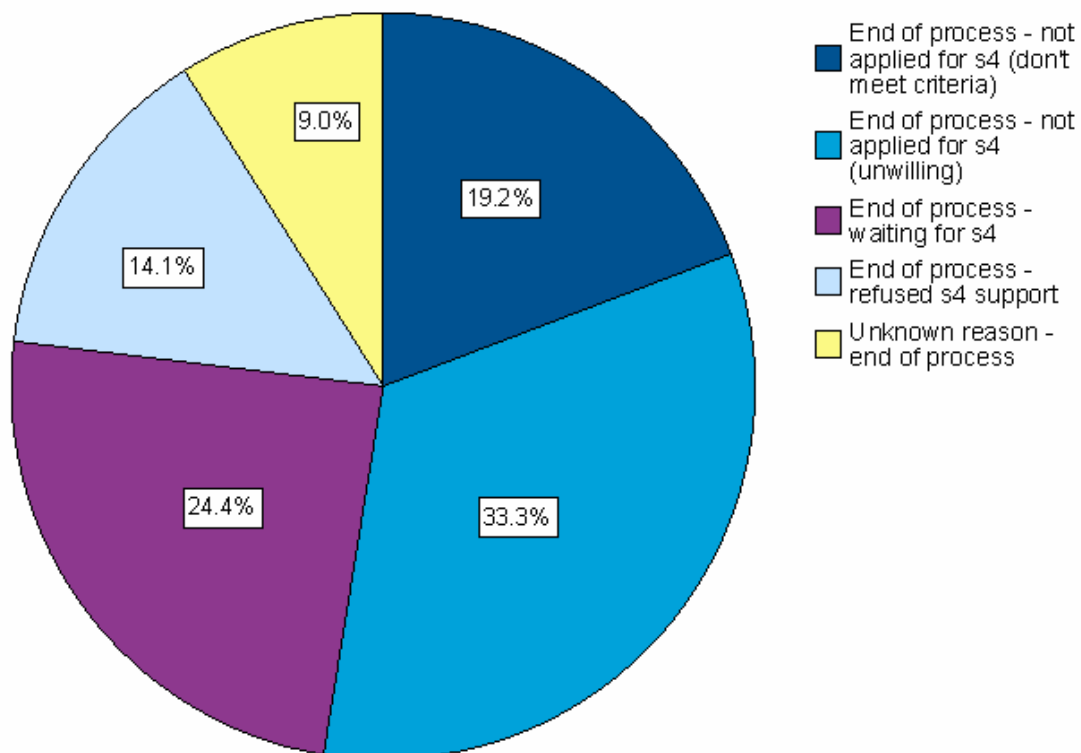


Figure 8.01 A breakdown of why people at the end of the process have become destitute (based on first visit n=78)

Figure 8.01 shows a breakdown of the reasons why the 78 people at the end of the asylum process have been made destitute. 41 (52.6%) of these people had not applied for Section 4 support either because they were unwilling or

because they did not meet the criteria. A further 19 (24.4%) had applied for Section 4, but had become destitute while they waited for a decision on their application or for their support to start.

The gap between NASS support ending and Section 4 support beginning

The survey recorded 19 people who had been made destitute while they waited for their Section 4 support to start. This happens to most people who go onto Section 4 support because the length of the application process, so why does the delay occur?

Once a person receives notice that their NASS support is to be terminated they may be able to apply for Section 4 support. However delays in processing Section 4 applications by NASS in Croydon often lead to gaps in support, and thus destitution. Moreover, in order to receive Section 4 support, a person must be able to prove that they have no access to other means of support, and must meet one of the following criteria:

1. Their lawyer has submitted a fresh asylum claim; a late appeal against their refusal or a claim to remain in the UK under human rights legislation.
2. Their lawyer has submitted a judicial review of the asylum decision with the Court of Session²⁹.
3. They are unfit to make the journey to their home country for medical reasons and their doctor has certified that they are 'unfit to travel'. The criteria for this are very strict, most conditions are not considered serious enough and pregnant women only qualify after they are seven months pregnant.
4. When the Home Office believes that is not possible for you to travel safely to your own country. At the moment no nationality qualifies for this, despite the obvious dangers of returning to countries like Iraq or Zimbabwe.
5. If the person is willing to make arrangements to return voluntarily to their home country.

When a person is claiming Section 4 support because they are still pursuing an asylum claim, copies of all relevant paperwork must be submitted to the Section

²⁹ In Scotland people need only to have applied for a judicial review of the decision relating to their asylum claim, whereas in England and Wales they need to have received permission to proceed.

4 team in Croydon with the Section 4 application. This can lead to significant delays as asylum seekers in this situation will have to wait until their legal representative has prepared and sent this paperwork. These delays could be minimised if legal representatives were more aware of the relationship between NASS support and immigration status. Once the application has been submitted, it usually takes 6 to 8 weeks for the application to be processed.

The delay in Section 4 support starting can be increased when a person has to appeal against a decision to refuse support. Until recently, 100% of the appeals submitted by Scottish Refugee Council against decisions to refuse Section 4 support were successful. This clearly indicates a problem with the decision making process.

The process of moving from NASS to Section 4 support inevitably leads to people becoming destitute. This process should be reviewed to end the gap in support, especially because children are being affected by this administrative delay: this research recorded four people with dependent children who had been left without support while waiting for Section 4 to begin.

What stops people applying for Section 4 support?

52.6% of people at the end of the process had not signed up for Section 4 either because they were unwilling or because they did not meet the criteria. Many asylum seekers are discouraged from applying because they associate Section 4 support with voluntary return. While this is only one of the criteria people could meet in order to qualify for the support many people assume that if they apply for Section 4 support they will also have to sign up to return to their home country. This means that people who are still involved in legal proceedings may not apply for Section 4 support or even try to find out more about what is involved.

There are also people who simply do not fit any of the criteria for Section 4 support and would only be eligible if they were willing to arrange to return to their home country. However, despite the fact their asylum claim has been refused many people are still unwilling to return home because they are scared of the persecution they will face there. For example, 21.6% of the people we surveyed were from Iraq and 8.8% were from Somalia. These countries are both war-torn, Somalia is lawless and Iraq is very unstable. People from these

countries often fear they will be in danger if they return and therefore they may well be unwilling to sign up for voluntary return, especially if they have children.

Around a third of the refused asylum seekers who had been surveyed for this research (32.4%) had not been able to take advantage of every opportunity to appeal negative decisions and their claim had been discontinued because of a lack of legal support. This is despite the fact that during 2004 almost one-fifth of asylum seekers were granted asylum at the appeal stage (Home Office 2005). If these people have missed deadlines to appeal because of lack of legal support then they may be in a situation where their asylum application has been wrongly refused, where they have no longer have the right to appeal against the decision and where the only way they could access Section 4 support is to sign up for voluntary return or if they were medically unfit to travel.

How suitable is Section 4 support?

The options available to people at the end of the process are clearly limited, and this is unacceptable while people's asylum claims are being fully refused before they have the opportunity to exercise all their appeal rights because of lack of legal support or poor quality legal support.

The Home Office continues to attempt to remove people to countries which the Foreign and Commonwealth Office advise are unsafe, countries like Iraq, Afghanistan and Zimbabwe. Many refused asylum seekers are understandably reluctant to return to these countries voluntarily and the Government is currently challenging two High Court decisions that it was unsafe to return refused asylum seekers to Zimbabwe because they are likely to face persecution as defined in the 1951 Geneva Convention on the Protection of Refugees and therefore must be considered refugees³⁰. Despite this, these countries are not officially recognised as unsafe so people who cannot be returned there are still not able to able for Section 4 support on the basis that there is no safe route home.

Scottish Refugee Council also has concerns about the ability of some asylum seekers to make properly informed decisions to return home. They have

experience of advocating clients who are psychologically unwell and realise that there is a risk that these people are coerced into signing up for voluntarily return.

Even where people are able to access Section 4 support because they cannot be returned home³¹ the support they receive is inappropriate for longer periods of time. Section 4 support provides no-choice, shared accommodation and supermarket vouchers. People are therefore unable to shop where they choose and may find it difficult to buy products such as halal meat, baby products, toiletries or clothing. The payments are small (around £35 per week) and this makes it difficult to meet subsistence needs³².

In other some European countries, including Finland, refused asylum seekers who cannot be returned home are given a legal status recognising this fact and allowing them to work to support themselves. In Britain people who reach the end of the process and who cannot be returned are faced with an impossible situation where they are entitled to very little support and where they are still refused the right to work to support themselves. Living off vouchers indefinitely is an undesirable situation that is only open to a few. The UK Government has to reassess a situation where people trapped at the end of the asylum process have few option and may ultimately be drive to go underground and work illegally, opening themselves up to exploitation.

³⁰ Case references: LK (AA applied) Zimbabwe [2005] UKAIT 00159 AIT Reported & AA (Involuntary returns to Zimbabwe) Zimbabwe [2005] UKAIT 00144 CG (AIT Reported)

³¹ For example people from Iraq were eligible until recently.

³² For more information see: http://www.scottishrefugeecouncil.org.uk/info/Vouchers_Briefing

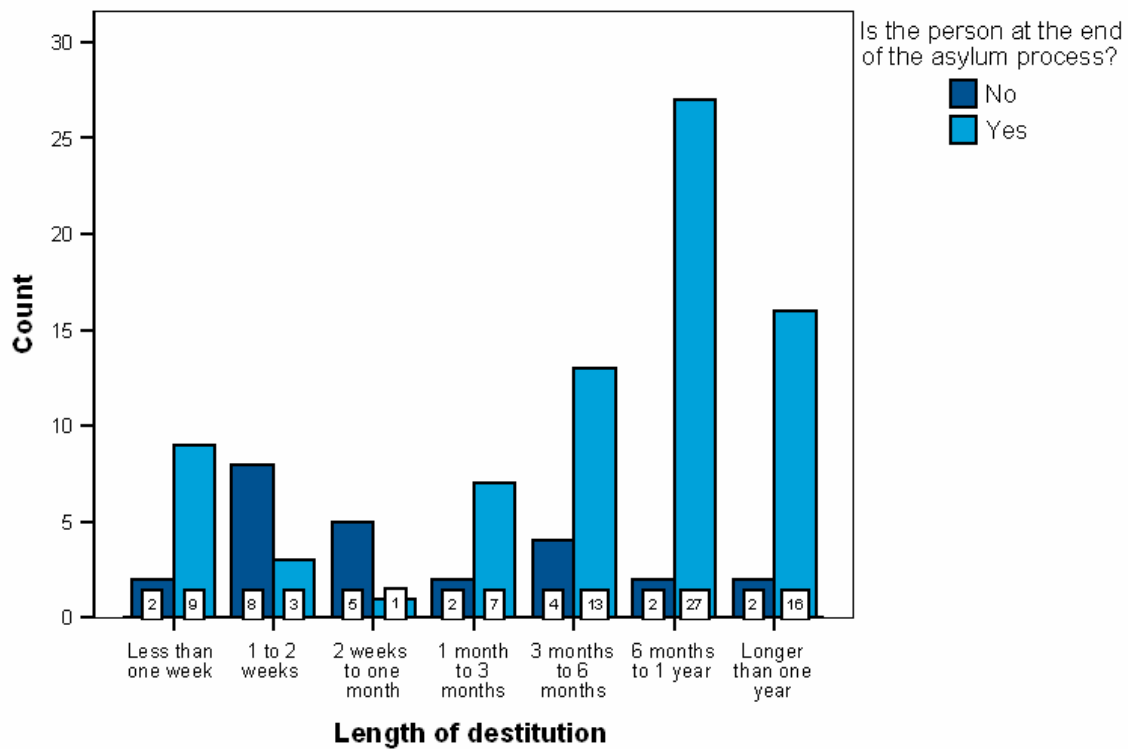


Figure 8.02 How long people at the end of the process have been destitute compared to people who have been made destitute for other reasons (based on first visit)

Figure 8.02 demonstrates that the majority of people who have been destitute for longer periods of time are at the end of the asylum process. The fact that people are willing to remain in Scotland in absolute poverty rather than accept the generous grants available to asylum seekers who return home³³ illustrates the strength of resistance to returning to their home countries. It is likely that this resistance is based on the fear of being returned to face possible persecution. What is clear, is that people are not returning home, despite having absolutely nothing. The Government needs to reassess the support that is available to asylum seekers at the end of the process and consider an alternative status for people who cannot be returned to allow them to work to support themselves and thus avoid destitution and exploitation.

³³ Currently up to £3000 per person. £1000 is provided in kind, and the remaining £2000 can be provided as cash grants or other reintegration services, according to Immigration Minister Tony McNulty. *Hansard HC* (series 5) vol.441: Column 13WS (12 January 2006)

Recommendations

- Decision-making times for Section 4 support need to be reduced to prevent people waiting extended periods, such as six weeks or more. The quality of decision making should also be improved.
- The process for applying for Section 4 support should be reviewed to avoid destitution occurring while people wait for their support to start. Emergency bridging support should be provided for people who apply for Section 4 support after their NASS support has ended.
- NASS should produce and widely distribute good quality information on Section 4 support in community languages to ensure that asylum seekers fully understand the option.
- The government must accept that some asylum seekers cannot be immediately returned and that the support offered at the end of the process needs to be reassessed.

09. Service provision

The voluntary sector should not be responsible for supporting destitute asylum seekers, but it is a role many agencies within the sector have taken on. One of the aims of the research was to suggest ways in which the services provided to destitute asylum seekers can be improved. In order to achieve this, the survey questionnaire recorded information about who different asylum seekers turned to for help, what support agencies were giving people, where they were signposting their clients to, and how long agencies were spending helping asylum seekers. The largest numbers of destitute asylum seekers visited Scottish Refugee Council and Positive Action in Housing³⁴ so much of the analysis in this Section focuses on the services they provide. The low numbers recorded by other agencies makes effective comparisons difficult.

Agency visited	Number of visits during research period	Number of individuals seen	Percentage visits were repeats
Scottish Refugee Council	59	55	6.8%
Positive Action in Housing	47	29	38.3%
Castlemilk Community Forum	12	12	0%
Castlemilk Churches Together	9	8	11.1%
Medical Foundation for the Victims of Torture	3	3	0%
Maryhill Citizens Advice Bureau	1	1	0%

Table 8.01 Support provided by agencies involved in data collection during the research period

Table 8.01 shows how many visits by destitute asylum seekers each of the agencies involved in the data collection received during the research period, and how many destitute individuals used the agencies' services during the

³⁴ It is important to note that the organisations involved in the data collection all provide direct services to asylum seekers. Many of these organisations not only provide support from their own resources but also make grants on behalf of other charities like Refugee Survival Trust and British Red Cross. The focus of the data collection was on the support provided by organisations where asylum seekers present and this means little information is available about charities who provide grants via other organisations. Despite this flaw in the data collection, other charities (including British Red Cross and Refugee Survival Trust) do play a significant role in supporting destitute asylum seekers in Scotland.

research period. When these two figures are compared, the percentage of visits which were repeat visits can be calculated. Positive Action in Housing had the largest proportion of repeat visits during the research period. 38.3% of the visits Positive Action in Housing recorded were by people who were visiting the agency for the second or more time during the research period. Scottish Refugee Council received a far smaller proportion of repeat visits: only 6.8% of the visits they recorded represented repeat visits.

Table 8.02 on the following page may go some towards way to explaining why Positive Action in Housing receives such a high proportion of repeat visits. 57.1% of their destitute clients received a small cash payment and 9.5% received overnight shelter³⁵. Positive Action in Housing maintains a destitution fund that they encourage people to donate to and this allows them to make small cash payments to destitute asylum seekers. They also have a register of people who are willing to provide accommodation to destitute asylum seekers. These services are likely to be in high demand from destitute people, and the high proportion of repeat visits possibly occurs because people are happy with the service they receive and wish to continue the support. It could also be because support is provided for a short period of time, and therefore people have to return frequently to receive further support.

Scottish Refugee Council provided advice and support to the majority of people who visited them (86.4%). They provided small cash payments to 10.2% of people they saw, larger cash payments to 6.8% and vouchers or cash substitute to 8.5%. One of the key services Scottish Refugee Council provides to destitute asylum seekers is support applying for Section 4 support. The low proportion of repeat visits could be partially explained by the fact that people visit Scottish Refugee Council to apply for Section 4, are provided with at least two weeks of subsistence payments from Refugee Survival Trust and therefore need to return less frequently.

³⁵ Calculated per visit

Source of support	Scottish Refugee Council	Positive Action in Housing	Castlemilk Community Forum	Castlemilk Churches Together	Medical Foundation for the Victims of Torture	Maryhill Citizens Advice Bureau	Total people receiving this support
Information or advice	51 (86.4%)	10 (23.8%)	12 (100%)	2 (66.7%)	0	1 (100%)	76
Small cash payment (less than £50 per person per week)	6 (10.2%)	24 (57.1%)	0	0	0	0	30
Counselling or emotional support	4 (6.8%)	0	0	5 (55.6%)	3 (100%)	0	12
Vouchers or other cash substitute	5 (8.5%)	0	0	0	0	0	5
Overnight shelter	0	4 (9.5%)	0	0	0	0	4
Larger cash payment (more than £50 per person per week)	4 (6.8%)	0	0	0	0	0	4
Clothing	0	0	0	2 (22.2%)	0	0	2
Storage of personal goods	0	0	0	1 (11.1%)	0	0	1
Other	3 (5.1%)	1 (2.4%)	0	3 (33.3%)	0	0	7

Table 8.02 Support provided by each agency involved in data collection during the research period

Why people visit particular agencies

Table 8.02 on the following page shows a breakdown of the reasons for the destitution of people visiting each agency. Positive Action in Housing and Castlemilk Community Forum received the highest proportion of visits from destitute people who had been refused asylum (92.9%) and (91.7%) respectively. Scottish Refugee Council received the highest proportion of visits from people who had become destitute because of an administrative error (15.5%)³⁶.

Scottish Refugee Council saw the highest proportion of asylum seekers who had been made destitute for administrative reasons: 15.3% of the people surveyed at Scottish Refugee Council were destitute because of an administrative error or delay, compared to 3.0% of people surveyed elsewhere. Positive Action in Housing saw the highest proportion of people who had been made destitute at the end of the process: 92.9% of the people surveyed at Positive Action in Housing were destitute at the end of the asylum process, compared to 69.0% of the people surveyed elsewhere. These are significant differences and it would be fair to surmise that within the sample, and perhaps within the wider population, that destitute asylum seekers are more likely to visit Scottish Refugee Council than elsewhere to resolve an administrative problem, whereas asylum seekers destitute at the end of the process are more likely to visit Positive Action in Housing for help. This could be explained by the fact that Scottish Refugee Council provides dedicated services to asylum seekers and refugees and their casework has developed specialism in asylum support issues, and can help to resolve administrative difficulties. People are likely to visit Positive Action in Housing at the end of the process because of the payments from their destitution fund to a high proportion of people, and their accommodation register.

³⁶ Maryhill Citizens Advice Bureau also saw one person destitute because of administrative errors and this represented 100% of the people they recorded.

Reason for Destitution	Scottish Refugee Council	Positive Action in Housing	Castlemilk Community Forum	Castlemilk Churches Together	Medical Foundation for the Victims of Torture	Maryhill Citizens Advice Bureau
End of process – refused asylum	40 (70.2%)	39 (92.9%)	11 (91.7%)	5 (55.6%)	2 (66.7%)	0
End of process – successful claim	6 (10.5%)	0	0	2 (25.0%)	0	0
New arrival – not accessed support	0	0	0	0	1 (33.3%)	0
Administrative error	9 (15.8%)	1 (2.4%)	0	0	0	1 (100%)
Breach of NASS conditions – support terminated	2 (3.5%)	0	0	1 (11.1%)	0	0
Other/unknown reason	0	2 (4.8%)	1 (8.3%)	1 (11.1%)	0	0

Table 8.03 Reason for destitution broken down by agency where person presented

Signposting

When a voluntary sector organisation has limited resources to give to destitute asylum seekers, one practical thing they can do is signpost people to places where support is available. We asked the agencies participating in the research to record when they referred the person they surveyed to another source of support. Overall the rate of signposting was very low, with a few agencies recording no signposting at all.

Table 8.03 and Table 8.04 show where Scottish Refugee Council and Positive Action signposted to during the research period:

Agency Scottish Refugee Council signposted to	Number of referrals	Percentage of total (visits to agency)
Friends & Family	5	8.5%
Positive Action in Housing	3	5.1%
Faith groups – churches, mosques etc	3	5.1%
Homeless Shelter	1	1.7%
British Red Cross	1	1.7%
Lawyer	1	1.7%
YMCA Options	1	1.7%
Home Office/Scottish Enforcement Unit	1	1.7%
Total referrals	16	27.1%

Table 8.03 Where Scottish Refugee Council signposted to during the research period

Agency Positive Action in Housing signposted to	Number of referrals	Percentage of total (visits to agency)
Scottish Refugee Council	5	11.9%
Soup Kitchen	2	4.8%
Citizens Advice Bureau	1	2.4%
Friends & Family	1	2.4%
Community Centre	1	2.4%
Other	1	2.4%
Lawyer	1	2.4%
Hospital	1	2.4%
Refugee Aid Project	1	2.4%
Total referrals	14	33.3%

Table 8.04 Where Positive Action in Housing signposted to during the research period

Both agencies made very few referrals during the research period (only around a third of their clients were signposted to other sources of support). Given that both organisations have very limited resources to provide for destitute asylum seekers this is surprising, however it may simply reflect the lack of support available to destitute asylum seekers in general.

One issue that is of concern from these tables is the fact that destitute people are being told to seek help from their friends and family. Friends and family are likely to have limited resources and agencies should only signpost to them as a last resort.

Time spent by services helping destitute asylum seekers

The agencies involved in this project recorded spending a total of 4639 minutes helping destitute asylum seekers over the four-week research period. That is the equivalent of 77 hours and 19 minutes or almost ten working days. An average of 38 minutes was spent helping each destitute person who presented looking for help.

This will not include all of the time spent by caseworkers assigned to help destitute asylum seekers within the largest agencies. For example, Scottish Refugee Council has at least two caseworkers assigned to working to help destitute people at any one time.

This is becoming an enormous drain on the resources of the voluntary sector agencies who work to support asylum seekers in Scotland. As asylum policy becomes more restrictive we are likely to see the numbers of destitute asylum seekers in Scotland rise further. It is important that this is taken into consideration when voluntary sector organisations plan the allocation of their resources. It is also important that statutory providers consider their response to the issue to relieve pressure on the voluntary sector.

Recommendations

- Joined up working would improve the support available to each destitute asylum seeker by ensuring they access all of the most appropriate services.
- Statutory service providers should be encouraged to consider their response to the problem of destitute asylum seekers to make sure they meet their obligations (particularly where children and people with care needs are involved) and to relieve pressure on the voluntary sector where possible.

Conclusion

This research has demonstrated that destitution is a significant threat to asylum seeker and refugee communities in Glasgow. While we have not captured the true scale of the problem in terms of numbers affected, we have arrived at a concrete number of the minimum number affected. At the time of the research at least 154 asylum seekers and refugees were living without the means to sustain themselves in Glasgow. Twenty-five children were affected. Research needs to be conducted over a longer term and at a nationwide level in order to construct a complete picture of the numbers of asylum seekers affected by destitution. This research does raise important issues about the causes of destitution and the experiences of destitute people.

The research revealed that significant numbers of destitute refugees and asylum seekers are depending upon their friends, family and neighbours for support and shelter. This is a situation that is unacceptable, especially since many of these people will be asylum seekers and living close to poverty themselves. Asylum seekers are dispersed to some of the poorest areas of the UK and expecting them to rely on their communities for support is objectionable.

The provision for asylum seekers at the end of the process is insufficient and unsuitable. The support that is provided to refused asylum seekers is limited to full-board accommodation or vouchers, which is unsuitable for the medium to long term. This is despite the fact that there are major delays in removing many people from the UK. Furthermore, many people are unwilling to take up this type of support because they are frightened of returning home country, and they are not eligible to be supported on any other grounds. It would be more cost effective to allow refused asylum seekers who cannot return home to work to support themselves, as is the case in other European countries.

The research revealed that the unsuitability of support at the end of the process leads to the majority of the destitution experienced by asylum seekers. The problem is exacerbated by the fact that people who many genuinely be in need of protection are being refused asylum because they have had insufficient legal support to pursue their asylum claim, or because the legal advice they received was of a poor quality. The research revealed the need to ensure that asylum seekers are fully aware of their legal entitlements and that they understand the asylum process. It is unreasonable to expect asylum seekers who have not

received proper access to justice to return home to a country where they may face further persecution.

The fact that people would prefer to remain in the UK with nothing, rather than return home with a resettlement grant demonstrates that many are in genuine fear of persecution at home. When significant numbers of people become destitute at the end of the asylum process but they are afraid to return home, the system is clearly failing them. The presence of asylum seekers who have been without support for a long time demonstrates that using destitution as a policy tool to encourage people to leave the UK is failing. Destitution is a significant problem for asylum seekers in Scotland, and at the moment the voluntary sector is attempting to support and sustain many of these people. However, this research has revealed that many people are experiencing long-term destitution and the support provided by charities is not sustainable. There is a clear need for the Government to ensure that asylum seekers receive good quality legal support so they do not end up wrongly refused protection and destitute at the end of the process. There is also the need to rethink the options available to asylum seekers at the end of the process to ensure that they are either provided with sufficient statutory support or allowed to work to support themselves.

References

- Coventry Refugee Centre (2004) *Destitution and Asylum Seekers: A Human Rights Issue*. Coventry Refugee Centre.
- BID & Asylum Aid (2005) *Justice Denied: Asylum and immigration legal aid – a system in crisis*. Bail for Immigration Detainees (BID) and Asylum Aid.
- British Medical Association (2002) *Asylum Seekers: Meeting their healthcare needs*. BMA Board of Science and Education.
- Devereux, S. (2003) *Conceptualising Destitution*. IDS Working Paper 216 (<http://www.ids.ac.uk/ids/bookshop/wp/wp216.pdf>)
- Home Office (2005) *Asylum Statistics: United Kingdom 2004*. Home Office: London.
- IAP (2004) *The impact of section 55 on the interagency partnership and the asylum seekers it supports*. Interagency Partnership (IAP).
- Inter-Agency Coordination Team (2006) *IAP newsletter*. No. 56 January 2006
- Kelley, N. & Meldgaard, L. (2005) *The End of the Road: The Impact on families of Section 9 of the Immigration and Asylum Act (Treatment of Claimants) Act 2004*. Barnados.
- London Housing Foundation (2004) *Survey of homeless sector services provided to asylum seeker and refugee clients: Summary of findings*. London Housing Foundation.
- Malfait, R. & Scott-Flynn, N. (2005) *Destitution of Asylum-Seekers in Birmingham: 'I have moved from one prison to an even bigger one'*. Restore of Birmingham Churches Together and the Church Urban Fund.
- Mayor of London (2004) *Destitution by Design. Withdrawal of support from in-country asylum applicants: An impact assessment for London*. Greater London Authority.
- Leeds Destitution Steering Group (2004) *Destitution of Asylum Seekers in Leeds*

- Refugee Council and Refugee Action (2006) *'Inhuman and Ineffective' – Section 9 in Practice*. Refugee Council available at www.refugeecouncil.org.uk
- Refugee Action (2005) *A Report of Destitution in the Asylum System in Leicester*. Leicester Refugee and Asylum Seekers' Voluntary Sector Forum.
- Refugee Council (2004) *Hungry and Homeless: The impact of the withdrawal of state support in asylum seekers, refugee communities and the voluntary sector*. Refugee Council.
- Refugee Survival Trust (2005) *What's going on? A study into destitution and poverty faced by asylum seekers and refugees in Scotland*. Refugee Survival Trust: Edinburgh.
- Robinson, V & Segrott, J. (2002) *Understanding the decision-making of asylum seekers*. Home Office Research Study 243. Home Office RDS: London.

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<p>1. Date of visit</p>	<p>This is the date that the client visited your agency with a destitution problem and took part in the survey.</p> <p><i>Write in: dd/mm</i></p>
<p>2. 1st time surveyed?</p>	<p>Using the repeat visit symbol ask the client if this is the first time that they have taken part in the survey. Please indicate yes with a '2' or indicate no with a '1'. If answering 'no' please ask question 2a.</p> <p><i>Answer:</i></p> <ol style="list-style-type: none"> 1. No 2. Yes
<p>If no:2a. Where were you surveyed before?</p>	<p>If the client has already taken part in the survey please ask them where they took part. If they took part at your agency indicate this using a '99'. Otherwise:</p> <p><i>Answer (as many as appropriate):</i></p> <ol style="list-style-type: none"> 1. Bridging the Gap 2. British Red Cross 3. Castlemilk Churches Together 4. Castlemilk Community Forum 5. Crossroads Youth and Community Association 6. Community Infosource 7. Govan Integration Network 8. Kingsway Health & Wellbeing Centre 9. Legal Services Agency 10. Maryhill CAB 11. Medical Foundation for Victims of Torture 12. Positive Action in Housing 13. Scottish Refugee Council 14. St Mungo's Church 15. St Rollox Church
<p>3. Date of Birth</p>	<p>Please enter the client's date of birth.</p> <p><i>Write in: dd/mm/yy</i></p>
<p>4. Nationality</p>	<p>Please write in the client's nationality.</p> <p><i>write in answer</i></p>
<p>5. Gender</p>	<p>Please indicate the client's gender using the following codes:</p> <p><i>Answer</i></p> <ol style="list-style-type: none"> 1. Male 2. Female

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<p>6. Dependents (total)</p>	<p>Is the client responsible for any people (children or adults) other than themselves? Please give the total number of additional people.</p> <p><i>Write in number</i></p>
<p>7. Dependents (minors)</p>	<p>Is the client responsible for any children under the age of 18? Please give the total number of minors.</p> <p><i>Write in number</i></p>
<p>8. Reason for destitution</p>	<p>Why is the client destitute?</p> <p><i>Answer:</i></p> <ol style="list-style-type: none"> 1. End of process – not applied for section 4 support (don't meet criteria) 2. End of process – not applied for section 4 support (unwilling to apply) 3. End of process – waiting for section 4 support to begin 4. End of process – refused section 4 support 5. NASS administrative error – support stopped during asylum process because of an administrative error 6. Lost NASS support due to breach of conditions (e.g. failure to travel, absence from property, working illegally) 7. Denied support under section 55 8. Successful asylum claim – NASS support ended, not yet accessed mainstream benefits 9. New arrival – not yet applied for NASS 10. End of process – denied support under section 9 11. Recently bailed or released from detention – not yet accessed NASS 12. Deleted (code as 8) 13. Social reasons unrelated to asylum process (e.g. relationship breakdown, mental health issues) <p>-----</p> <p>If reason for destitution is <u>not know</u> by either the client or the caseworker, please record whether the is the client:</p> <ol style="list-style-type: none"> 14. Waiting for an asylum decision 15. At the end of the asylum process 16. Status unknown
<p>9. Appeal rights exhausted?</p>	<p>If destitution arises at the end of the process, has the client been able to take advantage of every opportunity to appeal negative decisions (are they appeal rights exhausted) or has their claim been discontinued because of lack of legal support?</p> <p><i>Answer</i></p> <ol style="list-style-type: none"> 1. No – discontinued claim 2. Yes – appeal rights exhausted 3. Not known/unsure

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<p>10. Support given during visit:</p>	<p>What support was the client given during this visit?</p> <p><i>Answer as many as appropriate:</i></p> <ol style="list-style-type: none"> 1. Small cash payment (less than £50 per person per week) 2. Larger cash payment (£50 or more per person per week) 3. Vouchers or other cash substitute 4. Shelter during daytime only 5. Overnight shelter 6. Food 7. Clothing 8. Counselling/emotional support 9. Sleeping bags 10. Storage of personal goods 11. Advice and information 12. Other – write in
<p>11. Signposted to:</p>	<p>During this visit, which agencies (if any) was the client signposted to? Leave blank if client was not signposted elsewhere.</p> <p><i>Answer as many as appropriate:</i></p> <ol style="list-style-type: none"> 1. Scottish Refugee Council 2. Positive Action in Housing 3. British Red Cross 4. Citizens Advice Bureau 5. Social Work 6. Faith Groups – churches, mosques etc 7. Refugee Community Organisations 8. Friends & family 9. Community centre 10. Soup kitchens 11. Homeless shelters 12. Other – write in
<p>12. Length of destitution (based on client's assessment)</p>	<p>Ask the client how long they think they have been destitute for. Fill in the answer as follows.</p> <p><i>Answer (one only):</i></p> <ol style="list-style-type: none"> 1. Less than 1 week 2. 1 to 2 weeks 3. 2 weeks to 1 month 4. 1 month to 3 months 5. 3 months to 6 months 6. 6 months to one year 7. Longer than 1 year

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<p>13. Support elsewhere this month</p>	<p>Ask the client where else they have received support from during the monitoring period.</p> <p><i>Answer as many as appropriate (same as question 11):</i></p> <ol style="list-style-type: none"> 1. Scottish Refugee Council 2. Positive Action in Housing 3. British Red Cross 4. Citizens Advice Bureau 5. Social Work – receiving support for children 6. Faith Groups – churches, mosques etc 7. Refugee Community Organisations 8. Friends & family 9. Community centre 10. Soup kitchens 11. Homeless shelters 12. Other – write in
<p>14. Where did client sleep last night?</p>	<p>If the client is willing to give this information please note where they slept last night.</p> <p><i>Answer one only:</i></p> <ol style="list-style-type: none"> 1. In own NASS accommodation 2. Homeless shelter 3. With friends or neighbours 4. With family 5. Accommodation provided by church, mosque or other faith group 6. Outdoors (e.g. on street, park, in doorway) 7. Train station or other public building 8. Other 9. No response
<p>15. Legal support</p>	<p>Ask the client whether they are happy with the legal advice they received to support their asylum claim.</p> <p><i>Answer:</i></p> <ol style="list-style-type: none"> 1. No 2. Yes 3. Unsure/Don't Know
<p>16. Risk Assessment</p>	<p>Based on your contact with the client during this visit. Please assess the level of risk caused by their destitution.</p> <p><i>Answer one only:</i></p> <ol style="list-style-type: none"> 1. Low level of risk: receiving community support. 2. Moderate risk: receiving some community support but destitution is having an obvious effect on wellbeing. 3. High level of risk: no support mechanism, poor health and personal circumstances, probably rough sleeping.

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<p>17. Time spent helping client this visit</p>	<p>Please fill in the caseworkers' estimate of how long they spent helping the client this visit. This question will measure impact on the organisations involved in supporting destitute asylum seekers.</p> <p><i>Write in number in minutes</i></p>
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