



# TRAPPED:

## DESTITUTION AND ASYLUM IN SCOTLAND

### Summary report

#### OVERVIEW

Asylum seekers are at risk of destitution throughout the asylum process, particularly when their asylum claim is refused and their support is withdrawn. An unknown number of asylum seekers live in Scotland, sometimes for years, without income, failing to reach even the United Nations (UN) target on global poverty of \$1.25 a day. Through survey work, data analysis and interviews with people experiencing destitution, this research aimed to find out about the extent and nature of destitution in Scotland today.

Destitution arises because of errors, delays and complexities in the asylum system. A high success rate with asylum appeals calls into question the quality of decisions on asylum claims. However, refused asylum seekers are denied financial support and banned from working. They are left with no legitimate means of support, often with no realistic prospect of return to their country of origin.

Key findings included:

- 1,849 destitute people were supported by the Refugee Survival Trust in 2009-12
- In a one week survey, 115 people using support services (148 including dependents) were destitute - they were mostly male, young and single and most were refused asylum seekers
- They included a higher proportion of women (38%) than among asylum seekers generally (30%)
- Some survey participants had been in the asylum system for more than a decade
- 40% had been destitute on more than one occasion
- The total time survey participants were destitute ranged from a few days to 6.5 years and the average time destitute was 1.5 years
- In 6 services providing dedicated support to asylum seekers and refugees, 24% of all clients going to them for help that week were destitute



Interviewees described how they coped with destitution, including the struggle to find and keep accommodation once they lost their UK Border Agency (UKBA) support and housing.

They had few opportunities to get money and struggled to get the basic means of survival including food and clothing, even having to ask services for help with personal items such as sanitary wear. Most described experiencing health problems and they had very low mental wellbeing scores.

## RECOMMENDATIONS

Along with other stakeholders, the interviewees recommended changes to the asylum system including:

- **The existing system of asylum support** should be reviewed urgently to minimise unnecessary experiences of destitution because of administrative inefficiencies and to extend current unrealistic timescales for transitions. The UKBA should allow asylum claims to be submitted in Scotland and fresh submissions to be lodged by mail. In the interim, UKBA should support travel costs to submit such claims.
- **End-to-end support** (including accommodation and a system of cash payments) should be given to people through all stages of the asylum system, until they are either granted status or leave the UK. The UK government should consider the case for separating decision making in the asylum system from support.
- **Right to Work:** Asylum seekers should have the right to work if they remain in the UK for 6 months or more. This should apply whether they are still awaiting a decision or refused but unable to return home.
- **Culture change and public opinion:** Services supporting asylum seekers should promote accurate information and develop resources for responding to inaccurate portrayals of asylum seekers. The media and politicians should undertake to present balanced and accurate information about asylum. The Scottish Government should seek ways to maximise access to services and support that prevent or mitigate destitution and homelessness.

***“Everything is worse and worse if you don’t have money.”***

***“I have no power, I can’t wash my clothes, I can’t cook.”***

These are the words of destitute people living in Scotland. They are refused asylum seekers whose destitution is no accident: denied financial support and banned from working, they have no legitimate means of support.

### **DESTITUTION AND ASYLUM**

Recent UK asylum reform has included restrictions on the right to work, changes to housing support, reductions in welfare support and tight timescales that apply at key transition points. At present, families with children usually keep Section 95 support<sup>1</sup> until they are either granted refugee status or, if refused asylum, until they leave the UK, but:

- People with no children who are refused asylum lose Section 95 support 21 days after final refusal of their claim. A few get Section 4 support if they are destitute and willing but unable to return to their country of origin.<sup>2</sup>
- Most asylum claims are refusals initially (68% in 2011), but a lot of appeals succeed (26% in 2011)<sup>3</sup>, questioning the quality of initial decisions
- Once granted status, refugees have 28 days to claim mainstream benefits and find other accommodation, a prohibitively tight timescale
- Asylum support rates are below most poverty measures but, with no income, destitute asylum seekers fall below even the UN global poverty target of \$1.25 a day, primarily aimed at developing nations rather than some of the richest in the world

Destitution and homelessness affect people across the asylum process, often due to procedural errors and delays, exacerbated by cuts to mainstream and asylum services. But refused asylum seekers can be trapped in destitution and homelessness for years, often with no realistic prospects for return.

UK policy which incorporates enforced destitution has been widely criticised. Asylum seekers account for only 3% of all immigrants to the UK, but the number of asylum seekers living without support is unknown. In the absence of official data, the Refugee Survival Trust (RST) provides some evidence of the scale and impact of destitution.

### **RST SUPPORT FOR DESTITUTE PEOPLE**

RST issues small emergency grants to destitute people throughout the asylum process. In 2009-12, RST awarded grants to 1,849 people:

- They were mostly male (76%), young (average age 31) and single (83%), but included 128 families with children, 21 pregnant women and 25 new mothers
- Almost half (49%) were homeless, including some families with children
- They came from 67 countries, most often Iran (17%), Iraq (11%) and Eritrea (9%)
- They were at all stages of the asylum process - 44% were entitled to benefits, most often asylum support, but not getting them





Some key reasons for RST grants include:

- Most asylum claimants with no children have to travel to lodge their claims at the Asylum Screening Unit. They get no help with the cost from the UKBA. RST grants funded 257 people to travel to claim asylum in Croydon and 225 to make fresh submissions in Liverpool.
- RST helped 123 people awaiting emergency payments. The UKBA can give emergency payments for people awaiting Section 95 support or when it breaks down.
- A growing number of people (125) needed grants when they got refugee status, often because of delays in receiving a National Insurance number, which they needed before they could claim mainstream benefits
- RST gave 386 grants (usually for 2 weeks) to people awaiting Section 4 support. The UKBA allocates accommodation before issuing support vouchers. It may be many weeks or months before support starts, increasing the risk of homelessness as well as destitution.
- 2 week grants gave a breathing space to get advice on the options available when Section 95 support (404 people) or Section 4 support (52 people) were withdrawn
- 18 grants helped people who were destitute on release from detention
- The reasons for other grants included e.g. faulty/ missing asylum support cards, essential living costs, emergency accommodation and support for new mothers

RST grants show that destitution often arises because of errors and delays. This includes apparent difficulties that the UKBA and other services such as Jobcentre Plus have in keeping to their own timescales at key transition points.

## EXPERIENCES OF DESTITUTION

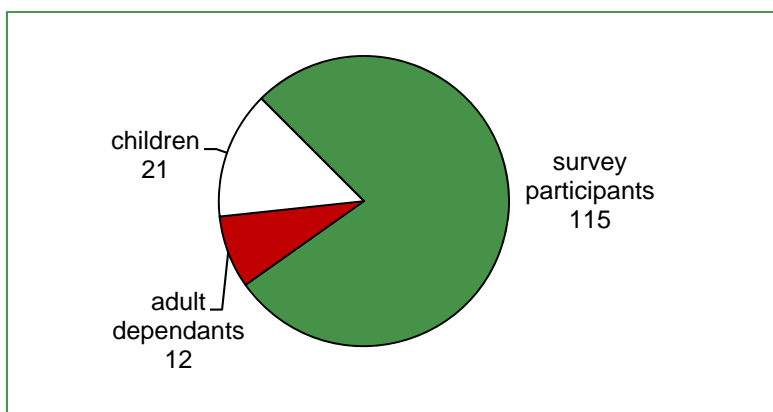
A survey in 11 advice and support services over one week in March 2012 gathered responses from 115 people: 12 had adult dependants and 11 had a total of 21 child dependants, so 148 destitute people were identified overall in this single week (Figure 1). The 115 survey participants included:

- 71 men and 44 women (average age 32)
- People from 29 countries, the most common were Iran (15%), Iraq (10%), Sudan and Zimbabwe (both 8%)
- 26 people with mental health issues, 4 disabled people, 5 pregnant women and 2 new mothers

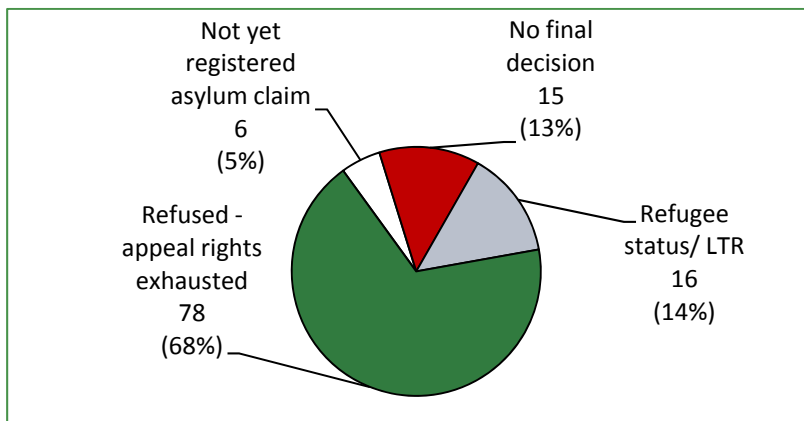
This survey does not reflect the true scale of destitution. Many more people will not have approached services for help that week: some may have support or resources from friends, family or informal work, while others will not approach services for help because they feel ashamed of being destitute. Even so, in the 6 services providing dedicated support to asylum seekers and refugees, 24% of all the clients going to them for help that week were destitute.

Amongst 12 interviewees, most said they came to the UK to seek sanctuary in a country where human rights are more respected. Some explained why they left their home country, including: war and conflict; religious persecution; and local and family disputes, including forced marriage and the threat of female circumcision.

**Figure 1: Destitution Survey – Numbers Destitute**



**Figure 2: Status of Asylum Claim**



**Asylum status**

Most survey participants were refused asylum seekers (68%), while 14% had refugee status and the others were awaiting a final decision on their case or had yet to register an asylum claim (Figure 2). The main issues were:

- For people yet to register an asylum claim, the cost of travel to lodge a claim
- Those with no final decision on their claim were awaiting decisions about support or experiencing errors or delays in payments
- Most refugees were awaiting a NI number or a meeting with Jobcentre Plus before they could claim mainstream benefits
- For most refused asylum seekers, Section 4 support claims were either refused, ended or awaiting a decision. Others had not applied – they were preparing fresh submissions or did not meet the criteria.

A recent judgement ruled unlawful the policy of “delaying a decision on accommodation for a minimum of three weeks” while the UKBA decide on further submissions<sup>4</sup> – this is a key reason for delay that leads to destitution.

**Women and asylum**

The proportion of female destitute asylum seekers was higher (38%) than amongst asylum applicants in 2011 (30%). Women have less success at initial application, but more success at appeal<sup>2</sup>. Most female interviewees said their credibility was questioned. This reinforces concerns both about the quality of decision making and that it is gendered.

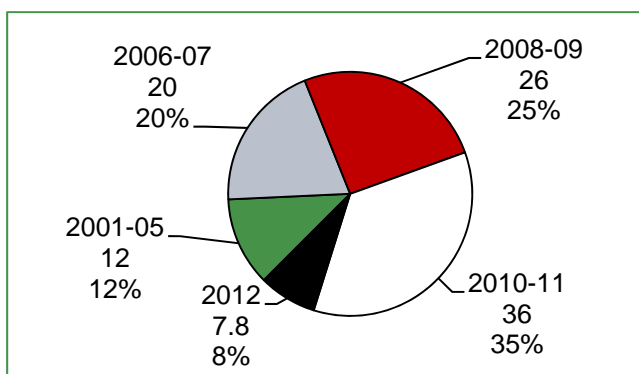
**Remaining in the UK after refusal**

Being refused refugee status means the person is judged not to have a well founded fear of persecution in the country of origin according to the definition in the 1951 Convention on the Status of Refugees.

Interviewees’ support stopped on refusal and they soon had to leave their UKBA accommodation. One lawyer highlighted how fast initial decisions can mean insufficient time to gather evidence, so people need to make further representations:

*“They are not given any support until it’s initially assessed and... even then, the majority of further representations are just blanket refused ... the only remedy is to try and go to the Court of Session by Judicial Review... it’s a very lengthy process.”*

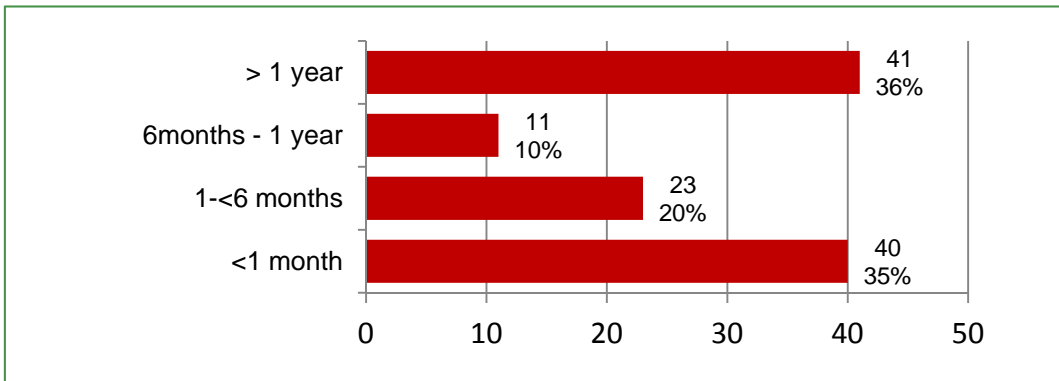
**Figure3: Year of Claim**



Survey participants made their asylum claims over 2001 to 2012 (Figure 3) - some have been in the asylum system for more than a decade. Interviews highlighted how people can be in the UK before they claim asylum, e.g. if a visa runs out. One woman stayed several years beyond her visa on the advice of friends:

*“They told me... if you claim, that’s the end of you, they will deport you straight away.”*

**Figure 4: Length of time destitute**



**Time destitute**

Over a third (36%) of survey participants had been destitute for more than a year (Figure 4). The risk of this was higher for some groups:

- 46% of refused asylum seekers
- 46% of those with a mental health problem
- 43% of women (31% of men)

Many (40%) had been destitute before - 11 three or more times and 9 twice before. They included 4 people who are now refugees. This highlights how many people prove their claims have foundation when they go on to get refugee status at appeal, yet they were previously forced into a period of destitution.

Survey participants estimated the total time they had been destitute - this ranged from a few days to 6.5 years. Those claiming asylum in 2001-06 and refused asylum seekers were destitute longest (Table 1). Interviewees also had long spells destitute - 7 years for one man.

**Table 1: Total time destitute (years)**

	Average	Maximum
All	1.5	6.5
Men	1.4	6.5
Women	1.6	6.0
Status - claim not decided	1.2	4.0
Status – refugee	.6	3.0
Status - refused asylum	1.7	6.5
Year of claim 2001-06	2.3	6.5
Year of claim 2007-09	1.3	5.0
Year of claim 2010-12	0.6	2.0

**COPING WITH DESTITUTION**

The Home Office argues that refused asylum seekers do not need to be destitute - they can return to their country of origin. However, this is a complex issue that people often cannot control, as one advice worker highlighted:

*“The United Nations say... do not return those clients’ so they are in a limbo. They are neither returning to their countries nor (do) they get support in here.”*

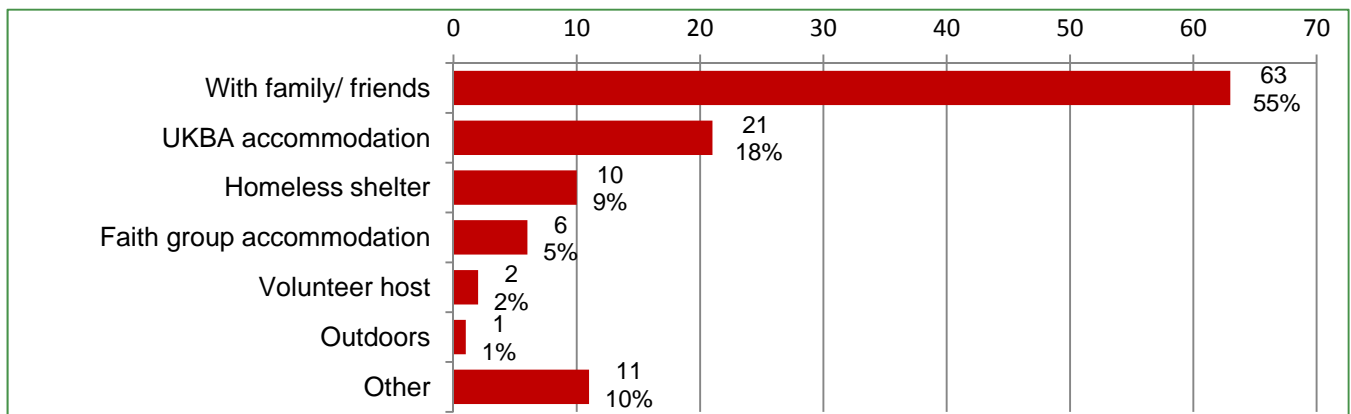
Thousands of asylum seekers are left with no legitimate means of support. Their strategies to cope with destitution often involve relying on friends, charity and family. They are also more open to exploitation and abuse.

**Somewhere to live**

Most survey participants stayed with friends or family the night before the survey, while 18% had their own UKBA accommodation (Figure 5).

The charity Ypeople housed asylum seekers under contract to the UKBA until autumn 2012. They allowed refused asylum seekers to stay longer than the statutory period of 21 days after their support stopped. This helped some to avoid homelessness.

**Figure 5: Where survey participants slept the previous night**



Friends, church or other networks provided accommodation for most interviewees - only one lived with other family members and 3 had UKBA accommodation. Living conditions affected the health of some and four had experience of rough sleeping. Some interviewees were more settled, but others had to move regularly:

*“The people are very nice really... Some of these people are not that well off... Some, they can only accommodate you for a while because they’ve got families.”*

Support services expect the new housing contractor, Serco, to keep to the UKBA contract and evict refused asylum seekers after 21 days, so they will face homelessness as well as destitution.

### **Food, money and clothes**

Once destitute, interviewees had few opportunities to get money. One man tried informal work, but did not get paid. Some who were accommodated by friends or volunteers also had meals with the families, but others only had somewhere to sleep and needed to find food for themselves. Churches and charitable organisations provided most food and clothes. Clothing concerned most interviewees, particularly more personal items:

*“They have to give me money for bras and pants. It’s very difficult because nobody gives me any money. I have to ask the Red Cross for sanitary wear.”*

### **Access to services**

Interviewees struggled to find their way around services. Most had a GP, but found access to secondary health care more difficult, particularly when homeless. Most had used education services and wanted to do further education. But destitution made it difficult to attend college due to the pressures of meeting basic needs of food and shelter:

*“I have lots of friends here... they can’t be thinking about it, you know because, for the study and going to college, you need the free mind.”*

### **Social and emotional impact**

Interviewees were very grateful to have somewhere to stay, but it could be a strain:

*“You live in someone’s house... You know every time you have to hold yourself and try to think: do they like what I am doing... because they might throw me out of their house... I have to do what’s expected of me. I have got no choices. I would say all choices are lost to me.”*

Keeping in touch with family was important and difficult, often because of the infrastructure in home countries or the cost of phoning. Some families were dispersed - one man did not know where his family was and two women had been separated from their children for many years.

Coping with destitution became harder with time, but some had strategies to keep busy and positive. This included routines such as daily exercise and volunteering:

*“When the Red Cross gives me a client, I feel like if I can’t do anything for myself, I can do a bit for other people.”*

### **Health**

Interviewees had a range of health problems and injuries sustained before coming to the UK. Only two said they had mental health problems, but all had low scores on a mental wellbeing scale. Support services thought services for people with severe mental health issues were not adequate and they struggled to manage without help, e.g. to maintain a tenancy or negotiate the asylum support system.



## UKBA and the asylum process

Interviewees could not understand the way they and other asylum seekers had been treated or how having no legitimate means of support was helpful to the government or wider society. Advice and support providers had little confidence about new advice and claims processing arrangements in the UKBA.

## Changes to the asylum system

Asked what they would change about the asylum system if they made the rules, interviewees wanted dignity:

*“Have mercy on the asylum people and free the asylum seekers. They are people, they need to live life, a normal life.”*

Several thought people in the asylum system should get a NI number and permission to work, others said they need some support until they can return home or get status, instead of being left unable to act for themselves as now.

## Next steps and hopes for the future

Interviewees were at different stages with appeals or gathering information for fresh asylum claims. The basis for two of these was the length of time they have been in the UK:

*“My lawyer said I’ve got quite a good chance if I could get some letters from friends, from volunteer workplaces, from everywhere I’ve been supporting, you know, which could show that I’m with people, I live with people.”*

In spite of how they felt about their treatment, some interviewees want to stay in the UK. Others could see no end to their current impasse. Some would

return home if things improved, but destitution in the UK made this prospect harder. Such questions took second place to coping day to day with destitution.

## CONCLUSIONS

No-one can say with certainty how many destitute asylum seekers are in Scotland today, particularly refused asylum seekers who are missing from official statistics. However, this research indicates that hundreds of people live in Scotland, trapped in destitution.

Interviewees hoped for a better life where their human rights would be respected, but they felt they have been treated very harshly. The UKBA has cut asylum support and resources for support services. Funding cuts mean services supporting destitute people face growing demand, but reduced capacity.

Better quality decision making and fewer procedural problems could reduce the risk of destitution in the asylum process. However, refused asylum seekers will continue to be destitute and homeless until rules are changed. For now, they can be left for years, trapped in destitution, often unable to return to their home country.

The existence of such extreme poverty in Scotland should be a focus of public policy concern and action to minimise its existence and mitigate its effects. The presence and plight of refused asylum seekers needs to be a stronger focus of debate based on facts rather than assumptions and misperceptions.

Many individuals, groups and communities already do a lot to help people when they lose their income or their home. Tackling destitution and redressing the damage it does is a large task. Until a fairer system emerges, a more concerted response is needed urgently across public, voluntary and community sectors.







## **SHORT-TERM RECOMMENDATIONS**

**Asylum support rates:** The government should restore the link between asylum support and Income Support. The level of support should be in cash and no less than £45 a week for single adults or 70% of Income Support, adjusted annually in line with Income Support or equivalent benefit rates.

**Existing system of support:** Better systems within and collaboration between agencies (e.g. UKBA and Jobcentre Plus) should be addressed urgently to minimise unnecessary experiences of destitution because of administrative inefficiencies.

The 28-day period for transition from asylum support to mainstream benefits should be extended to at least 2 months.

The UKBA should allow all asylum claimants arriving in Scotland to submit their initial asylum claims in Scotland and legacy applicants should be able to lodge fresh submissions by mail. In the interim, UKBA should support travel costs to Liverpool and Croydon.

**Homelessness:** The UKBA should acknowledge and respond to the financial strain placed on organisations preventing street homelessness in Scotland. The UKBA, Jobcentre Plus and housing providers should co-ordinate services better to ensure more effective transitions in housing

provision and minimise the risk of homelessness. Meantime, refused asylum seekers and refugees should be allowed to remain in their accommodation.

**Release from detention:** Detention centres and UKBA should improve communication to ensure emergency support and accommodation is available for detainees, immediately at the point of release. Detention systems should ensure that all confiscated documents are returned to people at the point of release.

**Pregnant women and new mothers:** Additional needs for pregnant women should be recognised at an earlier stage in the asylum system and access to resources and support provided in line with current practice for the wider community. Asylum support for new mothers should reflect fully the cost of raising a child and it should take the form of cash rather than vouchers.

**Decisions about protection:** The UK Government should adopt a more inclusive approach to its assessment of who is in need of protection by: recognising that country policies are sometimes unhelpfully restrictive; and granting more people asylum or humanitarian protection and considering a temporary status for others who need it. In particular, as identified, a large proportion of those refused asylum come from a relatively small number of countries. Identifying improvements in

*the way decisions are made about claims for protection from these countries and reassessing the scope to include them would significantly reduce the number of refused asylum seekers.*

## **LONG-TERM RECOMMENDATIONS**

**End-to-End Support:** *Continuous support (including accommodation and a system of cash payments) should be provided to support people through all stages of the asylum system. Asylum support should continue until people are either granted status or leave the UK.*

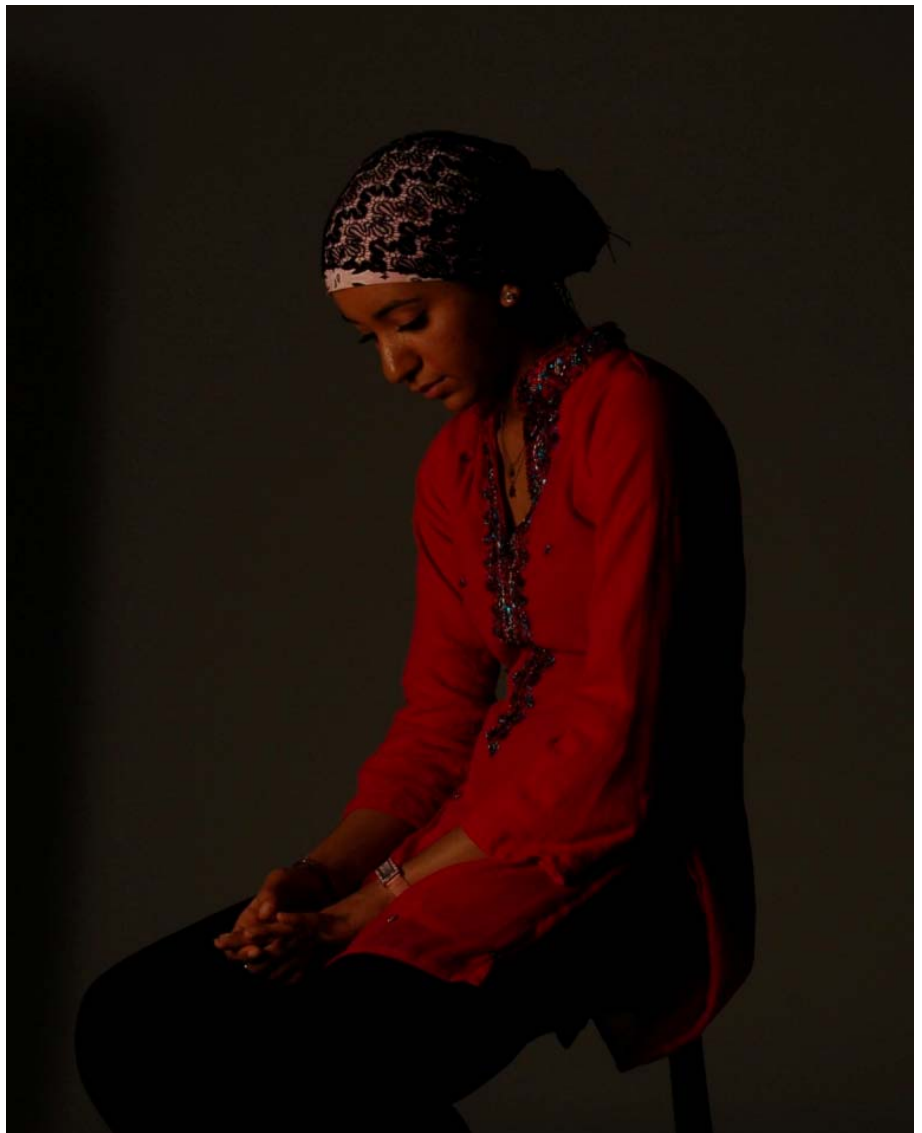
**Decision making on asylum support:** *The UK government should consider the case for separating decision making in the asylum system from support, with an emphasis on achieving fairer and more humane treatment of asylum seekers.*

**Right to Work:** *Asylum seekers should have the right to work if they remain in the UK for 6 months or more. This should apply whether they are still awaiting a decision or refused but unable to return home.*

**Culture change and public opinion:** *Refugee Survival Trust, British Red Cross and Scottish Refugee Council should continue to promote accurate information about asylum seekers and develop resources to help services respond effectively to inaccurate portrayals or media coverage of asylum.*

*The media and politicians should undertake to present balanced and accurate information about asylum seekers and make use of existing guidance.*

*The Scottish Government should continue to provide access to services and support for asylum seekers to the extent that legislation allows and seek ways to maximise this to prevent or mitigate destitution and homelessness.*



## Research and Policy Development

Suggestions for further research and policy development include:

- Further research to inform policy and support for asylum seekers on the effects of destitution and a better understanding of the scale and longer-term outcomes in Scotland.
- Further work to build evidence of the costs and benefits of the existing asylum support system and the alternative of end-to-end support.
- Evidence of the social and economic value of extending the right to work to people in the asylum system and assessment of the relevance of a time threshold.

## References

<sup>1</sup> Section 95 support is paid to asylum seekers who have submitted their asylum claim using an Application Registration Card to collect cash from a Post Office.

<sup>2</sup>Section 4 support is paid in specific circumstances to destitute people refused asylum. It includes accommodation which must be allocated before a voucher card is issued to use in specified stores (the person receives no cash)

<sup>3</sup>Home Office (2012a) *Asylum Briefing (and associated tables)*, London: Home Office. Available at:

<http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/immigration-asylum-research/immigration-q1-2012/asylum-q1-2012>

<sup>4</sup>Asylum Support Appeals Project (2012) *Section 4 judgement R (MK and AH) v Secretary of State for the Home Department [2012] EWHC 189*, web page, available at:

[http://asaproject.org/web/index.php?option=com\\_content&view=article&id=206:section-4-delay-policy-ruled-unlawful&catid=41:latest-news&Itemid=72](http://asaproject.org/web/index.php?option=com_content&view=article&id=206:section-4-delay-policy-ruled-unlawful&catid=41:latest-news&Itemid=72)



## About the research

This research aimed to assess the scale and nature of destitution amongst people in the asylum system in Scotland in 2012 and provide new insights into the causes and impacts of destitution. It defined people as destitute, regardless of their status, if they had no access to benefits, UKBA support or income and were either street homeless or staying with friends only temporarily, or had accommodation but no means of sustaining it. Methods included:

- analysis of RST's grants programme
- A focus group with advice/ support workers
- A survey of 115 destitute people in 11 advice and support services (5<sup>th</sup> to 11<sup>th</sup> March 2012)
- Interviews with 6 men and 6 women with experience of longer term destitution
- Scottish Refugee Council case notes
- A workshop with stakeholders, including asylum seekers, to discuss recommendations





## **Trapped: Destitution and Asylum in Scotland**

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**The full research report and this summary are available to download at:**

<http://www.rst.org.uk/knowledge/research/>

**Contact RST on: 0131 243 2660**

**Photographs:** All photography by Becky Duncan at [beckyduncanphotography.com](http://beckyduncanphotography.com)

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