

# Regional Asylum Activism Briefing

## Asylum-related Destitution: What is it?



People seeking asylum are excluded from claiming mainstream welfare benefits and in most cases from working. They can access support from the Home Office in the form of housing and/or basic living expenses while in the UK. There are two main support packages: Section 95 and Section 4 (see below for details). Applicants for support must prove that they are unable to support themselves, and are currently destitute or will be at risk of destitution within 14 days. According to the 1999 Immigration and Asylum Act, an asylum seekers is considered to be destitute if:

- 1) **They do not have adequate accommodation or any means of obtaining it** (whether or not their other essential living needs are met), **or**
- 2) **They have adequate accommodation or means of obtaining it, but cannot meet other essential needs.**

**Section 95** can take the form of subsistence only (i.e. cash only support) or if the person seeking asylum does not already have access to adequate accommodation, accommodation and subsistence support. Since August 2015, all asylum applicants receive the same weekly payment regardless of age. This amounts to a weekly cash payment of £36.95. Support is withdrawn 21 days after receiving a negative decision on an asylum application (if no appeal is filed), or 28 days after receiving a positive decision.

**Section 4** is a heavily conditional form of support provided for those who have had their asylum claim refused and are exhausted all appeal rights. For a single adult this amounts to a weekly allowance of £35.39 on a pre-loaded Azure card and compulsory accommodation. In order to be eligible for Section 4 support, the individual must not only prove that they are destitute, but also that they are unable to return to their country of origin through no fault of their own (e.g. medical reasons, no viable route of return, trying to obtain documents to return, filing a fresh claim, outstanding judicial review).

	Mainstream Income Support	Section 95	% of Mainstream	Section 4	% of Mainstream
Single Adult (16-24)	£57.90	£36.95	64%	£35.39	61%
Single Adult (25+)	£73.10	£36.95	50%	£35.39	48%
Couple, no children	£114.85	£73.90	64%	£70.78	62%

Many organisations and charities have reported that neither Section 95 nor Section 4 support allow those in the asylum process to meet their essential living needs. [Refugee Action's research](#) revealed that the majority of their respondents struggled to feed themselves and their children, and could not afford essential items including clothes, shoes or medicine, even when on support. To date, [97 MPs have signed an Early Day Motion](#) calling for support rates to be increased.

However, those in receipt of Section 95 or Section 4 support are lucky in comparison to those who are forced into destitution. The British Red Cross and other charities provide emergency support to thousands of destitute asylum seekers and refugees every year; in the first six months of 2014 alone, the British Red Cross

delivered emergency provisions and/or destitution support to 1,029 individuals across Yorkshire and Humberside.

The [Joint Parliamentary Committee on Human Rights in 2007](#) stated that the government was enacting a 'deliberate policy of destitution' of asylum seekers. Today, destitute asylum seekers are still living hidden lives among us, homeless and hungry in our cities and our neighbourhoods. This is, in the words of the [British Red Cross](#), a humanitarian crisis on our streets.

## How Does a Person Who is Seeking Asylum Become Destitute?

### Refused Asylum Seekers

The majority of asylum-related destitution is experienced by those who have had their asylum claim refused, are appeal rights exhausted and deemed to have no recourse to public funds. However, there are a number of reasons why refused asylum seekers are unable, or unwilling to return to their countries of origin:

- Unreliable decision-making by the authorities and asylum seekers' limited access to good legal advice means that many reach the end of the process without their protection needs being recognised. Over the last 3 years, more than **25% of initial decisions to refuse asylum in the UK have been overturned on appeal**. Appeal success rates are even higher for women: **between 35 – 41%** ([Home Affairs Select Committee Report on Asylum, 2013](#)).
- Temporary support for refused asylum seekers at risk of destitution is only normally granted if the individual is making 'reasonable steps' to leave the UK. **As many refused asylum seekers have very real fears of persecution in their countries of origin, many do not apply for [Section 4](#)**.
- **Some asylum seekers cannot return to their country of origin due to no fault of their own**. Stateless individuals have no country to return to, whilst others have difficulties accessing the necessary travel documents from their governments.
- **Many asylum seekers come from countries where there is conflict, generalised violence and/or well documented human rights violations**. Whilst they may not meet the narrow criteria for refugee status, they still hold very real fears for their safety in these countries. In some cases, the Courts have stated that it is not safe for these people to return home even though the Government has not granted them asylum. For example, **between 2002 and 2011, the government refused protection to thousands of Zimbabwean asylum seekers, but did not forcibly return any of them because it was not safe to do so**.

*DASH, Destitute Asylum Seekers Huddersfield, reports that in 2012/13, 22 people who received substantial support from DASH have been given leave to remain. 20 of them had previously been refused asylum – some several times. Two families had been here eleven years before receiving leave to remain.*

### Destitution in Other Parts of the Asylum Process

Moving from one stage of the asylum process to another can often result in destitution. Equally, some asylum seekers are wrongly refused support when making an initial claim (Section 95 support) and when trying to access support after a refusal (Section 4 support). In 2012, the [Asylum Support Tribunal](#) reported that 50% of oral and paper appeals against the refusal of support were either allowed or remitted. With legal representation, this grew to 66%.

Those who are granted refugee status are also at risk of falling into destitution. After receiving a positive decision, newly granted refugees are given 28 days before their support and accommodation is withdrawn. In this time, they are expected to find accommodation, work, or access mainstream benefits. A [recent Red Cross report](#) found that accessing mainstream benefits takes substantially longer than the 28 day 'grace' period after a positive decision. In this interim period, many refugees are forced into destitution.

*Since the Red Cross started providing advocacy and advice services in Barnsley, every client that has accessed the programme for move-on support has experienced destitution during the transition period.*

## What are the Effects of Destitution?

With no permission to work, and no access to public funds, people who have come here to seek protection from persecution are forced to rely on Charities, faith groups, family or friends for food, shelter and other basic necessities. If people do not have access to these safety nets, they face the indignity and fear of life on the streets. Destitution has incredibly damaging effects on the physical and psychological health of people seeking asylum. It places many individuals at risk of exploitation and can force them to use survival strategies such as illegal working and prostitution. This causes unnecessary suffering for the individual, but also has an effect on the wider community.

- A 2012 report on the [health needs of homeless individuals](#) in the UK found that being homeless for even a short period of time increases the risk of long term health problems. The Royal College of Psychiatrists has stressed that “the psychological health of refugees and asylum seekers currently worsens on contact with the UK asylum system.”<sup>1</sup>
- Asylum seekers and refugees are among the highest risk categories for suicide in the UK ([Refugee Council, 2006](#)).
- The Asylum Support Appeals Project’s analysis of 55 cases of refused asylum seekers in 2011 found that 45% had mental or physical health problems.
- It is important to stress that nearly 50% of all asylum seekers are eventually given some form of protection in the UK. The impact of having to subsist on inadequate support for prolonged periods of time is likely to have a negative impact on their ability to integrate quickly and play a productive role in the economy and wider society, with significant cost implications.
- [Research conducted by academics at the Universities of Leeds and Salford](#) found that the experience of destitution is a primary catalyst for asylum seekers and refugees engaging in exploitative and precarious work.
- Research conducted by [Women for Refugee Women](#) revealed that many destitute asylum seeking-women felt forced into transactional relationships as a means of survival. 18% of their respondents stated that they had worked unpaid in return for food, 10% had worked illegally, and a number had experienced sexual and physical violence when destitute.

*F. arrived in the UK in 2008 and claimed asylum in Liverpool. She is a young Eritrean woman and speaks Amharic. She waited one year for a decision, and was finally refused asylum in 2009 as the Home Office claims she is, in fact, Ethiopian.*

*She attempted to return voluntarily to Eritrea, but they rejected her request because she did not have the necessary travel documents. She has now been stuck in limbo, destitute in the UK, for over 4 years. She suffers from depression and anxiety, exacerbated by the fact she has been unable to contact her young son for the last 5 years. She survives thanks to the generosity of citizens in Wakefield.*

*“It wasn’t what happened to me in my home country which broke me. It was what happened to me here. That was what broke my spirit.”  
(Refused: The Experience of Women Denied Asylum in the UK)*

<sup>1</sup> The Royal College of Psychiatrists (RCP), Improving services for refugees and asylum seekers: position statement, Summer 2007.

## Why is Destitution a Local Issue?

We believe that destitution in our local towns and cities has a negative effect on local communities, as well as having a damaging effect on individuals. Charities, faith groups, local authorities and generous local people **are already doing a lot to help people seeking safety to settle and integrate, and are also unfairly forced to carry the burden to care for vulnerable people who have been let down by the Home Office.**

- In most cases, Local Authorities are not allowed to provide support and assistance to asylum seekers at risk of destitution. For example, they cannot refer them to local Night Shelters. As preventative care is always more cost effective than late-stage intervention, the current situation creates a number of indirect costs felt at a local level.
- Refused asylum seekers who have no recourse to public funds are in some cases eligible for support from local councils because the council has a statutory duty to support them. This is often if they have a severe physical or mental health issue, or have children in need of care. This means that local councils are footing the bill.

In the words of the [National No Recourse to Public Funds Network](#), “the financial burden of providing support to [destitute asylum seekers] lies disproportionately with local authorities who have little control over [the asylum] decision making process.”

People seeking safety in the UK are routinely forced into poverty and homelessness for prolonged periods of time. Many of these people will eventually be given status and become members of our communities. Whilst decisions are made nationally, the effects of destitution are felt locally, including increased pressures on local Charities, food banks and a range of local statutory services (e.g. health). This is a crisis that needs to be resolved at a national level.

## What is the solution?

There are four main things that can help end asylum-related destitution:

- Improve decision making to ensure protection for all those who need it;
- Ensure all asylum seekers are provided with sufficient support to meet their essential living needs while they remain in the UK;
- Ensure free access to healthcare for all asylum seekers while in the UK;
- Grant asylum seekers permission to work if their cases are not resolved in six months or they have been refused but cannot be returned through no fault of their own (e.g there is no viable route of return, their government will not issue travel documents, or they are stateless).

These solutions are already endorsed by Still Human Still Here, a coalition of over 70 organisations, including the Church of England and Catholic Archbishop Conferences, Crisis, Oxfam, the Red Cross, Refugee Action and several local Councils.

To date, 13 Councils across the country have passed motions that express concern with current government policies that force those seeking sanctuary in the UK into destitution. These include: Manchester City Council, Leicester, Coventry, Swansea, Kirklees, Liverpool, Oxford, Leeds, Bradford, Glasgow, Cambridge, Bristol, and Sheffield.

For further information, please check out our website: [www.regionalasylumactivism.org](http://www.regionalasylumactivism.org)

Or contact your Local Regional Asylum Activism Co-ordinator

North West || **Estelle Worthington** || [northwest@regionalasylumactivism.org](mailto:northwest@regionalasylumactivism.org)

Yorkshire and Humberside || **Lorna Gledhill** || [yandh@regionalasylumactivism.org](mailto:yandh@regionalasylumactivism.org)

