

Briefing on the permission to work amendment

On 9 March 2016, during Report Stage of the Immigration Bill, the House of Lords passed an amendment by 280 votes to 195 which would grant asylum seekers permission to work if a decision has not been taken on their asylum application within the Home Office target time of six months.

This amendment will now be debated in the House of Commons when the Bill completes its passage through the House of Lords in mid-April. This briefing addresses the main arguments made by the Government against this amendment in the House of Lords.

The policy will lead to an increase in unfounded applications

During Committee, the Government repeated its long held position that “Earlier access to employment risks making asylum more attractive for those who are otherwise not eligible to work in the UK.”

The Government’s position is based on speculation. The Government itself previously conceded that “it may be broadly true” that “there is little hard evidence that the change you propose (to allow asylum seekers to work after six months) would result in more asylum applications.”¹

In fact, all the available evidence suggests that permission to work does not act as a pull factor for asylum seekers or economic migrants. This is reflected in Home Office’s own research and was confirmed by a review of the 19 main recipient countries for asylum applications in the OECD in 2011² which concluded that policies which relate to the welfare of asylum seekers (e.g. permission to work, support levels and access to healthcare) did not have any significant impact on the number of applications made in destination countries.

Furthermore, twelve other EU countries already allow asylum seekers access to the labour market after six months or less of waiting for a decision on their claims. These countries are Austria, Belgium, Cyprus, Finland, Germany, Greece, Italy, Netherlands, Poland, Portugal, Spain and Sweden.³ The vast majority of these countries have had these policies in place for many years and none of them have had to change the policy because of any abuse of the asylum route by economic migrants.

At Committee, the Government noted that Germany has the largest number of asylum applications in the EU and a significant number of applications from countries from the Balkans who generally do not merit refugee status, and sought to indicate that this was connected to its policy on permission to work. However, the reason Germany has the most asylum applications in the EU is because of its Government’s publicly stated willingness to

¹ Letter from Earl Attlee to Lord Roberts, 31 March 2014.

² Hatton, T. *Seeking Asylum: Trends and policies in the OECD*, Centre for Economic Policy Research, 2011.

³ Information taken from the European Commission, SEC(2008)2945 and from a more recent Ad-Hoc Query on access to the labour market for asylum seekers compiled by the European Commission on 14 February 2013.

keep its borders open and to provide protection to those refugees fleeing conflict and persecution. Furthermore, the significant number of asylum applications from Balkan countries long predates Germany's decision to reduce the time asylum seekers had to wait before being able to access the job market to three months.

In reality, those motivated to come to the UK for economic reasons are unlikely to make an asylum application and bring themselves to the attention of the authorities on the basis that they might be able to apply for permission to work after six months.

Even if this were the case, they would never have an opportunity to do so as the Home Office decides all straightforward claims within six months - a point that was stressed by the Government repeatedly during Committee.

In summary, the Government itself accepts that there is no evidence that the policy change proposed by this amendment would lead to an increase in unfounded applications. It has also stated that all straightforward cases, which would clearly include unfounded asylum applications, would be dealt with within six months and therefore would not have an opportunity to apply for permission to work.

Is the current policy fair and proportionate?

Lord Ashton stated at Committee that "The Government believe that the current policy strikes the right balance. If a claim remains undecided after 12 months, for reasons outside their control, the person can apply for permission to work. That is a fair and reasonable policy and is consistent with our obligations under EU law. It also assists genuine refugees."

The Government's current policy does not strike the right balance. Twenty four other EU countries allow asylum seekers to access their labour markets if an initial decision has not been taken on their claim after nine months and half of these countries allow asylum seekers to work after six months or sooner.

In contrast, the UK Government effectively prohibits asylum seekers from ever working because, even after 12 months, they can only apply for jobs on the shortage occupation list, which are for skilled jobs where there is an identified national shortage. Even if an asylum seeker had the requisite skills for such a job, it is unlikely that they would be able to secure it as they would have to have their existing qualifications recognised and they may well have become de-skilled in the year or more that they have been unemployed.

Once again this is not the policy in many other European countries, for example Belgium, Latvia, Norway, Poland, Spain and Sweden all allow asylum seekers to work in any job, including being self-employed, once they are granted permission to work.

Nor does the current policy "assist genuine refugees". More than half of all asylum applicants are currently provided with protection in the UK, either after the initial decision or on appeal. The process of integration for these people begins when they arrive in the UK, not when the Government recognises them as a refugee and gives them permission to stay. An extended period of exclusion from the labour market can have a long term impact on refugees' ability to find employment.

Conversely, early access to employment increases the chances of smooth economic and social integration by allowing refugees to improve their English, acquire new skills and make new friends and social contacts in the wider community - all of which help to promote community cohesion. The vast majority of asylum seekers want to work and contribute to society and are frustrated at being forced to remain idle and dependent on benefits.

Finally, it must be stressed that asylum support payments are set at rates which force asylum seekers to live well below the poverty line. They receive just over £5 a day to pay for food, clothing, toiletries, transport and any other essential living needs while their application is being considered (housing and utility bills are paid for separately for those who need it).

Asylum seekers who have to survive solely on this level of support for extended periods of time will generally suffer a negative impact on their mental and physical health. At the end of 2015 more than 3,600 asylum seekers had still been waiting more than six months for an initial decision on their claim, despite Lord Ashton's assurance at Committee that "the delays that have happened before have been brought under control".

Furthermore, the Home Affairs Committee stated in its most recent report on the work of the Immigration Directorates that it was "concerned that the department may not be able to maintain the service levels it has set itself on initial decisions for new asylum claims within 6 months. To do so may require further funding and resources."

In these circumstances, the current policy cannot be described as "fair and reasonable" and we believe the Government should provide asylum seekers with a route out of poverty and an opportunity to restore their dignity by providing for themselves if their claim has not been decided within six months.

Summary of main argument in favour of granting permission to work after six months

Allowing asylum seekers who have been waiting six months for a decision on their cases to work has several benefits:

- It provides asylum seekers with a route out of poverty. More than 3,600 asylum seekers have currently been waiting more than six months for an initial decision on their cases and surviving on just over £5 a day.
- It reduces the burden on the taxpayer as asylum seekers who are able to work will not need to be supported for extended periods and instead can contribute to the economy through increased tax revenues and consumer spending. It also safeguards their health and prevents them from having to resort to irregular work.
- It avoids the negative consequences of prolonged economic exclusion and forced inactivity (e.g. poverty, detrimental impact on mental health and self-esteem, break up of marriages and families, etc.).
- Other EU countries allow asylum seekers to work after nine months and 12 of them grant permission to work after six months or less if a decision has not been made on their asylum application.

- For those asylum seekers who are eventually given permission to stay, avoiding an extended period outside the labour market is key to ensuring their long term integration into UK society and encouraging them to be self-sufficient.