




Section 3

What happens when  
we refuse people  
**sanctuary**





CHAPTER 6 Destitution of  
**refused asylum**  
seekers

*I couldn't go on living in  
destitution – I have words to  
describe what life was like for  
me at that time.”*

# 1. Support for refused asylum seekers

*The Immigration and Asylum Act 1999 defines a person as destitute if they do not have adequate accommodation or any means of obtaining it (whether or not their other essential living needs are met)*

If an asylum seeker's claim is refused they are granted a 21 day period of Home Office asylum support, after which they effectively become refused asylum seekers pending removal.<sup>1</sup>

## 1.1 Section 4 support

In some cases a type of support known as Section 4 or 'hard case' support is provided to asylum seekers whose application has been refused, but who are destitute and have reasons that temporarily prevent them from leaving the UK. However, groups have contested the grounds by which an asylum seeker is deemed to be destitute. In its submission to the Commission, the Asylum Support Appeals Project suggests that:

*"ASAP's experience shows that when considering applications for Section 4 support, BIA will often apply a much harder test than the regulations require, particularly if the applicant has been without support for some time."*

### **Submission: ASAP**

Circumstances in which an asylum seeker is eligible for Section 4 support include being unable to leave the UK due to physical impediment; in cases where there is no viable route of return; where an applicant is in the process of judicial review and in cases where the provision of support is necessary to avoid a breach of an applicant's human rights. Furthermore, an asylum seeker must demonstrate that they are taking reasonable steps to leave the UK in order to qualify for support, for example by signing up to the Voluntary Assisted Return and Reintegration Programme (VARRP) or by contacting their embassy and requesting travel documentation.<sup>2</sup>

An asylum seeker applying for Section 4 support has to accept both subsistence and accommodation, unlike in other Home Office provisions where applicants have the right to claim subsistence-only support. Accommodation provided under Section 4 consists of either shared self-catering accommodation or full board. Asylum seekers housed in self-catering accommodation are given £35 per week in vouchers to cover the cost of food and other basic essential items. The provision of Section 4 support, similarly to other Home Office asylum support, is dependent on an asylum seeker adhering to specified reporting conditions.<sup>3</sup>

Home Office figures indicate that in September 2007 9,500 applicants excluding dependants were receiving Section 4 support. Iraqi nationals accounted for the highest number of refused asylum seekers in receipt of Section 4 support; 3,225 or 34% of the total number supported.<sup>4</sup>

## 1.2 Problems with Section 4

A number of problems were identified with the functioning of this provision and the suitability of the support. First, upon receiving notification that the application has been refused, asylum seekers are not automatically provided with Section 4 support nor are they informed in the same

1 Joint Council for the Welfare of Immigrants (2006) *Immigration, nationality and refugee law handbook*  
 2 Home Office (March 2005) *Policy Bulletin 71 – Section 4*  
 3 Joint Committee on Human Rights (March 2007) *The treatment of asylum seekers, Tenth report of session 2006-7*  
 4 Home Office (2007) *Asylum Statistics: 3rd quarter 2007, UK*

document that they have the right to apply for it. Consequently, many asylum seekers are vulnerable to destitution while awaiting a decision on their application for support under Section 4, while others who become destitute are unaware that this support exists. The latter experience can be exacerbated where Home Office support caseworkers assume that if an individual has survived without support for a prolonged period (for example between receiving support during an initial asylum application and applying for Section 4 support) that person must have access to alternative support.<sup>5</sup>

To receive support under Section 4 a refused asylum seeker has to satisfy one of the following five criteria. They must:

- i) be taking all reasonable steps to leave the UK
- ii) be unable to travel due to illness or physical impediment
- iii) have no viable route of return to country or origin
- iv) have made a claim for judicial review of their asylum claim
- v) or, the provision of support must be necessary to avoid a breach of the individual's rights under the Human Rights Act 1998

These criteria reflect the fact that people on Section 4 are theoretically awaiting removal from the UK. Many asylum seekers do not apply for Section 4 support because they fear that they will be automatically returned. Yet, as the second and third criteria demonstrate, this is not necessarily the case. Furthermore, the fifth criterion is included to allow the provision of support to people who have submitted a fresh claim for asylum which contains new information. There is evidence to suggest that this final condition is not sufficiently advertised nor effectively administered. Firstly, the NAM Case Owner's handbook does not make it clear that refused asylum seekers submitting a fresh claim are entitled to support under Section 4.<sup>6</sup> Secondly, there is evidence that in some cases Asylum Support Tribunals have suggested that individuals do not satisfy this condition on the basis that the claim may be rejected rather than on the absence of new information within the claim. In this respect, the Asylum Support Appeals Project (ASAP) suggests that the role and jurisdiction of asylum support staff has been confused with that of the asylum determination staff.<sup>7</sup>

In addition to the lack of clarity of the legislation, refugee advocacy groups also question the suitability of Section 4 support. Since April 2005, subsistence support available under Section 4 has been provided exclusively in vouchers. As noted above, a number of concerns have been raised about the suitability of this arrangement, including:

- paying in vouchers can stigmatise individuals and leave them vulnerable to harassment from shop assistants and customers;
- those paying in vouchers cannot receive change, which can mean losing a portion of Section 4 support or purchasing items that are not really required;
- vouchers are often only accepted for certain types of products considered as essential, preventing individuals from purchasing other goods or services such as basic medication, shoes and clothes, transport and phone cards;

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Food parcel provided by a charity

5 Home Office (August 2006) *Asylum Support Policy Bulletin 4*  
 6 Joint Committee on Human Rights (March 2007) *The treatment of asylum seekers*  
 7 Asylum Support Appeals Project (2007) *Failing the Failed?*; Citizens Advice Bureau (2006) *Shaming Destitution*



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- an informal market for these vouchers has emerged with buyers paying those in receipt of the vouchers only a fraction of their face value.<sup>8</sup>

There are also concerns about the allocation of accommodation provided under Section 4. As this support is intended to be emergency support pending an individual's removal from the UK, the housing stock allocated to Section 4 has proven to be insufficient. The Citizens Advice Bureau and ASAP cite evidence of delays in the allocation of accommodation, leaving individuals homeless after eviction from accommodation they have occupied for the duration of their asylum claim.<sup>9</sup> There is also considerable evidence that accommodation standards are inadequate, with properties suffering from lack of heating and hot water or being dirty and damp.<sup>10</sup>

### 1.3 Procedural delay, administrative error and poor decision making

Applications for Section 4 also suffer from delay and errors. In all the locations where research has taken place on destitution these are seen as the primary cause. This was most starkly the case in the study of applications to the Refugee Survival Trust (RST) in Glasgow, where they accounted for 52% of examples of destitution. Problems included delays in support following dispersal, support being incorrectly terminated, faulty application registration cards and vouchers not arriving at the correct address.<sup>11</sup> However, more recent research by the Asylum Support Appeals Project (ASAP) found that around 80% per cent of decisions relating to the provision of Section 4 support contained misapplication of the law or policy.<sup>12</sup>

*“We are aware, for example, of one man with polio who has to regularly walk around five miles in order to use his vouchers.”*

**Submission: Positive Action for Refugees and Asylum Seekers**

### 1.4 Gaps and inflexibility in support structures

It has been argued by refugee advocacy groups that the support provided to asylum seekers at various stages of their claim is not organised in a joined-up manner. There are examples of destitution amongst asylum seekers whose claims had been refused and were in the process of applying for and awaiting a decision on Section 4 support, as the Home Office had no obligation to provide accommodation in the period between one form of support ending and another commencing.<sup>13</sup> The support system that is currently in place for asylum seekers is often incapable of adapting to a change in people's circumstances such as a new address or marital status. As the lives of asylum seekers become increasingly complex as a result of dispersal or the relocation of asylum facilities,<sup>14</sup> the system has found it difficult to cope.<sup>15</sup>

8 Taken from **Asylum Support Appeals Project** (2007) *Failing the Failed?*; **Citizens Advice Bureau** (2006) *Shaming Destitution*; **Oxfam** (2000) *Token Gestures*

9 **Asylum Support Appeals Project** (2007) *Failing the Failed?*; **Citizens Advice Bureau** (2006) *Shaming Destitution*

10 **Lewis, H.** (2007) *Destitution in Leeds*

11 **Refugee Survival Trust and Oxfam** (April 2005) *What's Going On?*

12 **Asylum Support Appeals Project** (2007) *Failing the Failed?*

13 **Refugee Action and Leicester Refugee and Asylum Seekers' Voluntary Forum** (June 2005) *A report of destitution in the asylum system in Leicester*

14 A particular example is the closure of the facility to apply for asylum in Glasgow. Asylum seekers arriving in Scotland have regularly sought support from the RST for travel costs to Liverpool, where they can claim asylum. See **Refugee Survival Trust and Oxfam** (April 2005) *What's Going On?*

15 **Refugee Survival Trust and Oxfam** (April 2005) *What's Going On?*

## 2. Destitution of refused asylum seekers

### 2.1 Evidence of destitution

The Immigration and Asylum Act 1999 defines a person as destitute if they do not have adequate accommodation or any means of obtaining it (whether or not their other essential living needs are met); or they have adequate accommodation or the means of obtaining it, but cannot meet other essential living needs.<sup>16</sup> Some organisations define destitution as the inability to access statutory support mechanisms; others define it by an individual's reliance on friends, family and charitable groups for basic subsistence and/or accommodation. It has also been defined by its symptoms or effects, such as homelessness.

Accepting a wide definition of destitution, a number of recent studies have highlighted evidence of destitution among refused asylum seekers and, to a lesser extent, asylum seekers still awaiting the outcome of their claim. Numerous local or regional studies have been conducted, including research in Leicester,<sup>17</sup> Birmingham,<sup>18</sup> Scotland,<sup>19</sup> Leeds<sup>20</sup> and Coventry.<sup>21</sup> However, the inability of the government to provide figures on the number of refused asylum seekers remaining in the UK makes it difficult to estimate from a national sample the proportion that are destitute.<sup>22</sup> A submission from Leicester Refugee and Asylum Seekers' Voluntary Sector Forum details some of the difficulties in identifying destitute asylum seekers:

*“The desire to remain invisible is also the likely explanation of why the agencies who patrol the streets of Leicester at night such as the Rough Sleepers Unit and Street Pastors verbally report that they rarely come across asylum seekers sleeping rough. Similarly destitute asylum seekers are rarely to be found begging on streets. Asylum seekers feel extremely vulnerable and make every effort to remain out of sight of ‘officials’. As well as feeling open to personal attack and abuse the penalty of being discovered is likely to be deportation.”*

**Submission: Leicester Refugee and Asylum Seekers' Voluntary Sector Forum.**

*“I felt like a lost person, moving from place to place. I suffer from arthritis and a serious gastric condition – in that state it is very difficult to live on vouchers worth just £35 a week”*

**70 year old female refused asylum seeker Hearing: Manchester. For full testimonies visit [www.humanrightstv.com](http://www.humanrightstv.com)**

16 Home Office Policy Bulletin no. 71 contains further information on the definition of destitution (paras 5.2 and 5.3)

17 Refugee Action and Leicester Refugee and Asylum Seekers' Voluntary Sector Forum (2005) *A report of destitution in the asylum system in Leicester*

18 Malfait, R. and Scott-Flynn, N. (2005) *Destitution of asylum-seekers and refugees in Birmingham*

19 Refugee Survival Trust and Oxfam (2005) *What's going on?*

20 Lewis, H. (2007) *Destitution in Leeds*

21 Coventry Refugee Centre (2004) *Destitution and asylum seekers: a human rights issue*

22 While acknowledging these difficulties, Refugee Action suggest that there may be 200,000 destitute asylum seekers in the UK Refugee Action (2007) *The Destitution Trap*

*“I couldn’t go on living in destitution – I have no words to describe what life was like for me at that time. I tried to kill myself – only when I was pregnant could I stop taking pills”*

**Selam, a refugee from Ethiopia**  
**Hearing: Manchester.**  
**For full testimonies visit [www.humanrightstv.com](http://www.humanrightstv.com)**

There is evidence that of the asylum seekers identified as destitute a considerable proportion remain destitute for over six months and a minority are with dependants.<sup>23</sup> Many of the reports contain information about asylum seekers sleeping rough, relying on other asylum seekers for financial support and engaging in irregular and often exploitative employment in an attempt to meet their basic needs. Dave Smith of the Boaz Trust, a Manchester-based project offering support to destitute asylum seekers, told Commissioners that there is an even bigger issue of destitution for asylum seekers who have had their asylum claims refused but have not left the UK. The Boaz Trust has four hundred and fifty cases of destitute refused asylum seekers registered in the Greater Manchester area.

*“In one case we had to help a lady who was nine months pregnant and had been released from detention with nowhere to go. There was no support for her from the state because of her status as a refused asylum seeker, and so we had to find her accommodation quickly. Cases like this are not uncommon.”*

**Dave Smith, Boaz Trust.**

## 2.2 Causes of destitution

Research and monitoring of destitution among asylum seekers and refugees in Scotland by Oxfam has found that destitution is experienced at every stage of the asylum process and also by those recently granted refugee status.<sup>24</sup> At the end of an asylum claim, whether the asylum claim is positive or negative, destitution can be experienced. If an individual’s claim fails, asylum support is withdrawn after 21 days after which time ‘hard case’ support can be provided to individuals under Section 4 if they meet one of five criteria.<sup>25</sup> Many of these individuals are caught in the legislative gap where they cannot be given any leave to remain but also cannot be returned to their country of origin. Those granted refugee status have asylum support withdrawn after 28 days. As they often struggle to find alternative accommodation and employment in that space of time they are vulnerable to destitution. There are also various periods of transition in the asylum process during which applicants can fall through gaps in the support system.

# 3 Effects of destitution

## 3.1 Physical and mental health problems

Applications for support by destitute asylum seekers are often to cover food costs and other basic needs. Lack of support in these areas can obviously affect the physical health of an individual. This may be exacerbated by the removal of health provision for some categories of people.<sup>26</sup>

23 Lewis, H. (2007) *Destitution in Leeds*

24 Refugee Survival Trust and Oxfam (2005) *What’s going on?*

25 For an explanation of the five criteria see Section 3.1 of Home Office Policy Bulletin no. 71

26 Refugee Action and Leicester Refugee and Asylum Seekers’ Voluntary Forum (June 2005) *A report of destitution in the asylum system in Leicester*



Similarly, a number of recent research findings show negative effects on mental health. Destitute asylum seekers and refugees can suffer from extreme anxiety and depression. They can also suffer from disempowerment as a result of being dependent on Home Office support and then having that support removed.<sup>27</sup> Dr Angela Burnett, a GP, told the Commission about some of the impacts of destitution and the restriction of access to secondary healthcare on one refused asylum seeker she had worked with:

*“When I met her she had been living on the streets in the UK for two years, severely anaemic due to a restricted diet, and having to walk approximately ten miles to report to the Home Office every week. Profoundly depressed and with symptoms of epilepsy, I would normally have referred her to hospital, but because she would have been faced with a bill she could not pay, a torture survivor was denied vital treatment.”*

**Hearing: Manchester. For full testimonies visit [www.humanrightstv.com](http://www.humanrightstv.com)**

### 3.2 Social problems and exploitation

As many destitute asylum seekers become dependent on ‘good will’ support from family and friends, this can create strains on relationships, particularly if the resources of the family and/or friends are also very limited. Some research suggests that even where this support is available it is often in poor conditions and overcrowded housing.<sup>28</sup> Without entitlement to welfare support or access to the regular labour market, destitute asylum seekers can become involved in irregular employment often in exploitative, dangerous or irregular employment simply to survive. Research in Birmingham uncovered instances of prostitution and criminality amongst destitute asylum seekers and refugees.<sup>29</sup> Yet, by its very nature, this sort of activity is out of sight and difficult to quantify; it is probable that empirical evidence is likely to underestimate the extent of the problem. At the Commission’s Manchester Hearing, Miranda Kaunang of Save the Children described the impact of destitution on young asylum seekers as “harsh and coercive”

*“These young people face extreme states of deprivation. They go without food, walk long distances to report to the Home Office, live in fear of the future and are vulnerable to sexual abuse and exploitation.”*

**Hearing: Manchester. For full testimonies visit [www.humanrightstv.com](http://www.humanrightstv.com)**

The impact of destitution on refused asylum seekers was obvious in the testimony of Afshin Azizian, a refused asylum seeker from Iran who has been in the UK for more than eleven years. The Home Office took five years to assess his case and then refused him asylum. Unable to work

*“One man who attended PAFRAS was bleeding from numerous wounds on his head, shoulder, and back where he had been racially attacked and stabbed. However, he was afraid to go to hospital for fear that nurses or doctors would contact the police to report it as a crime.”*

**Submission: Positive Action for Refugees and Asylum Seekers**



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and preferring destitution in the UK to the threat of persecution in Iran, Afshin lived rough, scavenging through rubbish bins and sleeping in a launderette. He suffered mental health problems and despite twice attempting suicide was subsequently released with no-one taking responsibility for his welfare:

*“I lost my whole adult life in misery in this country. I was not poor in Iran – I did not come here for your money but I was seeking refuge. I ask those in the Home Office to think, if you were to spend one day in my shoes how would you like to be treated?”*

**Hearing: Manchester. For full testimonies visit [www.humanrightstv.com](http://www.humanrightstv.com)**