

*The only problem is that I am not able to work. I have never taken a penny of benefits before. I can't go back to Zimbabwe yet, so all I ask is to be able to work and support myself by own sweat."*

**Lynn, refused asylum seeker from Zimbabwe.**

### **Interim Finding 3. The Commissioners expressed concern at the social and economic consequences of destitution**

- Finding 3.1** – That destitution has far-reaching social consequences, including vulnerability to sexual exploitation, cessation of education and additional individual trauma
- Finding 3.2** – That through destitution the government is stigmatising refused asylum seekers and increasing negative public perceptions of already vulnerable people
- Finding 3.3** – That the prohibition on work for those who cannot be returned is a waste of potential and revenue
- Finding 3.4** – That refused asylum seekers are vulnerable to illegal working, exploitation, and criminal activity and becoming victims of crime

#### **UKBA response**

*As noted above, the Government does not have a policy of destitution and works to ensure that all necessary support for those who apply for asylum and those in the process of leaving the country is in place. We expect those who have been found not to have protection needs to return to their country of origin and support them in doing this.*

*Giving asylum seekers or failed asylum seekers permission to work would be likely to encourage asylum applications from those without a well-founded fear of persecution, seeking to circumvent the managed migration route, hence slowing down the processing of applications made by genuine refugees and undermining the integrity of the managed migration system.*

*The Government believes that managed migration is a valuable source of skills and labour to the British economy and there are recognised routes into the UK for those seeking to work. Entering the country for economic reasons is not the same as seeking asylum, and it is important to maintain the distinction between the two. It is also important that those who apply for asylum in the UK have their applications processed as quickly as possible and that is why we have set a target to conclude (grant or remove) 90% of asylum applications within 6 months by December 2011.*

*Asylum seekers are therefore not allowed to work, although they may apply for permission to work in the unlikely circumstance that they do not receive an initial decision on their asylum claim within 12 months provided the delay has not resulted from their own actions – in line with our obligations under the relevant EC Directive.*

### Commissioners' assessment:

The Commissioners understand UKBA's concern that the indiscriminate right to work for asylum seekers might encourage abuse and jeopardize the system for genuine refugees. They also acknowledge that denial of permission to work to those whose cases are concluded in six months is not unreasonable. However, we remain concerned about those whose cases remain unresolved after six months. We consider that denial of permission to work is a very serious deprivation. We have not found evidence that the granting of conditional permission to work to refused asylum seekers who cannot be returned would subvert the managed migration system. This is also a position that could be communicated effectively to a receptive public – our Public Attitudes Research Project found strong public support for the idea that asylum seekers should be able to make a contribution to the UK economy and our polling found that 48% of respondents either agreed or strongly agreed that 'if an asylum seeker has their claim refused but cannot return home through no fault of their own, they should be allowed to work on a temporary basis', against 38% who disagreed.<sup>3</sup> Given the positive public attitudes towards permission to work for those who cannot be removed, this kind of limited approach would help rather than hinder trust in the system. The Commissioners believe that a carefully monitored licensing system would minimise the risk of abuse.



### Recommendations 3.5: The Commissioners therefore recommend:

#### Temporary work and appropriate support for those who cannot return

- 3.5.1 – That refused asylum seekers who cannot be returned to their country of origin through no fault of their own should be eligible for a time-limited, revocable, permit to work in the UK.**
- 3.5.2 – That such work permits would be conditional upon the recipient complying with reporting or other conditions designed to enable him or her to be contacted on reasonable notice if return to country of origin became possible and would be liable to forfeit if such conditions were breached.**
- 3.5.3 – That Section 4 (hard case) support should be provided to refused asylum seekers for six months after which those who cannot be returned through no fault of their own should revert to mainstream asylum support and be eligible for a temporary work permit, under the conditions laid out in recommendation 3.5.1 and 3.5.2.**

<sup>3</sup> efeedback Research conduct opinion research using an online panel of more than 190,000 UK residents. A sub-sample representative of the UK population is drawn from the panel for each poll. The results of this opinion poll are based on 1,024 completes gathered online from respondents based across the UK. Data was weighted to the profile of all UK residents, not just those with access to the internet, over the age of 17. Data was weighted by age, gender, occupation and region. Fieldwork began on 2/5/2008 and concluded on 12/5/2008.