

Interim Finding 2. The Commissioners expressed concern at the inadequacies of support for asylum seekers

Finding 2.1 – At the service provided by BIA [now UKBA]

Finding 2.2 – That it is so difficult for asylum seekers, their legal representatives, MPs and other interested parties to get answers to specific questions about cases and to track the progress of cases

Finding 2.3 – That reporting procedures can be traumatic and inhumane, for instance by requiring those in receipt of vouchers to purchase tickets for bus and train journeys to get to reporting centres

UKBA response:

Reporting allows case owners to stay in regular contact with individuals throughout the application process and allows us efficiently to progress applications. It allows us to update the Application Registration Card (ARC) allowing any financial support to be paid through the Post Office. Regular reporting also enables us to deal with any barriers there may be to removing an individual from the UK and to advise and encourage alternative options other than an enforced removal. The published ‘intelligent reporting policy & procedure’ guidance gives advice on how an individual’s reporting requirement should be varied to meet their needs where there is evidence of compassionate circumstances requiring reasonable adjustment.

Where applicants are required to report regularly as part of their conditions of temporary admission / release, we will provide the cost of their travel. Assistance is available to Asylum Seekers who are reporting at a UK Border Agency Reporting Centre, live outside of a 3 mile radius from the reporting centre and are in receipt of asylum support under s.95 or s.4. Where a subject does not have automatic entitlement to travel expenses a claim for exceptional need can be made.

Commissioners’ assessment:

The Commissioners do not accept that the use of reporting is as positive as is portrayed in the UKBA response. Reporting is often bureaucratised and intimidating. We accept that regular contact with a NAM caseworker is important and we believe this provides the opportunity for improved, personalised reporting procedures.

We believe that ready access to accurate information about the progress of individual cases is vital for reducing the disproportionate time spent by some MPs on the needs of asylum seekers. Crucial to improvement in this area is the availability of information from a named NAM caseowner at every stage of the asylum process. As a first step towards better liaison between interested parties, we believe there is a need for careful consultation about these problems.



Finding 2.4 – That asylum seekers face destitution at the beginning of their claim because of lack of access to Asylum Screening Units

Finding 2.5 – That some asylum seekers experience destitution (homeless and lacking money for basic food or other necessities) due to maladministration

Finding 2.6 – That there are administrative delays in receiving support, for example catching up with changed addresses

Finding 2.7 – That there is no legal aid for asylum support hearings

UKBA response:

We expect people arriving in this country intending to seek protection to make a claim at the earliest opportunity. There are signs at all major ports in a number of languages advising arriving passengers that if they wish to claim asylum then they must do so on arrival in the UK. For those who choose not to, or cannot claim on arrival, our Asylum Screening units are open from 8 a.m., 5 days a week. In the last quarter of 2007 5,885 people were able to claim asylum in-country.

Initial Support

Where the applicant provides all the necessary information, we aim to make the decision within 2 days. The consideration of applications for support under section 95 of the Immigration and Asylum Act 1999 is part of the end to end management of new asylum applications. As a result of the New Asylum Model we have introduced, case owners now have closer contact and control over their cases and this has improved the efficiency with which applications for asylum support are made and considered.

Support once a person is Appeal Rights Exhausted

The Government accepts that in the past, and particularly during 2005 and the first part of 2006, unacceptable delays occurred in the provision of support under section 4 of the Immigration and Asylum Act 1999.

Since then, the number of staff considering initial applications in the central section 4 team has more than doubled, and we have improved how we record and process applications. A prioritisation system exists which enables applications from those who are street homeless or who have medical conditions to be considered first. In addition, there are enquiry telephone lines which enable representatives to check on the progress of particular applications if necessary. Significant improvements in turnaround times have been made.

Since 1 May 2007, regional asylum teams have considered all applications for section 4 support from applicants whose asylum claims they handled. This has increased further the number of staff trained to consider such applications and has led to further improvements in turnaround times.

Although legal aid is not available through the UK Border Agency for asylum support hearings, the Asylum Support Appeals Project provides free legal advice for those who have an asylum support appeal hearing.

When applicants are relocated, their support payments are re-allocated to their new address. Any gap in the restart of regular payments will be covered by an Emergency Support Token (EST).

Commissioners' assessment:

We are pleased to acknowledge the work of UKBA in improving access to support, particularly Section 4 support. We also acknowledge the work done by the Asylum Support Tribunal, presented to us by its President, Mrs Sehba Storey, and observed by one of our members at her invitation. We were particularly impressed by the efforts made to respond promptly to appeals and the understanding shown for those who were potentially destitute. With UKBA, we recognise the work done by the Asylum Support Appeals Project. Impressive though it is, it cannot be a substitute for publicly funded legal representation which would aid both the appellants in presenting their situation and the work of the Tribunal in making an appropriate determination. One difficulty, it would seem, which hampers the work of the Tribunal is that of not knowing the precise personal and legal circumstances of the appellant. We believe it would be possible to ensure that judges of the Tribunal have better and fuller information to hand when they make decisions which are vital for the wellbeing of appellants and their dependents. We remain concerned at the number of people who claim asylum in-country, but who do not have easy access to ASUs, and we believe more can be done to address this situation.

Finding 2.8 – That there is no support available while waiting for a decision on support

UKBA response:

Applicants wishing to apply for asylum support who appear to be destitute are initially supported under section 98 of the Immigration and Asylum Act 1999 until the support application is resolved. Section 98 support is provided by Voluntary Sector Providers and includes the following:

- *Provision of Initial Accommodation and essential living needs of asylum applicants.*
- *Providing information briefings on applicants' rights and responsibilities whilst in the United Kingdom.*
- *Providing briefings on the asylum process and dispersal locations.*
- *Carrying out (where facilities are available) health assessments for new claimants.*
- *Assistance with completing the asylum support application form.*
- *Supporting the applicant's move to longer-term section 95 accommodation where they may stay whilst they remain eligible for asylum support.*

51%

of the public believe that asylum seekers should be able to work while their claim is being processed.'

Commissioners' assessment:

We are disappointed that the UKBA response does little to acknowledge the current destitution amongst asylum seekers or to analyse the reasons for it. We believe our shared starting point with UKBA is the utter unacceptability of destitution (cf. MSR Article 15) and the need accurately to identify the reasons for it. The importance of access to work for asylum seekers whose claims drag on beyond six months is clear – not only to prevent them from becoming deskilled, but also so that they can make a contribution to the UK. Our opinion poll found that 51% of the public believe that asylum seekers should be able to work while their claim is being processed.³

Recommendations 2.9: The Commissioners therefore recommend:

Better methods of contact and communication

- 2.9.1 – That there should be a working group of UKBA, MPs, MPs' caseworkers, legal representatives and other advocates to explore better ways of communication and especially of providing updates on individual cases. The 'users' group' currently set up as part of the Solihull Pilot provides a model in this regard.
- 2.9.2 – In order to lay a foundation for successful integration and fair treatment of asylum seekers, levels of support and entitlements should be subject to the same standard and the same scrutiny of Equality and Human Rights legislation as it is for all other residents.
- 2.9.3 – That the training and caseloads of NAM caseowners should be carefully monitored to allow them to fulfil the considerable duties they have in maintaining contact with asylum seekers, ensuring adequate support for them, and in responding promptly to queries about the progress of cases.
- 2.9.4 – That asylum seekers who are required to report to UKBA on a regular basis (especially those supported by vouchers) should be provided with cash or a travel card to pay for public transport.
- 2.9.5 – That reporting procedures should be varied to meet individual circumstances, should be the minimum necessary to maintain positive contact and progress on individual cases, and should be under the direct supervision of the NAM caseowner.
- 2.9.6 – That where an individual requires a person to support them, for example on mental health grounds, this person should be allowed to accompany them throughout the reporting procedure.
- 2.9.7 – That the work of reporting centres should be open to independent monitoring.

³ eedback 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

Improve systems of support

- 2.9.8 – That systems for provision of support and accommodation should adopt best practice from mainstream benefit provision to ensure that asylum seekers do not become destitute due to maladministration.
- 2.9.9 – That the use of vouchers to provide support should end.
- 2.9.10 – That section 55 of the Nationality, Immigration and Asylum Act (2002), under which asylum seekers who are adjudged not to have applied for asylum as soon as reasonably practical on arrival in the UK may be denied support, should be repealed.
- 2.9.11 – That transition of support arrangements should be conducted sensitively, and asylum seekers in government-supported accommodation should be given reasonable time to make arrangements to move once they are granted status allowing them to remain in the UK.
- 2.9.12 – That UKBA New Asylum Model decision-makers who are responsible for the welfare needs of the asylum seekers in their care should be provided with training, resources and support to ensure that proper care is in place, especially for groups with special needs.
- 2.9.13 – That there should be more Asylum Screening Units (ASUs) with user-friendly hours, and short-term accommodation should be made available in Liverpool and Croydon to those unable to access ASUs. In the absence of more ASUs, we suggest that regional UKBA offices could provide initial packs, with details of an asylum hotline on which ASU appointments could be made, emergency cash for travel and subsistence authorised, and information about travel and emergency accommodation provided.
- 2.9.14 – That local authorities, voluntary, faith and CITIZEN groups should work together with UKBA to form sanctuary welcoming groups and befriending and mentoring schemes to help asylum seekers with orientation and integration, and to bridge the divide between those seeking sanctuary and the local population.

Recommendations 2.9:
The Commissioners therefore recommend:

Better access to support and work

- 2.9.15 – That measures should be taken to ensure easier access to the Asylum Support Tribunal, both for appellants and (whenever possible) legal representatives.**
- 2.9.16 – That financial support and legal aid should be accessible for those challenging a decision to deny support at the Asylum Support Tribunal.**
- 2.9.17 – That there should be an obligation on UKBA to furnish the Asylum Support Tribunal and the appellant with the current state of an appellant’s claim and the reasons for refusal of support – failing which, emergency support should be granted until the case can be reheard with these details to hand.**
- 2.9.18 – That consideration should be given to granting a right of appeal on a point of law to asylum seekers whose appeals are rejected by the Asylum Support Tribunal.**
- 2.9.19 – That the quality of housing provided under section 95 and section 4 support should be more carefully monitored and subject to spot checks by UKBA.**
- 2.9.20 – That asylum seekers who pass through the New Asylum Model without final resolution of their case within six months should be entitled to work.**
- 2.9.21 – That asylum seekers who pass through the New Asylum Model and wait more than a year for their claim to be resolved should be eligible for mainstream benefits.**
- 2.9.22 – That the requirement for the UKBA to reduce overall expenditure on support costs must not lead to any diminution of the quality of support provided, or of the administrative and other systems necessary for delivering that support in a timely and appropriate manner.**