



Submission to the United Nations Special Rapporteur on Extreme Poverty and Human Rights

14 September 2018

Asylum Matters is an advocacy project that works in partnership locally and nationally to improve the lives of refugees and people seeking asylum through social and political change. One of the main objectives of our work is to end the inhumane policies which push people seeking asylum in the UK into poverty and homelessness. After fleeing war, torture and persecution in their countries of origin, many asylum-seekers face ongoing hardships in the UK while applying for refugee protection. Far too often the statutory systems and structures designed to protect and support them fall short of their responsibilities, with devastating consequences on people's lives.

Asylum Matters' team is based in London, Newcastle (covering the North East), Manchester (North West), Leeds (Yorkshire & Humberside), Birmingham (West Midlands), and Cardiff (Wales). We would like to invite the UN Special Rapporteur on Extreme Poverty to visit any one of the above-mentioned locations during his visit to the UK from 5 – 16 November. The Asylum Matters team is on hand to organise visits to front-line services which support destitute asylum-seekers, where the Special Rapporteur can speak to individuals going through the asylum system, as well as the staff and volunteers that support them. We can also convene roundtable discussions bringing together the main actors that work to alleviate the destitution of refugees and asylum-seekers, either at a local or national level. Please get in touch if you would like to discuss these options in more detail. We would welcome the publication of this document on your submissions page.

I. HUMAN RIGHTS VIOLATIONS

Asylum Support Rates: Forcing People to Live Below the Poverty Line

Asylum Matters believes the UK is not fully implementing its obligations under Article 6 (right to work), Article 9 (right to social security), and Article 11 (right to adequate standard of living) of the Covenant on Economic, Social and Cultural Rights, given its current policies relating to refused asylum-seekers, asylum support and the right to work for people in the asylum system.

People seeking asylum in the UK are prohibited from working whilst their claim is being processed by the Home Office so are forced to depend on support from the Home Office provided under section 95 of the Immigration and Asylum Act 1999. Section 95 support rates were originally set at 70% of Income Support on the basis that asylum seekers' accommodation and utility bills would be paid for separately. However, in 2008 the Government decided to break the link to income support payments which led to a growing disparity between asylum and income support levels.

In 2015, the Government introduced a flat rate of support under which all asylum seekers receive the same amount, regardless of age. This measure dramatically reduced support to asylum seeking families, as the amount of money paid to each child was cut by £16 per week. These changes mean that all asylum seekers now receive £37.75 a week¹ or about 52% of income support. This works out at just over £5 a day to pay for food, clothing, toiletries, transport and other essential items.

¹ Home Office, [Report on Review of Cash Allowance Paid to Asylum Seekers: 2017](#), January 2018

Current levels of asylum support mean that a single asylum seeker will be living 74% below the relative poverty line (in relation to the relative poverty threshold for a single adult after housing costs (AHC) which would be £147.90pw). An asylum-seeking family including a couple and one child under 14 would be living 63% below the relative poverty line (in relation to the relative poverty threshold for a similar family receiving £306pw AHC).²

One of the justifications for lowering asylum support rates was that people would be supported only temporarily. However, at the end of June 2018, there were 42,808 asylum-seekers supported under section 95 support, with more than 10,000 cases waiting more than 6 months for an initial decision. Where a negative decision on an asylum case is reached, asylum-seekers will often appeal and in the last year, 37% of negative decisions were overturned.³ People can often wait more than a year for their asylum appeal to be heard meaning that asylum-seekers can be on support for years.

During this time asylum-seekers are effectively prohibited from working. They can only apply to the Home Office for permission to work if they have been waiting for a decision on their asylum claim for over 12 months and only for jobs that are on the Government's restricted Shortage Occupation List.⁴ While the Home Office does not collect official data on the number of people seeking asylum who have been granted permission to work, we believe such cases to be extremely rare. This policy puts the UK far outside of the mainstream on the right to work.

The isolation and forced inactivity experienced by many asylum-seekers has a negative impact on their psychological well-being and is often compounded by the anxiety of providing for themselves and their families. Many of the asylum-seekers we work with reported their inability to meet essential living needs on existing support levels, often sacrificing one essential item in order to acquire another. Some asylum-seekers also experience a deterioration in their physical health while they are on asylum support suffering from weight loss and developing vitamin deficiencies, high blood pressure or other illnesses.

In view of the above, Asylum Matters believes that the rate of asylum support should be raised to at least 70% of mainstream income support, and that asylum-seekers and their adult dependents should be given the right to work after six months of having lodged an asylum claim or further submission, unconstrained by the Shortage Occupation List.

Asylum Support Levels: Impact on Children & Families

Asylum Matters believes the UK is not fully implementing its obligations under Article 3 (the best interests of the child should be a primary consideration) and Article 27 (the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development) of the Convention on the Rights of the Child, in its asylum support policies.

Reducing the rate of support for children by £16 in 2015 has had a devastating effect on families, impacting on their health, wellbeing, education and general development. Children often have needs additional to those of adults or needs that are more expensive to meet as they grow and develop, which current support levels have not accounted for.⁵ Families report that they often

² Based on the [latest HBAI figures from 2016/17](#), the median AHC income is £425pw for an adult couple, with the relative poverty line at 60% of this or £255pw.

³ Asylum Data Tables Volume 1 & Volume 4, <https://www.gov.uk/government/publications/immigration-statistics-year-ending-march-2018/list-of-tables#asylum>

⁴ This is an incredibly [restrictive list](#) that includes jobs such as classical ballet dancer and nuclear medicine practitioner

⁵ Even before the introduction of a flat rate of asylum support, [the Children's Society warned about the devastating impact of low support levels](#) on children from asylum-seeking families.

struggle to feed and clothe their children and ensure they have access to a stimulating environment that can support their social and educational development.⁶

In view of the above, Asylum Matters believes that the August 2015 support rate changes should be reversed so that the specific needs of children and families can be better met.

Refused Asylum Seekers

The situation for those asylum seekers who have had their initial application and any subsequent appeal refused is even more severe as they are left without any statutory support and at risk of becoming street homeless. The only refused asylum seekers who continue to be supported after they are appeal rights exhausted are families with children and those asylum seekers who the Home Office accepts face a genuine obstacle to return (e.g. they are too sick to travel or are waiting for travel documents to be issued by their own governments).⁷

The British Red Cross published a report 'Can't Stay, Can't Go: Refused Asylum Seekers who Cannot be Returned,'⁸ which documented the struggle to survive for this group, most of whom were not receiving any form of support. The report found that living in limbo with no control over their future had a profound impact on the physical and mental health of refused asylum-seekers, whose health deteriorated rapidly over time.

In view of the above, Asylum Matters believes that refused asylum seekers who cannot be returned home due to issues such as lack of documentation should not be made destitute and discretionary leave should be granted to people who cannot be returned through no fault of their own.

Asylum-Seekers: Barriers to Accessing Justice

Asylum Matters believes the UK is not fully implementing its obligations under Article 14 (equality before the law) of the International Covenant on Civil and Political Rights, as its policies of enforced destitution of people seeking asylum limit their ability to fully engage with the legal process surrounding their claim to protection.

Once their claim has been lodged, asylum-seekers must start collating the evidence needed to support their claim. The Home Office has allocated only £3 weekly to cover all communication needs, but no provision has been made for faxes, translations, printing, postage and internet use needed to pursue an asylum application. This means that asylum-seekers will need to sacrifice meeting other essential needs to pursue their asylum claims.

Finding and securing a solicitor that accepts legal aid, to which asylum-seekers are entitled, is a further challenge when people are living extreme poverty. A recent report by Refugee Action, 'Tipping the Scales: Access to Justice in the Asylum System,'⁹ found that there are 26 local

⁶ Sara is a single mother with two children, one is 17 and the other almost 10. She noted that school holidays were a particularly difficult time when she would struggle to provide for her children. She said "When she came to the country, my daughter was plump, but now she has lost a lot of weight." She has managed to buy papers and pens for her children's homework but they do not have internet access which is a challenge for her oldest child who needs this for homework. In addition, the children cannot go on school trips and there have been occasions where they have stayed home from school because they felt bad about not being able to join other pupils. Sara says, "It is not easy for me and my children. We are managing on little money and denying the children. Our life is based completely on resources. Everything is governed by this. We live day to day."

⁷ <https://www.gov.uk/government/publications/asylum-support-section-42-policy>

⁸ <http://www.refworld.org/docid/591965984.html>

⁹ <https://www.refugee-action.org.uk/tipping-scales-access-justice-asylum-system/>

authorities with no legal aid provision which host more than 100 asylum-seekers supported under section 95, which means that they have to travel to other areas to access justice. Travel to legal appointments is not always reimbursed by legal aid solicitors and in any case asylum-seekers are expected to cover the costs upfront, putting huge pressure on very limited budgets.¹⁰

For many asylum-seekers, these practical barriers to access justice are compounded by the anxiety about meeting their own basic needs or those of their family, which can prevent them from having the emotional and physical resources to engage with the legal process.

Individuals who are not granted asylum and become appeal rights exhausted are forced into destitution and become ineligible for legal aid, meaning they are unable to engage with the legal process to either regularise their status or return home. This is particularly worrying as some refused asylum-seekers can have their protection needs overlooked during the asylum process, as a result of limited access to legal advice, difficulty disclosing past traumas to officials, or a lack of documentary evidence to support their claims.¹¹ These individuals are denied support and permission to work, cut off from society and from basic services like healthcare, housing and education by hostile environment policies,¹² meaning that regularising their status becomes near impossible.

Asylum-Seekers: Barriers to Accessing Healthcare

Asylum Matters believes the UK is not fully implementing its obligations under Article 12 (right to highest attainable standard of physical and mental health) of the Covenant on Economic, Social and Cultural Rights, as its healthcare charging policies are preventing vulnerable people from accessing care and widespread confusion over entitlements is exacerbating health inequalities.

As a result of experiences in their country of origin and perilous journey to safety, some asylum seekers have multiple and complex health needs. These can be compounded by the asylum system itself and their experiences seeking safety in the UK. The Royal College of Psychiatrists has noted that *“the psychological health of refugees and asylum seekers currently worsens on contact with the UK asylum system.”* Asylum seeking women are three times more likely to die in childbirth than the general population and are seven times more likely to experience complications.¹³ Factors contributing to this include poverty, frequent accommodation moves, and delayed access to healthcare during pregnancy. There is no doubt that asylum seekers’ experience of destitution also adversely affects their health and wellbeing, from poor access to healthcare and poor nutrition, to risk of exposure and exploitation.¹⁴

Refused asylum seekers are chargeable for many healthcare services, despite often being destitute, with no right to work and therefore no means of paying. Recent changes to legislation mean that

¹⁰ Ann, a single woman who has been living on asylum support since mid-January 2017, finds it difficult to meet the costs associated with her asylum application and does not receive travel expenses from her legal representative. *“To print documents, I have to travel to central Manchester and a shop to print. This costs about £3-£5.”* She has a ‘pay as you go phone’ and this means she can never call abroad. She recently had to top up her phone because of an upcoming essential appointment with the Home Office and did not buy any toiletries that week so she could be sure she could telephone her solicitor.

¹¹ Moreover, [Home Office decision-making can be unreliable](#) and in 2017, 50% of appeals to the immigration tribunal, which were mostly challenges to Home Office refusals to allow people to stay in the UK, succeeded.

¹² <https://www.libertyhumanrights.org.uk/sites/default/files/HE%20web.pdf>

¹³ Confidential Enquiry in Maternal and Child Health. 2004. Why mothers die 2000–2002. The sixth report of the confidential enquiry into maternal deaths in the UK. London: Royal College of Obstetricians and Gynaecologists

¹⁴ John and his family have been on support for 2 years. He told us he has lost 10 kilos in the last two years and both him and his wife are suffering with depression and she is taking sleeping pills. He stated he was mentally worn down. He says, *“Never before in my life have I struggled for food and to feed my family. Every week you have to calculate everything, I can’t work, I’m always in fear of detention, my life is a trap.”*

unless deemed urgent or immediately necessary, treatment is now withheld if the patient is unable to pay the full amount in advance. Patients are billed at 150% the cost of care and unpaid debts of over £500 lead to patient details being shared with the Home Office and can be used to deny any future application to enter or remain in the UK. The result has been that many refused asylum seekers have been deterred from seeking care.¹⁵

In view of the above, Asylum Matters believes that refused asylum-seekers should be exempt from healthcare charging and that the 2017 regulations which widened the scope of charging should be withdrawn and a full-scale independent review conducted of the 2015 NHS Charging regulations.

II UNIVERSAL CREDIT

Universal Credit: Gaps in Support for New Refugees

The introduction of Universal Credit has had a significant impact on the lives of refugees in the UK, in particular for those newly granted refugees who are moving on from asylum support and accessing mainstream benefits for the first time. After receiving leave to remain in the UK, a refugee is given 28 days to leave the accommodation provided by the Home Office and access mainstream benefits or find work. Refugee support organisations in the UK have extensively documented the challenges faced by new refugees in securing a tenancy and an income through employment or benefits within the available time-frame.¹⁶ There is a complex tapestry of barriers that prevent a smooth transition such as delayed or incorrect identity documents and essential paperwork, inability to open bank accounts, and an inability to secure a tenancy in private rented accommodation without an advance rent payment or deposit. An encounter with any one of these issues will delay a claim and result in the refugee experiencing a period of destitution.

However, since the roll out of Universal Credit across the UK, the difficulty of navigating issues such as those detailed above has increased significantly. This is due to the period of time required to process a Universal Credit claim, which stands currently at 35 days, made up of a seven day 'waiting period', a four week 'assessment period' and a week's processing beyond this. This is several weeks longer than the optimum processing period for previous benefits such as Job Seekers Allowance and Income Support and means that even if an application for UC is processed without issue, claimants will inevitably be left without support for at least one week.¹⁷

In addition, in order to make a Universal Credit claim, an applicant must have a certain level of IT literacy, English language skills and physical access to a computer. These are all barriers to application for many refugees, who rely on the support of friends and third sector organisations to make a claim. Furthermore, support is often needed to check the status of a claim and respond to any update to their claim. This places increased pressure on a support services who are not able to provide services that are sufficiently responsive to the urgent requests often made on UC claims.¹⁸

¹⁵ For more information on recent changes to healthcare charging and the impact on asylum seekers and refugees, please read [Asylum Matters' briefing](#) on the impact of the recent NHS (Charges to Overseas Visitors) (Amendment) Regulations 2017.

¹⁶ Research from the [British Red Cross](#) (2014), [Refugee Council](#) (2016), the [West Yorkshire Destitute Asylum Network](#) (2015), and the [Select Committee for the Department for Work and Pensions](#) (2016) and many others has summarised the particular problems faced by new refugees in the move-on period.

¹⁷ The Department for Work and Pensions (DWP) have introduced a Short Term Benefit Advance (STA) for anyone who is unable to support themselves during the 35 day processing period. However, in practice this STA is not accessible to most newly granted refugees as they must meet eligibility criteria, such as holding a bank account or having a friend or family member with a bank account into which the advance payment can be paid. In addition, those who do access the STA will begin their lives as refugees in the UK in debt

¹⁸ *A couple from Pakistan with a seven year old son recently applied for Universal Credit. The husband has a long term health condition which means he cannot be left alone. They have limited English and no computer skills and rely on a*

In view of the above, Asylum Matters believes that the move-on period during which time new refugees are expected to transition from asylum support to mainstream support, including Universal Credit, should be extended from 28 to 56 days.

weekly outreach drop-in service from a local support organisation to gain access to their UC online journal. This means that if an update or request for action is posted on a Thursday, they will not see the message until they are able to access support at the drop-in the following Wednesday. The consequences are that simple processes are drawn out over a long period of time and the family have been left destitute and forced to rely on food vouchers from the Red Cross for two weeks after their claim was suspended due to a change of circumstance when the couple's son was added to the claim.