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**Challenging the destitution policy**

*Civil society organisations supporting destitute  
migrants*

Adrian Randall

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## **Challenging the destitution policy**

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### **Abstract**

This IRiS Working Paper reviews changes in the law on immigration and asylum affecting the support available to asylum seekers. In particular, the Asylum and Immigration Act 1996 and successor legislation has made refused asylum seekers destitute by terminating support. The report examines the growth and development of organisations which provide material support and accommodation for these refused asylum seekers. It compares organisations in three cities which try to stand in for the welfare state in supporting this vulnerable group with food, cash and accommodation. The report finds quite different models for resourcing the services and different approaches to eligibility, which in part reflect the level of formality of the organisation or activity. It examines the resources, co-ordination and value of the services provided. The findings have relevance for wider discussions about the role of voluntary sector organisations in addressing destitution and welfare reform, as well as for government policy and practice around migration.

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'Challenging the destitution policy' is also available as a Third Sector Research Centre Working Paper (no. 131) and can be downloaded at [www.birmingham.ac.uk/tsrc](http://www.birmingham.ac.uk/tsrc)

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## **Introduction**

Asylum seekers in the UK are supported by the Home Office through the provision of accommodation for those who do not have friends or family to house them, and a cash allowance whilst their application (for refugee status or leave to remain in the UK) is considered. If their case is refused and when they have exhausted their appeal rights (ARE) single asylum seekers' support is terminated and they have to leave their accommodation. If they are unwilling or unable to return to their country of origin they face life on the margins with no income and no legal right to work.

Limited support is available to them if they agree to co-operate with deportation procedures, or if the Home Office has agreed to look at a fresh claim and in some other, specific, circumstances. Many refused asylum seekers are reluctant to agree to co-operate with deportation procedures and unable to find new grounds or evidence for a fresh claim. They strive to survive whilst living in fear of deportation. Asylum seekers with dependent children are supported until they are deported but some choose to hide from the authorities with the consequence that they have no financial support and are thus destitute.

Since the rise in the numbers of asylum seekers reaching the UK in the late 1980s, successive governments have been keen to deter asylum seekers who, politicians and the public alike believe, are enticed by the 'generous' welfare system. Governments talk of sending tough messages to people who are considering claiming asylum here (Hansard 2001). They purport to believe that removal of support at the end of the process will persuade the failed asylum seeker to leave and convince so-called 'bogus' asylum seekers not to head for the UK. However, work by Robinson and Segrott (2002) for the Home Office demonstrated that access to welfare was not a key consideration for those seeking asylum and the Joint Committee on Human Rights reporting in 2007 (Joint Committee on Human Rights 2007) concluded that the government was practising a deliberate policy of destitution.

Despite the public hostility to asylum seekers and in the face of government policy, in 22 towns and cities across the UK there are third sector organisations working to support destitute refused asylum seekers (Lois and Smith 2013) and raising money to do so. This report examines that activity.

### **Definition of 'destitution'**

The Immigration and Asylum Act 1999 (Home Office 1999) provides a definition of destitution in order to identify those asylum seekers who will be supported under Section 95 whilst their asylum applications are considered. It states

a person is destitute if:

- a. He does not have adequate accommodation or any means of obtaining it (whether or not his other essential living needs are met); or
- b. He has adequate accommodation or the means of obtaining it, but cannot meet his other essential living needs.

Recent research for the Joseph Rowntree Foundation reporting on destitution in the UK (Fitzpatrick et al. 2015) offers a more complex definition:

a person is destitute if they:

- a. Suffer an enforced lack of the following material necessities: shelter, food, heating, lighting, clothing and basic toiletries

Or

- b. Have an income level so low that they are unable to provide these minimum material necessities for themselves

The migrants that this report focuses on will all come within one of these definitions: they are unable to provide shelter or food for themselves.

This report describes the services that have been developed, largely informally, by civil society, to help support destitute asylum seekers. It begins by outlining the historical and political context that led to the destitution policy.

### **Background – A Road Map to Destitution**

Recent migration to the UK can be characterised as having three phases. After the Second World War, from the 1950s to 1980s the bulk of migration was from the Commonwealth or former Commonwealth countries. Throughout this period the number of British citizens emigrating exceeded the number of foreign arrivals (and settlements).

The second phase started in the early 1990s when the number of asylum seekers began to rise as they increasingly arrived spontaneously in the UK rather than as part of organised programmes. Although asylum was the primary focus of the media and the public, migration was increasing under all categories.

The third, most recent, phase began as the number of asylum seekers reaching the UK dropped dramatically from 2003 and migration from the A8<sup>1</sup> countries began in 2004.

The focus of this paper begins in the second phase when public conversations about migration related to concerns about asylum seekers. Successive governments restricted welfare entitlements for all asylum seekers and forced refused asylum seekers into destitution (Joint Committee on Human Rights 2007) in order to encourage them to return to their country of origin and to deter potential asylum applicants (Zetter et al. 2003; Flynn 2005).

Some commentators argue that anti-asylum action is a reiteration of exclusionary responses to 'new' Commonwealth Immigration in the 1960s (Squire 2009) and that the latest hostility to EU migration is a third shift (Bosworth and Guild 2008).

Throughout the three phases, legislation and policy have been introduced in attempts to make the UK less attractive to migrants. This is detailed in Table 1.

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<sup>1</sup> In 2004 10 countries joined the EU and citizens from Eastern Europe (the A8 countries: Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia, Slovenia) were free to enter the UK and work but subject to some restriction.



Table 1 Immigration milestones 1951 to 2013

Dates	Key Legislation and Policy
1951	UN Convention relating to the status of refugees.
1960-1988	Five major Acts of Parliament restrict the entitlement of citizens of former colonies to settle in the UK. <sup>2</sup>
1985	Numbers entering the UK exceed numbers emigrating for the first time.
1988	4,500 asylum applications in the UK (Home Office 1992).
1991	44,800 asylum applications in the UK (Home Office 1992).
1994	Habitual residence test restricts benefit entitlement of most new arrivals, including EU citizens.
1996	Asylum and Immigration Act 1996 removes housing and benefit entitlement from people claiming asylum 'in-country', i.e. after entering the UK.
1999	Immigration and Asylum Act 1999 sets up National Asylum Support Service (NASS) and disperses supported asylum seekers to cities around the UK.
2002	Nationality, Immigration and Asylum Act 2002 removes entitlement to NASS support for in-country asylum seekers.
2002	Asylum applicants in UK peak at 84,000 (Home Office 2005).
2004	A8 citizens entitled to work in UK under Workers Registration Scheme.
2007	A2 <sup>3</sup> citizens permitted to work in UK under severe restrictions.
2008	Estimated 500,000 Eastern Europeans working in the UK (ONS 2008).
2013	Asylum applications under 25,000 p.a. for last 5 years (Home Office 2014).

### *Immigration from the Commonwealth*

Immigration to the UK from former colonies was not without its problems. Newcomers experienced racial discrimination and sometimes overt hostility and were not treated as equal members of host communities (Craig et al. 2012). Disadvantage passed to subsequent generations and the complex consequences of this have affected inter-ethnic relations and attitudes of the host communities. The period from 1960–1988 saw five significant pieces of legislation designed to curb inward migration from the Commonwealth despite the net outward migration.

The 1951 UN Convention Relating to the Status of Refugees had established international rules designed to ensure that political refugees (asylum seekers) were assured a reasonable opportunity to make their case for sanctuary in whatever country they landed after fleeing persecution. This convention was a response to the horrors of the Holocaust and the difficulty that Jews, in particular, had faced in trying to flee Germany in the 1930s. Until the late 1980s the numbers seeking asylum in the developed west were relatively small despite the independence struggles around the globe, the oppressive regimes behind the Iron Curtain and conflict in the Middle East. Inflows such as Ugandan

<sup>2</sup> Commonwealth Immigrants Act 1962, Commonwealth Immigrants Act 1968, Immigration Act 1971, British Nationality Act 1981, Immigration Act 1988.

<sup>3</sup> Nationals of Bulgaria and Romania.

Asians in 1972, Chileans in 1973 and Vietnamese from 1978–1992 were exceptional and occurred as part of organised programmes.

In 1985, for the first time, the number of new arrivals to the UK exceeded the numbers emigrating. These new arrivals included small numbers of asylum seekers – 3,869 in 1985 (Home Office 1997) – who arrived in the UK and made applications for refugee status. These applications were characterised by long delays but the law permitted asylum seekers to claim means-tested benefits (at a reduced rate) and work in any occupation after six months if their application was not resolved. They were also able to access social housing. They tended to settle in London and a few other cities where they were most likely to make contact with people from a similar background who spoke their mother tongue. Because of this, and their inclusion (access to employment and mainstream welfare provision), most of the country had limited awareness about asylum seekers arriving in the UK.

### *Response to increasing asylum applications*

The first modern asylum statistics were published by the Home Office in 1992 covering the year 1990–1991. The report notes an increase in applicants from 4,000 in 1988 to 44,800 in 1991 (Home Office 1992) and that 44% of the cases decided were given leave to remain. Government concern about migration and welfare costs grew under the Conservative administration and 1993 saw the withdrawal of certain (non-contributory) benefits from asylum seekers. This was followed by the introduction of the Habitual Residence test<sup>4</sup> in 1994 to stop ‘benefit tourism’ by EU nationals.

Continuing delays in deciding asylum applications meant that in March 1996 there were 57,400 applications outstanding (Home Office 1997) and the numbers claiming Income Support had risen to 50,000 (DSS 1997).

The Asylum and Immigration Act 1996 introduced accelerated appeals and a list of safe countries to which refused asylum seekers could be more easily returned. It also withdrew local authority housing assistance and most significantly secondary legislation withdrew Income Support and other benefits from in-country<sup>5</sup> asylum seekers. Speaking to the Bill in parliament the Home Secretary, Michael Howard, said,

The Bill has three objectives: first, to strengthen our asylum procedures so that bogus claims and appeals can be dealt with more quickly; secondly, to combat immigration racketeering through stronger powers, new offences and higher penalties; and, thirdly, to reduce economic incentives, which attract people to come to this country in breach of our immigration laws.

The Bill would, he said, ‘erect a stronger defence against unauthorised employment and provide powers to restrict entitlement to housing assistance and child benefit’ (Hansard 1995). This statement in its reference to ‘bogus asylum claims’ and ‘economic incentives’ reflected and encouraged an assumption by some that asylum seekers’ stories were not credible and they were attracted to the UK by allegedly generous welfare provision.

There followed three years of chaos (Zetter and Pearl 2000). Homeless destitute asylum seekers ineligible for benefits were evident on the streets of London. Later local authorities were forced by

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<sup>4</sup> Designed originally to exclude European tourists from welfare benefits, it can also affect the entitlement of UK citizens and others with a permanent right to reside in the UK. A claimant must demonstrate a period of residence and an intention to settle in the UK.

<sup>5</sup> People who did not claim asylum immediately at port of entry.

the courts to make provision (accommodation and subsistence) for destitute asylum seekers under childcare / child protection legislation (Children Act 1989) and community care legislation (National Assistance Act 1948; National Health Service and Community Care Act 1990).

The pressure for provision fell largely on the Home Counties because they contained the major points of entry (ports and airports). Local authorities had to use privately rented accommodation for asylum seekers and this was expensive and difficult to find. They began to place asylum seekers outside the Home Counties, particularly in areas where there was a plentiful supply of cheap accommodation, such as Kingston upon Hull, Stoke on Trent and Handsworth and Smethwick in the West Midlands.

Instead of restoring asylum seekers' entitlement to mainstream benefits, the Labour government which took power in 1997 'continued with the dual approach of restricting immigration and curtailing social citizenship rights afforded to asylum seekers' (Allsopp et al. 2014: 15) and introduced a separate system of support (Immigration and Asylum Act 1999). The National Asylum Support Service (NASS) was managed by the Home Office. Accommodation was provided by contractors and subsistence by vouchers according to a formula based on 70% of Income Support. The dispersal that had been started by local authorities was validated by this new system which created 'dispersal areas' in metropolitan towns and cities across the UK in order to 'share the burden' on services such as health and education.

Immigration was increasing steadily under most categories (students, work permits and family settlement) for a number of reasons including reduced costs of air travel, buoyancy of the UK labour market, increased conflict in countries close to Europe and the globalisation of economic markets.

The numbers of asylum seekers fluctuated in response to particular conflicts (for example, the civil war in Somalia, the persecution of Kurds in Northern Iraq) but rose to 71,160 in 1999 (Home Office 2000). Asylum seekers had become more visible because of their numbers, their geographical concentration around the ports of entry, their differentness when dispersed, their reliance on shopping vouchers and obvious poverty (including begging in 1996 when benefits were first withdrawn). At the same time the host community were confused about the circumstances of these newcomers – Bosnians and Kosovans received different treatment and status, as the Vietnamese boat people had done in the 1980s. EU migrants included Dutch citizens who were former refugees from Somalia and other war zones and there were daily stories on TV news about the battle against the desperate attempts of asylum seekers to get into the UK on cross channel ferries.

Although news coverage was sometimes sympathetic towards migrants (for example, when a group of Chinese suffocated in a lorry and when Chinese cockle pickers were drowned in Morecambe Bay) generally they were portrayed as trying to get to the UK because 'we are a soft touch'.

The government policies from 1996 onwards to deny benefits and later establish separate arrangements under NASS did more to inhibit integration than any other factor. They provided fertile ground for rumours and myths about generous provision for asylum seekers. The withdrawal of the right to work denied asylum seekers the ability to become self-sufficient. Asylum seekers became separated from the wider communities that might have supported them because of the separate provision and the geographical dispersal. Due to their enforced idleness, they became the new 'scroungers' allegedly exploiting the UK's generous welfare provision.

The third phase in this history does not directly relate to the issues around asylum but builds upon it. 'Asylum seeker' had become a term of abuse levelled generally at unrecognised migrants, but the numbers began to decline from 2004 just as the UK allowed free access to employment to nationals of the A8 Eastern European countries. Government action since then has been particularly focused on the other areas of immigration, namely work permits, students, family settlement and, latterly, European enlargement and access by the A2 countries (Bulgaria, Romania).

#### *Support for asylum seekers from 1999*

The organised government approach from 1999 onwards (NASS) led to the development of a substantial third sector providing services and support to asylum seekers. The Refugee Council and Refugee Action were awarded government contracts to provide a 'One Stop' service<sup>6</sup> across most of the UK. The British Red Cross developed significant services and many smaller organisations emerged responding to the evident needs of asylum seekers dispersed to provincial towns and cities. In the North East a local organisation founded by refugees, North East Refugee Service, secured the 'One Stop' service contract. The dispersal programme brought newcomers from abroad to areas that remained relatively white, and their placement in areas of hard-to-let council housing and private rented housing meant they were mixing with, and neighbours to, the more deprived members of the host community.

Local authority involvement in the programme, either as accommodation providers or local strategists, meant that in most regions there was genuine partnership with the voluntary sector, including scrutiny and challenge of Home Office and private sector behaviours. In many cities broad and strong alliances emerged as refugee forums presented statutory agencies with analysis and ideas for development of services.

Case law, following the 1996 restrictions, had established that local authorities were ultimately responsible for destitute asylum seekers under the Children Act 1989 or the National Assistance Act 1948. However, these duties were largely extinguished by the Asylum and Immigration Act 1999. Local authorities remained responsible only for unaccompanied minors,<sup>7</sup> other children whose parents were refused asylum seekers and those with community care needs. These responsibilities remain financially significant and are the subject of continuous action by immigration lawyers against local authorities.

#### *Support removed from in-country applicants*

A second Act by the Labour Government sought to curtail entitlement to support of a particular group of asylum seekers. Section 55 of the Nationality, Immigration and Asylum Act 2002 removed entitlement to NASS support from in-country asylum seekers who had not claimed asylum 'as soon as reasonably practical....after arrival'. This was a return to the 1996 position and the original implementation set a time limit for claims of 24 hours after arrival, which was later extended to three days. It was the consequences of Section 55 that prompted the first report on destitute migrants – 'Destitute by Design' – which estimated that nationally 14,000 asylum seekers could be

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<sup>6</sup> The One Stop Service acted as reception for asylum seekers, helping them with their applications for asylum and support. It provided emergency accommodation for those who needed it until dispersal and was a first point of contact for problems with accommodation and financial support. At the end of the process it also helped with Section 4 applications for further support or with transition to mainstream benefits.

<sup>7</sup> Young people under 18 seeking asylum without an adult.

left destitute each year (GLA 2004). A survey conducted in November 2003 to inform this report estimated that 500 destitute asylum seekers were using services in London. Although the majority, 56%, were staying with family, friends or members of their community, 29% were squatting or sleeping rough (GLA 2004). The first organised initiative to raise funds for destitute asylum seekers was reported in Birmingham in 2003 (Malfait and Scott-Flynn 2005).

Legal challenges to Section 55 under Human Rights legislation curtailed its automatic application to all in-country applicants. By May 2004 the Home Office suspended decisions on Section 55 pending a House of Lords hearing in the Limbuela case.<sup>8</sup>

A report on destitution in Birmingham which preceded the Limbuela hearing noted 'The legal challenges to Section 55 in 2004 have resulted in far fewer refusals by NASS to provide support. Some involved with lobbying the Government (National Association of Citizens Advice Bureaux for example) believe that this issue has almost been won and that the Home Office will not press it further. Consequently, we believe that this group constitutes less than 10% of the destitute' (Malfait and Scott-Flynn 2005: 9).

### *Appeal Rights Exhausted*

By 2004 the main visible cause of destitution was the termination of support when single people were categorised as 'Appeal Rights Exhausted' (ARE). Even when they had exhausted their appeal rights, a family with a child under 18 would continue to be supported under the main provision (Section 95 of the 1999 Act) until they left the UK. However, single people or childless couples had their Section 95 support terminated 21 days after refusal of their asylum application (or appeal). The former could therefore stay in their NASS accommodation unless they decided to hide and avoid the risk of deportation. Single people had to leave their accommodation and so were immediately and inevitably homeless and destitute.

Some refused asylum seekers are eligible for support under Section 4 of the Immigration and Asylum Act 1999. Section 4 support provides accommodation and a pre-payment card which can be used in major supermarkets but no cash. Eligibility is restrictive and the subject of repeated challenge.<sup>9</sup>

Less visible then and now are a larger group who choose to remain out of sight rather than risk deportation. Although, because of action in the courts, the numbers supported under Section 4 have grown over time, it still only reaches a proportion of those refused asylum: 48% of those appealing in 2010-2012 (Home Office 2012).

A second report highlighting the issue of destitution amongst asylum seekers was sponsored by the British Red Cross and examined what was happening in Birmingham in 2005 (Malfait and Scott-Flynn 2005). This report estimated that there were around 2,000 destitute asylum seekers in Birmingham and up to 10,000 in the West Midlands region. They estimated that 60–70% were ARE while the

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<sup>8</sup> The judgement in *R (oao Adam, Limbuela and Tesema) v SSHD* [2005] UKHL 66 concluded that a refusal to support a destitute asylum seeker could be a breach of their rights under Article 3 of the European Convention on Human Rights by constituting inhuman or degrading treatment.

<sup>9</sup> A refused asylum seeker will be eligible for support under Section 4 if

- He/she is taking reasonable steps to leave the UK or
- There is a physical impediment to their departure or some other medical reason or
- There is no viable route for return or
- They have applied for judicial review and been given permission to proceed or
- It is necessary to prevent a breach of their Human Rights.

remainder were a mixture of people with more complex stories. In the same year several other local reports followed. In Leicester, for example, researchers found that 70% were destitute because they were ARE, 40% had been destitute for over four months and 19% had slept rough (Leicester Refugee Asylum Seekers Voluntary Sector Forum 2005).

The National Audit Office estimated that in 2004 up to 283,500 refused asylum seekers were awaiting removal (National Audit Office 2005). There is no more recent data and despite an exercise to clear up 'legacy cases' deportation remains difficult. The number of asylum seekers being deported has declined each year since 2006 (Blinder 2014).

In summary, over at least the last three decades, successive governments have used immigration and nationality legislation to control migration at the point of entry. They have increased restrictions on access to welfare as a policy tool for discouraging migration, including restrictions designed to deter people seeking sanctuary under the UN Convention Relating to the Status of Refugees, and finally they use destitution to encourage refused asylum seekers to agree to voluntary return. Despite this, tens of thousands of refused asylum seekers remain in the UK living marginal lives and some of these receive support from the organisations studied.

Academic research about asylum seeker destitution has focused on the use of destitution as a deterrent against asylum seeking (Da Lomba 2005) and on the increasing criminalisation of migrants generally (Bosworth and Guild 2008). Bloch describes the daily realities for refused asylum seekers 'living in fear' (Bloch 2013). Campaigning organisations and some researchers have described the plight of refused asylum seekers trying to survive (Refugee Council 2004; Malfait and Scott-Flynn 2005; Lewis 2007; Crawley et al. 2011) and difficulties in re-opening their cases (Still Human Still Here 2010). The Jesuit Refugee Service in its UK report describes consequences including severe mental health problems and cases of malnutrition (JRS 2007). Some of these reports describe services that support destitute refused asylum seekers (Prior 2006; Lewis 2007).

## **Methodology**

This research examines the development of organisations providing support and accommodation to refused asylum seekers in three localities across the UK: one city in the Midlands and a city and a town in the North of England. They are all dispersal areas created under the National Asylum Support Service (NASS) and had some prior experience of asylum seekers under the 1996 regime. The areas were chosen because they differed in size, histories of migration/dispersal and ethnic diversity. The Midlands city is larger and more diverse than both of the Northern areas.

The organisational interviews for this research were completed in the summer of 2013.

The original research project aimed to look at support for all destitute migrants. However, until recently most EU migrants were entitled to welfare benefits, while other migrants who do not initially seek asylum are relatively invisible (not in touch with formal voluntary sector organisations) outside London until they claim asylum and seek support. Two organisations working with EU migrants were interviewed, but this report focuses entirely on those working with destitute people who have claimed asylum.

The research adopted a case study approach, examining two organisations in each area: one being a provider of cash and/or food and the other providing accommodation. In addition, in total nine other

organisations providing support and six organisations referring or signposting refused asylum seekers were interviewed. In this way a fairly complete picture of the support available in each area was developed.

In each of the three geographical areas studied the case study organisations providing cash support started to do so well before any activity to provide accommodation. The development of the former is reported here separately to reflect this earlier start.

A number of organisations were located through internet research and then further contacts sought from those organisations using a snowball sampling technique. In each of the three areas there was a small network of organisations co-operating over delivery of these services.

As well as interviewing project co-ordinators the researchers had access to workload data and annual reports to the Charity Commission. The data gathered allowed some comparative commentary but different methods of recording used by organisations (for example, recordings of the numbers assisted, the length of time assisted and amount of assistance given) limited the comparative analysis that was possible. It was also difficult to compare the staff and volunteer effort deployed.

Researchers had expected to reach informal groups offering support, and informal support arrangements (for example, hosting by another member of a church attended). These were mentioned in a number of interviews with providers and beneficiaries but contacts obtained did not result in substantive interviews. This may be because refused asylum seekers who are not already in touch with formal organisations are hiding in order to avoid the risk of deportation. Informal organisations supporting them would not want to risk exposing them.

Finally, the research included interviews with 14 refused asylum seekers being supported in the Midlands city. These interviews provided a contemporary narrative around the experience of this vulnerable group, how they accessed the services and the difference that the service made. Interviewees were chosen on the day when they arrived to collect their support. The selection depended on the availability of interview space and the ability to communicate either in English or with the assistance of available interpreters.

## **Case Studies – Support**

### *Start Up*

An unintended consequence of the 1999 Act and everything that flowed from it was the creation of significant pockets throughout the UK of professional voluntary sector workers serving these dislocated newcomers, hearing their stories and learning of the shortcomings of the current asylum decision process. Many asylum seekers' claims were inappropriately refused because they lacked advice and support as to how to present their case. Appeal statistics are testament to the dubious quality of initial decisions: between 2000 and 2010 (Home Office 2011) 22% of all asylum appeals resulted in some form of leave being awarded, some 75,340 cases. Even at appeal unassisted appellants with desperate stories are refused and these stories can be found in campaign literature (Hope Projects 2012; Prior 2006; Still Human Still Here 2010).

As voluntary sector services developed around the dispersal programme, asylum seekers had already established some contacts within the host community before refusal and made friends with

befrienders, advisers or service providers. The injustice that these friends and advisers perceived may have served as an important catalyst for the developments that followed.

In the three areas studied some of the initial actors described their first steps thus:

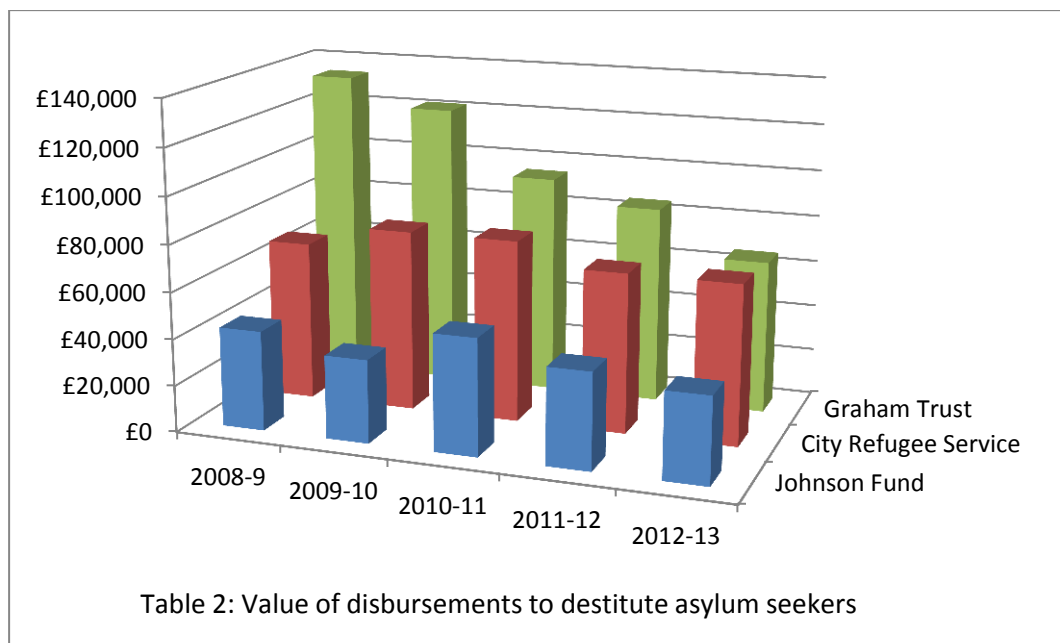
- **Graham Trust, Area A.** In 2003 a local politician was seeing increasing numbers of unsupported asylum seekers who needed financial support and legal advice. This included people refused under Section 55 as well as ARE asylum seekers. The politician raised some funds personally and with three other residents (an archbishop, a bishop and a Quaker) started the Graham Trust which was administered by the local law centre and gave cash to (ARE) asylum seekers.
- **City Refugee Service, Area B.** The formal organisation, City Refugee Service, was set up in 1999 before the establishment of NASS, when support from Social Services was still 'a bit of a mess' and slow to arrive. 'In 1998 we started collecting food and clothing from local churches for people who weren't getting support. We weren't clear what was going on but responded to the evident need' (Project Director).
- **Johnson Fund, Area C.** The local One Stop Service used to make individual applications to trust funds for asylum seekers and refugees who had particular needs. When a local teacher who was active in the faith based Justice and Peace movement died in 2001, her partner asked friends to donate to that service instead of buying flowers. The Johnson Fund that they set up provided support to refugees and asylum seekers experiencing hardship and this soon included those left destitute when their NASS support stopped.

In all three cases a few individuals took the initiative to provide direct assistance in order to meet the material needs of destitute asylum seekers. They were responding to the evident material needs of this group at times when confusing and varied reasons could leave asylum seekers unsupported. They did not immediately focus on the relationship between refusal and destitution but the Graham Trust more quickly developed a set of rules that reflected that relationship (see Findings section).

Two of the organisations developed directly as a result of professionals seeing needs which would not be met by the state and choosing voluntary effort as the only way to meet it. The City Refugee Service, which started earlier, was responding to needs under the 1996 regime when the local authority was failing to deliver and they evolved to become the professionals addressing such needs.

These three organisations developed into leading providers of financial support to destitute, refused asylum seekers. In their dispersal areas they have emerged as the major (but not only) providers of cash support. Table 2 shows that in 2008-2009 between them they disbursed £245,000 to nearly 600 refused asylum seekers for varying periods. By 2012-2013 disbursements had fallen to £170,000, largely because of reduced activity by the Graham Trust.





The exceptional value of disbursements by the Graham Trust between 2008 and 2011 reflects a disproportionate impact in that city of the Home Office 'Case Resolution' programme<sup>10</sup> which effectively encouraged refused asylum seekers to re-engage with the system. It also reflects resources from a three year project funded by the National Health Service where the Trust supported pregnant women and new mothers who had no recourse to public funds.

### Development

The direction of travel was significantly different for each of the organisations but all three have devoted significant effort to meeting material needs.

Two of the organisations have retained a more restricted focus on providing cash to destitute migrants. The third has a considerably wider focus.

- Now independent from the Law Centre, the **Graham Trust** gives £20 to an adult and £15 for a child, each week. They have typically raised funds to match the level of demand but on occasion have reduced payments when funds were inadequate. They only pay monies as a weekly allowance and initially tried to match the NASS support rates. They have a sister fund that makes small one-off grants to mothers and children.
- The **City Refugee Service** developed wide-ranging support services alongside the material support, which is referred to now as the Hardship Fund. They run daily advice and support sessions, counselling, befriending and careers advice for asylum seekers and refugees. The Hardship Fund is central to their work and represents about 35% of their effort. They used to give a combination of cash and food but now only cash – £15 per person to 100 people each week. There is a particular focus on the mental well-being of their users, given concerns about the levels of stress resulting from experiences of the asylum process.

<sup>10</sup> Between 2007–2011 UKBA ran a special programme to resolve an estimated 450,000 old immigration cases. The individuals concerned who had been surviving on the margins were most likely to be found in big cities so that when they 'emerged' the impact (need for material support) was more evident in these cities.

- The **Johnson Fund** now gives each person in the household £5 and a bag of food valued at £4–£5 to 110 refused asylum seekers each week. The food is normally donated but is sometimes purchased from funds. Originally the fund gave grants to refugees settling in the area after a positive decision but because of the demand from refused asylum seekers they have fewer resources for this. They also meet exceptional travel costs and give money towards school uniforms or school trips.

### *Fundraising*

The **Graham Trust** raises funds almost exclusively from grant giving trusts: £63,000 out of £68,000 spent in 2011–2012. These trusts included national trusts with objectives relating to innovative practice in support of vulnerable groups, and local trusts concerned with the relief of poverty. For three years it received a significant grant from the local NHS Trust to support pregnant migrant women. The remaining £5,000 came from individual donations.

Monies for the **City Refugee Service** Hardship Fund are almost exclusively raised by donations, which account for £64,000 out of £69,000 spent in 2010–2011. Some £28,000 comes from standing orders and a further £12,000 from individuals donating online or otherwise. Fund raising events include sponsored sporting activity and coffee mornings. The City Refugee Service raises monies from grant giving organisations to fund other parts of the service that it provides.

Resources for the **Johnson Fund** also come largely from donations and volunteer fundraising, which accounted for £41,000 including £11,000 worth of donated food out of £51,000 in 2009–2010. Fund raising includes sponsored sporting activity, dinners and a raffle. Some £12,000 was raised by standing orders and a further £19,000 was raised by sponsored activities and donations from individuals, schools and other organisations.

### *Governance*

These three organisations have all now registered as charities.

The **Graham Trust** started as a fund administered by a local law centre in 2003. It registered as a separate charity in 2010 by which time it was also providing housing as well as cash support to refused asylum seekers. It has eight trustees, including the politician who started it and people with appropriate skills including a refugee. The Annual Reports, which predate the charitable registration, demonstrate that until the trust obtained specific grants for staffing in 2008 all funds were used for the purpose of relieving destitution.

The **City Refugee Service** started informally: ‘Me and two mates with a bit of money from local churches and clothes in my garage’ (Project Manager). They created a formal organisation and registered as a charity in 1999 within the first year of operation, and then started fundraising. They have nine trustees with various skills including former volunteers and a former service user. The Hardship Fund is a distinct heading within their accounts showing income and disbursement, an approach which they argue offers transparency for potential donors.

The **Johnson Fund** set up the trust in May 2002 after receiving the original donations and registered as a charity in 2006. It has six trustees who are active in the delivery and oversight of the service. Over 95% of monies donated to the trust are disbursed to asylum seekers or refugees in need and this is evidenced in the accounts.

### *Staff and Volunteering*

The **Graham Trust** operated without any staffing costs from 2003–2008. Funding now pays for 10 hours per week which is supplemented by 10 hours volunteering. This covers funding applications, panel meetings, reporting and accounting.

The **City Refugee Service** does not separately quantify the human resources serving the Hardship Fund but estimates that 30% of their paid staff resource (54 hours per week) goes towards supporting destitute migrants. This covers the administration of monies, the weekly disbursement events and the other staff time that is utilised in supporting this vulnerable group. Volunteer effort is enormously important for fundraising.

Since its charitable registration, the **Johnson Fund** has published accounts and an annual report which show a tiny expenditure on fundraising, staffing and volunteering; £1300 out of £43,000 disbursed in 2008 and £1220 out of £39,000 in 2010. It requires 30 volunteer hours each week including transport, packaging food, accounting and disbursement.

### *Other Organisations Providing Support*

In each of the three areas studied other significant organisations providing material support were interviewed and these are described in Table 3. Reports indicate that the majority of ARE asylum seekers stay with friends either in NASS accommodation or in settled housing (GLA 2004; Lewis 2009; Prior 2006; Smart 2009). In interviews with organisations it was often reported that there is another layer of support arranged and provided by informal organisations, including minority churches and refugee community organisations, and interviews with beneficiaries confirmed this (see below). Researchers were unable to arrange interviews with any such organisations. One organisation refused an interview explaining that they believed it would expose their clients to an unwarranted risk of being picked up by immigration services.

Table 3 Other organisations providing material support

#### **Area A – Midlands City**

<b>Organisation's central purpose and funding</b>	<b>Material support given to destitute migrants and funding</b>
A national organisation providing a wide range of activities including work with asylum seekers and refugees and support to destitute migrants. The organisation is funded by donations and grants.	At the peak of demand in 2009, 100 people per week were supported, reducing to 40 per week in 2013. They are supported for 4–12 weeks only: given supermarket vouchers to the value of £15. The programme is grant funded.
A faith based organisation which started to support asylum seekers waiting outside the One Stop Service. It has been funded by a one off charitable gift and monies from Catholic churches.	The project started in response to the evident needs of asylum seekers. They now give 30–40 food parcels per week plus clothing to the general asylum population. The food and clothing are donated by Catholic churches and schools.
A pre-existing Neighbourhood Support Scheme started to run welcome events for newly dispersed asylum seekers and went on to collect food for those made destitute. The organisation is grant funded.	Giving 50 food parcels per week in 2009, down to zero since 'Case Resolution', NASS contracting changes meant fewer asylum seekers in the locality and a local foodbank started. Donations by local people, schools and churches.
Trussell Trust Food Bank - one of several in the city	Giving 10 parcels per week to destitute migrants.

that may serve destitute migrants	Food is donated by individuals.
A Night Shelter provided by residents of a small Housing Co-op. Funding from churches, businesses and individuals.	10 people per night are given an evening meal and a bed space. Food donations come from Asian and Christian faith groups.
A faith based organisation befriending and supporting asylum seekers and refugees. The organisation is grant funded.	Occasional food parcels are given to individuals in crisis. Food is donated by faith groups.

### Area B – North of England

Organisation's central purpose and funding	Material support given to destitute migrants and funding
A foodbank run for destitute migrants by Catholic churches.	70 people per week are given £5 and a bag of food plus lunch on the day they collect their support. The food is donated by churches.
A national organisation providing a wide range of activities including work with asylum seekers and refugees and support to destitute migrants. The organisation is funded by donations and grants.	Giving £10 per person per week for 4 weeks initially. The programme is grant funded.

### Area C – North of England

Organisation's central purpose	Material support given to destitute migrants and funding
Newford Support provides a wide range of activities and services for asylum seekers and refugees, including accommodation and support to destitute migrants. It is partly grant funded and a social enterprise.	Giving food parcels to 40 people per week valued at about £5.
Support to migrants at a weekly drop-in run by local Methodist churches, including refreshments and also clothing and household goods.	Clothing and goods are donated by churches.
A national organisation providing a wide range of activities including work with asylum seekers and refugees and support to destitute migrants. The organisation is funded by donations and grants.	£10 per person per week for 4 weeks initially. The programme is grant funded.

### Case Studies – Accommodation

Whilst clearly any destitute migrant has no resources to pay rent, there is limited information about how they meet their accommodation needs. The London survey found that 29% were squatting or sleeping rough with a further 56% staying with friends, family or community (GLA 2004). Some other reports show even higher proportions staying with friends, family and community and emphasise the importance of networks as a first strategy for survival (Crawley et al. 2011; Lewis 2009).

In all three areas surveyed organisations have emerged that provide accommodation. The provision of accommodation requires organisational resources on a completely different scale to the disbursement of cash or food parcels and in the areas surveyed these organisations started much later than the hardship/destitution funds, as a further response in the face of continued long-term destitution. Once again the development differed in each area.

Table 4. Summary of accommodation providers

	Hardship Funds	Accommodation Provision and start dates		
Area A	Graham Trust 2003	Night Shelter 2004	Graham Housing 2006	Hosting Network 2011
Area B	City Refugee Services 1999	Bridge Foundation 2006		
Area C	Johnson Fund 2001	Newford Housing 2005		

*Area A – Three Housing Providers*

The Night Shelter used in Area A is actually in another city and predates other accommodation provision. It is a housing co-operative formed by a small group including people working with asylum seekers and refugees. Whilst renovating the newly acquired property they decided to share it with destitute asylum seekers and it has continued to serve destitute migrants from neighbouring areas within the region.

The trustees and voluntary co-ordinator of the Graham Trust took the initiative to seek accommodation. They secured properties on lease at peppercorn rents from registered social landlords and charitable trusts. They first approached the strategic Housing Partnership in the city but the first property was secured in 2006 from a Quaker organisation through a direct approach to the Chief Executive. The scheme grew incrementally as other trusts and Housing Associations decided to assist. Whilst the co-ordinator managed the properties, initially staff from the referring agencies took responsibility to support their clients. Funding was secured for two half-time workers in 2008 (Co-ordinator and support worker) when there were three properties. They manage the properties with some help from residents.

There are now eight properties, all leased on the same basis, providing 30 bedspaces. The Trust has to raise funds for the running costs of the property – maintenance, electricity, gas and Council Tax. All the residents are in receipt of monies from the Graham Trust Hardship fund (£20 per week) and are encouraged to seek additional support from other agencies.

The Hosting Network was started by two colleagues working with unaccompanied minors who were aware of the difficulties that young people and others who are refused leave to remain experience. They were aware that other cities had hosting schemes and that an earlier attempt to start one in their city had failed. The first placement was made in April 2011 and over two and a half years hosts had provided 4,200 nights of accommodation.

*Area B – Bridge Foundation*

Bridge Housing is part of a social enterprise started in 2006, sponsored by a church in the city, in response to a local report about destitute asylum seekers. It provides rental accommodation for new refugees and uses this to cross-subsidise accommodation for destitute asylum seekers. They currently have two properties for destitute asylum seekers and five for refugees. All seven properties are owned by private landlords who support their philanthropic mission: two charge peppercorn rents and the other five are leased at about 50% of market value.

They have considered approaching Housing Associations but 'prefer to work with people who share our mission' (CEO).

The Foundation has raised significant funds from other churches in the city and from national and local trusts, using a professional fundraiser. They now have 'exempt accommodation' status which will allow them to charge higher rents to refugees and thus increase their Housing Benefit revenue. This should make the two housing streams sustainable in the long term. They provide 10 bedspaces for destitute asylum seekers and 27 for refugees. Altogether there are 2.8 full time equivalent staff employed in the housing activity.

The Foundation also runs ESOL classes for asylum seekers and refugees and other activities not associated with migrants.

#### *Area C – Newford Support*

This organisation started in 2001 and registered as a charity in 2003. When the NASS dispersal programme began in 2000 some 'strangers appeared at a church and friendship events started. They provided food for people who had problems with their NASS support and social events were run at a Pakistani Community Centre' (CEO).

They first provided accommodation to destitute asylum seekers in 2005 when they were loaned a property and used it to house five women. Later two other individual benefactors bought and loaned houses. In 2008 they housed refugees paying rent for the first time and embarked on a programme to cross-subsidise accommodation for destitute asylum seekers.

They currently have 15 houses able to accommodate 50 refugees and 19 asylum seekers. This is not sustainable without additional funding but if the accommodation is given 'exempt status' by the local authority they will be able to charge refugees more than the restricted single room rent to reflect the additional costs of the provision. After initially securing the gifted properties, Newford acquired properties at less than market rents from local landlords who were sympathetic to their activity.

Newford also run a peripatetic shelter seven nights a week in church halls, which was used by 43 men in 2013. The shelter is used by men waiting for housing spaces and is advertised directly in translated leaflets. Women in this situation are usually hosted by volunteers.

In addition to housing provision, Newford run weekly drop in services for men and women, with food parcels for those that are destitute (40 people per week). They also run ESOL classes and a job club for refugees.

The organisation has three part time paid staff making up 1.8 whole time equivalent, and 70 volunteers give up to eight hours each week.

#### **Service User Interviews**

In order to describe and categorise the circumstances of destitute asylum seekers seeking support and to get a sense of provision from the beneficiaries' perspective, 14 destitute asylum seekers were interviewed at one of the agencies providing support in the Midlands City, Area A.

Beneficiaries interviewed came from ten different countries in Africa and the Middle East and they had been in the UK between one and fifteen years (on average over eight years). Nine (64%) had claimed asylum on arrival in the UK. Two had entered the country on visitor visas and then claimed asylum as political refugees. Three had entered on visitor visas, were detained when they were found working and subsequently claimed asylum. In total eight out of this sample (57%) had spent periods in detention or prison.

Four were female and ten male and one male had dependent children. Their average age at the time of interview was 37. Six were advised to visit the agency by friends, two were advised by strangers and two by professionals.

Respondents had limited knowledge about the other support services available in the city, although 12 of the 14 mentioned other support that they had used including four references to community churches and two to foodbanks. Five had spent at least one night at the night shelter and one of them had spent some months there working as a volunteer. Several talked about sleeping rough.

Interviewees were not all forthcoming about where they were staying but four reported that they were staying with friends, four were accommodated by the Graham Trust and one was staying at the night shelter. Two of the females reported frightening or oppressive sexual experiences as a consequence of their destitution: 'I had to sleep with someone because I just want a roof over my head' (Female interviewee) and one male reported perpetuating a dysfunctional relationship because it provided accommodation and material support.

Two of those interviewed had only arrived at the agency that day and were waiting to learn if they would be supported. The other 12 had already been assessed and had been getting support for varying lengths of time: in a number of cases this was a second or third period of support being given following successive refusals by the Home Office against fresh claims. The interviewees praised the organisation for sensitivity: 'friendly and understanding' (male interviewee); the speedy decisions: 'they supported me the same day' (male interviewee) and the additional help to find legal assistance: 'I was so tiny, I was confused and helpless until they calmed me down and took up the case' (male interviewee).

The detailed stories that people told often appeared confused and incomplete. Some people seemed only to remember the most distressing aspects, whilst others had little to say about how they had survived: they showed signs of post-traumatic stress. Asked about the difference that the support made, interviewees commented on the social as well as material support: 'Now you can see the smile in my face and I have hope for the future' (female interviewee) and did not want to think about how difficult it is without it 'sometimes when I am walking in the street, I just cry..... thinking about how....to survive without' (male interviewee). Many seemed uncertain or unwilling to think about whether or when support might stop.

## **Findings**

### *Co-operation and Partnership Working*

In all three areas there were high levels of co-operation between organisations so that weekly support services as they developed were designed to complement rather than duplicate or compete with existing services. This meant, for example, that if one organisation secured funding to support destitute asylum seekers for four weeks they would be signposted there first and other organisations would cover the period beyond that. The complementarity is illustrated by another example - in Area A if a person is hosted by the 'Hosting Network' and the host provides meals the Graham Trust will pay £10 to the host and just £10 to the recipient.

Providers acknowledged the potential for beneficiaries to get more than a 'fair share' of the limited support available. However, there had been no attempt to measure this and respondents were clear that people who were destitute were never refused weekly support. In each of the areas studied there were at least three organisations giving cash and/or food bags.

One respondent commented, 'What we give isn't enough to live on so we encourage people to visit other organisations' (Housing Support Worker, Graham Trust).

All three areas used simple referral mechanisms between agencies. In the northern areas the One Stop provider acted as assessor. In the Midlands city a limited number of accredited agencies would assess and refer. In all three areas decisions to support were subject to review and this is discussed below.

Co-operation around the issues of destitution was effected in varied ways:

- In Area A, the Midlands City, a defined group of referrers (accredited agencies) meet regularly as a panel where they discuss internal and external policies as well as reviewing cases.
- In Area B a forum for asylum support is the place for strategic discussion and inter-agency contact.
- In Area C ad-hoc discussion between agencies is a part of the regular contact about external issues or individual cases.

It appeared that all these agencies shared information as necessary in order to best meet the needs of individual asylum seekers concerned. Only one agency providing support avoided detailed co-operation and information sharing, on the grounds that they did not wish to be part of any rationing: this is a cause of some discontent amongst other agencies in that area.

The Graham Trust's partnership work with Housing Associations was the first around this issue in the UK. In Areas B and C equivalent relationships were found between Bridge Foundation, Newford Housing and the landlords and owners gifting their properties.

### *Eligibility, Decision Making and Time Limits*

All of these services are making decisions about the distribution of limited resources to an extremely vulnerable group of people. Their customers have often experienced extreme trauma before arriving in the UK and, notwithstanding this, their claim for refuge has been rejected. They are usually isolated, their previous identity has been stripped away and they can survive only by illegal activity or by accepting charity.

Issues about the way in which the service is promoted and accessed as well as the rules defining entitlement can have a life changing impact on the individuals needing assistance. During interviews



support organisations reflected on their own policy and practices and how these worked for potential beneficiaries.

#### Area A – ‘A prospect of remedy’

In Area A the Graham Trust supports people ‘provided there is a prospect of a remedy’ which will move the person towards getting the right to remain in the UK. For asylum seekers this means that they must be preparing a fresh claim for asylum or they may have submitted a claim and an application for Section 4 support. Decisions are taken by a panel which includes representatives of all the six referring agencies. The referring agency has to persuade colleagues that there is a prospect which is either being monitored, or actively pursued, by the agency itself. Referring agencies are required to update the panel fortnightly and the Project Co-ordinator reports, ‘There were some meetings where agreement was difficult and some agencies were pushing the boundaries but now the panel runs smoothly. Generally agencies do not put forward cases that do not fit the criteria’. Once supported by the Graham Trust, and if there is a continuing prospect of resolution, there is no time limit. Although the vast majority are refused asylum seekers, there are a few others with possible remedies and the panel ‘can exceptionally be persuaded to help in other circumstances – responding to good compassionate arguments’, for example, to support a pregnant woman at least for a short time.

#### Area B – ‘People could be supported for ever by the fund’

The Hardship Fund is designed to support destitute asylum seekers and this generally means those who have been refused (appeal rights exhausted). However, they often give one-off support to other destitute migrants and have supported a family when social services had a clear duty but were slow to act. Referrals to the Hardship Fund only come through the One Stop Service provider and the City Refugee Service insists that everyone visits there for legal advice before they are accepted for support, to ensure that anyone with a possible remedy is identified. Some people are supported who ‘have no prospect of re- opening their case so that they could be supported for ever’ (Project Director). A lot of people supported put in fresh claims after getting advice from the One Stop Service but it is not a requirement. Cases are reviewed occasionally.

#### Area C – ‘Help to re-engage with the asylum process’

In Area C the Johnson Fund supports all comers without condition and without a time limit. They refer to another service to ‘help them re-engage’ with the process: the co-ordinator of that (support and legal advice) service is one of the energetic volunteers serving the Johnson Fund. This phrase was also used by the housing provider in the area, Newford Housing, ‘We would like to develop the Destitution Support Worker’s role so that he can get to know users better and help them to re-engage with the process’ (CEO): it reflects a perception that many refused asylum seekers need unconditional support before they can decide what to do next. The support offered does give them that breathing space: as the CEO of Newford Housing said, ‘We find that people can really focus on other issues when they have a roof over their head’.

The three major agencies providing housing wanted to feel confident that they served those in most need (within their eligibility rules), and operated waiting lists. When vacancies were available they had discussions to identify those most in need. Use of night shelters, physical and mental resilience, as well as time on the waiting list were seen as evidence of an individual’s need.

All the organisations made provision outside their normal rules occasionally, for example exceptional travel costs or a one-off payment to an EU migrant. All organisations had, in exceptional cases, given support to former asylum seekers who now had the right to remain and were eligible for welfare benefits but were experiencing excessive delays.

Two of the housing organisations have recently introduced absolute limits on the time that they will accommodate destitute asylum seekers in order to free up space for others in need. Graham Trust will only accommodate asylum seekers for 18 months and Newford Housing will accommodate for 24 months. After implementing their new rule Newford asked four people to leave. Three found accommodation whilst the fourth returned to the Night Shelter.

In each area there were organisations which did not purport to provide support themselves but referred people to support providers. These included the One Stop providers in both regions and also organisations offering legal advice and support. In interview it became clear that all of these organisations did occasionally, or regularly, give support. This support included:

- a small emergency fund set up by staff in a One Stop provider
- a hot lunch provided one day each week to people receiving legal support
- individual staff and volunteers giving monies for food or travel out of their own pocket.

All the agencies interviewed test 'eligibility' for two reasons. Firstly, they wish to ensure that the applicant does not have any 'recourse to public funds'. If they do, these agencies will provide immediate support until the funds are secured and possibly help with access to legal assistance. Secondly, they wish to be confident that the person is literally destitute rather than seeking to boost a meagre lifestyle. Both these measures are designed to protect limited funds and ensure that they reach the targeted group (destitute refused asylum seekers).

An experienced adviser can usually establish someone's immigration status and thus their possible entitlement (or otherwise) to public funds. The test does not have to be lengthy or difficult and beneficiaries interviewed for this research all commented positively on the simple and speedy approach of that agency.

It is usually assumed that a person without recourse to public funds is destitute, although subsequent observation may throw this into doubt. Most agencies agreed that very occasionally people who did not appear to need the assistance had claimed. This did not give rise to restrictive tests and assessments; people were simply turned away.

All the agencies were clear about delegation and discretion. The more formal have tried harder to codify the rules, have written guidance and are more likely to require senior authority for action outside the rules. The less formal are more comfortable to allow discretion to more junior workers and are, in any case, less hierarchical. The Graham Trust was unique in the way that decisions were taken by a panel of referring agencies.

Maintaining a shared understanding of rules without formal guidance is relatively easy in small organisations where those involved understand and share the mission. One national organisation interviewed required approvals from senior staff outside the local office to extend the length of support. This appeared to be a creative response to the realisation of long-term destitution.

### *Advertising and Access*

Government data suggests that there are hundreds of thousands of refused asylum seekers awaiting deportation: 283,500 in 2004 (National Audit Office 2005). So it is clear that a substantial number remain hidden from view without support from the organisations studied here.

Available data did not allow comparison between the nationality of those supported and the population of refused asylum seekers. Instead, agencies were asked whether they thought that the destitute migrants they saw reflected the gender and ethnic profile they would expect. Their responses can be summarised as follows:

- The number of Chinese seeking support as destitute was small.
- Somalis are less common than would be expected.
- Afghans and Pakistanis are not evident but some respondents thought that this was because of the support they can receive from their settled communities and the opportunities for informal employment.
- Iranians and Iraqis are a significant group needing support but much less likely to require accommodation. Informants suggested that because they are mostly single men they provide sleeping space for each other, whether those providing it are settled or still in NASS accommodation.

Data collected showed that there were marginally more women receiving hardship payments (34%) than in the asylum population as a whole (27%) (Blinder 2013). This proportion increases dramatically when we compare those accommodated as destitute, when 53% are women. Organisations interviewed recognise this as a reflection of women's additional vulnerability – it's easier for males to get by, perhaps by finding a few hours cash in hand work, and to share accommodation, without risk of sexual exploitation. Some 95% of those supported are single. Only a few families fall outside the normal Section 95 rules which allow continued support for people with dependent children until they leave the country.

Although agencies had some tentative explanations for the absence of particular ethnic groups, these may conceal access difficulties relating to language, cultural timidity, religious perceptions or acute fear of contact with formal organisations.

The issues around asking for support are complex and affected by cultural background, social status in country of origin, race and colonial history. Some people feel degraded by accepting gifts of food even if they are aware that a system is established, but for others asking for help is much more natural.

Most agencies that provided other services reported that some users would attend meetings or events for some time before they revealed that they were destitute. One agency reported that men from Iran and Iraq approached the Muslim support worker as if he was the Imam despite his protestations that deference was unnecessary.

Only one organisation advertised their service. Newford Housing had translated a leaflet about their night shelter into a number of languages. The Housing Support worker at the Graham Trust had business cards which included details of their accredited referral agencies. This worker had also produced a directory of relevant services available locally.

In our small survey of users it appeared that the majority had learned of support initially from a friend and that they had limited knowledge about the various services that were available.

In these circumstances the outcome in terms of service access may be closely related to the effectiveness of referrals, whether by signposting (where the potential beneficiary must present themselves at the receiving agency) or referral that is actively followed up by the receiving agency.

Once they have made effective contact with a support agency, destitute migrants could learn about other facilities, but this also depends on a number of factors, such as, their command of English, the availability of volunteers speaking their mother tongue, their mental wellbeing and consequent ability to participate and communicate.

### *Referral*

Referral pathways may have a significant impact on outcomes for individuals. Understanding the interaction between formal and informal organisations is particularly important because research evidence indicates that marginalised groups rely more on informal support and community groups. These have an important role as a 'bridge' between marginalised groups and more formal/statutory services (McCabe et al. 2013).

Interviews with support organisations and beneficiaries confirmed that referral is most likely from informal to formal organisations (see Table 5).

**Informal provider and informal provision.** The most informal groups such as members of a church or mosque may host a congregation member, give them food or money and then refer them to the formal voluntary agencies they know.

**Formal provider and informal provision.** Some formal voluntary agencies such as the One Stop Service in the Midlands city have no formal provision for this group of destitute refused asylum seekers. They may occasionally provide food or a volunteer may give them money but they will generally refer to more formal provision. The Neighbourhood Support Scheme in that city began in the same way but moved from being an informal provider to being an intermediate service as it regularly supported 50 people who had a clear expectation when they attended each week, but it has now retreated as the need has been met in other ways.

**Formal provider and intermediate provision.** Organisations such as the Johnson Fund, the City Refugee Service, the Catholic Church in Area B and food banks can be characterised as formal organisations making intermediate provision. They provide food / financial support but do not directly address the other obvious need that their beneficiaries have – accommodation. Organisations which only provide accommodation may also be characterised as intermediate.

**Formal provider and whole service.** The Graham Trust and Newford both provide accommodation and food / financial support but neither would claim to meet all their beneficiaries' needs. They have both found it necessary to introduce limits on entitlement to accommodation. The Graham Trust, which offers the most generous support, also restricts entitlement to those with potential remedies.

**Statutory agencies and whole service.** The statutory providers (Home Office and Local Authorities) purport to make complete provision by way of accommodation and financial support. Obtaining support from them may be seen as the ultimate success in this analysis because, once achieved, it comes closest to an adequate subsistence. However, they have a rigid set of rules, are the most reluctant to provide support and resist legal challenges which would extend their responsibilities.

In summary, formal agencies making more substantial provision will also have tighter rules of entitlement. At the other extreme (diagonally opposite in Table 5) are the voluntary workers and individual churchgoers who give from their own pocket.

The matrix in Table 5 shows the referral pathways and compares formality of the agency against formality of the provision (support and accommodation).

Table 5. Service Matrix – Provider Type vs Provision

Statutory Agency	Formal Voluntary Agency	Informal provider	
	Formal organisations occasionally providing food donated locally or one-off cash payments	Informal hosting Individuals supported ad-hoc by ethnic, faith or community groups Welcome groups providing food donated locally	Informal or low level provision
Referral to voluntary and informal sector	Provision of regular ongoing support in cash, vouchers or food Accommodation Formal hosting Food banks	Referral to the organised voluntary sector or statutory agency	Intermediate provision with rules
Local Authorities (duty to support) & UK Border Agency (S.4)	Provision of accommodation and regular ongoing support in cash or vouchers		Substantial provision with tight(er) rules

Referral can sometimes go in the other direction, when an individual has no entitlement or has exhausted their entitlement. For example, Local Authorities may refer (or signpost) to the voluntary sector when they believe an individual is ineligible for their service. A formal voluntary agency may refer someone 'ineligible' (for example, with no prospect of getting leave to remain) or who has 'exhausted' their entitlement (for example, to housing support) to an informal community group in the hope that they can provide support.

*Value of support*

The services offered can be valued in different ways. For beneficiaries they enhance health and wellbeing and provide an opportunity to submit a further claim for asylum which may have a positive outcome. For society they arguably reduce the costs associated with rough sleeping and ill health. Each provider told stories of people supported who eventually got the right to remain and were

saved from deportation and serious risk to their safety, but none of the organisations were systematically collecting such data.

Calculating the monetary value of the services is difficult for a number of reasons:

- Foodbags can vary quite significantly from agency to agency and week to week.
- The value of a bed at a night shelter is not defined in conventional benefit rules.
- Not all agencies have collected the numbers using their services each week whilst total disbursements include payments for one-off expenses.

Estimates from the information collected are as follows for the year 2012–2013:

Table 6 Aggregate values of services by area

	<b>Value of cash and food p.a.<sup>11</sup></b>	<b>Number supported per week</b>	<b>Value of Accommodation p.a.<sup>12</sup></b>	<b>Number accommodated each night</b>	<b>Value of volunteer effort p.a.<sup>13</sup></b>
Area A	£115,975	150	£151,207	40	£420,472
Area B	£115,960	187	£36,500	10	£81,120
Area C	£69,940	155	£110,230	29	£304,200
<b>TOTAL</b>	<b>£301,875</b>	<b>486</b>	<b>£297,937</b>	<b>75</b>	<b>£805,792</b>

Table 6 shows that over the last financial year (2012–2013) the various organisations surveyed were supporting 486 people each week, giving each individual an average of £12 in cash and/or food. This support has a substantial positive impact on those benefitting, even though it is alleviation rather than cure, effectively sustaining them but well below the poverty line.

#### *Length of support*

The data available from agencies does not always allow an analysis of how many people are supported for how long. It was therefore difficult to ascertain the movement in case loads and the numbers of users impacted.

However, data from the Graham Trust Hardship Fund enabled some analysis of caseloads over the last five years. Table 7 reflects the variation in expenditure illustrated in Table 2. The table allows calculation of the length of time supported and shows that the average beneficiary is supported for a relatively short time – just 11 weeks in 2012–2013.

<sup>11</sup> Aggregate of cash given and estimated food value at £5 per bag and £3 for shared meal.

<sup>12</sup> Estimate of rental values of shared accommodation and dormitories based on Housing Benefit rules.

<sup>13</sup> Volunteer time was valued at £13 per hour (average hourly earnings 2013).

Table 7. Graham Trust – Numbers assisted over the year and disbursement 2008–2013

Cases Closed	2008–2009	2009–2010	2010–2011	2011–2012	2012–2013
Single Males	306	303	361	158	157
Single Females	168	173	222	95	93
Couples	42	39	66	12	10
Children	202	179	98	33	38
<b>TOTAL</b>	<b>516</b>	<b>515</b>	<b>649</b>	<b>265</b>	<b>260</b>
Disbursement per case closed	£244	£248	£146	£320	£254

By contrast, analysis of data from the Johnson Fund suggested 45 weeks was the average length of support.

There are a number of possible explanations for the difference.

- The rules used by the Graham Trust and the close partnership working of the panel may mean that beneficiaries re-engage with the asylum system more rapidly and gain Section 4 support whilst their fresh claims are considered.
- The Johnson Fund supports people who have no immediate prospect of making a fresh claim and they are inevitably destitute for longer periods.
- The beneficiaries in Area A may be a more transient group attracted to the ethnic communities in a large city when they find themselves destitute. A study in Leeds found that 35% of those destitute had previously been accommodated elsewhere (Lewis 2007). They may move on again or because of the opportunities available in a large city may more readily find informal work while, or rather than, pursuing fresh claims for asylum.
- Beneficiaries' support is more likely to be terminated by the Graham Trust if they have no prospect of resolution. There was no readily available data to determine the number (or proportion) of individual cases where support was terminated for this reason.
- A lack of appropriate legal assistance makes it difficult for beneficiaries in Area C to submit fresh claims and obtain Section 4 support.

#### *Development and resilience*

All six of the case study organisations were started in response to a perceived need amongst destitute asylum seekers, although some later developed a broader range of services.

Third sector activity often starts around the margins of statutory services (Kendall 2003). Third sector organisations may, for example, provide services to an entitled vulnerable group who are not getting the quality or quantity of service that the third sector organisation deems appropriate. They may provide extra service to improve an already tolerable life or they may be demonstrating radically different ways of providing services. Whichever of these applies, it is inevitable that there will be some exchange between statutory services and the voluntary organisation about service boundaries and probably some mutual learning about methods. If a third sector service demonstrates improved

outcomes the statutory service may change and perhaps the voluntary organisation will be contracted by the statutory agency to provide services (Macmillan 2010).

The process above may be accompanied by more or less robust criticism and campaigning by the third sector organisation to get their message across and often they will be engaged in general or specific consultation, thus beginning a dialogue about service design and delivery. In this context, however, there are limited statutory service entitlements and therefore limited dialogue between the statutory agencies and potential third sector providers.

Imagining a society with well-developed welfare provision, it is difficult to conceive of circumstances where a vulnerable group are deliberately and indefinitely left without any material resource to feed, clothe and house themselves. Even unemployed people who fail to participate in work programmes can receive 'Hardship Payments' at 60% of their normal benefit if they would otherwise be destitute. People on strike can claim benefits for their families. However, refused single asylum seekers or couples without children who are not eligible under Section 4 receive nothing and this appears to many to be a 'deliberate policy of destitution' (JCHR 2007: 41). Until recently, in the 16 years since this policy was started there has been little evidence of grassroots campaigns to change it and no evidence of agitation by opposition parties in Parliament. Asylum seekers have been demonised and it has become acceptable to treat them in this way.

The third sector organisations studied here are not therefore filling a gap with an expectation that government will 'wake up' to the injustice and devise an appropriate system to meet the need. By supporting refused asylum seekers who are supposed to be leaving the country the actors are undermining and quietly challenging government policy. Some would argue that this is the core business of voluntary action, advocacy on behalf of the marginalised, rather than contracting to deliver public services (Rochester 2013; Benson 2014).

There is, therefore, currently no prospect of direct government funding to meet the subsistence needs of these refused asylum seekers. Although one agency is providing support funded by the Big Lottery and one national funder has given monies to each of the six case study organisations, others have tended to be regional or more local. These are organisations interested in the relief of poverty who have not been deterred by negative rhetoric against asylum seekers. It is notable that in the two northern areas the majority of funding came from regular local individual donors. All agencies had to work hard at accessing funding in their different ways: the Bridge Foundation employed a professional fundraiser; others have volunteers organising events.

Growth, diversification and entrepreneurial trading may not be options for these relatively small organisations. Milbourne (2013: 153) suggests that growth 'may be wholly inappropriate for small voluntary sector organisations who rely on maintaining trust and connections at grass roots' and this is true of many of the organisations interviewed. However, the organisations involved did reflect a spectrum of voluntary sector models and activities. They ranged from entirely philanthropic approaches (disbursement of funds raised through donations) to more social enterprise approaches. The housing providers were the more innovative, although each of them had only started because owners / landlords were prepared to forgo rent on their properties.

The two housing providers in the North were moving to a business model where surplus from provision of housing services to refugees would help to fund accommodation for destitute asylum seekers; however, they would still be partly dependent on the charity of property owners leasing them properties at less than market rent. The Graham Trust in the Midlands has been examining a



similar model but also talking with a third sector consortium which may bid for a contract with Local Authorities to support and accommodate migrant families that they are responsible for.<sup>14</sup> These organisations are hybrids: agencies that may be voluntary, but which also draw on more private sector business models and/or adopt systems associated with the statutory sector (Billis 2010).

### *Dealing with Destitution: Below the Radar?*

McCabe et al. (2010) discuss characteristics of organisations that might be considered 'below the radar' – technically, community groups that do not appear on the data held by regulatory bodies. Assessed on these characteristics, most of the organisations interviewed (and all of the six case studies) would not be considered below the radar. They are all registered with the Charity Commission and they have an annual turnover in excess of £50,000. Most of them have paid staff and have premises from which staff work. In addition, the accommodation providers were all active members of a network, NACCOM,<sup>15</sup> which facilitates support and information exchange and also lobbies on issues within its sphere of knowledge.

The informal organisations which researchers were unable to contact were evidently below the radar. They are perhaps providing initial support (by way of food and hosting) before referral or longer-term support. These organisations included churches and Refugee Community Organisations which did not appear on regulatory data sets.

There may be other ways in which the case study organisations were, essentially, below the radar. They were not hiding but in their missions did not seek publicity, wide community recognition or local influence. Further, whilst destitution amongst the general population has become a high profile public and policy issue (Sentanu 2015), responding to destitution amongst asylum seekers remains below the radar.

## **Conclusions**

Most of the organisations providing support were faith based or had close links to faith groups. The connection with faith had a significant bearing on resourcing of activities (Dinham 2009) – the donation of properties to provide accommodation, collections of food and regular giving by individuals in faith communities. Other organisations had their roots, not in a sense of religious duty to the poor, but a political belief system grounded in social justice. These organisations were more likely to rely on funds from grant giving trusts and had less connection in or resource from the wider community, but drew support from volunteers committed to justice. The need for sustainable development in the area of housing is encouraging innovative approaches.

The organisations were run by professional voluntary sector workers who had become experts in the field, thereby reflecting a wider trend in the sector over at least the last 20 years (Bubb, 2007). All the individuals interviewed had belief systems which emphasised compassion, humanity and justice. The one case study organisation that had no paid staff, the Johnson Fund, was run by volunteers

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<sup>14</sup> Some migrant families with children under 18 are ineligible for benefits or continuing support under the Immigration and Asylum Act 1999. Local Social Service authorities will (usually) have a duty to support them under the Children Act 1989 but cannot use social housing for the purpose.

<sup>15</sup> NACCOM – The No Accommodation Network, [www.naccomm.org.uk](http://www.naccomm.org.uk) – has been financially supported by the central government (DCLG) Homeless Transition Fund.

whose paid work was with asylum seekers. This highlights the sometimes blurred boundaries between paid work and activism.

All the case study organisations depended on volunteers to some extent: over all the organisations interviewed approximately 60% of the human effort was provided by volunteers. The volunteer effort was essential in organising food bags and clothes stores, greeting beneficiaries, hosting, running night shelters and fundraising. In return for their efforts volunteers working directly with the beneficiaries express the view that their own lives are enriched by meeting people from different cultures and helping to sustain the individuals. Volunteers included past and some current beneficiaries.

There was significant variation between the periods over which individuals were supported by the different organisations and thus the costs and fundraising needed. The variances reflect differences such as successful re-engagement with the asylum process, 'entitlement' rules to encourage this, the availability of legal advice and a commitment by some providers to unquestioning long term support, if necessary.

Actions by governments in this arena may be seen as a retreat from the universal welfare commitments made in 1945. Various rules have restricted the welfare entitlements of different groups of migrants and these rule changes have been characterised by those changing them as 'sending messages' to deter these target migrants from choosing to come to the UK. The determination to restrict migration in this way may be driven by anxiety about welfare costs, concerns about integration and community, a belief that migration has negative economic consequences or a response to concerns from the public and media. The restrictions leave significant groups of vulnerable people in fragile circumstances only able to survive through illegal work or the charitable support of others. Refused asylum seekers who cannot or will not leave the UK are in an intractable position and it is improbable that there will be any change in the law to improve their position in the near future.

Successive governments show no regard for the individual consequences of their decisions and will generally resist legal challenges which seek to mitigate the impact. In relation to refused asylum seekers, governments have changed processes, making it more difficult to put in a fresh claim for asylum or to get any support and respite from destitution whilst a fresh claim is considered. These civil society organisations are standing in as a place of last resort.

Whilst these civil society organisations provide valuable respite and support for vulnerable refused asylum seekers, giving them an opportunity to re-engage with the asylum process, there is no evidence available as to the longer term outcomes, such as the proportion who eventually get the 'Right to Remain' or contrarily return to their country of origin. Arguments to governments about the need to reform the asylum process might be considerably enhanced by robust evidence of the system's failings collected from people supported in this way.

Any debate about whether or how these refused asylum seekers can be supported risks mirroring recent, almost circular, discussions on foodbanks. It could be argued by government that refused asylum seekers only need this support because they refuse the option to return to their country of origin and the existence of this support discourages the option of return. However, if governments voice these arguments they cannot conceal the use of destitution as a policy tool.

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