

Briefing Paper 131

Challenging the destitution policy; Civil Society Organisations Supporting Destitute Migrants

Adrian Randall

Background

United Kingdom governments have over the last 55 years gradually but inexorably tightened immigration laws to try to restrict immigration from former colonies (whether based on citizenship or family settlement rights). Over the same period immigration for the purposes of study and employment also rose and latterly attention has focussed on tightening these areas too.

Whilst immigration is demonstrably beneficial to the economic life of the UK, social and cultural tensions are reflected by some politicians and sections of the media producing tangible hostility to certain groups. Asylum seekers are one of these groups often vilified as “bogus”.

The numbers of people seeking asylum in North and Western Europe increased significantly from the early 1990s as a consequence of conflicts closer to Europe and easier and cheaper travel. Over that period the proportion of asylum applicants given the right to remain in the UK (including appeals) has varied between 25% and 45%.

Asylum seekers waiting for a decision on their application are supported financially by the Home Office and dispersed to accommodation in metropolitan areas around the UK. The logic of the asylum process is that when a final appeal fails financial support will stop and the refused applicant will leave the country. In

reality this seldom happens: people fleeing persecution, conflict or poverty are unlikely to return voluntarily to the source of their fear. As a consequence and because enforced deportation is difficult for government on a number of levels there are many refused asylum seekers in the UK unable to legally support themselves (by working or claiming benefit), destitute but trying to survive.

Many of these refused asylum seekers who have no recourse to public funds move when they lose Home Office support to find family, friends or communities who can sustain them. Others will have established networks or will look for support locally to help them survive.

Method

This report examines the growth of third sector organisations which are providing support to these refused asylum seekers in the dispersal areas. The research focussed on three (dispersal) areas: one city in the Midlands and a city and town in the North of England. It used 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 a total of nine other organisations providing cash or food support and six organisations referring or signposting were interviewed.

Interviews with 14 beneficiaries in the Midlands city provided a current narrative

around the experience of this group and how they become destitute.

Context

The issue of financial support for asylum seekers was of little public or political concern until the early 1990s as the numbers rose and the government took steps to curtail the costs of supporting them. Since then, successive governments have sought to control costs and deter asylum seekers from targeting the UK in particular by stopping support for people refused the right to remain leaving them abruptly destitute. These actions led the parliamentary Joint Committee on Human Rights in 2007 to conclude that the government was practising a deliberate policy of destitution.

Growing awareness of the difficulties facing asylum seekers in the UK amongst some sections of our communities has resulted in the development of organisations whose purpose is to support destitute refused asylum seekers. In effect these organisations are quietly challenging the “destitution policy”.

The research aimed to describe the different circumstances in which migrants become destitute and analyse the development of these organisations and the support they provide. It aimed to understand the motivation of actors, governance arrangements and factors affecting sustainability.

Findings

Faith, Justice and Urgent Need

Most of the organisations providing support were faith based or had close links to faith groups. The individual actors were motivated by their beliefs and these organisations were more likely to offer unconditional material support: resolving the substantive immigration status issue was a much less urgent matter. Non-faith organisations were committed to social justice i.e. trying to ensure that asylum applicants had a genuinely fair hearing and they had a more urgent focus on action to secure the right to remain.

The three case study organisations providing cash support started working with asylum seekers and refugees whose urgent material needs arose for diverse reasons. By 2006 the material support offered was concentrated almost exclusively on destitute refused asylum seekers. The provision of accommodation started at a similar time as a further response to continued long-term destitution.

Funding

Faith organisations were more likely to rely on individual or community donations to fund the support being provided in particular to fund the giving of cash to beneficiaries. They used grant giving organisations to fund other activities such as mentoring and ESOL. Food parcels were usually donations and more than one faith group reported that they could send messages through their community network when replenishment was required.

The non-faith based organisations relied much less on individual donations. They had to be expert at fundraising from grant giving charities and had established successful long term relationships with a number of these whose focus is the relief of poverty. They secured additional monies for other activities from a similar variety of resources.

All the accommodation projects were, at least initially, dependent on owners/landlords foregoing rent in order to make their programmes viable. These effective funders included registered social landlords, faith organisations, charitable trusts and individual benefactors. More recently accommodation providers are developing mixed use housing (for refugees and asylum seekers) to create sustainable arrangements.

Volunteers

All the organisations relied on volunteers for a variety of tasks from organising and collecting donations of food and clothes, befriending beneficiaries on arrival, cooking, accounting, organising fundraising events and running night shelters. The value of the volunteer effort reported by the organisations

interviewed exceeded the value of the food, cash and accommodation provided (£805,792 compared to £599,812 in 2012-13)

All three case study organisations giving cash and food had started without any paid staff and these activities remained almost completely volunteer run.

Governance and formality

Providers across the whole spectrum can be characterised according to the formality of their support arrangements. At one extreme informal support may be provided by a faith group, a community group or an individual acquaintance; at the other are the statutory organisations which this research has not examined. The more formal support was usually more adequate but more difficult to qualify for.

All six case study organisations were registered charities run by professional voluntary sector workers who had to become expert in the issues around migration and destitution as well as needing skills in fundraising, service development, and volunteer management. These organisations had active trustees. They tended to operate with a more formal set of rules governing “entitlement” to services.

Other organisations providing support included smaller informal groups or large established organisation whose main purpose was not the alleviation of destitution. Most of the former also had formal governance structures although they were not necessarily registered charities.

All providers interviewed had eligibility rules that they could describe and protocols for extending or giving assistance outside these rules to destitute migrants in immediate need. Some organisations that were interviewed as referrers and did not purport to provide material support would however give food or cash in extremis.

At one extreme researchers were made aware of very informal arrangements where faith groups or community organisations help

individuals. Beyond this beneficiaries are usually referred to more formal organisations providing more significant support with more formal rules. At the other extreme some beneficiaries (because of their personal circumstances) would with assistance eventually be able to secure statutory support. The organisations providing this (Home Office or Local Authorities) can be characterised as reluctant and resistant to legal challenges which would extend their responsibilities.

Access

Researchers were unable to reach any conclusion about differential access as between ethnic or national groups: some groups who are numerically significant amongst asylum seekers did not show up but this may be because they more easily found informal employment or support in their communities rather than evidence of difficulties over access.

Women were more evident amongst beneficiaries than amongst asylum seekers generally and much more evident amongst those accommodated – 53% compared to 27% in the general asylum population. Organisations interviewed recognise this as a reflection of women’s additional vulnerability – it’s easier for males to get by, perhaps find a few hours cash in hand work and to share accommodation, without risk of sexual exploitation

Beneficiaries

Fourteen beneficiaries (four women and ten men) were interviewed in the Midlands : they were supported under two different schemes. Whilst not a representative sample they came from ten different countries and can offer some insight into the circumstances leading to destitution.

Nine of the fourteen claimed asylum on arrival in the UK and a further two claimed soon after gaining entry on a visitor visa.

Three others had entered the UK on visitors visas and were initially detained when they were found working before claiming asylum.

On average the interviewees were 37 years old and had been resident in the UK for over 8 years. Several of them had made more than one fresh claim for asylum and had been through the destitution cycle more than once.

Eight of the fourteen (57%) had spent time in detention or prison. Half the group had spent at least one night in a night shelter or sleeping rough.

Conclusions

In the three areas studied there were networks of civil society organisations providing material support and accommodation to destitute refused asylum seekers who are unable or unwilling to leave the UK. This provision gives breathing space for the beneficiaries to assess their position and if appropriate begin to prepare a fresh claim. Whilst there is anecdotal evidence of people securing the right to remain in the UK as a consequence of this support there was no data collected by the civil society organisations (CSOs) to evaluate final outcomes.

No change in the legal position of this group is anticipated. The provision established is sustainable at current levels of demand subject to continuing commitment by volunteers, generosity of donors and innovation in the field of housing provision.

The length of time for which people were supported varied (11 weeks in one area compared to 45 in another). This reflects a number of factors but it is likely that the high figure could be reduced if there was more or better legal assistance.

With one exception the services provided by these CSOs were not advertised or promoted in any way and this must have a significant impact on access. Although estimates about the number of refused asylum seekers in the UK are rather tentative there are certainly more than one hundred thousand: in short there is a large pool of potential beneficiaries who do not access the services.

The organisations examined were not literally below the radar: they were generally formal organisations with governance arrangements and significant resources. In order to secure their funding they all have a public face.

Although the activity itself is also open it is not very evident and does not attract public or political attention because these CSO providers are not seeking a policy debate. In this sense, although they offer a challenge to the destitution policy, they are working quietly at the margins and are truly below the radar.

Because the asylum decision process appears so flawed and appeals are so often successful people involved with these CSOs think that whatever has gone before they want to help asylum seekers have another chance to prove their case. There is an urgent need for further research to gather evidence as to what proportion of beneficiaries eventually gain the right to remain and what impact additional legal assistance can have.



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