



**Law Centre (NI)**

**Response to Home Office review:  
asylum support rates**

**August 2018**

## Response to Home Office review of asylum support rates 2018

### About the Law Centre

1. Law Centre (NI) works to promote social justice and provides specialist legal services to advice organisations and disadvantaged individuals in Northern Ireland through our advice line and our casework services. The Law Centre provides advice, casework, training, information and policy services to our member organisations. We are members of the NI Strategic Migration Partnership, the Refugee and Asylum Forum, the Home Office Asylum Stakeholders Forum and the Vulnerable Syrian Refugee Consortium.

### Summary

2. This submission for the 2018 review of asylum support rates sets out the inadequacies of current asylum support rates. Our overall recommendations for the review of asylum support rates are:
  - Asylum support rates should be raised to a minimum set rates at 70% of income support rates;
  - The August 2015 support rate changes should be reversed so that the specific needs of children and families can be better met;
  - Whilst communication and travel are included within the review of support rates, we recommend that they are considered as an essential need and are raised accordingly;
  - Provision should be increased for pregnant women and new mothers.
  - There should be financial provision for asylum seekers with disabilities.
  - Eligibility to NASS s.96 should be reviewed and awards should be granted for a period of at least 12 months.
  - Flexibility should be introduced within the NASS allocation of accommodation policy.
  - Asylum seekers should be granted permission to work.

### General comments

3. Law Centre has previously responded to a number of asylum support consultations and has consistently argued that the asylum support system is insufficient in enabling recipients to meet their “essential living needs”.<sup>1</sup> Law Centre is acutely aware of the prevalence of destitution across the asylum

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<sup>1</sup> For example, see: *Reforming asylum support* (February 2010) <https://www.lawcentreni.org/reforming-asylum-support.html>; *Children’s Society Parliamentary Inquiry into Asylum Support* (December 2012) <https://www.lawcentreni.org/Publications/Policy-Responses/Inquiry-into-asylum-support-for-children.pdf>; *Reforming support for failed asylum seekers* (September 2015) <https://www.lawcentreni.org/Publications/Policy-Responses/HO-reforming-support-for-failed-asylum-seekers-Sep-2015.pdf>

process. Destitution can affect physical health and mental health (with extreme anxiety, depression and post traumatic stress being most commonly cited conditions) and places an unbearable stress on relationships between family and friends as 'good will' support cannot always be sustained. Destitution may make asylum seekers particularly vulnerable to exploitation and can negatively impact on community cohesion and social exclusion.<sup>2</sup>

4. In 2012, we collated a response to a Parliamentary Inquiry on behalf of a number of Northern Ireland voluntary and community organisations.<sup>3</sup> The evidence we submitted then remains valid today and our recommendations are outlined in Annex A. In our response, we cited numerous examples of asylum seekers struggling to buy healthy food, nappies, medication, clothing, books, etc. We drew on examples collected by our members of families struggling to care for disabled children with cerebral palsy and spina bifida<sup>4</sup> and mothers unable to provide for new-born babies.<sup>5</sup> We explained that destitution was impacting significantly on children's education, on their ability to integrate and to enjoy their childhood and also on their aspirations in life. We explained that charities' resources were extremely stretched and were unable to meet all the needs. We also cited the Chair of Northern Ireland's main refugee community organisation, whose words continue to resonate:

*Our children are not any different to any other child. Why do they continue to put so many obstacles and barriers around them? Why can our children not have the same opportunities as every other child?*

5. Six years ago, the Home Office Minister said, "there is absolutely no intention that destitution should be a deliberate aim of public policy. That would be wrong and is not the aim of immigration policy or any other part of our policy".<sup>6</sup> How hollow these words have turned out to be. In 2007, the Joint Committee on Human Rights recommended the introduction of a 'coherent, unified, simplified and accessible system of support for asylum seekers, from arrival until voluntary departure or compulsory departure.'<sup>7</sup> A decade has passed and this recommendation remains equally valid and indeed more pressing than ever, but has not been progressed.
6. We urge the government to grant asylum seekers full permission to work (i.e. not restricted to employment on the Shortage Occupation List). We recall the Joint Committee on Human Rights condemnation of the UK's policy on work

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<sup>2</sup> ICAR, 'Destitution amongst refugees and asylum seekers in the UK', May 2006; Fitzpatrick et al, 'Destitution in the UK' June 2018 [file:///C:/Users/ciara.fitzpatrick/Downloads/destitution2018\\_0.pdf](file:///C:/Users/ciara.fitzpatrick/Downloads/destitution2018_0.pdf)

<sup>3</sup> Children's Society Parliamentary Inquiry into asylum support in partnership with Barnardos, HAPANI and NICRAS (December 2012) <https://www.lawcentreni.org/Publications/Policy-Responses/Inquiry-into-asylum-support-for-children.pdf>

<sup>4</sup> Barnardo's Supporting Refugees and Asylum Seeking Families in NI (June 2011)

<sup>5</sup> NCB, New to Northern Ireland

<sup>6</sup> Evidence given by Damian Green to the Education Select Committee HC 149, 4 July 2012: <http://www.publications.parliament.uk/pa/cm201213/cmselect/cmeduc/149/120704.htm>

<sup>7</sup> JCHR, The Treatment of Asylum Seekers, para 121

permission, “we consider that by refusing permission for most asylum seekers to work and operating a system of support which results in widespread destitution, the treatment of asylum seekers in a number of cases reaches the Article 3 ECHR threshold of inhuman and degrading treatment”.<sup>8</sup> Permitting asylum seekers to work would bring wide-ranging benefits. It would:

- ✓ Help **lift asylum seekers, and their families, out of poverty**. The current asylum support of approximately £5 a day<sup>9</sup> is inadequate to meet basic needs.
- ✓ Keep asylum seekers’ **qualifications active and their skills updated**. Granting work permission will ensure an easier transition into work if their asylum claim is successful. Equally, if their claim is unsuccessful, the asylum seeker is better placed to re-enter the job market in their country of origin if their qualifications and skills are still active.
- ✓ **Positive impact on health**: employment is a key contributor to good mental health and wellbeing
- ✓ **Increased integration**: giving asylum seekers access to the work place impacts positively on community cohesion and creates opportunities for participation in wider society
- ✓ **Benefits for employers**: asylum seekers may be enterprising, highly skilled and qualified with extensive language skills.
- ✓ A **boost to the economy** through increased taxes
- ✓ Keep asylum seekers **safe** by reducing susceptibility to labour exploitation.
- ✓ Respect **human rights**

### Insufficient funds for Essential Living Needs

7. In the following section, we comment on specific types of expenses / needs.

#### a) Food and non-alcoholic drinks

8. An increasing number of asylum seekers are reliant on foodbanks in Belfast. This includes asylum seekers in receipt of NASS and those who do not receive any asylum support.
9. In addition to the foodbanks, a number of voluntary and community initiatives provide hot food on a daily basis to asylum seekers e.g. Homeplus and International Meeting Point. The demand for such initiatives demonstrates that the NASS asylum support does not permit asylum seekers to meet all their essential living needs.

<sup>8</sup> JCHR, ‘Treatment of asylum seekers’ 10<sup>th</sup> report of 2006-07 paras 120-122

<sup>9</sup> NASS standard rate for a single person aged 18 or over is £37.75 per week plus accommodation

10. Bulk buying is rarely an option not least because transporting such items requires bus/taxi travel (expensive) and because many single adult asylum seekers share cramped accommodation and do not have space to store food.

## **b) Travel**

11. In theory, it is possible for asylum seekers to be reimbursed for some hospital journeys. In practice, this is a difficult process not least because s.4 asylum seekers do not have cash to begin with. Law Centre considers that the sensible approach is to increase the rate of NASS to incorporate additional transport costs. This may even save public money as it will decrease the level of 'no shows' – such as hospital appointments – due to lack of funds.
12. Public transport is relatively expensive for asylum seekers. In Belfast, a return ticket / day pass (after 9.30am) costs £4.
13. Due to the particular circumstances of Northern Ireland, being able to access public transport is all the more essential. For example, the Law Centre is aware of a case involving a teenage asylum seeker aged 16 years who was subject to significant sectarian abuse while walking through a loyalist area in a school uniform associated with a nationalist area. The boy's mother opted to withdraw her son from school as a means to protect him from this dangerous abuse. This had an adverse impact on his education.

## **c) Accommodation**

14. Law Centre is aware of concerns about the quality of accommodation in some instances, which can result in additional costs for asylum seekers especially when the move is in e.g. if the accommodation is dirty or if appliances are broken and need to be replaced.
15. An additional issue is safety. Seeking alternative NASS accommodation after hate crime/incidents is not a smooth process as the evidential threshold is high. Moving is particularly difficult in cases where tenants have not consistently reported incidents to the police and/or accommodation provider given the lack of evidence. If an asylum seeker does not feel safe in their local area, s/he is likely to become further isolated due to reluctance to leave the property. The alternative is to use taxis/public transport to travel to and from the property- this is a costly solution.
16. Asylum seekers may also incur costs when NASS dictates a change of address. As NASS accommodation is provided on a 'no choice' basis, it is difficult for asylum seekers to object to a move. This results in asylum seekers moving away from their neighbours, support networks and local services (including education). In consequence, asylum seekers are likely to incur costs in travelling back to their previous area i.e. to attend school or to access support services.

17. There is urgent need for greater flexibility within the Allocation of Accommodation policy.<sup>10</sup>

#### **d) Communications**

18. Having access to a smart phone should not be considered a luxury but instead an essential item for asylum seekers. This is particularly the case for parents of school-age children given that many schools communicate with parents through email.

19. Being able to communicate with loved ones back home is an essential part of maintaining mental health; access to telephones is therefore important.

#### **e) Time spent in receipt of support**

20. The NASS asylum support rate provides the most minimum level of support. At best, a person can *survive*. By the time a family is granted refugee status, children have already experienced years of not being able to participate in extra-curricular activities, school trips, etc. The just approach would be to grant all asylum seekers permission to work. See above.

#### **f) Children and families**

21. The NASS asylum support policy does not align with free school uniform policy. A child is entitled to one free uniform per academic year. However, if the NASS system requires the child to move school, s/he is generally not entitled to obtain a second school uniform for free. In Northern Ireland, charities usually step in at this point to buy the second school uniform. The two policies should at least be aligned to ensure that children can access a second free school uniform where necessitated by the NASS system.

#### **g) Asylum seekers with disabilities**

22. The current rates of NASS support are wholly insufficient to meet the needs of asylum seekers who have disabilities – especially where there are children involved.<sup>11</sup> NASS makes no extra financial provision for disabilities. Compare this to the social security system: a disabled child can receive a weekly payment of £145.35 for Disability Living Allowance.<sup>12</sup> We urge the government to make an additional NASS payment available for persons with disabilities.

#### **h) Additional needs / costs**

<sup>10</sup> Home Office, *Allocation of accommodation policy* (2017) accessible here: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/597382/Allocation-Of-Accommodation-v5\\_0.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/597382/Allocation-Of-Accommodation-v5_0.pdf)

<sup>11</sup> E.g. Barnardos, *Tuar Ceatha Services: Evaluation Report* (2012) <http://www.barnardos.org.uk/8886 - tuar ceatha.pdf>

<sup>12</sup> I.e. £85.60 for high rate care and £59.75 high rate mobility

23. There is provision within NASS s.96 for asylum seekers to receive additional financial support in exceptional circumstances. Our experience is that the exceptionality threshold and the restrictive criteria means that s.96 is rarely accessible. Law Centre's understanding is that there have been < 10 grants of s.96 in Northern Ireland in the last 10 years. Where s.96 is granted, it is usually for a time-limited period e.g. 3 months. This makes little sense in situations where the extra need arises from a *permanent* condition or impairment such as long-term dietary conditions.

24. We strongly recommend that the eligibility to s.96 is reviewed and that awards are for a period of at least 12 months.

### Conclusions

25. The NASS asylum support requires significant reform to ensure that all asylum seekers can live in dignity and meet their essential living needs.

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**For further information about this consultation response, please contact:**

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## **ANNEX A**

Recommendations submitted by Law Centre (NI), NICRAS, Barnardo's and Horn of Africa People's Aid to the Parliamentary Inquiry on the asylum support system for children and young people (2012):

The key recommendations we would urge this inquiry to make is for the UK to:

- Replace the NASS system with an entitlement to social security benefits.
- Mainstream asylum seeking children by making this group visible in the government's commitment to eradicate child poverty.

Short of abolishing the concept of NASS and replacing it with social security, we would like the Inquiry to recommend that the UK moves to:

- Restore the NASS rate to a minimum of 70% of Income Support.
- Increase provision for pregnant women and new mothers.
- Extend access to disability benefits to asylum seeking families and their children.
- Introduce a unified system of asylum support to replace current s.4, s.95 and s.98 NASS support. If the government declines to do this, at the very least, it should amend policy to ensure that no family is ever placed on s. 4 support.
- Remove the requirement that NASS accommodation is provided on a 'no choice' basis.
- Ensure that quality asylum decisions are made promptly.
- Lift the prohibition on work permission. The right to work should be an expansive right and should not be limited to the Shortage Occupation List.
- Remove the requirement for families to report at UKBA. At the very least, UKBA Caseowners should proactively review, and reduce, reporting requirements for families.
- Amend the Asylum Support Regulations to remove the requirement to withdraw NASS support after 28 days until transitional arrangements are in place





- Prevent destitution by extending the availability of NASS support to all cases where families have a pending immigration application.
- Ensure that Biometric Residence Permit cards are issued within 10 days.
- Ensure that asylum support is provided on the basis of need and that any punitive measures are removed from the NASS system.