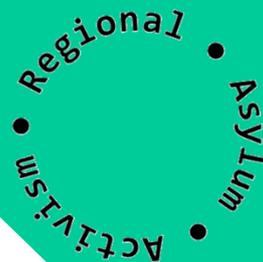


# How to Win the Argument: Passing Council Motions Against Destitution!



## What is the Problem?

People seeking asylum have been **forced to flee their home countries due to conflict and persecution**. Many arrive in the UK after having been threatened, detained, beaten or tortured.

The UK asylum system is strictly controlled. **It is very difficult to get asylum. Poor decision making and limited access to good legal advice means many people who seek asylum reach the end of the process without their protection needs being recognised.** At this point, people lose access to accommodation and support (they are made destitute), unless they agree to return home. However, many remain in the UK because **they continue to fear what might happen to them if they return home.**

With **no permission to work**, and **no access to public funds**, people who have come here to seek protection from persecution are **forced to rely on Charities, faith groups, family or friends** for food, shelter and other basic necessities. If people do not have access to these safety nets, they face the **indignity and fear of life on the streets**. Destitution has incredibly **damaging effects on the physical and psychological health** of people seeking asylum. It places many individuals at risk of exploitation and can force them to use survival strategies such as illegal working and prostitution. This causes unnecessary suffering for the individual, but also has an effect on the wider community.

## What is the Solution?

We want the national Government to bring an end to the policies that force people seeking asylum into destitution. There are four main things that will change this:

- Improve decision making to ensure protection for all those who need it;
- Ensure all asylum seekers are provided with sufficient support to meet their essential living needs while they remain in the UK;
- Ensure free access to healthcare for all asylum seekers while in the UK;
- Grant asylum seekers permission to work if their cases are not resolved in six months or they have been refused but cannot be returned through no fault of their own (e.g. there is no viable return route, their government will not issue travel documents or they are stateless).

These solutions are endorsed by [Still Human Still Here](#), a coalition of 60 organisations, including the Church of England and Catholic Archbishop Conferences, Crisis, Oxfam, the Red Cross, Refugee Action and several local councils.

## What is Our Ask?

We ask that local councils join the call for change by **passing a motion or resolution against destitution. To date, 11 councils have already taken this step (Manchester, Leicester, Glasgow, Bristol, Sheffield, Oxford, Bradford, Leeds, Liverpool, Kirklees and Swansea).**

The exact wording of the motion is up to each council to decide, but we encourage councils to:

- Acknowledge the impact that destitution has on individuals and the wider community;
- To petition the Home Secretary/ Immigration Minister to relieve the suffering of people seeking protection from persecution and deplore the policies that force them into destitution in the UK;
- Ask local MPs to support the spirit of the motion, to raise the matter in the House of Commons, and to support changes in current laws which will reduce the destitution of people seeking asylum in the UK;

- Endorse the findings of the All Party Parliamentary Inquiry on Asylum Support for Children;
- Join the national "Still Human, Still Here" coalition;
- Seek further support for the motion via the Local Government Association, and by encouraging other Councils in the UK to show their support on this issue.

### You've Contacted Your Councillor – What Next?

**It's really important that you let us know about your Councillor's response...** Did they express support for a motion? Did they say they would be willing to propose a motion to the Council? Did they have further questions that you didn't feel able to answer? We can help! Contact your local Regional Asylum Activism co-ordinator for support, or visit the [Dignity not Destitution campaign](#) website for updates.

## How to Win the Argument!

### 1. Why is this a local issue?

**We believe that everyone who claims asylum in the UK has the right to live in dignity, not destitution. We believe that the national government's policy of forcing people seeking protection from persecution into destitution is inhumane and ineffective. We believe that destitution in our local towns and cities has a negative effect on local communities. Charities, faith groups, and generous local people are being forced to step in and compensate for dysfunctional national policies. Local councils are already doing a lot to help people seeking safety to settle and integrate, and are also unfairly forced to carry the burden of care for vulnerable people who have been let down by the Home Office. That's why we want local councils to join the call for change.**

**Charities, faith groups and compassionate local people are forced to step in:** By providing food parcels, night-shelters and other support services, local Charities, faith groups and volunteers help support those in need, but there is a lot of demand, and it shouldn't be left up to generous individuals to compensate for dysfunctional government policies.

**Local councils are unfairly forced to carry the burden:** Refused asylum seekers who have no recourse to public funds are in some cases eligible for support from local councils because the council has a statutory duty to support them. For example, if they have a severe health issue or have children in need of care. This means that local councils are footing the bill instead of Central Government.

*"The **financial burden of providing support** to [destitute asylum seekers] lies disproportionately with local authorities, who have little control over [the asylum] decision making process."*

Local authority services are effectively **"a safety net for those in limbo."**

[The National No Recourse to Public Funds Network](#)

**Making people destitute affects their health and carries risks for the wider public:** Refused asylum seekers who do not have access to statutory support are charged for secondary healthcare, and proposals contained in the new Immigration Bill may result in restrictions in access to primary and emergency healthcare. Not only is this bad for the health of individuals, who often experience health problems associated with homelessness, but denying people access to healthcare also increases the risk to public health through the spread of communicable diseases. The cost of healthcare increases as people are forced to present late when their symptoms are more advanced and conditions are more difficult to treat.

## 2. Many people reach the end of the asylum process without their protection needs being recognised

**The Home Office often gets decisions wrong: Poor decision making** coupled with **limited access to good legal advice** means many people who seek asylum reach the end of the process without their protection needs being recognised. Indeed, during the last three years, more than a quarter of initial decisions to refuse asylum in the UK have been overturned on appeal (and for some nationalities these figures are significantly higher); pointing to alarming inconsistencies in the quality of decision making. For every person who successfully overturns a poor decision, many more will be falling through the net due to a lack of quality legal advice. Shockingly, in 2012, 27 people were recognised as refugees after being refused and forcibly removed from the UK. (Detailed information on these figures can be found in the recent [Home Affairs Select Committee Report on Asylum](#)).

**There is an entrenched culture of disbelief towards anyone who claims asylum in the UK:** The Home Affairs Select Committee recently raised concerns over the quality of decision making on asylum cases, stating:

*“The task of staff examining claims for asylum is to judge fairly, not to make it as difficult as possible for asylum claims to be made[...] it is not their role to aim to reject cases, and the culture of disbelief that has raised has no place in fair judgements.”*

[Home Affairs Select Committee Report on Asylum](#), October 2013

**The burden of proof rests with the asylum applicant:** Many refusals are on the basis of credibility – put simply, the Home Office (or the courts) do not think the applicant is telling the truth. A report by Amnesty observed a ‘domino effect’, by which Home Office case owners focus on one part of the case that they think is inconsistent or implausible and then use this as the basis for undermining other aspects of the individual’s account. **It’s incredibly hard to get evidence to prove your story:** The documentary evidence may be thousands of miles away, or a person may have been forced to destroy it for fear that it may identify or incriminate them. Medical evidence (of torture and sexual violence) is often not given appropriate weight. And when, for example, people are seeking protection from persecution on grounds of sexuality (LGBT), they can sometimes be asked to go to [ridiculous and humiliating lengths to ‘prove’ they are gay](#).

**The way asylum interviews are conducted prevents people from giving a full account:** Interviewing techniques do not take into account human behaviour; the effect of trauma and other psychological challenges (particularly on a person’s ability to remember events accurately); cultural differences (for example, in the importance given to dates) and language barriers. Asylum seekers may feel unable or fearful of disclosing key details about their case to a uniformed official, after terrifying experiences with the police and army in their home country.

## 3. The asylum system makes it very difficult for people to properly present their case for a safe haven from persecution

**People often can’t access quality legal representation when they need it and cuts to Legal Aid are affecting access to justice:** Many asylum seekers struggle to access a lawyer and have no time to gather evidence. They may also be forced to attend court without representation. The overwhelming majority of asylum seekers rely on Legal Aid, but Legal Aid for asylum work has already been cut three times in seven years. Many Legal Aid funded lawyers have a large case-load, and, coupled with funding restrictions, this increasingly means they are more likely to ‘drop’ asylum seekers whose cases they judge to be weaker. People seeking asylum have often fled their homes with nothing and usually can’t afford a private solicitor.

**Lack of access to adequate support can prevent people from properly engaging with their legal case:** Lack of funds to travel to solicitors' appointments or pay for phone credit can make communication difficult (a single adult receives just £5 a day for food travel, and all basic necessities); frequently moving address or being made completely destitute can prevent people from responding to letters about their case; and anxiety about where they are going to sleep or get their next meal can prevent people from having the emotional and physical resources to engage with the legal process.

#### **4. There are many reasons why people seeking asylum remain in the UK following a refusal**

**Just because a person seeking asylum is refused, it does not mean that they do not have a valid fear:** The definition of 'refugee' under the Geneva Convention 1951 is incredibly narrow. Many of those who claim asylum in the UK may not qualify for refugee status, but come from countries in which violence and human rights violations are widespread. Other European countries more readily provide temporary forms of protection. Those that do not fit the narrow definition of a refugee may still have experienced violence, torture, rape or loss of family members.

**They are afraid to go back:** Many refused asylum seekers are too fearful to return voluntarily as they are from countries torn apart by conflict or where human rights abuses are rife. This dissuades many from applying for Section 4 support for refused asylum seekers, as it requires them to state that they are taking 'reasonable steps' to return to their country of origin.

**They cannot be removed:** In practice, it is extremely difficult to return people to countries where there may be serious safety issues, uncooperative governments, difficulties in obtaining travel documents or unreliable travel routes.

#### **5. Attitudes towards asylum are often based on misinformation and this can lead to poor policy making**

**The number of people who apply for refugee protection is low:** averaging just 22,000 applicants per year for the last three years. **80%** of the world's refugees are hosted by developing countries; less than **2%** of the world's refugees are in the UK. As of the beginning of 2012, refugees, pending asylum cases and stateless persons in the UK made up just **0.27% of the population (UNHCR)**. You wouldn't think that when you consider how much media attention asylum gets and what a political hot potato it is considered to be.

**People who are seeking asylum are not economic migrants:** An asylum seeker is someone who has made an application for refugee protection and is awaiting a decision on that application. A refugee is somebody whose application for refugee protection has been granted. Those who seek refugee protection are exercising a legal right under the 1951 Refugee Convention.

**Policies that try to restrict the number of asylum applicants to the UK are based on flawed logic:** Over the last fifteen years, successive British governments have passed a range of policies designed to reduce the number of people seeking refugee protection in the UK. These policies are based on the assumption that people are coming here to take advantage of our 'generous' benefits system, but there is little evidence that people who seek protection in the UK are even aware of our benefits system, and many people don't even know where they'll end up when they flee – they're just looking for safety.

*"We have been persuaded by the evidence that the government has indeed been practicing a deliberate policy of destitution of this highly vulnerable group"*

**[Parliamentary Joint Committee on Human Rights, 2007](#)**

**Giving people seeking asylum permission to work would benefit our economy:** People seeking asylum are not permitted to work by the UK government, even if they have been waiting a long time for a decision on their case. From doctors, to teachers, to engineers, refugees bring a host of skills that could benefit our economy, and on average have a higher level of qualification than the UK population. Recent research shows that migrants (including refugees) bring a net benefit to our economy.

### **The Local Situation**

Research recently carried out by the British Red Cross and local organisations estimates that there are **2,000 destitute people seeking asylum and refugees in Greater Manchester.**

Of these, 87% were refused asylum seekers. Approximately 40% have been destitute for two or more years, and shockingly, approximately one in ten have been destitute for 10 years or more. Some people are the victims of administrative delays. According to British Red Cross, this amounts to a humanitarian crisis on our streets.

[A decade of destitution: time to make a change](#), British Red Cross, Nov 2013

**It is a crisis that Central Government should resolve, rather than leaving it to local authorities and communities to respond.**

For further information, please contact your Local Regional Asylum Activism Co-ordinator  
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