

Increasing the Destitution of those Seeking Safety in the UK
Proposals in the Immigration Bill 2015

1. *What are the key changes that the immigration Bill 2015 proposes for accommodation and financial support (asylum support) for destitute asylum seekers?*

- Families with children who have had their asylum claim refused will no longer be automatically entitled to asylum support.
- Asylum seekers who have had their asylum claim refused but who face a genuine obstacle to leaving the UK will no longer have access to an independent appeal at the Asylum Support Tribunal against a wrongful Home Office refusal or stoppage of asylum support.
- It is unclear whether destitute people who are not asylum seekers but who have genuine obstacles to leaving the UK will be able to access any form of support.

2. *What is the potential impact?*

Families will not leave the UK as a result of these measures. The Home Office's own report on a previous attempt to remove support from destitute families has shown this to be the case¹. Families who do not have a genuine obstacle to leaving the UK will be made destitute, placing a huge burden on Local Authorities to assess and, in some cases, support them.

With the new proposals we conservatively estimate that **over 1216² people each year will no longer have access to a right of appeal against Home Office asylum support decisions.**

Currently **65%³ of people ASAP represents who are appealing against a Home Office refusal of asylum support** (under section 4) to the Asylum Support Tribunal have a successful outcome.

Over 850⁴ people per year who are legally entitled to asylum support could find themselves destitute. This number is a conservative estimate, and is based on figures from the existing system where there is an independent Tribunal holding the Home Office to account. Once this Tribunal has its ability to scrutinise Home Office decisions reduced, we anticipate refusals of asylum support to increase.

3. *What are we asking to change in the Immigration Bill 2015?*

- Provide a right of appeal against a decision by the Home Office to refuse or discontinue support for refused asylum seekers (under S95A and s.95).
- Maintain destitute families on asylum support after they have been refused asylum.
- If support is to be cut off, then to provide destitute families who have had their asylum claim refused with a grace period of 90 days before this happens.
- To compensate fully local authorities for their expenditure in assessing and assisting refused asylum seeking families and their children who present to them as destitute.

¹ Home Office "Family asylum policy –The Section 9 implementation Project" 2006

² This is 83% (ratio of cases related to section 4) of the number of appeals received at the Asylum Support Tribunal (AST) between March 2014 – Feb 2015 1571 minus 105 which were struck out.

³ In 2014-15 ASAP represented 509 appeals related to section 4, 332 of these cases had a successful outcome.

⁴ Figures from AST March 2014 – Feb 2015, includes 409 people who won at appeal, plus 138 remitted discontinuation cases (87% of total remitted cases) who would have support continued, plus 300 where the Home Office withdraws their decision and people keep their support.