

The Immigration Act and Asylum Support

What does it all mean for
people seeking refugee
protection?

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What is RAA?

Coordinated nationally by Student Action for Refugees. Work in 3 regions: **North West, Yorkshire and Humberside**, and the **West Midlands**.

- We want to **inform and shift attitudes about asylum seekers and refugees**, and
- Campaign for **positive change** to the asylum system.

Current campaign focus on **destitution issues, access to healthcare, permission to work and European Refugee Crisis.**

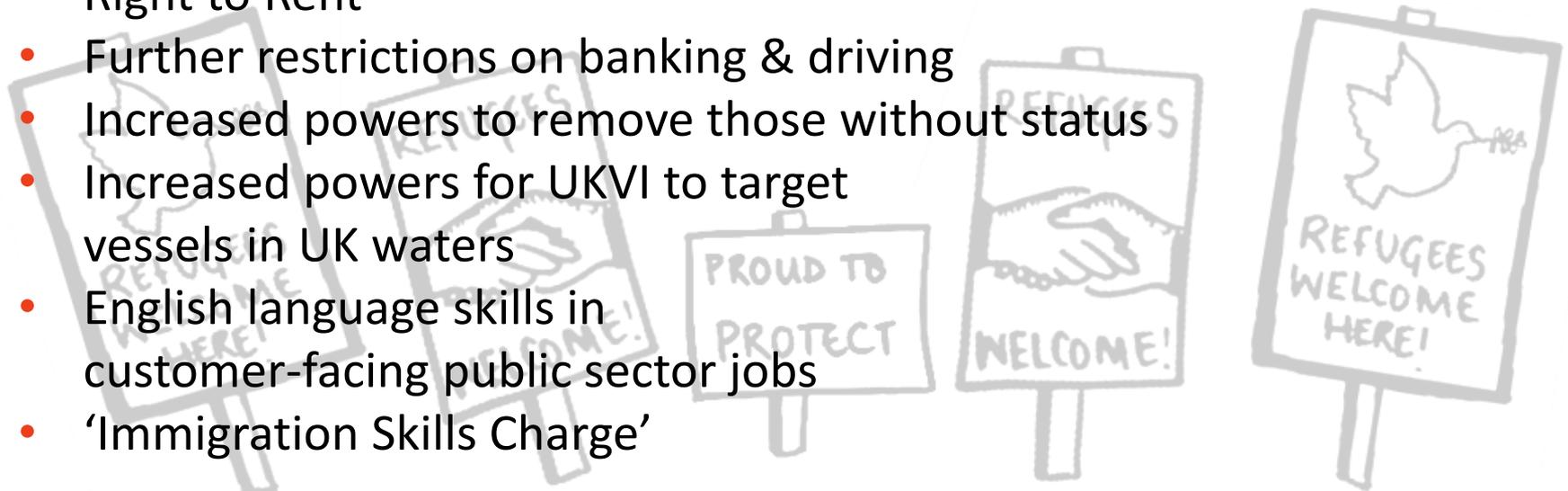


The Immigration Bill 2015 / 2016

“To crack down on abuse and build an immigration system that truly benefits Britain – by deterring illegal migrants from coming and making it harder for those already here to live and work in the UK.”

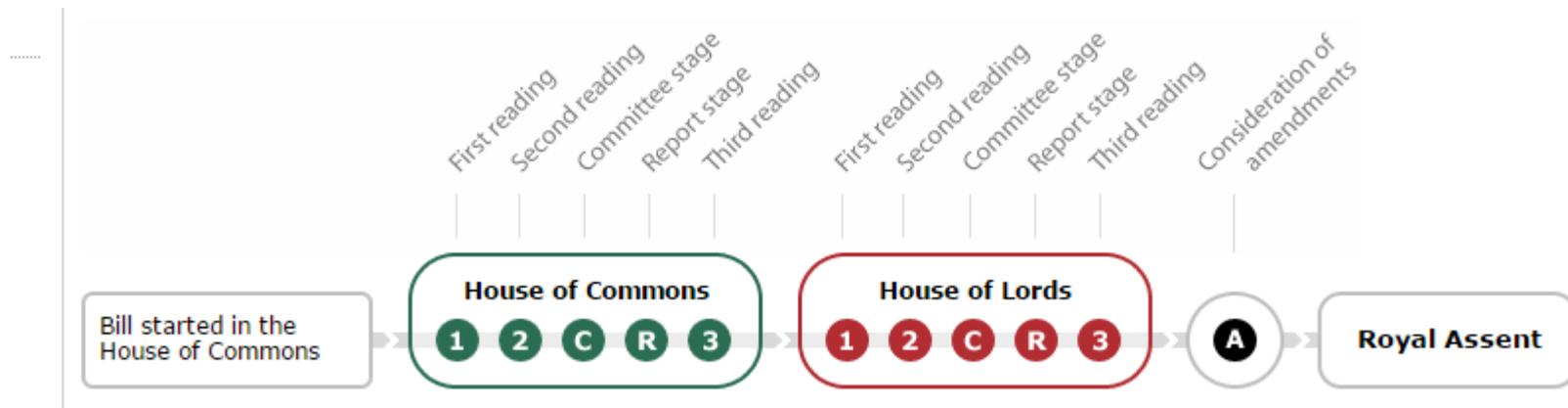
James Brokenshire, Minister for Immigration

- Significant changes to asylum support for refused asylum seekers
- Director Labour Market Enforcement
- Illegal working offence
- Right to Rent
- Further restrictions on banking & driving
- Increased powers to remove those without status
- Increased powers for UKVI to target vessels in UK waters
- English language skills in customer-facing public sector jobs
- ‘Immigration Skills Charge’



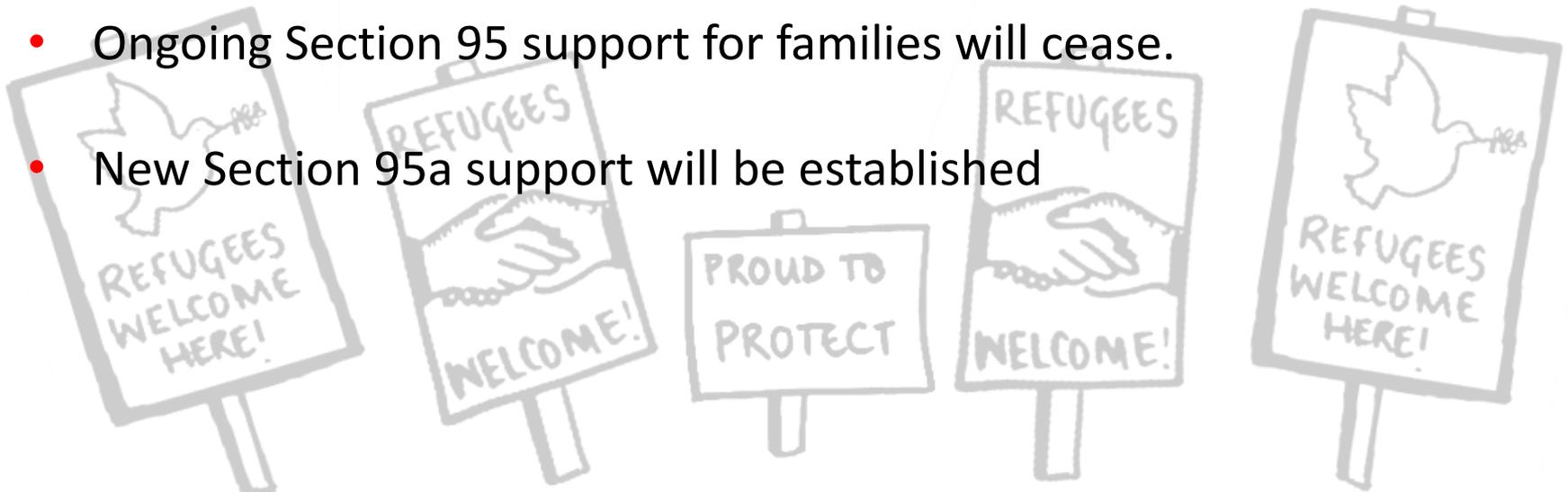
So what does the Act look like now?

- The Bill finished 'ping-pong' between the House of Commons and Lords on the 9th May 2016.
- It has now received Royal Assent and is the Immigration Act 2016.
- Law will be supported by regulations and guidance which we expect in April 2017.



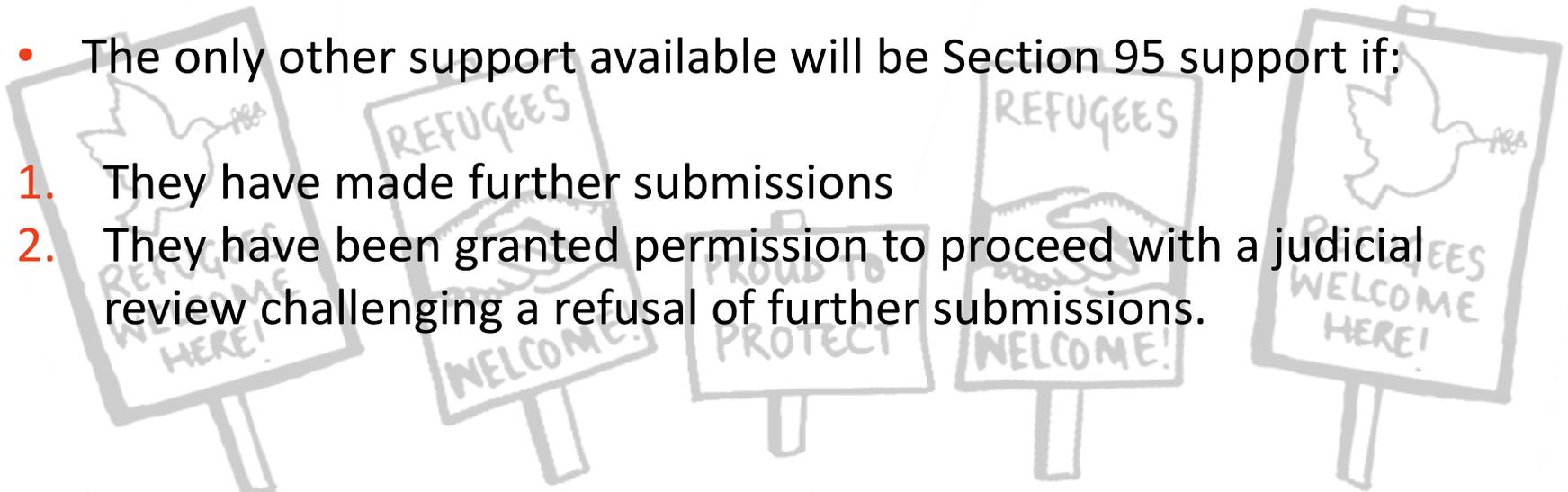
Impact on Asylum Support

- Section 95 support will not be affected
- Section 95 decisions will be appealable when they deny support for reasons of destitution or breach of conditions
- Section 4 support will be abolished
- Ongoing Section 95 support for families will cease.
- New Section 95a support will be established



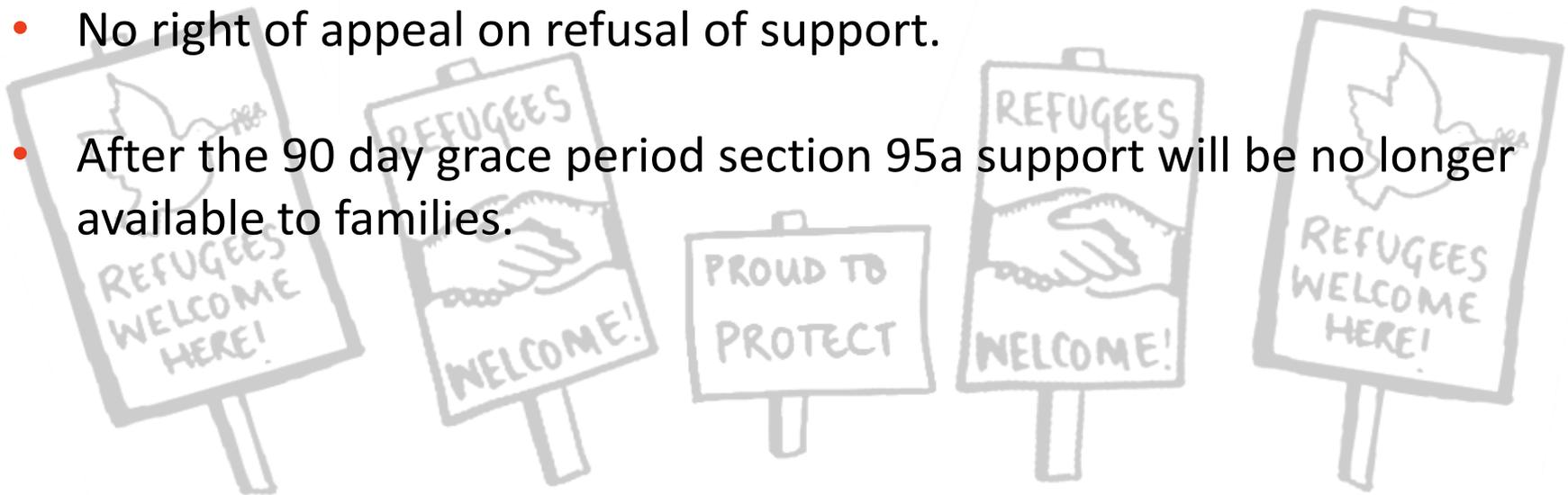
Section 95a: Single Adults

- Section 95a support is available to adults who are destitute and have a 'genuine obstacle' to leaving the UK
- Single adults have to apply within the 21 day 'grace period' after refusal
- No right of appeal on refusal of support
- The only other support available will be Section 95 support if:
 1. They have made further submissions
 2. They have been granted permission to proceed with a judicial review challenging a refusal of further submissions.



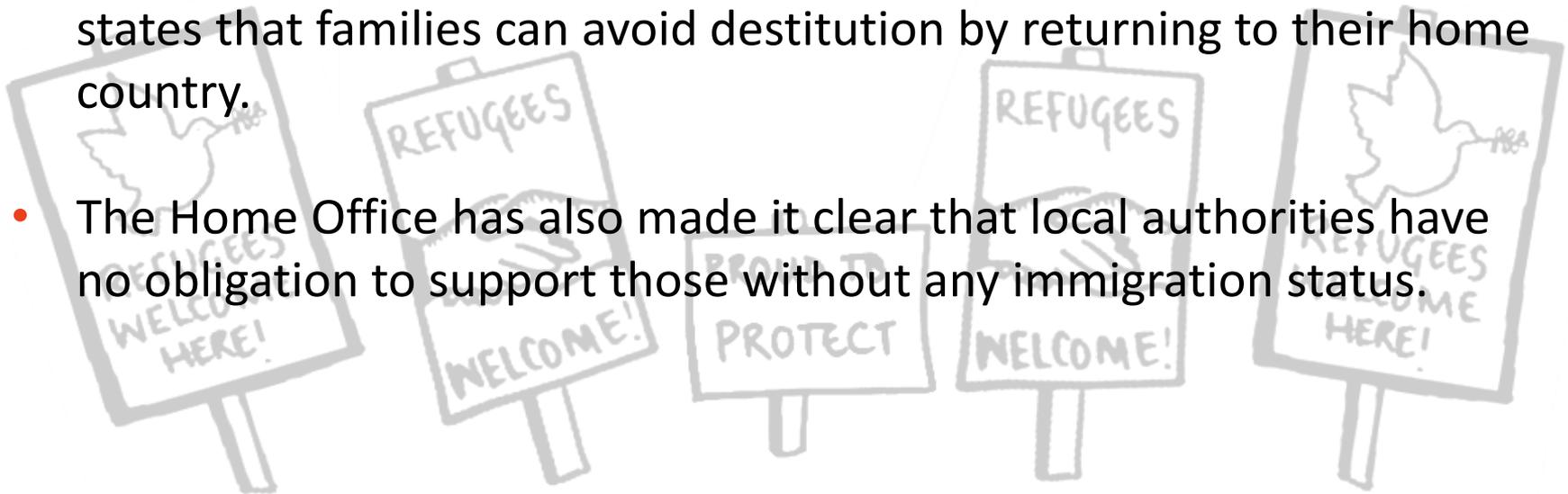
Section 95A: Families with dependent children

- After families are refused (ARE) they will no longer be eligible for Section 95 support
- Section 95A support will be available to families who are destitute and have a 'genuine obstacle' to leaving the UK.
- They must apply within 90 days 'grace period' after refusal.
- No right of appeal on refusal of support.
- After the 90 day grace period section 95a support will be no longer available to families.



Para 10a Support : Families with dependent children

- They will no longer be entitled to support from local authorities under Section 17 of the Childrens' Act solely because they are destitute
- Local authorities will be allowed to provide support to these families in certain circumstances under Para 10a support
- The Home Office wants local authorities to apply case law which states that families can avoid destitution by returning to their home country.
- The Home Office has also made it clear that local authorities have no obligation to support those without any immigration status.



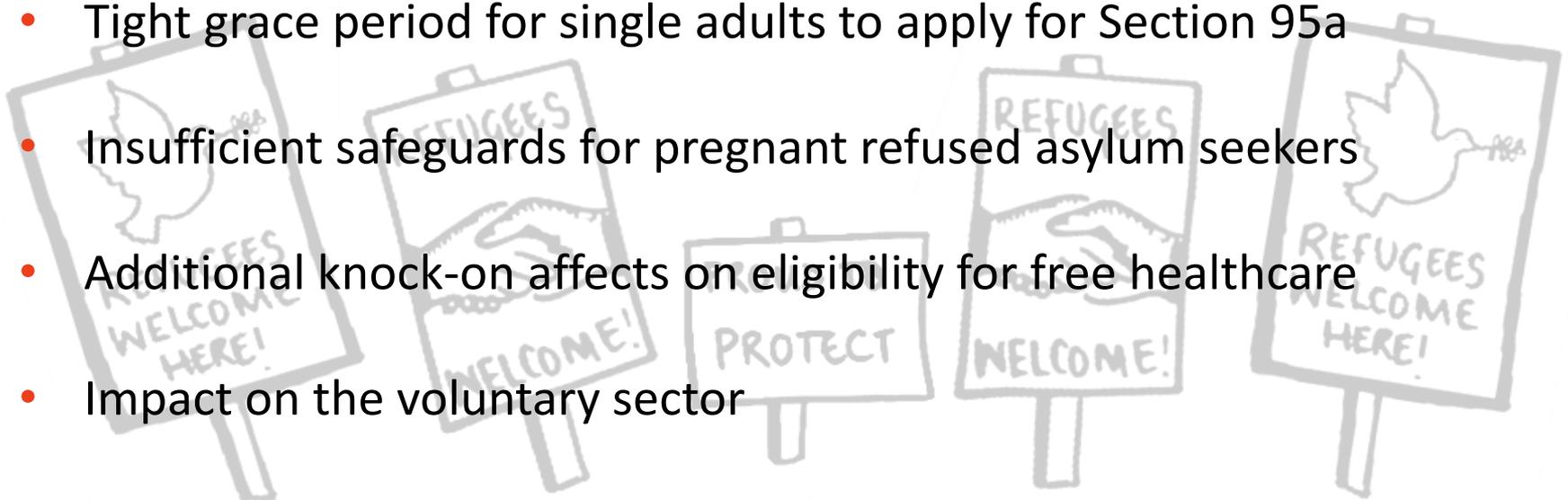
Leaving care support under the Childrens' Act 1989

- Former looked after children who have been refused asylum, when they turn 18 will be excluded from receiving support under the Childrens' Act
- No other support will be provided an they are only eligible for Section 95 support under the same conditions as single adults



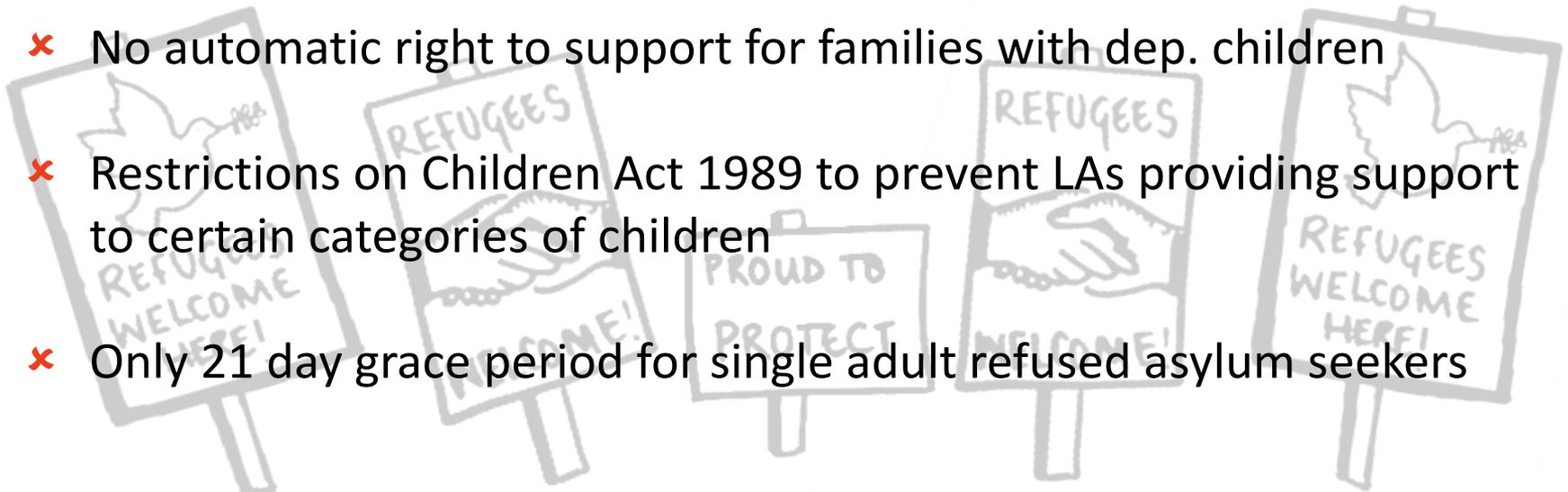
What are we still worried about?

- Insufficient safeguards for vulnerable destitute children
- Legal and emotional pressure on local authorities and workers
- No right of appeal against Section 95a refusal
- Tight grace period for single adults to apply for Section 95a
- Insufficient safeguards for pregnant refused asylum seekers
- Additional knock-on affects on eligibility for free healthcare
- Impact on the voluntary sector



Asylum Support: What Was Won and What Was Lost?

- ✓ Schedule 9: Local Authority Support
- ✓ 90 day transition period for refused families
- ✓ Affirmative procedures on Schedule 8 and Schedule 9 regulations
- ✗ No right of appeal against S95a refusal
- ✗ No automatic right to support for families with dep. children
- ✗ Restrictions on Children Act 1989 to prevent LAs providing support to certain categories of children
- ✗ Only 21 day grace period for single adult refused asylum seekers



Other Amendments: What Was Won and What Was Lost?

- ✓ Relocation of unspecified number of child refugees from Europe
- ✓ 72 hour time-limit on the detention of pregnant women
- ✓ Review into 28 day grace period for new refugees
- ✗ Permission to Work
- ✗ Increase asylum support rates to 70% of Income Support
- ✗ Time-limit on detention
- ✗ Judicial oversight of detention





And what can we fight for?

What do we want to change?



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