

A strategic proposal to address the policy causes of destitution



Background

The issue of destitution as a consequence of the asylum process has consistently been highlighted and is increasingly a concern for local and regional agencies, politicians and service planners. Since 2000, successive attempts by government policy makers to manage the asylum process coherently, have seen the implementation and/or piloting of a number of policies which can systematically be linked to increased destitution amongst asylum seekers, unsuccessful asylum seekers and refugees.

- The absence of policy support before a claim is made – inability to access travel to lodge a claim
- Dispersal policy – willingness by some to become destitute and/or opt for subsistence only support to avoid dispersal
- Legal aid restrictions – shortage of legal aid solicitors: missed appeal dates; delays in gaining representation; resultant termination of NASS support; destitution
- S55 policy – although most research now recognises that S55 used to be major cause of destitution amongst asylum seekers, it no longer does. However, the consequent effects of S55 destitution between January 2003 – June 2004 may still be felt amongst asylum and refugee communities and still be contributing to the illegal labour market
- July 2002 withdrawal of permission to work – particularly relevant to those who have a final negative decision, cannot be removed and do not qualify or apply for section 4 support.
- Withdrawal of NASS support following an unsuccessful claim – inappropriate provision of S4 support or failure to qualify
- Managing the transition from asylum seeker to refugee
- Section 9 policy pilots
- Section 4 policy and implementation – delay and process error, delays in delivery, cashless nature of support, relationship between Voluntary Assisted Return and Reintegration Programme (VARRP) and S4, access to free medical care
- Poor implementation of policy: bureaucratic mistakes; confusing or unhelpful implementation; poor communication

Regional stakeholders are increasingly concerned with the issue of destitution amongst asylum and refugee communities and the impacts that this phenomena can and is having upon local services delivered across voluntary and statutory sectors and at the potential this issue has to undermine local investment in establishing and supporting cohesive community strategies.

The numbers of destitute amongst these communities has never been easy to assess. This is for a number of reasons which include: lack of street homeless; provision of support within poor asylum and refugee communities which lowers the threshold of poverty even further; distrust of 'state' institutions; and fear of detention and/or forced return.

The effects of destitution socially are manifested in increased poverty; street homeless; illegal working; vulnerability to sexual exploitation; increased criminal activity; increased health risk; increased mental health difficulties; and increased costs to local services as those without access to public funds find access through alternative routes including pregnancy, mental health, community support needs and human rights challenges.

A Policy of Destitution

The NCCG recognises that by definition some asylum claims will be unsuccessful and will require removal proceedings. However, the purpose of destitution as a deterrent to encourage compliance has consistently failed.

- The piloting of section 9 which saw approximately 60 of the 107 families which remained in the pilot, either abscond or have support terminated and subsequently become destitute, with one reported successful voluntary return, suggest the fear of return outweighs the fear of destitution.
- The large number of destitute unsuccessful Iraqi asylum seekers, not claiming support was highlighted by the temporary policy change for Iraqis in late 2004 which withdrew the requirement to sign-up to VARRP to receive S4 support. This resulted in massive increases in S4 applicants by this one nationality and was proceeded by the subsequent 'disappearance' of significant numbers when the policy change was rescinded.

Some of the outcomes of destitution both socially and for the individual have been outlined above. There are of course significant negative impacts upon the ability to successfully manage a cohesive asylum and immigration policy. These would include information regarding the whereabouts of unsuccessful asylum seekers for the purposes of enforcement and removals; legal challenge; undermining dispersal policies; pressure upon cluster numbers; and public perception.

There are a number of outcomes which will impact negatively upon other key government targets for example: around community cohesion; health; poverty and homelessness.

We recognise the need to ensure good quality decision making in the first instance and are hopeful that the New Asylum Model will begin to deliver better quality initial asylum decisions. However, the point at which an applicant receives a negative decision and requires either voluntary or enforced removal has not been appropriately addressed. The management of the 'end-of-process' and the related provision of support and the potential for disappearance and destitution continues to concern regional stakeholders.

We believe that the policy basis upon which support is provided, the scope and management of the VARRP and the withdrawal of permission to work need to be urgently reviewed to ensure that the outcomes positively support the commitment of government to a fast and fair asylum system.

The No Recourse to Public Funds Network

The new NRPF Network is concerned with the statutory response to those destitute people from abroad, who have no recourse to public funds (NRPF), which are incurring costs to Local Authorities. Islington Council has developed the network in partnership with the LGA, the NCCG, the ADSS and London Councils. Islington Council coordinates the network and it is a sub-group of the ADSS Asylum Taskforce which acts as a steering group.

The Network will work at practice, policy and strategic levels to develop a solution focused and consistent response from statutory authorities to people with NRPF. It aims to:

- Share information and good practice amongst local authorities and other agencies working in this area
- Work with government departments to raise the practical and policy issues of NRPF
- Obtain reimbursement for local authorities of the costs of providing support to people with NRPF
- Develop a strategic response to NRPF

More information can be found at http://www.islington.gov.uk/Health/ServicesForAdults/nrpf_network/default.asp

For Determination:

Members are asked to indicate whether they wish to:

1. Work with NRPF Network to provide further data on the impact of providing support to people with NRPF and to undertake lobbying to obtain reimbursement from government of the costs incurred.
2. That in order to address the policy causes of destitution, recommend that IND:
 - Undertake a full review of the end of process and resultant destitution.
 - Provide automatic provision of S4 support upon receipt of a final negative decision – removal of application process and need to sign-up for VARRP.
 - Support all adults with dependent children under S95 pending removal, regardless of their family status at the time their asylum claim was lodged.
 - Consider a tiered / traffic light system of S4 support dependent upon status/likelihood of effecting a return and compliance
 - Cash based support upon receipt of final negative decision
 - Move to voucher based support upon evidence of non-compliance
 - Periodic risk assessment undertaken re potential to abscond
 - Undertake an independent review of VARRP process to assess low take-up, with regard to:
 - Whether IOM is fit for purpose
 - Applicant timescales – length of time takes from expression of interest to return
 - Ability to facilitate family reunion prior to return
 - Ability to provide accurate and corroborated in-country information
 - Tracking successful returns
 - Review the work concession for those assessed to be unlikely to be returned within a specified period – reflect short-term nature S4 support and review right to work after a defined period which reflects targets for case conclusion – i.e. six months
 - Look at regional management of S4 casework and regional monitoring of end of process destitution through provision of appropriate management information to regional strategic co-ordination groups
3. If agreed, that these recommendations be reported to the LGA Community Well-being Board.

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