



Home Office

Reforming Support for Failed Asylum Seekers and Other Illegal Migrants

Response to Consultation

November 2015

1. Introduction

Context

1.1 The UK is committed to fulfilling its international obligations to meet minimum standards for asylum seekers who would otherwise be destitute until their asylum claim has been finally determined. These minimum standards are met through the support provided under section 95 of the Immigration and Asylum Act 1999. Support is usually provided in the form of furnished accommodation (with no utility bills or Council Tax to pay) and a weekly cash allowance to cover the asylum seeker's essential living needs; free access to healthcare and schooling is also provided. At 31 March 2015, we were providing section 95 support to an estimated 20,400¹ asylum seekers whose asylum claim had yet to be finally determined, including pending the outcome of an appeal, and who would otherwise be destitute. In 2014-15, such support cost an estimated £100 million.

1.2 But support is also being provided to large numbers of failed asylum seekers. Section 94(5) of the 1999 Act allows section 95 support to continue after the asylum claim has been finally determined if the failed asylum seeker has with them a dependent child. At 31 March 2015, an estimated 2,900 families (around 10,100 people; approximately 33 per cent of the total on section 95 support) were supported on this basis: in 2014-15, such support cost an estimated £45 million. In addition, section 4 of the 1999 Act provides for support for other categories of failed asylum seeker and others. At 31 March 2015, around 4,900 persons were supported under section 4 of the 1999 Act: in 2014-15, such support cost an estimated £28 million.

1.3 So, in total, at 31 March 2015, we were providing support to around an estimated 15,000² failed asylum seekers, their dependants and others. In 2014-15, such support cost an estimated £73 million. This means that the system of support for which Parliament legislated in the 1999 Act to discharge our international obligations towards those seeking asylum in the UK is now being used in large measure to support those whose asylum claim has failed and who have established no lawful basis to remain in the UK. This is wrong in principle and sends entirely the wrong message to those migrants who do not require our protection but who may seek to exploit the system. It also undermines public confidence in our asylum system.

Consultation document

1.4 A 5-week public consultation on reforming support for failed asylum seekers and other illegal migrants was conducted from 4 August 2015 to 9 September 2015. The consultation document and impact assessment can be found on GOV.UK at:

<https://www.gov.uk/government/consultations/reform-of-support-for-failed-asylum-seekers-and-other-illegal-migrants>

<https://www.gov.uk/government/publications/reforming-support-for-failed-asylum-seekers-and-other-illegal-migrants-impact-assessment>

1.5 The consultation document set out proposals to restrict the support the Home Office gives to migrants whose claims for asylum have been found unsubstantiated, and their dependants, to those who are destitute and face a genuine obstacle to leaving the UK. The proposals aimed to:

¹ This figure has been extrapolated from published Official Statistics as at 31 March 2015.

² This figure has been extrapolated from published Official Statistics as at 31 March 2015.

- Ensure that asylum seekers who would otherwise be destitute continue to receive adequate support while their claim is under consideration.
- Rebalance the support system so that failed asylum seekers and other illegal migrants have no financial incentive to remain in the UK and avoid return to their own countries.
- Retain important safeguards for children.
- Reduce costs to the public purse.

1.6 The consultation document proposed these key changes to the existing support framework:

- Those with children with them when their asylum claim and any appeal are rejected would no longer be treated as though they were still asylum seekers and would cease to be eligible for support under section 95 of the Immigration and Asylum Act 1999.
- Section 4 of the 1999 Act would be repealed and Home Office support would only be available to failed asylum seekers and any dependent children if there was a genuine obstacle that prevented them from leaving the UK.

1.7 The consultation document also sought views on how the Home Office, local government and other partners could best work together to conclude immigration cases as quickly as possible, ensure the departure from the UK of those migrants with no lawful basis to remain here and minimise burdens on the public purse. It invited comments and information relevant to the impact assessment and equality impact assessment of the proposed measures.

Overview of consultation responses

1.8 873 responses were received: 113 from non-governmental organisations; 42 from local authorities, local authority organisations and the Devolved Administrations; and the remainder from individuals. The Home Office thanks all those who responded to the consultation. A list of the organisations and bodies which responded is at **Annex A**.

1.9 718 responses, expressing a wide range of views, were received from those responding to the consultation in an individual capacity. The views included:

- Asylum claims should be dealt with outside the UK and anyone in the UK illegally should be removed.
- A person without identity documents should be ineligible for support.
- Any support provided to families should not be increased for a third child or more in a household.
- Failed asylum seekers should not be allowed free health care.
- Child welfare meant failed asylum seeker families should receive support until they left the UK.

- The proposals would increase the number of vulnerable people in the UK, including children.
- Destitution would have a negative impact on the physical and mental health of those affected by it.
- Asylum seekers and failed asylum seekers should be allowed to work to support their families.

1.10 113 responses were received from non-governmental organisations (NGOs) and charities working with refugees and children, health bodies and campaign groups and other organisations working on asylum and immigration issues. These responses were generally opposed to the proposals:

- The proposed changes to support for those released from immigration detention would lead to migrants remaining longer than they should in detention.
- It would not be appropriate to use the prospect of destitution in the UK as a way of inducing failed asylum seekers to return to their own country.
- The pilot in 2005 of powers in Schedule 3 to the Nationality, Immigration and Asylum Act 2002 to cease support to failed asylum seeker families showed that doing so would not lead to more failed asylum seeker families leaving the UK. They would instead abscond and 'go to ground', increasing the welfare risk to their children and their own risk of exploitation.
- The proposals would place greater burdens on local authority children's and adult social services.

1.11 40 responses were received from local authorities and local authority organisations. These responses contained a range of views: some supported the proposals; some were generally opposed to them; many were concerned about how they would work in practice and what the impact on local authorities would be:

- They shared the concerns expressed by NGOs about the likelihood of getting many more failed asylum seeker families to leave the UK and about welfare and safeguarding risks, especially for children, if destitute families remained here unlawfully without any support.
- They were concerned that the proposals would place greater burdens on local authority children's and adult social services and about possible burden-shifting of failed asylum seeker families from Home Office to local authority support: if a child was in need in their area because the family was destitute and did not resolve that situation by leaving the UK, the local authority's Children Act duties in respect of child welfare and safeguarding were likely to be engaged.
- The Home Office should do more to speed up decision times in immigration (non-asylum) cases involving a destitute family in receipt of local authority Children Act support and to enable or enforce the departure from the UK of families with no lawful basis to remain here, whether or not they had made a failed asylum claim.

- Many local authorities were already facing significant financial, operational and litigation pressures from dealing with families without immigration status and with no recourse to public funds. This included the significant assessment burden on local authorities in administering the current provisions controlling access to social care in such cases, contained in Schedule 3 to the 2002 Act. It also included the burden of support for adult former unaccompanied asylum seeking children under local authority duties towards care leavers.
- There was interest in joint work with the Home Office to strengthen the basis for joint engagement with families who could and should leave the UK to get more to do so.

2. Responses to the specific consultation questions

This section provides information about the responses to the specific questions set out in the consultation document. It also indicates the government's response to those responses.

2.1 The proposed repeal of section 4(1) of the 1999 Act

2.1.1 Section 4(1) of the Immigration and Asylum Act 1999 allows support to be provided to migrants given temporary admission to the UK, released from immigration detention or placed on immigration bail. The power is most commonly exercised where an immigration detainee (generally a foreign national offender) asks to be provided with an address in order to make a bail application. If the Home Office is satisfied the migrant is unable to obtain accommodation from another source (e.g. family or friends), it may provide an address and the migrant will move into this accommodation if they are granted bail. Home Office management information, which is not produced in accordance with ONS protocols and is subject to change, indicates that at 30 March 2015 around 540 migrants (excluding dependants and almost all single males) were accommodated under these arrangements.

2.1.2 Many respondents disagreed with the proposal because they were concerned that it would mean that some migrants would remain in immigration detention for longer than necessary because of the lack of a mechanism to bail them to accommodation provided by the Home Office, where they could not obtain their own accommodation.

2.1.3 Section 4(1) of the 1999 Act is repealed by Schedule 6 to the Immigration Bill published on 17 September 2015. The Bill also consolidates various forms of temporary status (e.g. temporary release and temporary admission) into a single bail category and, in paragraph 7 of Schedule 5 to the Bill, creates a new power, where there are exceptional circumstances, to provide accommodation to enable a person to meet bail conditions. This will provide the Secretary of State with the scope to provide accommodation on a case-by-case consideration of the individual circumstances, e.g. where the migrant being released from detention was unable to leave the UK because they were medically unfit to travel and was unable to obtain their own accommodation. The Home Office would not expect to exercise the new power where the migrant seeking bail could pay for their own accommodation or obtain it through family or friends, or could avoid being left homeless by leaving the UK.

2.2 The proposal to close off support for failed asylum seekers who make no effort to leave the UK at the point that their asylum claim is finally rejected, subject to continued support in cases with a genuine obstacle to departure at that point or in which further submissions are lodged with the Home Office and are outstanding

2.2.1 Section 4(2) of the Immigration and Asylum Act 1999 allows support to be provided to failed asylum seekers who would otherwise be destitute and who meet conditions set out in regulations. The regulations allow the provision of support if the person is destitute and temporarily unable to leave the UK, e.g. because there is a medical reason why they cannot travel or they have outstanding further submissions lodged with the Home Office as to why they should remain here on protection grounds. Section 4(2) provides this avenue of support to a migrant who is in the UK and has previously made a failed asylum claim. It means that support is provided to failed asylum seekers who should have left the UK when their claim failed, but who did not do so and remained here unlawfully.

2.2.2 Some respondents took the view that it was sufficient for the government to provide support for asylum seekers and therefore felt that the provisions for supporting failed asylum seekers should be abolished. Other respondents thought that the current provisions provided

an important safety net for destitute migrants ineligible for support under section 95 of the Immigration and Asylum Act 1999 because they were not asylum seekers.

2.2.3 Many respondents thought that failed asylum seekers denied support would abscond and 'go to ground' rather than leave the UK. They were concerned that, by ceasing support, the Home Office would lose contact with these failed asylum seekers and their families, making their removal from the UK more difficult. Many also thought that the proposals would place greater burdens on local authorities because they would in practice need to provide assistance to destitute failed asylum seeker families in line with their Children Act duties. Some respondents suggested that there would also be increased pressures on charities and church groups to support these families. Concerns were also expressed about the impact on failed asylum seekers with a serious illness and others perceived to be particularly vulnerable.

2.2.4 In respect of support for those failed asylum seekers who faced a genuine obstacle to departure from the UK at the point that their asylum claim was finally rejected, many respondents made comments relevant to how this would work in practice, in light of experience of operating the existing arrangements to support failed asylum seekers under section 4(2) of the Immigration and Asylum Act 1999.

2.2.5 Section 4(2) of the 1999 Act is repealed by Schedule 6 to the Immigration Bill published on 17 September 2015, which provides that some categories of case previously supported under section 4(2) – those with outstanding further submissions lodged with the Home Office as to why they should remain here on protection grounds and those who have been granted permission to seek a judicial review of a decision to reject such further submissions without treating them as a fresh protection claim – will be able to apply for support under section 95 of the 1999 Act.

2.2.6 Under the Immigration Bill, support will be available under a new section 95A in the 1999 Act to failed asylum seekers and any dependants who are destitute and show they face a genuine obstacle that prevents their departure from the UK at the point that their asylum claim is finally rejected. The Home Office is reflecting on the detailed comments made in some of the consultation responses about the criteria to be met for such support to be provided and how access to it should be managed as effectively as possible.

2.2.7 The changes made by the Bill will mean that failed asylum seekers with children will need to show that there is a genuine obstacle that prevents their departure from the UK (by which they could avoid any risk of destitution in the UK) in order to continue to be provided with Home Office support. The circumstances in which a genuine obstacle will be considered to exist will be set out by the Home Office in regulations, again reflecting on the detailed comments made in some of the consultation responses. But common examples will be where medical evidence shows that the person is unfit to travel or there is evidence that an application for the necessary travel document has been submitted and is still outstanding.

2.2.8 Many respondents felt that any decision refusing or ceasing access to Home Office support should continue to attract a right of appeal. A decision that a person does not qualify for support under section 95 of the 1999 Act will continue to attract a right of appeal. Under the Immigration Bill, those who have outstanding further submissions lodged with the Home Office as to why they should remain here on protection grounds, and those who have been granted permission to seek a judicial review of a decision to reject such further submissions without treating them as a fresh protection claim, may now be eligible for section 95 support and be able to appeal against a decision that they do not qualify for that support. The Immigration Bill does not provide a right of appeal against a decision to deny support under the new section

95A of the 1999 Act because there is no genuine obstacle to departure from the UK: the existence or not of such an obstacle will generally be a straightforward matter of fact, for which a statutory right of appeal is not required. For similar reasons, the Bill also removes the right of appeal against a decision to cease support taken under Schedule 3 to the 2002 Act where a failed asylum seeker and their family in receipt of Home Office support have failed without reasonable excuse to take reasonable steps to leave the UK voluntarily or place themselves in a position to leave the UK voluntarily.

2.3 The proposed changes for failed asylum seekers with children

2.3.1 Section 95 of the Immigration and Asylum Act 1999 currently allows Home Office support to continue automatically if a failed asylum seeker has a child in their household. This is subject to the powers contained in Schedule 3 to the Nationality, Immigration and Asylum Act 2002 to cease support where it is certified that the persons are not taking reasonable steps to leave the UK voluntarily or to place themselves in a position in which they are able to leave the UK voluntarily. These powers, which place the onus on the Home Office to demonstrate non-compliance rather than on the failed asylum seeker to demonstrate compliance and which are subject to a right of appeal against a decision to cease support, have not been used since 2005.

2.3.2 The consultation document proposed that section 95 support for those with a child who become failed asylum seekers after the measures come into force would cease after a grace period of at least 28 days unless they could show that there was a genuine obstacle that prevented their departure from the UK, in which case they would continue to be supported by the Home Office.

2.3.3 Many respondents were concerned that the proposal to cease support to failed asylum seeker families in the absence of a genuine obstacle to their departure from the UK was not consistent with Article 3 of the UN Convention on the Rights of the Child or with the Home Office's duty to safeguard and promote the welfare of a child in the UK in carrying out immigration, asylum and nationality functions under section 55 of the Borders, Citizenship and Immigration Act 2009.

2.3.4 Many respondents drew attention to the experience of the 2005 pilot of the powers in Schedule 3 to the 2002 Act to cease support to failed asylum seeker families, in which the use of those powers had not resulted in families leaving the UK and had led to welfare and safeguarding concerns in respect of those families. Many respondents were concerned that the proposals would lead to new burdens on local authorities as destitute failed asylum seeker families no longer able to access support from the Home Office would require Children Act support instead. Several local authority respondents were also concerned about the burden on them of carrying out assessments in such cases, as under Schedule 3 to the 2002 Act, the local authority had to carry out its own complex human rights assessment to establish eligibility for, and thereby trigger a further assessment in respect of, Children Act support.

2.3.5 In light of the consultation, we continue to take the view that the current system – under which failed asylum seeker families continue to receive Home Office support as though their asylum claim and any appeal had not failed, with the onus on the Home Office to demonstrate non-compliance with return arrangements for support to be ceased – needs to change. A better basis of incentives and possible sanctions is required on which, together with local authorities, the Home Office can engage with these families in a process that secures more returns.

2.3.6 Under the Immigration Bill published on 17 September 2015, section 95 support for those with a child who become failed asylum seekers after the measures come into force will cease after a grace period of at least 28 days, unless they can show the Home Office that there is a genuine obstacle that prevents their departure from the UK, in which case they will be supported under the new section 95A of the 1999 Act.

2.3.7 So failed asylum seekers with children will need to show that there is a genuine obstacle that prevents their departure from the UK (by which they could avoid any risk of destitution in the UK) in order to continue to be provided with Home Office support. The circumstances in which a genuine obstacle will be considered to exist will be set out in regulations. As indicated above, the Home Office will reflect carefully on the detailed comments made in many of the consultation responses about this and will continue to work closely with local authority colleagues in particular in framing this aspect of the new arrangements and how it relates to local authority responsibilities for supporting and safeguarding children and families.

2.3.8 The Home Office takes its responsibility for the welfare of children seriously and ensuring that we treat children with care and compassion is a priority. We have appropriate statutory and policy safeguards in place regarding child welfare. This means that the needs of any child in the UK who forms part of any application or whom we know is affected by a decision will have the impact on their welfare taken into account. This means that the best interests of any child in the UK involved in a decision will always be taken into account as a primary consideration, together with other relevant considerations.

2.3.9 In particular, a failed asylum seeker family who have exhausted their appeal rights will have had both an asylum decision and a consideration of their right to respect for private and family life under Article 8 of the European Convention on Human Rights in which the best interests of the child will have been intrinsic to the proportionality assessment, and then (if they appealed) an appeal decision confirming that the family does not require our protection and their departure from the UK will not breach their human rights. The section 55 duty does not require that, if a failed asylum seeker family decides to remain here unlawfully when they could and should leave the UK, they should automatically and indefinitely continue to receive Home Office support simply because they have made a failed asylum claim. In further developing and implementing the new scheme under the Immigration Bill, we will ensure that we continue to comply with Article 3 of the UN Convention on the Rights of the Child and our section 55 duty and enable local authorities to comply with their welfare and safeguarding responsibilities towards children.

2.3.10 We have reflected carefully on what the consultation responses said about the 2005 pilot of the cessation of support for failed asylum seeker families under Schedule 3 to the 2002 Act. We have taken account of that experience in providing under the Immigration Bill for a different approach. First, under Schedule 3 to the 2002 Act, the onus is on the Home Office to show that a family is not co-operating with arrangements for return; to qualify for support under the new section 95A of the 1999 Act provided by the Bill, the onus will be on the family to show that there is a genuine obstacle to their departure. Second, the 2005 pilot involved a largely correspondence-based process for terminating support in family cases that had exhausted their appeal rights in the 11 months prior to the pilot. By contrast, the new scheme will involve a managed process of engagement with the family, in tandem with the local authority, following the end of the appeal process, to discuss their situation and the consequences of not leaving the UK in circumstances where they can do so. Home Office support will remain available if there is a genuine obstacle to the family leaving the UK. And, third, it is now generally recognised that the taxpayer should not have to support illegal migrants who could leave the

UK; we intend to work closely with partners in local government and elsewhere to achieve that outcome.

2.4 The length of the proposed grace period in family cases

2.4.1 The consultation document proposed a grace period of at least 28 days before Home Office support would cease for failed asylum seeker families unable to demonstrate that there was a genuine obstacle that prevented their departure from the UK.

2.4.2 Many respondents took the view that a 28-day grace period was too short, with some suggesting that a period of three months would be more appropriate and commensurate with the practical work to be done to engage with appeal rights exhausted families, to present them with clear information about their situation and its implications and to persuade and enable more to leave the UK voluntarily. Many respondents drew attention to the need for clear processes for the Home Office to engage in a timely way with local authorities concerning appeal rights exhausted families, to enable both then to engage with those families as effectively as possible.

2.4.3 We are reflecting on the detailed comments made in many of the consultation responses about the length of the grace period for failed asylum seeker families supported under section 95 of the 1999 Act and about the work to be undertaken during that period before taking a final view on this issue for the framing of the regulations to be made under the Immigration Bill for the operation of the new scheme. We recognise the strength of the representations made through the consultation for a grace period longer than 28 days in family cases.

2.5 The proposed transitional arrangements

2.5.1 The consultation document proposed that the new arrangements for supporting failed asylum seekers and others, in particular the new grace period for families supported under section 95 of the Immigration and Asylum Act 1999 and the repeal of section 4 of the 1999 Act, would not apply to those already in receipt of such support when the new provisions were implemented.

2.5.2 Many respondents agreed that this was a sensible approach, in particular to avoid the scenario in which support ceased abruptly in large numbers of cases. It is now reflected in paragraphs 44 and 45 of Schedule 6 to the Immigration Bill published on 17 September 2015.

2.5.3. Some respondents were concerned about the proposed consideration, on a case-by-case basis, of the discontinuation of existing support to failed asylum seeker families by using the powers in Schedule 3 to the 2002 Act. We continue to consider it appropriate that existing supported cases should be subject to review and, working closely with the relevant local authority, to the discontinuation of support under those powers where they meet the criteria for this.

2.6 The assessment of the impact of the proposals on local authorities

2.6.1 The consultation document invited views and information relevant to assessing the impact of the proposals on local authorities.

2.6.2 Many respondents were concerned that the proposals would result in a shift in the financial burden for supporting destitute failed asylum seeker families from the Home Office to local authorities, notwithstanding the commitment given in the consultation document to undertaking a new burdens assessment of the final package of measures.

2.6.3 Some of the respondents pointed out that the dispersal of asylum seekers supported under section 95 of the Immigration and Asylum Act 1999 to particular areas would mean that some parts of the UK would be more affected than others by the proposed support changes in respect of failed asylum seeker families.

2.6.4 Many respondents drew attention to the current pressures and challenges local authorities faced in dealing with and supporting families with no recourse to public funds (DWP benefits and social housing) who had not made a failed asylum claim. These included families awaiting a Home Office decision or the outcome of an appeal in an immigration (non-asylum) case or who had exhausted their appeal rights against refusal in such a case. They also drew attention to the current pressures and challenges local authorities faced in dealing with and supporting unaccompanied asylum seeking children and adult care leavers who had been such children.

2.6.5 The Home Office has considered these responses carefully. We are keen to ensure that the framing and implementation of the measures contained in the Immigration Bill published on 17 September 2015 minimises any impact on local authorities as a consequence of the Home Office no longer continuing to support failed asylum seekers solely because they have children. Together with the Department for Education and the Department for Communities and Local Government, we are continuing to engage with local authority colleagues, through the Local Government Association, on how this can best be done. We shall also engage with the Devolved Administrations on these issues.

2.6.6 There is no general obligation on local authorities to accommodate illegal migrants who intentionally make themselves destitute by refusing to leave the UK when it is clear they are able to. Schedule 3 to the 2002 Act already provides that, across the UK, a range of local authority social care is unavailable to failed asylum seekers and others who remain in the UK unlawfully, except where, following what can be a complex and burdensome assessment process, the local authority decides that the provision of such support is necessary to avoid a breach of human rights or on the basis of other exceptions for which Schedule 3 provides. We are giving further consideration to whether this framework needs to be simplified and strengthened.

2.6.7 We will continue to work closely with our partners in local government on the detail of the new arrangements, so that the new system established under the Immigration Bill, including by way of the regulations required to implement the new scheme, will reduce overall costs to the public purse and encourage and enable more migrants without any lawful basis to remain here to leave the UK in circumstances when they can do so.

2.7 Whether and, if so, how we might make it clearer for local authorities that they do not need to support migrants, including families, who can and should return to their own country

2.7.1 Many respondents thought that the legislation and case-law governing the circumstances in which local authorities should support destitute persons from abroad who had no recourse to public funds was complex and burdensome for local authorities to administer and involved too much assessment and continued litigation to establish what support should be provided in what circumstances.

2.7.2 Some respondents drew attention to progress made with the Home Office in obtaining information about the immigration status of families applying for local authority and in requesting expedition in Home Office decision-making in cases in receipt of local authority support. But some highlighted continued problems in this area and the need for further improvements to be made.

2.7.3 Many respondents emphasised the fundamental importance of safeguarding children and vulnerable adults which any new system of support for migrants without recourse to public funds must ensure would continue to be delivered.

2.8 Any suggestions on how the Home Office, local authorities and other partners can work together to ensure the departure from the UK of those migrants with no lawful basis to remain here and minimise burdens on the public purse

2.8.1 Many respondents took the view that central government and local government needed to work together in a more co-ordinated strategy to secure the return to their country of origin of failed asylum seekers and others without a lawful basis for remaining in the UK. Some respondents added that the proposed support changes, particularly the proposed grace period following which Home Office support for failed asylum seeker families would end where there was no genuine obstacle to departure from the UK, provided an opportunity to develop a fresh platform for the required engagement, by the Home Office and local authorities, with those families.

2.8.2 There were a number of practical suggestions, including:

- Better communication between the Home Office and local authorities, so that family cases becoming appeal rights exhausted, whether or not they were appeal rights exhausted, were actively managed in a more co-ordinated and effective way, including as regards the available options for voluntary, assisted and enforced departure.
- Better training for key local authority staff, based on considerable good practice within the sector, in dealing with families without immigration status and therefore with no recourse to public funds.
- Continued progress by the Home Office in expediting decisions in immigration (non-asylum) cases involving a destitute family in receipt of local authority Children Act support, based as far as possible on further embedding of the use of the No Recourse to Public Funds Connect database.
- Better information for applicants, so that their rights and obligations are clear to them from the outset and they understand the consequences of failing to comply with requirements.
- A simpler, more proactive approach, involving closer joint working between the Home Office and local authorities, to advertising and administering the assisted voluntary returns programme.

2.9 Any information or evidence that will help us to assess the potential impacts of the changes proposed in this consultation document and to revise the consultation stage Impact Assessment

2.9.1 Some respondents offered views and information relevant to the overall impact assessment of the proposed changes. In particular:

- As regards impacts on local authority social services and children's services (as discussed in section 2.6, above).
- Extra safeguarding issues for local authorities if there were more destitute migrants in the community. Addressing this concern will remain a focus of our continued joint

work with local authority colleagues on the framing and implementation of the new support measures.

- The risk that the vulnerability to exploitation of some of those affected by the proposals would mean that they would be more likely to be drawn into illegal working or other crime. This will also remain a focus of our continued joint work with local authority colleagues, including around the implementation of other new measures contained in the Immigration Bill aimed at increasing safeguards against labour market and other exploitation.

2.10 Any information or evidence that will help us to assess the potential impacts of the changes proposed in this consultation document on persons who have any of the protected characteristics as defined in the Equality Act 2010

2.10.1 A few respondents provided views and information relevant to the equality impact assessment of the proposals. A Policy Equality Statement for the support measures contained in the Immigration Bill published on 17 September 2015 has now been published and can be found on GOV.UK at:

<https://www.gov.uk/government/publications/immigration-bill-part-5-support-for-certain-categories-of-migrant>

3. Next steps

3.1 In light of the consultation and our evaluation of the responses to it, the Immigration Bill published on 17 September 2015 contains measures to reform the support provided to failed asylum seekers and other illegal migrants. The measures will ensure that asylum seekers who would otherwise be destitute continue to receive adequate support while their claim is considered, but will rebalance the support system so that it does not incentivise failed asylum seekers and other illegal migrants to remain in the UK where they have no lawful basis for doing so.

3.2 Under Schedule 6 to the Bill, those with children with them when their asylum claim and any appeal are rejected will no longer be treated as though they were still asylum seekers and will cease to be eligible for support under section 95 of the Immigration and Asylum Act 1999. In addition, section 4 of the 1999 Act will be repealed and support will only be available to failed asylum seekers and any dependent children if they would otherwise be destitute and there is a genuine obstacle that prevents them from leaving the UK.

3.3 A central/local government working group, formed under the auspices of the Local Government Association and involving Local Authority, Home Office, Department for Education and Department for Communities and Local Government officials, is continuing to assess and discuss the framing and implementation of the support measures contained in the Immigration Bill. The focus of the working group is on ensuring that those measures have the optimum impact in managing families without immigration status, maintain appropriate safeguards, reduce costs to the public purse and facilitate the departure from the UK of more families without a lawful basis to remain here. The Home Office intends to pursue a similar dialogue with the Devolved Administrations.

Annex A – List of respondents

Individual responses have been considered but are not listed. The remainder of the respondents were:

Action Foundation	DASH – Destitute asylum seekers in Huddersfield
Action for Refugees in Lewisham	Detention Action
Alumni	Discrimination Law Association
Amnesty International	Doctors of the world
Archbishops' Council, Church of England	Dudley Metropolitan Borough Council
Asylum Support Appeals Project	Doughty Street Chambers
Asylum Support Housing Advice	DPG Solicitors
Assist Sheffield	Drop-in Centre for Asylum Seeker Families
Asylum link	East of England Strategic Migration Partnership
Asylum Welcome	East London NHS Foundation Trust
AVID - Association of Visitors to Immigration Detainees	East Midlands Strategic Migration Partnership
Barnardo's	Edinburgh City Council
Barnsley Metropolitan Borough Council	Equality and Human Rights Commission
Bevan House Primary Care Centre	Family Rights Group
Bail for Immigration Detainees	Freedom from Torture
British Medical Association	Freshfields Bruckhaus Deringer
Bolton Citizens Advice	FRODAS
Borderlands (South West) Ltd	Futures Advice Nottingham
Bradford Action for Refugees	GARAS - Gloucestershire Action for Refugees and Asylum Seekers
Bradford Metropolitan District Council	Garden Court Chambers
Brigstowe Project	Gatwick Detainees Welfare Group
Bristol Hospitality Network	Glasgow Asylum Destitution Action Network
Bristol Refugee Rights	Greater Manchester Directors of Children's Services
British Red Cross	Hansen Palomares
Calderdale Council	Harbour project
Children's Commissioners	Helen Bamber Foundation
Churches' Refugee Network	Herbert Smith Freehills
Churches Together in the Merseyside Region	Home 4U Cardiff project
Commonweal Housing	Homeless Link
Compass - asylum seekers and refugees mental health liaison	Hope Projects
COSLA	Housing Justice
Coram Children's Legal Centre	Hull City Council
Coventry Asylum and Refugee Action Group	Hull Safeguarding Children Board

Immigration Law Practitioners' Association	Migration Yorkshire
Islington Law Centre (Migrants' Law Project)	MRANG
Jesuit Refugee Service	National AIDS Trust
Kent Refugee Help	Newcastle City Council
Kent County Council	North East Migration Partnership
Law Centre – Northern Ireland	Northern Ireland Human Rights Commission
Leeds City Council	Northern Ireland Strategic Migration Partnership
Leeds City of Sanctuary	North of England Refugee Service
Leeds Food Aid Network	Notre Dame Refugee Centre
Lesbian Immigration Support Group	Northern Refugee Centre
Lewisham Refugee and Migrant Network	North West Regional Strategic Migration Partnership
Liberal Democrats for Seekers of Sanctuary	Nottinghamshire County Council
Liberty	Nottingham & Nottinghamshire Refugee Forum
Liverpool Heart & Chest Hospital, NHS Foundation Trust	Oldham Unity
Liverpool City Council	Oldham Council
Local Government Association; Welsh Government Association; the Convention of Scottish Local Authorities; the Association of Directors of Children's Services and the No Recourse to Public Funds Network (combined response)	Olton Baptist Church
London Borough of Barking and Dagenham	Plymouth City Council
London Borough of Croydon	Project 17
London Borough of Harrow	Public Health England
London Borough of Lewisham	Quakers in Britain and Quaker Asylum and Refugee Network
London Borough of Newham	Refugee Action
London Councils	Refugee Children's Consortium
Luton Borough Council	Refugee Council
Maternity Action	Refugee Survival Trust
Medical Justice	Refugee & Migrant Centre
Middlesbrough Council	Refugee Women's Strategy Group
Migrant Help	Rochdale Borough Council

Royal College of Psychiatrists	West Sussex County Council
Safe and Sound Group	Women for Refugee Women
Salvation Army	WomenCentre
Samphire	
Scottish Government	
Scottish Refugee Council	
Sheffield City Council	
South East Strategic Partnership for Migration	
Solihull Metropolitan Borough Council	
Southampton & Winchester Visitors Group	
South Gloucestershire Council	
Southwark Law Centre	
Staffordshire North and Stoke on Trent Citizens Advice	
Still Human Still Here	
St Mungos-Broadway and The Connection at St Martin's	
Suffolk Refugee Support	
Swansea City and County	
SW Councils	
Terrence Higgins Trust	
The Law Society of Scotland	
Trinity Centre	
Trades Union Congress	
UNHCR	
UNISON	
Unity Centre	
Verne Visitors Group	
Wakefield Council	
Wales Cities of Sanctuary	
Wales Strategic Migration Partnership	
Welsh Government	
West Midlands Strategic Migration Partnership	
West Midlands Voluntary Sector Organisations	