

## **Supplementary Briefing Material on Part 5 Support for Certain Categories of Migrants etc.**

Please find below briefings on the proposed amendment 227 tabled on asylum support rates and on the proposed new clause on permission to work for asylum seekers from Still Human Still Here.

### **Amendment to increase asylum support rates**

#### **PROPOSED AMENDMENT 227**

Schedule 6, Page 93, line 38, after 'provided)' to end of line 39, and insert –

- (a) The heading becomes “Support for asylum-seekers, etc”, and
- (b) insert after subsection (8) -

(\* The weekly cash payment set out in Regulation 2(2) of the Asylum Support (Amendment No.3) Regulations 2015 No. 1501 for each individual is increased to no less than 60% of the rate of Income Support payable to single adults aged 25 or over.

### **Purpose**

To ensure asylum seekers have the support they need to pay for food, clothing, toiletries, travel and other necessities and thereby try to help ensure that they can properly meet their essential living needs and pursue their asylum applications. The amendment works by amending section 95 of the Immigration and Asylum Act 1999 which is the overarching section under which support for person seeking asylum is provided.

### **Briefing from Still Human Still Here<sup>1</sup>:**

This amendment would increase the level of support for asylum seekers who would otherwise be destitute from £36.95 a week to £43.86 a week and ensure that the rate is increased in line with Income Support each year.

The rates for asylum seekers supported under section 95 of the Immigration and Asylum Act 1999, were originally set at 70% of Income Support on the basis that their accommodation and utility bills would be paid for separately.

However, in recent years asylum seekers have seen the value of this support severely reduced. Asylum support rates were frozen between 2011 and 2015 and rates for asylum seeking children were cut in August 2015 by the Asylum Support (Amendment No. 3) Regulations by £16 per week.

All asylum seekers on section 95 support who would otherwise be destitute now receive the same flat rate of support which is set at £36.95 a week, or just over £5 a day. Asylum seekers must pay for their food, clothing, toiletries, transport and other necessities with this money. This

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<sup>1</sup> Still Human Still Here is a coalition of some 80 organisations which includes nine City Councils the Red Cross, Crisis, the Children's Society, Mind, Citizens Advice Bureau, Doctors of the World, National Aids Trust, and the main agencies working with asylum seekers in the UK. For details, see: [www.stillhuman.org.uk](http://www.stillhuman.org.uk).

means that asylum seeking families with children are now living on rates that are some 60% below the poverty line and single adult asylum seekers receive around 50% of Income Support.

Research indicates that this level of support is not sufficient to allow asylum seekers to meet their essential living needs and pursue their asylum applications. In 2010, Still Human Still Here analysed the basket of basic goods compiled by the Joseph Rowntree Foundation for its minimum income standards report and then stripped this down so that only items needed to avoid absolute poverty were included. On this basis it concluded that 70% of Income Support is the absolute minimum required to meet basic needs.

More recent research has also provided evidence that the current level of asylum support is inadequate. For example, in 2013 Refugee Action interviewed 40 clients who were in receipt of section 95 support and found that 70% (28/40) of interviewees were unable to buy either enough food to feed themselves or fresh fruit and vegetables or food that met their dietary, religious or cultural requirements, since being on asylum support.<sup>2</sup>

Furthermore, 90% (36/40) of interviewees could not afford to buy sufficient/appropriate food and clothes. Of the four people who said they could meet both these essential needs, three stated that the level of support did not allow them to maintain good mental and physical health. The only individual who did not report difficulties in this respect received food and other essential items from friends.

Similar detailed research by Freedom from Torture<sup>3</sup> found that all 17 respondents on section 95 support who responded to detailed questions stated that overall their income was insufficient to meet their essential needs. As with the Refugee Action research, this survey indicated that asylum seekers usually had to sacrifice one essential item to meet another one.

In 2013, a cross-party parliamentary inquiry into asylum support for children and young people, which received information from more than 150 local authorities, local safeguarding children boards and child protection committees, found that “the levels of support for asylum seeking families are meeting neither children’s essential living needs, nor their wider need to learn and develop. The levels are too low and given that they were not increased in 2012 they should be raised as a matter of urgency and increased annually at the very least in line with income support.” The inquiry further recommended that the “rates of support should never fall below 70% of income support.”<sup>4</sup> It should be emphasized that this conclusion was reached **before** support levels for children were cut by £16 a week.

In October 2013, the Home Affairs Committee issued a report in which it highlighted “concerns about the level of support available to those who seek asylum in the UK” and concluded that the “relative poverty” of those on section 95 support “is compounded by the fact that the vast majority of asylum applicants have not legally been allowed to work since 2002.”<sup>5</sup>

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<sup>2</sup> Refugee Action’s research took place in May 2013 with asylum seekers who visited offices in Liverpool, Manchester, Leicester, Bristol, Sheffield or Rotherham for advice sessions.

<sup>3</sup> Freedom from Torture carried out research into the impact of poverty on torture survivors in July 2013. A total of 117 clients took part in the research across the UK, including 19 individuals who were in receipt of Section 95 support at the time and completed a detailed questionnaire about their experiences.

<sup>4</sup> *Report of the Parliamentary Inquiry into asylum support for children and young people*, Children’s Society, January 2013, pages 24-25.

<sup>5</sup> Home Affairs Committee, *Asylum*, Seventh report of session 2013-14, paragraph 77 and Press Release 10 October 2013.

In April 2014, the High Court handed down a judgment in a case which the Judge described as considering

“what was sufficient to keep about 20,000 people above subsistence level destitution, a significant proportion of whom are vulnerable and have suffered traumatic experiences.”

The Judge found that the Government’s assessment of the amount needed by asylum seekers to avoid destitution was flawed and ordered the decision be taken again.

The ruling states that the Government failed to take account of items that must be considered as essential living needs (e.g. non-prescription medication; nappies, formula milk and other requirements of new mothers; basic household cleaning goods; and the opportunity to maintain relationships and have a minimum level of participation in society). It also found that the Government had made errors in calculating the amount required to meet essential living needs.

While the Government complied with the judgment and reviewed its decision, it still concluded that rates were adequate for single adults to meet their essential living needs (and later that they were overly generous for children). The Home Office methodology for reaching this conclusion primarily rests on the Office for National Statistics (ONS) expenditure data for the lowest 10% income group in the UK. However, the Home Office adjusted the latest ONS data (2013) in relation to several items to calculate what the support level should be for asylum seekers in 2015, as illustrated in the table.

Essential living needs	ONS data 2013	Adjusted by the Home Office
Food & non-alcoholic drink	£23.46	£24.96
Clothing and footwear	£4.62	£2.51
Toiletries	£1.23	£1.23
Healthcare	£0.69	£0.69
Household cleaning items	£1.00	£1.00
Travel	£3.62	£3.00
Communications and post	£5.23	£3.00
Subtotal	<b>£39.85</b>	<b>£36.39</b>
Adjusted for 2014 CPI (1.55%)	<b>£40.47</b>	<b>£36.95</b>

The Home Office’s £1.50 upward adjustment for food is to take account of the fact that the Office for National Statistics (ONS) survey separately recorded £5 worth of additional expenditure on other food items (e.g. takeaways, canteens, etc.) and asylum seekers would still have to prepare this food at home.

The downward adjustments made to expenditure on clothing, travel and communications were based on the Home Office’s assessment that this amount was more than is necessary to cover essential living needs based on its own research. Such assessments introduce a subjective element into the calculation which is likely to be influenced by budgetary and/or other political pressures.

It should be stressed that ONS data cited above do not take account of the additional needs of asylum seekers (e.g. that asylum seekers often arrive with nothing, are more vulnerable than the general population, do not have a support network, etc.). Furthermore, the ONS data do not

assess whether essential living needs are met or what impact the level of spending on food or other items has on health and well-being.

This amendment ensures that any asylum seeker who would otherwise be destitute will receive no less than 60% of income support which is currently equal to £43.86 per week. This is just above what an asylum seeker would receive if the unadjusted ONS data were used to set the level of asylum support payments. This is a fairer, more efficient way of calculating what the asylum support rate should be and would depoliticise this process.

While this would still leave the support rate well below 70% of Income Support, which Still Human and most other organisations still consider should be the minimum level of asylum support, it would represent a modest improvement in the current situation and help to ensure that those surviving on section 95 support do not get ill, whether with mental or physical health problems. This is particularly important given that many asylum seekers do spend considerable periods of time on section 95 support. At the end of June 2015, more than 3,600 asylum seekers had been waiting more than six months for an initial decision on their applications. During this time, and any subsequent appeal, asylum seekers are prohibited from working to support themselves and therefore have no choice but to rely on section 95 support.

## **PROPOSED NEW CLAUSE AFTER PARAGRAPH 43: Permission to work**

Page 100, line 16 at end insert the following new clause-

### **“Permission to work**

(1) The Immigration Act 1971 is amended as follows.

(2) After section 3(9) (general provisions for regulation and control) insert—

“(10) In making rules under subsection (2), the Secretary of State must have regard to the following.

(11) Rules must provide for persons seeking asylum, within the meaning of the rules, to apply to the Secretary of State for permission to take up employment and that permission must be granted if—

- (a) a decision has not been taken on the applicant’s asylum application within six months of the date on which it was recorded, or
- (b) an individual makes further submissions which raise asylum grounds and a decision on that fresh claim or to refuse to treat such further submissions as a fresh claim has not been taken within six months of the date on which they were recorded.

(12) Permission for a person seeking asylum to take up employment shall be on terms no less favourable than those upon which permission is granted to a person recognised as a refugee to take up employment.””

## **Purpose**

This proposed amendment would provide for asylum seekers to be able to work if their claim is not determined within the Home Office target time of six months.

### **Briefing from Still Human Still Here<sup>6</sup>:**

Allowing asylum seekers who have been waiting six months for a decision on their cases to work has several benefits:

- It provides asylum seekers with a route out of poverty. More than 3,600 asylum seekers have currently been waiting more than six months for an initial decision on their cases and surviving on just over £5 a day.
- It reduces the burden on the taxpayer as asylum seekers who are able to work will not need to be supported for extended periods and instead can contribute to the economy through increased tax revenues and consumer spending. It also safeguards their health and prevents them from having to resort to irregular work.
- It avoids the negative consequences of prolonged economic exclusion and forced inactivity (e.g. poverty, detrimental impact on mental health and self-esteem, break up of marriages and families, etc.).
- Other EU countries allow asylum seekers to work after nine months and eleven of them grant permission to work after six months or less if a decision has not been made on their asylum application.
- For those asylum seekers who are eventually given permission to stay, avoiding an extended period outside the labour market is key to ensuring their long term integration into UK society and encouraging them to be self-sufficient.

### ***Alleviating destitution amongst asylum seekers***

The Government has defended its current policy, which effectively prohibits asylum seekers from working, on the basis that asylum seekers are “provided with support and accommodation while we determine whether they need our protection and until they have exhausted the right of appeal.”<sup>7</sup>

While it is true that asylum seekers are supported, it is highly questionable whether the level of support provided is adequate, as asylum seekers receive just over £5 a day to meet their essential living needs of food, clothing, toiletries and transport and to pursue their asylum application (housing and utility bills are paid for separately for those who need it).

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<sup>7</sup> Earl Attlee, House of Lords Hansard, Col. 30, 17 March 2014.

At the end of June 2015, more than 3,600 asylum seekers had been waiting more than six months for an initial decision. An asylum seeker spends an average of around 18 months on Section 95 support.<sup>8</sup> Asylum seekers who have to survive solely on this level of support for extended periods of time will suffer a negative impact on their mental and physical health.

If the Government cannot take an initial decision on an application within its own target timeframe of six months, then it should give asylum seekers a route out of poverty and an opportunity to restore their dignity by providing for themselves, rather than leaving them dependent on handouts from the Government.

A cross-party parliamentary inquiry into asylum support for children and young people, which was chaired by Sarah Teather MP and included seven other parliamentarians, noted in January 2013 that "...asylum seeking parents are prevented from working, leaving families dependent on state support. This means parents are left powerless and lose their skills while children are left without positive role models. The government's own research has highlighted that this can lead to high levels of unemployment and under-employment once a family gains refugee status."

The inquiry based its findings on evidence from over 200 individuals and organisations, including local authorities and safeguarding boards and specifically recommended that asylum seeking parents and young adults should be given permission to work if their claim for asylum has not been concluded in six months.

### ***Benefits for the economy and society***

The potential financial savings from allowing asylum seekers to work include reduced asylum support costs and increased tax revenues. In addition, asylum seekers will have increased disposable income which can be spent in the wider economy. There will also be a number of indirect financial savings for statutory and voluntary agencies, including the avoidance of increased physical and mental health problems and the consequent financial costs to the NHS.

More than half of all asylum applicants are provided with protection in the UK, either after the initial decision or on appeal. The process of integration for these people begins when they arrive in the UK, not when the Government recognises them as a refugee and gives them permission to stay. An extended period of exclusion from the labour market can have a long term impact on refugees' ability to find employment.

Conversely, early access to employment increases the chances of smooth economic and social integration by allowing refugees to improve their English, acquire new skills and make new friends and social contacts in the wider community - all of which help to promote community cohesion. The vast majority of asylum seekers want to work and contribute to society and are frustrated at being forced to remain idle and dependent on benefits.<sup>9</sup>

It is also likely that allowing asylum seekers to work would reduce public hostility towards them, as many people are unaware that asylum seekers are effectively prevented from working. Surveys of public attitudes have shown that the majority of people think asylum seekers should be allowed

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<sup>8</sup> House of Lords Hansard, 5 March 2013, Col. 1457

<sup>9</sup> Doyle L, *"I hate being idle: Wasted skills and enforced dependence among Zimbabwean asylum seekers in the UK"*, Refugee Council, 2009.

to work: a survey by IPPR in 2005<sup>10</sup> found that 51 per cent of people thought asylum seekers should be allowed to work, with 29 per cent saying they should not. A more recent survey in 2011 also found that more people agreed with the statement that asylum seekers should be allowed to work while their claims are being processed than disagreed with it.<sup>11</sup>

### ***Will permission to work be a pull factor?***

The Government has stated that “The purpose of the current policy is to deter economic migration, because people would be able to come here, claim asylum and after a while be able to work. With this policy, we can deter economic migration through the asylum route and therefore properly determine the genuine cases.”<sup>12</sup>

However, the Government has provided no evidence to support its claim that allowing asylum seekers who have not received an initial decision after six months permission to work would encourage “abuse of the asylum route by economic migrants”.

On the contrary, all the available evidence suggests that permission to work does not act as a pull factor for asylum seekers. This is reflected in Home Office research and was confirmed by a review of the 19 main recipient countries for asylum applications in the OECD in 2011<sup>13</sup> which concluded that policies which relate to the welfare of asylum seekers (e.g. permission to work, support levels and access to healthcare) did not have any significant impact on the number of applications made in destination countries.

Furthermore, eleven other EU countries already allow asylum seekers access to the labour market after six months or less of waiting for a decision on their claims. These countries are Austria, Belgium, Cyprus, Finland, Greece, Italy, Netherlands, Poland, Portugal, Spain and Sweden.<sup>14</sup> All these countries have had these policies in place for many years and none of them have had to change the policy because of any abuse of the asylum route by economic migrants. In fact, the great majority of these countries consistently receive less asylum applications than the UK.

The recast EU Reception Conditions Directive reduced the period when asylum seekers can be excluded from the labour market pending an initial decision on their claim to nine months. However, the UK has not signed up to this Directive, which means it will be one of the only countries in Europe where asylum seekers can only apply for permission to work after waiting for more than one year for an initial decision on their case. In this respect, almost all of the 27 EU states have a more generous policy than the UK.

Furthermore, in practice the UK Government effectively prohibits asylum seekers from working even after one year as they are only allowed to work in highly skilled “shortage occupations”. Once again this is not the policy in many other European countries, for example Belgium, Latvia,

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<sup>10</sup> Lewis, M, *Asylum: Understanding Public Attitudes*, IPPR, 2005.

<sup>11</sup> Question in the British Social Attitudes survey, 45% responded positively (3,000 people surveyed, carried out in 2011).

<sup>12</sup> Earl Attlee, House of Lords Hansard, Col. 32, 17 March 2014

<sup>13</sup> Hatton, T. *Seeking Asylum: Trends and policies in the OECD*, Centre for Economic Policy Research, 2011.

<sup>14</sup> Information taken from the European Commission, SEC(2008)2945 and from a more recent Ad-Hoc Query on access to the labour market for asylum seekers compiled by the European Commission on 14 February 2013.

Norway, Poland, Spain and Sweden all allow asylum seekers to work in any job, including being self-employed, once they are granted permission to work.

The Government's contention that granting permission to work to asylum seekers who have not received a decision after six months will "make it more attractive to seek asylum in the UK for those motivated by economic reasons"<sup>15</sup> is not plausible. Those motivated to come to the UK for economic reasons are unlikely to make an asylum application and bring themselves to the attention of the authorities on the basis that they might be able to apply for permission to work in six months time.

The Government's opposition to granting permission to work after six months is on the grounds that it *might* lead to an increase in unfounded claims, even though it generally accepts that it has no evidence to support this position. Indeed, the Government itself has conceded in responding to a previous amendment to allow asylum seekers permission to work that "it may be broadly true" that "there is little hard evidence that the change you propose (to allow asylum seekers to work after six months) would result in more asylum applications."<sup>16</sup>

### **Conclusion**

Granting permission to work to asylum seekers who have been waiting for an initial decision for more than six months will help to avoid the negative impact on asylum seekers of prolonged forced inactivity and impoverishment and allow them to contribute to the economy. This will deliver financial savings to the Government and the taxpayer as asylum seekers who are working will not need to be supported.

This policy is already in place in many other EU countries and was specifically supported by 132 MPs in the previous parliament as well as the cross-party parliamentary inquiry into asylum support for children and young people (January 2013). There is also broad based support for this policy outside parliament, as reflected in motions on this issue which have been approved by the General Synod of the Church of England, the Greater London Assembly and many City Councils, including Bristol, Bradford, Coventry, Oxford, Kirklees, Leicester, Liverpool, Manchester and Swansea.

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<sup>15</sup> Letter from Earl Attlee to Lord Roberts, 31 March 2014.

<sup>16</sup> Letter from Earl Attlee to Lord Roberts, 31 March 2014.