

[Out in the cold]

Homelessness among destitute
refugees in London

Refugees reveal the reality of living in destitution

- INTRODUCTION

INTRODUCTION

1.1 The destitute refugees JRS UK accompanies¹

Those claiming asylum face innumerable barriers to resolving their situation. The determination system for asylum itself is notoriously arbitrary: countless investigations have pointed out the culture of disbelief towards applicants, and the poor training of those making decisions. The UK government has been challenged before for relying on discredited information about countries of origin.² Many rejections of asylum are overturned on appeal: in 2016, 41% of appeals were granted.³ But legal routes have themselves become more difficult to pursue. Cuts in legal aid mean few solicitors can afford the time for detailed work on a case that requires intensive background research. Numerous refused asylum claims represent individuals who desperately need a safe haven but who have been let down by a system which appears stacked against them. Once rejected, any fresh claim for asylum must also be lodged in person in Liverpool; a tall order for someone rendered destitute. Destitution and unstable housing themselves of course create a chaotic context for handling paperwork, and the anxiety it generates can be a near insurmountable bar to clear-headed thought necessary for coherent testimony.

Many whose asylum claims are refused cannot leave the UK but are denied any means to support themselves: like all seeking asylum, they are barred from working and cannot access the benefits system.⁴ After a claim is refused and the claimant's appeal rights are declared to be 'exhausted', asylum support of £36.95 a week, and very basic accommodation, are cut off.⁵ Many people subsequently put in fresh asylum claims – some of which succeed – but often cannot access financial support while they await a response for various reasons. Ultimately, refugees in this situation are left with no way to meet their basic needs – *i.e.*, they are destitute.⁶ These are the people we work with. Some have lived in destitution in the UK for many years. For example, we surveyed an older couple who had been in the UK for 15 years, most of them spent destitute. For them and people in their situation, destitution is not a brief episode, or a treacherous bridge to cross, but an indefinitely extending reality.

Through our Day Centre, JRS UK supports on average 215 destitute refugees a month.⁷ The Day Centre provides a small cash travel allowance to pay for bus passes, toiletries, and a hot meal which we all share, as well as a place to sit and relax in warmth, safety, and friendship. JRS UK also runs a Hosting Scheme called *At Home*, through which we

1 See Appendix 1 for a discussion of JRS UK's criteria for targeting support.

2 For example, in 2015, the Independent Advisory Group on Country Information (IAGCI) critiqued the Home Office's reliance on a discredited report in declaring it safe to reccomence return of Eritreans who had fled their country without permission to leave. The IAGCI's report can be found here: <https://www.gov.uk/government/publications/eritrea-country-information-and-guidance-iagci-review>. For more information, see the following article: <https://www.theguardian.com/uk-news/2016/jul/28/hundreds-of-eritrea-asylum-applications-still-incorrectly-refused>

3 Home Office asylum statistics February 2017: https://www.refugeecouncil.org.uk/policy_research/the_truth_about_asylum/facts_about_asylum_-_page_5

4 In a few scenarios those with pending asylum claims are *theoretically* permitted to work; for the first twelve months that an initial asylum claim is being considered, the claimant is barred from all work. If the initial assessment of the claim takes longer than twelve months, claimants may apply for permission to seek a job on the UK's shortage occupation list. See <http://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN01908>. However, it is virtually impossible to succeed: being forced into unemployment for at least the previous year, and living in danger of removal at short notice are two of several reasons why. See https://www.refugeecouncil.org.uk/assets/0003/9621/Refugee_Council_briefing_Westminster_Hall_Debate_on_asylum_seekers_and_the_right_to_work_11_Jan_2017.pdf

5 From 5th February 2018, asylum support will rise to £37.75 per week.

6 For a more detailed discussion of the definition of destitution, see Appendix 2.

7 This is the mean number of visitors to the centre per month, from October 2016 to September 2017.

arrange for destitute refugees to be hosted for periods of 3 (or sometimes 6) months. Refugee guests are primarily hosted by religious communities, although families and couples have also participated. Over the last 18 months, 14 people have been hosted.

1.2 The hostile environment

The destitution of those whose asylum claims have been refused is created by government policy. The Home Office aims to create a “hostile environment” for undocumented migrants. This criminalises many every day activities, such as driving and work, and makes it extremely difficult for undocumented migrants to access vital services, notably healthcare. As criminal convictions and unpaid medical bills count against an applicant in the immigration system, these policies also serve as a further impediment to regularising immigration status.

Especially pertinent to homelessness is the Right to Rent Legislation: the 2014 Immigration Act declared that undocumented migrants did not have the “right to rent”, and introduced civil penalties for landlords who did not check immigration status. In the 2016 Immigration Act, criminal liability was placed with the landlord: landlords can be imprisoned for up to five years if it is found that they had “reason to believe” that the tenant was in the country irregularly. Also, landlords can now evict undocumented occupiers more easily, without any court order, and the Home Office can order them to do so.

This legislation doesn’t just prevent undocumented migrants from renting: it places a question-mark over whether it is legal for a landlord to permit an undocumented migrant to lodge rent-free in privately rented accommodation as their main residence, including those staying long-term with friends or family who rent privately.

This legislation therefore breaks familial, community, and human bonds, and prevents private individuals from behaving with compassion.

1.3 The research project in brief

We knew from the refugees we accompany that homelessness was a big problem for them – and the policy context also highlights it as a pressing issue. We wanted to understand the situation refugees were facing more clearly and give refugees a chance to explain how it affects them, both to us and to others. We therefore conducted a survey on homelessness at our Day Centre, and received 135 responses. The methodology is explained further in Appendix 1.

1.4 Homelessness

Under English and Welsh law, one is considered legally homeless if one:⁸

- Has nowhere to live;
- Has a home but can't get into it;
- Is staying in a hostel or refuge;
- Has been served with an eviction notice or asked to leave by family or friends with whom one is staying – *i.e.*, if one's accommodation is precarious or about to end;
- Is living in poor or overcrowded conditions;
- Is at risk of violence or abuse in one's home;
- As part of a family, has nowhere to be together;
- Cannot pay for other basic necessities once one has paid for one's housing.

⁸ This section is indebted to Shelter England’s summary (http://england.shelter.org.uk/housing_advice/homelessness/rules/legally_homeless). More detail can be found here: http://england.shelter.org.uk/legal/homelessness_applications/defining_homelessness.

Homelessness is closely connected to destitution but not strictly a necessary feature of it. One might be unable to meet other basic needs – e.g. to afford food – whilst one had adequate and secure accommodation for which one was not paying. However, this combination of circumstances would be extremely unlikely to come about. Unsurprisingly, virtually all respondents were homeless according to the above definition.

Further briefing on the policy context affecting the refugees who are the subject of this report is included in Appendix 2.



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