



**For our welfare and not for our harm:**  
a faith-based report on the experience  
of the refugee and refugee support  
community at JRS UK 2017–2019

Dr Anna Rowlands



UNITED  
KINGDOM

#### NOTE ON IMAGES

All the interviews for the report were anonymised.

We have used images in the report to help visualise the narrative.

Images used throughout the report are of refugees JRS UK accompanies, but quotes in the report should not attributed to individuals in any of the images.

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## CONTENTS

ABOUT THE AUTHOR	4
ABOUT JRS UK	4
JRS UK VALUES	4
TERMINOLOGY	5
FOREWORD FROM THE DIRECTOR	6
WHAT JRS UK DOES	7
FOREWORD FROM THE AUTHOR	8
EXECUTIVE SUMMARY	10
1. INTRODUCTION	13
2. KEY FINDINGS	18
2.1 The asylum system: time well spent?	18
2.2 The asylum system and the erosion of promise and skill	21
2.3 The asylum system and the denial of human dignity	24
2.4 JRS UK's approach: accompaniment and refugee volunteering	29
2.5 Role of faith at JRS	30
3. RECOMMENDATIONS FOR CHANGE	38
CLOSING REFLECTION	42
APPENDIX 1: METHODOLOGY	43
APPENDIX 2: POLICY AND SOCIAL CONTEXT	45

## ABOUT THE AUTHOR

Dr Anna Rowlands is St Hilda Associate Professor in Catholic Social Thought and Practice at the University of Durham, UK. She is the founding chair of the UK Centre for Catholic Social Thought and Practice, which exists to network academics and practitioners who have an interest in Catholic social thought/practice. She is a political theologian who works on forced migration, Catholic and Anglican social traditions, and the social philosophies of twentieth-century Jewish and Christian thinkers Hannah Arendt, Gillian Rose and Simone Weil. She is currently a Coinvestigator on the AHRC/ESRC funded Refugee Hosts project ([www.refugeehosts.org](http://www.refugeehosts.org)) exploring the reality of refugee hosting in Lebanon, Jordan, and Turkey, including the role of religion in hosting practices. She is co-editor of the T&T Clark *Reader in Political Theology* (Bloomsbury, 2019), and author of the forthcoming *Towards a Politics of Communion: Catholic Social Teaching in Dark Times* (Bloomsbury, 2020) and co-editor of the forthcoming Oxford University Press *Handbook on Religion and Contemporary Migration* (2021). She works with a range of UK and International Catholic practitioner organisations.

## ABOUT JRS UK

The Jesuit Refugee Service (JRS) is an international Catholic organisation, operating in over 50 countries worldwide. Its mission is to accompany, serve as companions, and advocate on behalf of refugees and forced migrants. JRS UK works specifically with refugees who have been detained or made destitute as a result of the asylum system. JRS UK is based in Wapping, London, where it runs a day centre for destitute refugees. This report is based on their experiences of destitution and detention.

## JRS UK VALUES

JRS is grounded in Catholic social teaching: its work is based on the principles of hospitality and is carried out in a spirit of compassion and solidarity, encouraging participation and community, aiming to give hope, justice and dignity to refugees and forced migrants. As a work of the Society of Jesus, JRS draws on the charism and principles of Ignatian spirituality, which affirms that God is present in human history, even in the most tragic episodes.

## TERMINOLOGY

### *Refugee*

The Jesuit Refugee Service around the world uses a broader definition of refugee than is contained in the UN's 1951 Convention and its 1967 Protocol.<sup>1</sup> Drawing on Catholic social teaching,<sup>2</sup> JRS applies the expression 'de facto refugee' to all "persons persecuted because of race, religion, membership of social or political groups"; to "the victims of armed conflicts, erroneous economic policy or natural disasters"; and, for "humanitarian reasons", to internally displaced persons, that is, civilians who "are forcibly uprooted from their homes by the same type of violence as refugees but who do not cross national frontiers."

JRS operates within this more holistic definition; anyone in this situation is referred to in their work as a refugee, regardless of whether the government in their host country recognises them as such.<sup>3</sup>

### *Catholic Social Teaching*

Catholic social teaching is a body of reflections issued by the Catholic Church on social questions. Catholic social teaching offers a set of key principles that can be used by Catholic charities and organisations to guide their practice, including their advocacy. It also offers an on-going social and theological analysis of the marginalisation of human persons within societies, economies and political communities. This body of analysis and reflection is meant as an aid to all people who seek a society committed to enacting the virtues of love and justice. Since its origins in the 19th Century it has included a special focus on the realities of human migration. A guide to these teachings can be found on the Vatican website.<sup>4</sup> A summary of Catholic social teaching on immigration can be found on the US Conference of Catholic Bishops website.<sup>5</sup>

<sup>1</sup> The 1951 Geneva Convention relating to the Status of Refugees defines the refugee in law. It provides that a refugee is a person who is outside her or his country of nationality, has a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group and is unable or, due to such fear, is unwilling to avail herself or himself of the protection of that country. The 1951 Convention limited refugees to those in this circumstance due to events occurring before 1951, and gave states the power to limit it to events within Europe. The 1967 Protocol Relating to the Status of Refugees removed these temporal and geographical limitations.

<sup>2</sup> A key articulation of this principle is found in Cor Unum, *Refugees: A Challenge to Solidarity* (1992), paragraphs 3-4.

<sup>3</sup> This finds a parallel in international law, where anyone fitting the Convention definition is a refugee, whether or not they are recognised as such. 'Asylum seeker' is not a category in international law, but a term the UK government, among others, uses to describe people who have asked to be recognised as refugees. Those refugees it refuses to recognise are often referred to as 'failed' or 'refused' asylum seekers.

<sup>4</sup> [http://www.vatican.va/roman\\_curia/pontifical\\_councils/justpeace/documents/rc\\_pc\\_justpeace\\_doc\\_20060526\\_compendio-dott-soc\\_en.html](http://www.vatican.va/roman_curia/pontifical_councils/justpeace/documents/rc_pc_justpeace_doc_20060526_compendio-dott-soc_en.html).

<sup>5</sup> <http://www.usccb.org/issues-and-action/human-life-and-dignity/immigration/>.

## FOREWORD FROM THE DIRECTOR

This report is one of a number of fruits from a two-year collaboration between JRS UK and Dr Anna Rowlands. It has been a tremendously important partnership to JRS UK, enabling us to understand the experience of refugees we accompany through the asylum system in greater depth. Those refugees who took part in this study were struggling with long-term destitution or recovering from the shattering experience of immigration detention. The picture that emerges here is of an asylum system which deliberately erodes promise, hope and dignity, distorting a sense of time and human experience. The reflections of refugees on their own situation and that of others are painful to read, but also often highly insightful in their critique about the system as a whole.

This report forms the foundation for a wider piece of work we are just beginning in collaboration with Dr Rowlands, reflecting on the impact of asylum policy from the perspective of Catholic social teaching; this will result in a second publication at a later point, with recommendations for policy makers on reform.

This report has also been a great gift for us as we seek to reflect on our own practice as a small faith-based organisation. There were some surprises: the importance, for example, of sitting at the same table together – refugees, staff and volunteers – and sharing the same food, over and above other more specialist and costly help that we provide. This is a striking finding. Such an insight has not changed our practice, but has led us to a deeper appreciation and cherishing of something that had grown unconsciously out of the fluid mutuality of our mission to accompany. Similarly, the reflections of refugees who volunteer for us has helped us understand and shape the way we encourage and support them to volunteer their skills.

If there is a section that I have gone back to time and again in the report, it is the reflections of refugees about the critical role faith has in their own journey in the asylum system. It is impossible not to be inspired, moved and changed by reading these words. These sections give both a palpable sense of God at work, but also a sense of the active role of refugees interviewed here as faith leaders and teachers, able to shape meaning from their situation for themselves and others.

Lastly, I want to thank Dr Rowlands for the generous and thoughtful way she has entered into this project with us and the new perspectives she has brought to our work. I would also like to thank refugees whose insights shaped this project and a number of members of the JRS team whose hard work brought the report to fruition, particularly Dr Sophie Cartwright, Liliane Djoukouo and Megan Knowles, as well as our designer Susan Bingham. I am particularly grateful for the way the project has provided fruit for us to grow as an organisation seeking to be faithful to our mission. It has been deeply enriching for our community at JRS UK and we hope that this report provides insights, inspiration and ideas to others, be they refugees, or faith-based organisations serving refugees, as we seek to share and learn from one another's experience.

SARAH TEATHER



## WHAT JRS UK DOES

Through their Day Centre, JRS UK supports on average 280 destitute refugees per month. The Centre provides a small cash travel grant to pay for bus passes, toiletries, a hot meal, a place to sit and relax in warmth and safety, and a context for the formation and maintenance of friendships. JRS UK also provides a range of creative activities for refugees registered with the Day Centre, such as choir and drama groups, as well as prayer groups for men and women. They have collaborations with a number of non-faith organisations such as The Bike Project and the Wallace Collection running small projects to boost skills and the independence of destitute refugees.

JRS UK runs a *Hosting Scheme (At Home)* for those at risk of street homelessness, through which they 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 year, 20 people have been hosted.<sup>6</sup>

Their staff team provide support and advice with a wide range of issues that arise as a result of destitution and unstable immigration status, such as problems accessing health services and social care, and since this research was carried out, the organisation has also begun a project to provide specialist immigration legal advice to destitute refugees.

JRS UK accompanies and serves people in immigration detention, offering pastoral care and support to those in the Heathrow Immigration Removal Centres through regular detention visiting and practical support, such as phone cards and help contacting solicitors or providing referrals to other organisations offering specialist help.

*Through their Day Centre, JRS UK supports on average 280 destitute refugees per month, runs a Hosting Scheme (At Home) for those at risk of street homelessness, provides support and advice with a wide range of issues and accompanies and serves people in immigration detention.*



<sup>6</sup> From 01.05.2018 to 01.05.2019.

## FOREWORD FROM THE AUTHOR

During the difficult years of the mid-twentieth century the political and religious writer Simone Weil – later herself a refugee – wrote of the need for modern societies to learn how to practice the virtue of ‘extreme attention’. Attention, she wrote, is how we grant something being; inattention is how we deny something or someone being. This project started out as an attempt to pay attention to those who are all too frequently spoken of and much too rarely spoken with, or allowed to speak in their own right. I was invited by the Jesuit Refugee Service UK to spend some months visiting their centre in East London, participating in their community life and conducting interviews with refugees (JRS UK friends/guests), staff (refugee volunteers and refugee and non-refugee staff) and a small number of activists and policy experts. The goal was to approach those seeking refugee status as neither pitiful victims nor hostile presences, but rather as dignified human agents desiring – for themselves and their families – particular sorts of human goods: personal, public and common goods; goods negotiated in a complex, messy and demanding world of borders, markets and nation-states.

In his recent book *No Friend But the Mountains*, written during his detention on Manus Island in Papua New Guinea, journalist, scholar, refugee and detainee Bahrouz Boochani writes of the need for collaborative explorations of the reality of forced migration. Boochani explains that as a detainee he feels that only a truly interdisciplinary and multi-perspectival exploration of the reality of immigration detention and destitution can render our current migration regime intelligible. This work could never be the task of a single individual, but requires new communities of enquiry and action. Whilst this report has a single academic author, it is the result of nearly two years of collaborative working and meaning-making, with refugees and with those who work with refugees on a daily basis. It is the product of many acts of reflection and interpretation.

Bahrouz Boochani and Pope Francis both speak of the power of naming – being unnamed and renamed – for those forced to migrate. Naming people and naming the forces that shape refugees’ lives becomes a necessary way of resistance, in the face of dehumanising migration policies and practices. Both men write of naming as a way to re-affirm personhood, to reclaim personal authority and as part of the creative endeavour of living together in dignified communities. Faith traditions are narrative traditions: they enable the naming of people and the telling of stories that bear witness to the extreme difficulty of things as well as the grace and beauty at work even in the most impossible of situations. This report does not tell individual stories of migrant journeys: many other reports do this work and we did not want to ask people to account for themselves in this way. Rather, this report aims to name the concrete conditions that shape the lives of those who live in the tight space between hope and destitution. This tight space is a manufactured space; one



created by the modern state in the interests of its border management systems and much effort and very large amounts of capital is put into its maintenance. In this tight space a community of people seek to survive, to live, to create and to be. The task of this report was to pay careful attention to the stories of those navigating this reality, and to reflect upon what this reality tells us about the possibilities for creating a more just and dignified response to those living in and through multiple forms of displacement.

DR ANNA ROWLANDS



*This report does not tell individual stories of migrant journeys... Rather, this report aims to name the concrete conditions that shape the lives of those who live in the tight space between hope and destitution.*

## EXECUTIVE SUMMARY

### Main themes of findings

**The current asylum system is experienced by those living in destitution and/or detention in our asylum system as a fundamental distortion of human dignity.**

Interviewees describe a system that wastes time, skill, capacity and promise. All of these factors militate against justice, love and dignity for those seeking sanctuary.

By contrast, those seeking refugee status are clear about the goods that they seek: a system of protection that is humane, efficient and flexible in its processes of case management, an end to immigration detention, proper opportunities for community integration and participation including opportunities for refugees to support other refugees, and a recognition of the desire to work as a basic part of being human and applicable to the duration of a claim process.

Interviewees were also clear that they see themselves as agents of religious meaning-making and leaders within faith communities, not merely beneficiaries of well-meaning faith-based care and social action.

This report was commissioned by JRS UK and is based on independent research work conducted by Dr Anna Rowlands. This fieldwork research took place between 2017 and 2019. This resulting report examines the experience of destitution and detention amongst those seeking asylum supported and accompanied by the Jesuit Refugee Service in the UK, and has been prepared for the use of the JRS community and those with an interest in faith-based responses to asylum and refugee experience in the UK. It is the first of two reports arising from a research collaboration between Dr Rowlands and JRS UK, and will be followed by a further jointly written publication in 2019 drawing on this research and making recommendations for policy reform for the use of UK policy makers.

The attendees at the JRS UK Day Centre and those who engage with JRS UK services in detention are affected profoundly by changes in public policy and public attitudes towards migration and yet their voices are rarely placed at the forefront of debates about public policy and social justice; they are rarely seen as necessary or worthy participants in processes of deliberative democracy and debates about either the politics of social membership or the common good. Migrants tend to be readily commented upon, but rarely viewed as dignified public commentators in their own right.

Equally, there is a genuine wish amongst many individuals and groups in civil society to be better informed about the reality of immigration policies. Yet many are unsure how best to access good quality information. This report aims to play a small role – based on the expertise of one committed and engaged organisation and its refugee and sanctuary-seeking members in partnership with an academic researcher – in correcting this imbalance in both public discussion and faith-based engagement with those seeking sanctuary. It should be read as a report that draws on the experience of an organisation working with around 200–300 destitute or detained people seeking asylum in the South East of England during 2017–19.

## The Research

This report aimed to understand the impact of destitution and detention on the lives of those seeking asylum in the UK. As well as giving attention to refugees' experience of the asylum system, the research gave attention to a concrete space in which they operated as they struggled through this system. This enabled understanding of the complex interpersonal context that the system operates variously in, on, through and against; and of a particular space of potential resistance and reconfiguration, albeit limited, amid a hostile system.

The researcher set out to:

1. **Explore the everyday lives of those seeking asylum** and how the pursuit of everyday goods by those seeking asylum is shaped by interactions with official systems and processes for seeking legal recognition.
2. **Explore the role played by JRS UK** as a local, small-scale faith-based organisation providing a civil society response to the needs of those facing destitution and detention.
3. **Pay attention to the ways that faith traditions and belief plays a role** in the lives of those seeking asylum and in the shaping of JRS UK as an organisation.
4. **Offer recommendations for systemic policy and culture change** in the light of the experiences and views of those who depend on the just and dignified functioning of such policy.

This report covers the first three objectives, and lays some foundations for the fourth, which will be explored in more detail in a second published report. The core research was carried out over a 12-month period by an academic researcher trained in theology and the social sciences. The research was conducted through participant observation, literature reviews and in-depth interviews with those seeking asylum, refugee volunteers, paid JRS UK staff and policy experts.





## 1. INTRODUCTION

### 1.1 JRS UK: work and context

*“What is the aim of the immigration process?  
What does it aim to deliver and how does it measure that?  
The system can’t answer this question.”*  
(Refugee volunteer interviewee, JRS UK)

Those claiming asylum in the UK face many and profound obstacles to achieving immigration status and resolving their situation. Whilst the right to claim asylum is protected in international law, it is notoriously difficult for refugees to access this right. The rise in so-called ‘illegal’ migration amongst those who have a legitimate asylum claim makes clear that the protection of safe and legal routes for asylum seekers should be a matter of pressing political concern. Whilst in the UK we often talk of a proud tradition of offering sanctuary stretching from the Huguenots of the 17th century to today’s displacement from Syria, in fact many of those from a wide range of countries of origin attempting to access and to navigate our asylum system tell a story of frustration and injustice.

The Home Office determination system for asylum claims is notoriously arbitrary:<sup>7</sup> countless investigations have pointed to a culture of disbelief towards applicants and the poor training of those making decisions.<sup>8</sup> The UK Government has been challenged before for relying on discredited information about countries of origin.<sup>9</sup> Many rejections of asylum are overturned on appeal: in 2018, 38% of appeals were granted.<sup>10</sup>

In recent years, those wishing to seek asylum report that negotiating the legal route towards status has become increasingly difficult. Cuts in legal aid mean few solicitors can afford the time for detailed work on a case that requires intensive background research.<sup>11</sup> Numerous refused asylum claims represent individuals who desperately

<sup>7</sup>Portions of this discussion appear in an earlier form in JRS UK’s topical briefing “Destitution among those seeking asylum” (2018) available at <https://www.jrsuk.net/wp-content/uploads/2018/12/Topical-Briefing-Destitution-among-those-seeking-asylum-10.12.18.pdf>.

<sup>8</sup>For example, Refugee Action, “Waiting in the Dark: how the asylum system dehumanises, disempowers and damages” (2018), available at <https://www.refugee-action.org.uk/wp-content/uploads/2018/05/Waiting-in-the-Dark-Report.pdf>; Refugee Studies Centre, “The Culture of Disbelief: an ethnographic approach to understanding an under-theorized concept in the asylum system” (2014) available at <https://www.rsc.ox.ac.uk/files/files-1/wp102-culture-of-disbelief-2014.pdf>.

<sup>9</sup>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 recommence 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>.

<sup>10</sup>In 2017, 35%, and in 2016, 41% according to Home Office statistics.

<sup>11</sup>See for example Jo Wilding, “Droughts and Deserts: a report on the immigration legal aid market” (2019), which identifies segments of England and Wales with no legal aid immigration and asylum lawyers; and Refugee Action “Tipping the Scales: access to justice in the asylum system” (2018) available at <https://www.refugee-action.org.uk/wp-content/uploads/2018/07/Access-to-Justice-July-18-1.pdf>.

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 itself, of course, creates 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:<sup>12</sup> like all seeking asylum, they are barred from working and cannot access the benefits system. After a claim is refused and the claimant's appeal rights are declared to be 'exhausted', asylum support of £37.75 a week, and very basic accommodation, are cut off. 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. These are the people JRS UK works with. Some have lived in destitution in the UK for many years. For many of the people JRS UK works with destitution is not a brief episode, or a treacherous bridge to cross, but an indefinitely extending reality over months and sometimes years and decades.

JRS UK also works with those who are currently detained in immigration detention facilities at Harmondsworth and Colnbrook near Heathrow. Although the UK legislated for the right to detain migrants for immigration purposes in the 1970's, this provision was little used until the last two decades. Detention of asylum seekers without a time limit, for administrative purposes, is now a routine part of how we run our asylum system. Many of those JRS UK works with have been subject to detention for periods lasting from a few weeks to several years. Those who are detained and those who fear being detained are aware that the use of detention is now seen as an integral part of the UK immigration system. It is so deeply embedded in the thought-world of policy makers that it has come to seem beyond question.

<sup>12</sup> There are numerous overlapping reasons someone refused asylum may be unable to leave the UK. Many people are unable to obtain travel documents from their own embassies, or are stateless. See British Red Cross, "Can't stay, can't go: refused asylum seekers who cannot be returned" (2017) available at <https://www.redcross.org.uk/about-us/what-we-do/research-publications>. At the end of a broken asylum process, even those who could obtain travel documents are often in fear for their lives should they return to their country of origin.



In recent memory, this routine use of detention was not always so. Given the long-term impact of detention on well-being,<sup>13</sup> the cost of detention, the lack of transparency and accountability that surrounds detention and the evidence that other countries are able to manage asylum systems without resorting to detention, those I interviewed – those seeking status and staff of JRS UK – wish to challenge what they see as a damaging detention policy mindset.

Confirming the findings of many other reports, interviewees told me that one of the most damaging features of immigration detention is that those being detained have no knowledge of the duration of their detention.<sup>14</sup> As people who have experienced detention have commented elsewhere, whilst prisoners count their days down from their release date, detainees count their days up, towards an uncertain horizon.<sup>15</sup> They fear both imminent removal to a different country and also that they will be stuck indefinitely in detention. This simultaneous fear of both stasis and sudden change creates an acute mental pressure for detainees.

My research showed that the toxic fear of detention affects not only those who are detained but also a wider group of asylum seekers who, following receipt of case refusal decisions, come to fear the possibility of detention. The first interviewee, a woman in her late 50's, was detained the day after she had been interviewed for this report. Her detention created a palpable fear throughout the JRS UK community. This fear was not only for her wellbeing but also a fear evoked for and in others within the organisation living in equally precarious situations. As one JRS UK refugee volunteer explained *"we feel the tactics are shock and awe. It's partly about the message it sends to the rest of us."* This general fear becomes acute during appointments to report to Home Office facilities. Many fear that this time they will not return and carry a bag of belongings with them to report. In one case a JRS UK host reported that the JRS UK guest who lived with them never left the house without a small ruck sack of belongings in case she was detained. The religious sisters offering the host accommodation were shocked by the near-permanent, pervasive fear of detention that affected their guest's daily life. The interviewee detained during the course of this research was subject to detention in two different facilities, threatened with removal, issued with flight details and then several months later released. She has now fought successfully for permission to remain in the UK. Her detention served no purpose and the scars from detention remain.

<sup>13</sup>The crushing human impact of detention is well-documented. See for example Bail for Immigration Detainees, " 'Nothing good comes from detention': voices from detention" (2019, available at [http://hubble-live-assets.s3.amazonaws.com/biduk/redactor2\\_assets/files/803/Voices\\_from\\_Detention\\_Website.pdf](http://hubble-live-assets.s3.amazonaws.com/biduk/redactor2_assets/files/803/Voices_from_Detention_Website.pdf)) and British Red Cross "Never Truly Free: the humanitarian impact of the UK immigration detention system" (2018, available at <https://www.redcross.org.uk/about-us/what-we-do/research-publications>), which particularly evidences the long-term impact of detention.

<sup>14</sup> This is also a finding of several authoritative reports: report of All Party Parliamentary Group on Immigration Detention: <https://detentioninquiry.files.wordpress.com/2015/03/immigration-detention-inquiry-report.pdf>; the Home Affairs Select Committee report on Immigration Detention: <https://publications.parliament.uk/pa/cm201719/cmselect/cmhaff/913/91302.htm>; and the Joint Committee on Human Rights' report on Immigration Detention: <https://publications.parliament.uk/pa/jt201719/jtselect/jtrights/1484/148402.htm>

<sup>15</sup> See report of All Party Parliamentary Group on Immigration Detention (Accessed May 2019).

In addition, JRS UK is now seeing in its work an increased link between detention and destitution, with increasing numbers of those seeking asylum caught between cycles of destitution and detention. The routine process for securing a bail address, and basic accommodation on release from detention was abolished in favour of a system where the Home Secretary has the power to provide a bail address in “exceptional circumstances”, if he/she deems it necessary.<sup>16</sup> This policy continues to be under active discussion and to evolve.<sup>17</sup> JRS UK is concerned about two negative outcomes. Since the introduction of the changes, JRS UK has worked with an increased number of people being released onto the streets, and homelessness upon release has become a more dominant concern for those JRS UK accompanies in detention. This is emerging as the dominant outcome. A Home Office bail summary postdating the introduction of the changes stated that the detainee in question would be released onto the streets and would need to apply for Home Office accommodation. Equally JRS UK is concerned that this new rule will mean that fewer people will be released from detention. Where residency conditions are a condition of bail, such conditions are becoming harder to fulfil and the Home Office may have increased power to withhold addresses and frustrate the possibility of bail.

## 1.2 Creating a hostile environment

The destitution of those whose asylum claims have been refused is created by government policy. Destitution is not an accidental or natural condition amongst asylum populations; it exists as a result of a set of centrally devised policies that aim to frustrate self-reliance and community integration and participation during an asylum claim. The Home Office aims to create a “hostile environment” – now often termed a “compliance environment” – for undocumented migrants, and indeed named its policies internally within government discourse in this very manner.<sup>18</sup> Hostile environment policies 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.

<sup>16</sup> A Home Office letter to Bail for Immigration Detainees (BID), dated 26.03.18, stated that an application to have your case recognised as exceptional could be made at any time.

<sup>17</sup> The most recent policy guidance includes provisions to apply for accommodation where it is necessary to avoid a breach of ECHR “Article 3” right against “inhuman or degrading treatment”.

<sup>18</sup> The “hostile environment” is intended to secure compliance with immigration policies. In recent years, policy-makers have increasingly used the terminology of “compliant environment”, which appears in a letter then Home Secretary Amber Rudd sent to Theresa May in January 2017. <https://www.theguardian.com/politics/2018/apr/20/amber-rudd-boasted-harsher-immigration-strategy-leak-reveals>. Following the so-called “Windrush” scandal, Sajid Javid publicly distanced himself from the term “hostile” in favour of the term “compliant”.

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 could evict undocumented occupiers more easily, without any court order and the Home Office can order them to do so. In March 2019, the High Court ruled the Right to Rent scheme illegal on the basis that it caused racial discrimination in the rental sector.<sup>19</sup> At the time of publication, the government is preparing to appeal the decision.

Further JRS UK briefing on the policies that make up the hostile environment agenda is included in Appendix 2.

### 1.3 The research project: in brief

This report does not share individual stories of refugee journeys. Other reports cover this ground and refugees who attend JRS UK can develop a frustration with being asked to repeatedly share their stories. Rather, by listening to refugees talk about the goods that they aspire to pursue through their everyday lives, we have aimed to analyse some of the key blocks to justice and dignity faced by destitute and detained asylum seekers.

We have chosen not to adopt the framework of viewing refugees solely as suffering victims but rather seek to view refugees and those seeking asylum as dignified agents who wish to shape their own lives as members of the communities they find themselves in, by choice or by circumstance. This is to recall JRS commitment to exercise profound respect for the circumstances of refugees. It is also to draw on a Christian theological lens that sees human persons as seekers of goods and of the relationships that enable the recognition and securing of these goods as social realities. It is clear from the interviews we conducted – and a matter affirmed by the guiding philosophy of JRS rooted in Catholic social teaching – that respecting refugees’ combined desire for self-determination and agency, and for the stability necessary to achieve social relationships and community membership, is key to upholding human dignity and achieving just outcomes in the asylum system.

Perhaps unusually amongst reports of this kind, this report includes discussion of questions of faith as a source of meaning, identity and resilience. It assumes that refugees are motivated by and are agents of religious and non-religious beliefs that are important to securing and expressing their sense of self and community. Such discussion recognises both the framework within which JRS UK operates as a Catholic faith-based organisation and the significance of Christian, Muslim and African traditional religious traditions, identities and practices to those we interviewed. I asked no direct questions about faith in the interviews, however, all but one interviewee raised faith and belief as a critical dimension of their daily lives as refugees. As a consequence, this report contains an extended chapter on the practice and interpretation of faith through refugee and refugee-humanitarian lenses.

<sup>19</sup><https://www.bbc.co.uk/news/uk-47415383>

## 2. KEY FINDINGS

### 2.1 The current UK asylum system frustrates a sense of time well spent and breeds a sense of hopelessness.

**Those we interviewed expressed a profound desire to be able to spend their time well.** They also expressed a deep frustration and anger at the way in which the current asylum system enforces the wasting of time, and as a result, the wasting of skill and capacity. Some went as far as to suggest that the system deliberately attempts to distort the way in which those seeking asylum experience time.

The absence of a right to work at any stage during an asylum claim, the extended duration of the claim and appeals processes, the absence of welfare support for “appeal rights exhausted” people, the extension (as yet unclear in its full implications) of a study ban for asylum seekers, current practices of dispersal, and the use of immigration detention were all cited by interviewees as ways in which living well was frustrated and time came to feel wasted.

Interviewees used very stark and striking phrases to describe this experience. They talked about feeling “*as if I am degrading*” in time. Others noted that feeling they were “*wasting time*” made them feel “*like rubbish, garbage in the system*”. Commenting in a more factual manner, one interviewee noted “*The time it takes makes people destitute*”. Interviewees were keen to emphasise that enforced idleness led to *both* an acute sense that time was being wasted and intensified awareness of the passing of time, both of which were felt to be unhealthy. All interviewees noted the toxicity of inactivity and the absence of structure that comes from forced idleness and the chronic endurance of asylum waiting times. As one interviewee pointed out “*without structure you become susceptible to lots of things*.” He went on to describe the increased vulnerability that isolates those seeking asylum from “*healthy relationships and increases the likelihood of you depending on unhealthy relationships, including those connected to criminality, sexual abuse and addiction*.”

**Both destitution and detention produce this experience of wasted time.** Destitution was felt to reduce people to a repeated cycle of moving between day centres, hosting schemes, public libraries and other public spaces and various appointments, as ways to secure basic needs for food, shelter, hygiene, social contact, privacy, and structure for the day. Securing basic needs and managing your waiting becomes an exhausting task. Detention produces isolation, idleness and a high level of anxiety about the duration of detention and the possibility of sudden removal. One interviewee argued that the very nature of detention “*is wastage... so much time was killed*.”

The system was seen by many interviewees as a deliberate tool that uses enforced idleness to generate hopelessness. Many felt that the policies that structure the experience of asylum seeking were intended as much as a form of deterrence to

others as they were a method of managing the cases of current applicants. Interviewees reported feeling that they were caught in a wider practice of “*social messaging*” on immigration. This social messaging was perceived as aiming to both reassure non-migrant citizens about firm state action and to deter potential future migrants from travelling to the UK. Interviewees viewed themselves as “*collateral damage*” in the context of a brittle politics of immigration. This was felt to be especially egregious given the perception that the UK is a society where we define ourselves through paid work, and where work constitutes our view of social contribution and membership. One refugee interviewee noted: “*people relate to someone else through skills and roles*”. Another noted with some distress: “*to have the energy to work but not to be able to work is a terrible thing.*”

In summary, I was told by those we interviewed that enforced idleness, not being able to work, the manner in which reporting takes place, the treatment by officials, the use of force and restrictions on ways to contribute socially all lead to increased levels of anxiety and stress, and reduce a sense of human worth and dignity. All of these factors have long-term consequences, often well beyond the lifetime of an asylum claim. One interviewee repeated the views of many when she said: “*Destitution destroys one’s sense of being a person.*” This research supports the findings of previous research in noting that the impact of a refusal to allow those seeking asylum to work and the removal of already minimal levels of welfare support extends well beyond the economic dimensions of being a person.

JRS UK is experienced as a place of safety and a ‘contrast culture’ within the asylum system. Interviewees described the way in which JRS UK functions as a ‘contrast culture’ in the context of hopelessness not just because of a feeling of genuine welcome and hospitality and the provision of material support, but also because it offered the opportunity to spend time in a fruitful way.

**Interviewees were very clear about what they felt ‘time well spent’ to mean: being active, providing food and conversation for others also in need, assisting others by drawing on one’s own experience, using the skills that otherwise lie dormant during the period of a claim or are felt to be being eroded, bringing comfort to others, enlarging one’s own worldview through encountering the experience of others, and enabling mutual perseverance. Time well spent was understood as “finding ways to keep going” and “discovering yourself and others in new ways”.**

Interviewees noted, in summary, that the key thing in maintaining a sense of hope and purpose is doing something gainful for oneself whilst helping others going through their own struggles, and being recognised by others as you do both these things. “This is what makes us feel human.”

It is interesting to note that the idea of dignity emerges from these interview conversations not only as a matter of inherent worth or status, but also as something profoundly performative: found in the individual and collective struggle to secure membership, contribution and recognition.







## 2.2 The current asylum system erodes a sense of promise, capacity and skill in those seeking asylum.

**The impact of destitution and detention on the lives of those seeking asylum is felt not only at the level of what is frustrated by way of contribution and self-determination but also by what is felt to be eroded or lost.**

Interviewees reported that they desired to maintain and develop their skills and capacities during the period of waiting. In reality, interviewees felt that their skills and capacities were often actively diminished in themselves and others during the period of their claim. This experience of a profound de-skilling was linked to specific structural aspects of the claims process.

*“Detention takes away skill and capacity.”*

The experience of homelessness, destitution and detention fostered a constant sense of anxiety about both the present and the future that proved exhausting and deskilling for interviewees. One refugee commenting on the impact of immigration detention amongst those who attend JRS UK Day Centre noted: *“We see this in people who have been highly skilled before, doctors, nurses, dentists etc, but who cannot function in these roles even if or when they achieve status, because they never really fully recover from the experience of detention.”* One interviewee, a refugee now employed in a paid role, said: *“Previously I was a nurse. But the asylum process traumatised me. I’m not the same person now. So much time was killed. I can’t go back to what I did before. I suffer with heart problems now. I never had those before I came here, even with all the trauma that happened to me back home.”* Referring to a friend who remains in a protracted claims process, one interviewee noted: *“He was a [health care professional] in his country. But he will never be able to function again like this here I don’t think. He has waited too long. He is too unwell now.”*

Another man who had been detained twice for lengthy periods between the ages of 18-21 expressed both the feeling that his capacity had now drained away but also that the psychological impact of destitution and detention had led to a reduction in his plans for the future. A number of interviewees spoke of a sense that detention changed aspects of their personalities – turned them into people who could trust less easily, who suspected the motives of others, even previously trusted family members, and that experiencing detention had cut them off from what had previously been strongly empathetic responses to the needs of others. One interviewee talked of the self-loathing he felt about this change in himself and noted a personal struggle he had undertaken to consciously re-learn these instincts on release.

Destitution produced similar experiences with interviewees describing how a deep sense of worthlessness eroded energy, skill and identity. A woman aged 40 who had

spent nearly half her life in the asylum system and who had dreams of becoming a midwife asked: "How old will I be when this is sorted? My ability is already not the same. I could have done so much before. I'm really trying to be normal."

*You are constantly aware that you don't feel safe, especially as a woman.  
The buses feel safer than the streets. Living on charity makes you feel worthless."*

A woman who has spent periods of time sleeping on night buses explained the impact of this on her physical and mental health: "You choose between two or three different night buses that go a long distance but to destinations that you think are 'safer areas'. You sleep for an hour at a time, then wake and change [buses]. You feel worthless and unwanted. You are constantly aware that you don't feel safe, especially as a woman. The buses feel safer than the streets. Living on charity makes you feel worthless."



*The key thing in maintaining a sense of hope and purpose is doing something gainful for oneself whilst helping others going through their own struggles.*

Some interviewees felt that there was a more deliberate attempt to prevent fruitful use of time and the freedom to seek individual goals and goods. A woman interviewee in her 40s expressed it this way: *"They want to shape the image and shape of asylum seekers. You want to make a particular kind of community with asylum seekers shaped in that image."* Another woman interviewee said: *"The system shapes your life as a woman in such a way that it means you live your life with no love, no life, no stability for relationship that is good, or for children. Others tell me, you are stupid, have children. They get on with their lives. But how could I bring a child into this system? My dream is stability and study... But I don't know if my brain could take in the study. Even things that I could do before, I'm now too tired to do."* The same woman told us about her repeated experience of malnutrition and food poisoning from living off out-of-date food.

Viewing the asylum system in its cultural and economic context, one interviewee argued: *"A capitalist system values the idea of contribution. You need to contribute to get something out – when you are not contributing (in the way society understands contribution) you don't feel like a member of society. This is deliberate, they [the Home Office] know what they are doing."* The same interviewee noted that for him destitution feels like a kind of death, a social death and also an intellectual one: *"intellectually you suffer and die because you can't engage, participate or contribute."*

*"It's like talking to a machine. No one is ever responsible... It's so impersonal. People are just numbers. But people have a huge amount to give."*

Interviewees told us that the sense of 'stuckness' that the system creates leads to physical and mental suffering – this then feeds the sense of vulnerability, dependence and a sense of the person as a drain on the system. Two interviewees noted explicitly that the system feels like the opposite of the things that migrants / refugees experience about themselves during the process of migration – *"getting out takes enterprise, courage, determination, judgement"*. He noted that the system then forces a way of being which contrasts exactly with these characteristics.

### 2.3 Upholding or denying human dignity is core to the experience of justice and injustice in the asylum system.

A constant theme in the interviews was the desire to be recognised as human, dignified, and capable of self-determining action through everyday interactions - as well as through access to a just case outcome - as human. The indignity of reporting procedures, indefinite detention and the use of force, enforced destitution and the dependency and precarity this brings, were of central importance. Interviewees also had strong views on the ways that NGOs, lawyers and local humanitarian groups can best support refugee dignity.

As one interviewee noted:

*"Waiting, reporting, not working, the manner of treatment – sometimes in charities as well as by the Home Office or lawyers – dehumanises. It destroys us. Destitution makes us go mad."*

Another said:

*"the system is rubbish. So you come to feel like rubbish"*

The value of JRS UK's work was perceived strongly in terms of the culture of welcome, listening, encounter and a willingness to involve refugees in the core work of service provision. All of these were seen as vital to rebuilding a sense of human dignity. One man noted: *"I wanted people who could respect me."* Another woman interviewee stated: *"Being with people who respect you enables you – despite all the stress – to see that maybe there is another side to your story that you don't yet know."*

Another interviewee explained:

*"The system makes you feel...well... you don't feel considered, don't feel part of a world or a real system. I come here and I feel like I have a family, that I am part of a world."*

This was echoed by a further interviewee:

*"The way you are treated here is like the opposite of how you are treated everywhere else in the system. It's basic things that make the difference: a warm welcome, they use your name, shake your hand, eat food with you, view you as human. This kind of interaction is what provides emotional support for me."*

The same interviewee explained that he no longer attended day centres where the staff did not eat their food alongside their refugee guests. Interestingly, volunteers described pride in being able to contribute directly to the culture of JRS UK. Many noted that they were encouraged to participate and contribute the things they most value and have felt to be denied in their own legal cases: understanding, sympathy, and acceptance. Dignity was found in giving/creating with others the dignity that is perceived as lacking in wider systems not only in receiving it from others in

positions of power. Our interviewees also underlined the fact that dignity is not merely an inter-personal question but also a social, political and economic matter.

### 2.3.1 Specific things interviewees expressed as causing a deep sense of indignity

*“The culture of disbelief and a ministry of convenience causes destitution. Luck ends up deciding, not justice.”*

Destitution, Home Office case-management, and detention were all considered to dehumanise, erode or deny human dignity. The following pages summarise the key themes which emerged from the interviewees.

#### DESTITUTION

- Denial of a right to work.
- Removal of welfare support when “appeals rights exhausted” and resulting precarious housing and increased exposure to multiple vulnerabilities.
- Being reliant, due to destitution, on willing or unwilling ‘hosts’ and open to economic and sexual exploitation as a result.
- Sleeping and eating in public places and the risk of violence and exploitation that accompanies this.
- Lack of nutrition and risks of food poisoning from eating out-of-date and discarded food.



*A constant theme in the interviews was the desire to be recognised as human, dignified, and capable of self-determining action through everyday interactions - as well as through access to a just case outcome - as human.*



## HOME OFFICE CASE MANAGEMENT:

*“The system seems to operate on the basis of fear on both sides.  
[This] mitigates against responsibility and good judgement.”*

- Impersonal systems in which people are made to feel like number rather than people with names.
- *“The team context for handling cases makes it feel like a machine, in which no one is responsible”.*
- The level of bureaucracy that makes the system difficult to understand, keep track of and negotiate. It comes to feel neither comprehensible nor responsive.
- *Frequent changes in caseworker.*
- Not being informed of where your case is up to when meeting with HO officials.
- *The use of the dispersal system in which one has no choice of location can breed a sense of isolation and dislocation.*
- Constant changes in the system and confusion by trying to keep on top of changes. This *“undermines your sense that you can manage your own case.”*

*Home Office Case-management  
dehumanises, erodes and denies  
human dignity.*





## DETENTION

*“...detention is not a context of love. Staff can be nice but the problem is the way of arrest... the use of force and chaining. The system tells you you are an identity you can't accept.”*

The use of immigration detention without time limit as a core element of the UK asylum system was seen by all interviewees to be unjust and unnecessary for the management of borders. Many interviewees commented in detail on their experiences of previous detention. They reported both macro and micro injustices and indignities that marked their experiences. In all cases, the experience of detention continued to affect their lives now. Some had experienced detention up to ten years ago, others (more commonly) had experienced detention within the last 12 months to 2 years. In one case, an interviewee was detained and later released and gained legal status during the course of this research.

### Interviewees who had been detained expressed concerns about:

- Lack of time limit.
- The use of disproportionate force.
- A lack of access to legal processes.
- The withholding of legal information.
- Bail hearings conducted by media links that often do not work and leave detainees feeling unheard and poorly dealt with.
- Taunting, that amounted for some to psychological torture, by officers and flight escorts.
- Humiliation in needing to make small requests repeatedly to the point of aggression (toothbrush/razors/linen etc).
- Witnessing the despair and self-harm of others (especially younger men of older men).
- Exposure to a context of aggression and distrust.
- Lack of accountability of contractors who run facilities.
- Enforced idleness and immobility.
- The long term impact of witnessing – and intervening to prevent – the suicide of other detainees.

Interviewees described the negative effects of detention on their lives as:

- Loss of skill and capacity and sense of self-worth.
- Extreme anxiety and depression.
- Self-harm and suicidal thoughts.
- Increased difficult in trusting others.
- Changes in personality.

*“It makes you feel despair, beyond help, that no-one can help me”*

Interviewees made clear that the impact of detention is on the whole person and its impact doesn't end. Interviewees explained that the structures and systems of immigration detention prevent normal human exchanges and that *“when you are not allowed to behave like human beings you stop seeing yourself as human.”* For those who have experienced human trafficking, torture, imprisonment or abusive and coercive relationships, this experience of detention re-awakens devastating trauma and isolates them from effective mechanisms of pastoral and psychological support. Those supported by JRS UK in detention talk about *“being imprisoned in my own head”*, and *“destroyed by my own trauma.”* When so many are detained without need and later released or given status, re-awakening and compounding such suffering seems morally disproportionate to any other good that might be achieved.



*The use of immigration detention without time limit as a core element of the UK asylum system was seen by all interviewees to be unjust and unnecessary for the management of borders.*

## 2.4 What is valued about JRS UK's approach: accompaniment and refugee volunteering

I asked interviewees to tell me what they valued and would change or improve about JRS UK. JRS works according to a three-fold model that combines accompaniment service and advocacy. It is a small-scale operation that focuses on service provision and on welcome and offering time to those who come. Refugees said that they valued not only the basic material provision offered by JRS but also the manner in which they are treated. Interviewees described the importance of basic human gestures in re-building a sense of human dignity: being called by name, welcomed, eating hot meals together, flexibility in service provision and the time spent in ordinary conversation. Refugees described this as the antithesis of the interaction they experience with official agencies. For many this restored a sense of kinship as well as dignity. *"What JRS offers you is not material. It's like family. A feeling of being alive."* Nonetheless, no positive feedback should obscure the fact that such interactions are still framed by the power dynamics inherent in the asylum system and that whilst interviewees were deeply grateful to JRS they continue to see JRS as a counter-culture within the asylum system and not outside of it. Describing the way he felt that he was living in *"a different world to everyone else"*, one interviewee noted *"the life you live, its different. Eating in day centres, no accommodation. It makes you feel very sad. It's a hard life. A difficult life."*

One of the distinctive features of JRS UK is the role played by refugee volunteers. JRS UK employs a number of refugees with legal status and permission to work as part of its core staff, but in addition, also offers opportunities for refugees without status who feel able to do so to volunteer in a range of capacities within the organisation. It should be emphasised from the outset that refugees who attend JRS UK's Day Centre also volunteer in a number of ways in the wider community. Our research found that destitute asylum seekers are currently volunteering in community sports projects, women's groups, church and mosque groups, other refugee charities, and one volunteered at a major London arts institution, albeit as part of a JRS UK collaboration. Refugees themselves, including those living without formal status, are significant sources of civic volunteering and support.

Refugee volunteer interviewees emphasised the importance of volunteering as a way to learn something new, to be active and occupied, and as a way to combat the stress that comes with idleness and lengthy periods of waiting for a decision or managing an appeal.

One interviewee noted:

*"Within a system that's hard to fathom and which won't let you contribute, volunteering becomes a way to do something, to 'do your bit', helping people on their way."*

Volunteering enabled interviewees to be affirmed as someone with skills and

abilities and to feel like an equal member of a community. A number of interviewees talked about the way that they had grown in confidence and a sense of their own abilities through volunteering at JRS. *"The experience makes one bolder. I am stronger."*

Another noted:

*"coming here uses skills I developed in my country of origin – it's a way to console and give hope to people. It makes me feel happy, like I am someone who can also do something good for someone. For myself I have gained love."*

Interviewees reported using time gainfully and supporting others at the same time brought them some sense of happiness. Many spoke about being part of a context in which they could give and receive love and kindness and form what felt like familial connections.

Commenting on this commitment to volunteer roles, the Jesuit Provincial, Fr Damian Howard SJ, noted that living out a Jesuit vision involves mirroring what God is understood to do by *"inviting people into the heart of the operation."* Some volunteers also interpreted their role in more theological terms: one interviewee explained that for her volunteering was a way of *"making a way where there is no way. This is what God does. He is faithful and just, to make a way for everyone."*

## 2.5 Recognising the role of faith in JRS' response to refugees

There is a growing public interest in the roles played by local faith communities and faith-based organisations (FBOs) in responding to refugee displacement. This trend contrasts with some of the significant negative and secular assumptions that have typically framed mainstream humanitarian engagements with faith groups in the recent past. For example, humanitarian responses to displacement have been critiqued for their reliance on secular frameworks that too often instinctively mistrust faith and religion, seeing them as a problem to be solved or a value-influence to be minimised rather than as an opportunity for partnership that might improve, enhance or diversify means for refugee protection. These assumptions relate in part to a lack of effective knowledge about the role played by faith in the lives of refugees as well as within FBOs. There is also often a negative perception of faith-based organisations as representing the 'traditionalist' and 'conservative' nature of religion in contrast to the more 'progressive' social and political approach taken by secular humanitarian actors toward – for example – human rights and women's rights. This research and JRS UK's daily practice challenges these crude perceptions and forms part of a growing body of research that shows the need for more nuanced engagements with faith-based social action and the faith experience of refugees.

At a fundamental level, it is important to observe the ways in which people affected by displacement are simultaneously the authors and shapers – not just the passive recipients – of faith traditions. It is also important to note the role played by faith and theologies of hospitality and accompaniment in motivating local responses to destitution. However, there remains a real challenge when it comes to talking about faith and religion vis-à-vis refugee and local humanitarian contexts: trying to ‘get hold of it’ is difficult, often because faith can remain implicit or invisible, emerging in everyday activities or through ‘embedded’ customs and ideas that might otherwise seem ordinary and non-theological and may by their very nature not wish to draw attention to themselves. Equally, even FBOs themselves can find it tricky to talk about faith as an integral part of their practice.

I did not screen participants before interview according to faith/belief identities but it became apparent during the course of interviews that all but one interviewee identified as Christian or Muslim, with a 70/30 balance respectively. Two also noted traditional African religious influences. This balance broadly reflects the background of those who engage with JRS UK’s services. The following analysis locates JRS UK as a faith-based organisation and notes the key themes that emerged from refugees’ own description of their faith identities, shaped by their experience of displacement, destitution and detention.

[Volunteering is] a way of “making a way where there is no way. This is what God does. He is faithful and just, to make a way for everyone.”





### 2.5.1 JRS as a faith-based organisation

JRS is an international Catholic faith-based organisation. Its origins lie in an commitment made by the Jesuits through the founding of JRS International by Fr Pedro Arrupe S.J. in 1980. Responding to the plight of Vietnamese refugees in the 1970s, Arrupe established JRS as a distinctive work of the Jesuits aiming to provide humanitarian relief, advocacy and accompaniment to displaced persons globally. Arrupe judged that the Jesuits should be active in contexts where there was an urgent material and spiritual need and a lack of sufficient response by other organisations and groups. This discernment echoed St Ignatius' (the founder of the Jesuits) call to seek out '*the greater universal good*.' Arrupe's colleague Michael Campbell-Johnston S.J. noted in 1980: 'we are not concerned just with the survival of refugees, but with their full development.' The aim of JRS, he explained, should be to improve the 'quality of refugee work already being done', rather than simply proliferating agency responses. Echoing this, the JRS Charter notes that the aim is 'to build, by means of every human endeavour, a fuller expression of justice and charity into the structures of human life in common.' In this light the Jesuits committed to a model that was less about infrastructure building and more about accompaniment – what Arrupe referred to in 1985 as 'being with rather than doing for' displaced persons. A current JRS UK staff member extends this insight:

*"Accompaniment for me is about being with, remaining with (even when you can't fix it) and journeying with, through the unexpected, the good times and the distressing ones. It requires constancy and yet is dynamic as the other person's situation changes. It ought also to change both of you – it is relational and transforming. There should be some kind of effect on you as the accompanier – the benefits and impact are not one way."*

This vision has not been without its tensions; as need increases and attitudes towards refugees harden globally, protecting the commitment to 'being with', whilst judging questions of scale can become difficult.

The work of JRS around the world was shaped from the outset by a distinctively Christian theological vision. The JRS' founding Charter notes:

To accompany refugees is to affirm that God is present in human history, even in its most tragic episodes. Jesus as an infant fled with his family into exile. During his public life, he went about doing good and healing the sick, with nowhere to lay his head. Finally he suffered torture and death on the cross. In companionship with Jesus Christ and serving his mission in the midst of refugees, JRS can be an effective sign of God's love and reconciliation. The biblical welcome offered to the widow, the orphan and the stranger is the JRS model of authentic pastoral service.



JRS draws its vision from Christian scripture and doctrine as well as from its own distinctive spiritual tradition associated with the practice of St Ignatius' Spiritual Exercises. The Spiritual Exercises include a meditation contemplating the world from the perspective of the Trinity: Father, Son and Holy Spirit. We are invited to share the compassionate gaze of the Trinity and to participate in the work of bringing a suffering creation to redemption. At the centre of Christian social action is a set of dramatic events rather than merely a set of abstract truth claims. The theological vision that animates JRS throughout the world is thus thoroughly historical – it centres on an invitation to enter fully into drama of creation, suffering and redemption as it plays out in history and to act as participants with Christ in His work of healing, redemption and reconciliation. JRS operates out of a belief that God is present even in the most appalling suffering.

JRS also draws on the formal social teaching of the Catholic Church. In particular, it draws inspiration from the opening lines of the key Church constitutional document issued in 1965, *Gaudium et Spes*, which proclaims: 'The joys and hopes, the grief and anguish of the people of our time, especially of those who are poor or afflicted, are the joys and hopes, the grief and anguish of the followers of Christ as well.' This is core to the way that JRS understands the practice of human dignity in situations of displacement. Writing twenty years later, Pope John Paul II offered a distinctive teaching to the Church on solidarity as a Christian virtue and duty. He noted that solidarity was not to be understood as a fleeting emotion of sympathy but rather entailed a sustained, structural response of Christians to suffering and injustice. This teaching on solidarity is noted in recent JRS International documents.

This teaching leads to a JRS world-wide commitment to practices that enact:

- Respect for the circumstances of the refugee.
- A commitment to building relationships of friendship, trust and understanding.
- Participation of refugees by choice in all aspects of the work.
- A commitment to mutuality and organisational learning from refugees.
- A focus on practices of charity, love and justice as inseparable facets of social action.
- A willingness to take on the pain of others by drawing close to situations of poverty, fear and insecurity, and sustain this commitment even in the absence of solutions.

This research project, focused on one country office of JRS, that of JRS UK, aimed to work within this basic philosophy of seeking the universal good, attending to what is most difficult and communicating refugee learning, including in matters of faith.

### 2.5.2 Faith acts as a complex source of resilience for refugees

All but one of my interviewees spoke of faith or religious belief and practice as a vital – typically the vital – place of transformation and source of resilience during their asylum process. They also saw themselves as interpreters of those same traditions in light of their migratory experience. Three things were immediately striking about the manner in which faith emerged in these conversations. First, most of my participants understood faith – being a Christian or a Muslim – not simply as personal belief but as part of their identity as participants of cultures that are religious, political and economic. Interviewees imagined themselves as members of simultaneously trans-national and local communities of faith. Second, in formal interviews no direct question about religion identity or faith was asked, nonetheless all but one interviewee explained that faith had been the major sustaining factor for them during the course of their immigration process. As one Muslim respondent noted, echoing other Christian and Muslim responses: *“Faith for me is the main thing. This is why I’ve been able to fight for 17 years.”* Third, when asked follow-up questions about key texts that had been important to them, Christian participants turned to similar texts and sources.

Amongst the most frequently cited texts were the Psalms. A number of interviewees expressed the view that the Psalms were helpful partly because they provided a language for naming the realities of good and evil that had felt very real during the migration journey, and that they also named the paradox of *“disaster and healing”* that they felt they had been through. One interviewee noted: *“like the Psalms say, I have walked through the valley of death and I know what it is like, but I also know that God was with me. This was my experience. Both things are true.”* Others quoted Psalms that spoke of the promise of God’s justice and sovereignty. Where human government had failed to uphold the promise of justice and sovereignty, a transcendent sense of justice provided a language of resistance and hope.

As one Muslim respondent noted,  
echoing other Christian and Muslim responses:  
*“Faith for me is the main thing. This is why I’ve been able to fight for 17 years.”*

The single most frequently quoted text was Jeremiah 29, known as the Letter to the Exiles. This text is based on the message sent from God via the prophet Jeremiah to those forced into exile in Babylon. One interviewee noted: *"God says through Jeremiah: 'I have a plan for you which is a good plan.'"* An interviewee who had struggled with mental and physical health difficulties quoted the passage, explaining that he gained hope when he was low from: *"The idea that there is a good plan for each of us... that we are all here to be players in our divine assignment..."* He felt this echoed in St Paul's Letter to the Romans, *"I remember, 'all things for your good'"*. Another explained he gained hope from the passage: *"God says there are plans I have for you"*, he continued explaining that, when you read the passage carefully, it seems that these plans *"for your welfare"* are *"for unexpected ends"*. The idea that the Bible offers stories that show we can live with the idea that our story is not finished, that there are unknown elements to our future to which we must be open was a repeated theme in interviews.

Others noted the importance of encountering biblical figures who had been *"role-models"* and *"sources of inspiration"* when struggling with extreme suffering or the stigma of being a migrant without status. Interviewees noted the power of the stories of Job, Ruth, Abraham, Noah, Rahab, and Jeremiah. The idea that God uses these figures to bring about good, that they were figures with a divine purpose and mandate, and figures who had suffered losses, was key to their appeal.

### 2.5.3 Faith-based spaces become contexts for the renewal of identities and skills

During the course of interviews, a number of refugees shared experiences of religious conversion and empowerment. These religious conversions had typically taken place in prison or detention facilities. Two interviewees explained that they had found new skills as preachers and pastors whilst in detention, roles that they had continued to exercise upon release. In one instance, through this role the interviewee had been able to save the life of a suicidal fellow detainee.

One interviewee explained to me that he had encountered the writings of St Paul as well as the Book of Jeremiah and that this had helped him *"keep my mind"* in detention. He explained that St Paul's teaching had given him a method of self-preservation and *"new life"* whilst incarcerated. *"The Home Office can't capture the spirit"*, he explained. Reading biblical texts in detention had made him feel *"that this knowledge is just more powerful... This keeps us calm... This makes me feel 'be anxious for nothing'"*. Drawing on the story of Abraham as a story of 'promise', he noted:

*"Look at the promise to Abraham. It's seemingly impossible. Sarah is looking in the time realm, and time is running out for her [to have a child]. God goes the extra mile and fulfils his promise to her when time seems to have run out... Grace transforms how we experience time".*

Explaining that he had seen both *"a beautiful and a terrible side to life in the UK"*, another interviewee who had been detained multiple times over a four-year period

narrated his experiences of an Alpha course and the chaplaincy community he felt he was part of in the detention centre. He told me that he realised during the course of this time:

*"...we all deserve to live a good life. I realised I had a love in me... I could use it to reach out to other people. If you are open to love it brings peace... I read that Abraham was a migrant and he was used by God. This gives encouragement... Reading Romans 8:28 that 'all things work together for those who love God... this helped me to focus on God... The idea that there is a good plan for each of us... that we are all here to be players in our divine assignment... In detention I was recognised as a pastor and I preached my first sermon. My main hope became to have a legacy of love... Love through works... Life is about encouragement."*

He contrasts this with the structures of detention itself: *"Detention is not a context of love... The system tells you you are an identity you can't accept."*

#### 2.5.4 Talking about faith for refugees can't be separated from talking about the asylum system

A number of refugees described the way that the trauma they had experienced during their asylum claim affected their faith lives. Many talked about the testing of their faith, periods where they felt distanced from their faith and relied on the faith of others around them. One interviewee noted: *"There are times when things are overwhelming and I couldn't pray. But the prayer of the community enabled my spirit to be lifted up."* One woman, who has been negotiating the search for status in the UK for 19 years, says that her engagement with prayer and liturgy held particular value for her because it taught her:

*"...maybe there is another side to your story that you don't know... I often feel discouraged. Like it's all taking too long. But if I am still here now it's because there is a God. It's the only way I can explain still being sane. God has a hand on me. It's a fantastic hope, it means things are not only what we see with our eyes...It means there are still things for me to discover about the world."*

Another quoted Matthew 7:7 *"'Knock and the door will open.' Ask anything and God will embrace you, that embrace might be in the form of other people who embrace you."*

An academic from West Africa who has experienced serious health issues explained:

*"Sometimes I want to give up, I'm tired... Then I remember the Cross of Jesus. He went to the Cross. I think don't be undermined by each difficult situation... Because of God's presence you don't give up.... I give thanks for each time when I see I have something, a bed, food. I remember Romans all things for our good... My vocation is to follow this plan of God."*

He spoke movingly of the way in which he discerned that cooperating with God's plan for the good meant that he now needed to see himself as a recipient of hospitality rather than simply someone who offered it to others. He described with pride the way that his family in West Africa had hosted displaced persons and his total disbelief that he himself would ever be in a situation like this. He said that he believed that through receiving hospitality (something he found hard to do) God was *"preparing me now for what I can do in the future."*

This language of mutuality and hospitality was echoed by a Muslim respondent who noted:

*"...part of my religion is to give and not remember or expect a return. But if you do a favour, if he is a God-fearing person, he will return. I hope in the future I can return what the day centres have done for me."*

He continued:

*"It's not that our faith is more [by being in the asylum process] but we have come to notice it more."*

He explained the importance of particular Islamic prayers and stories, including the story of Joseph in prison, visited by an angel who teaches him a prayer, and of Job going through a trial and *"being tested"*. *"Faith gives perseverance and determination. It's like glasses or goggles: you see the world differently."*

One Christian interviewee noted what a number of others expressed:

*"You have questions – how did you end up here? We always think we are in control of our destinies, but we are not. Events conspire and you are somewhere you never thought you would be. So it means, this is where I am, what should I do? You put into practice what you've learned. You go through 'doubting Thomas', highs and lows, doubt and strengthening in this open-ended system. The system affects your experience of faith."*

An interesting insight was offered by an interviewee who noted that the British system of justice was, for him, partly a faith-based system, arguing:

*"People think that the system is based on Christian values. Queen, Church of England, swearing oaths on the Bible. But the way you experience the system doesn't feel like this. The system is a faith-based system, that has let us down. People know it's a secular system but faith still plays a part. Why so unjust?"*



### 3. RECOMMENDATIONS FOR CHANGE MADE BY INTERVIEWEES

The following list of proposals for change were made by those I interviewed:

#### 1. Give all asylum seekers the right to work.

Upholding a right to work was the single most repeated request for change made by interviewees. The impact of being unable to work – often for periods of several years as they struggled through cycles of asylum applications, appeals, and refusals – on physical, mental, intellectual and spiritual well-being was immeasurable. As one interviewee noted “we live in a society where we relate to others through our status, skills and roles.” Echoing all research participants he noted that work is a way not only to survive materially but also a way to establish self-esteem, to build relationships with others and become a known individual rather than an abstract ‘idea’ to a community, to contribute to a society, to express aspiration, to maintain a sense of purpose and to give structure to daily life. To be denied this right is to be denied something fundamental to our sense of human dignity.

#### 2. As some would struggle to work during their claim, financial support should be available.

Whilst all those we interviewed wished to work, interviewees were also aware that there are those for whom this is not possible. Government support to meet basic material needs and live in dignity should be routinely available for any asylum seekers not working. This includes those who have been refused, for the duration of the time they are in the UK. Destitution experienced by asylum seekers creates significant vulnerability, leaving people open to exploitation and abuse.

#### 3. Improve the quality of asylum case determination and case management.

Improving the quality of case work was seen as key to reducing destitution. Interview participants stressed that destitution could be radically reduced if the quality of decision-making was improved. Many stressed that case workers did not seem able to understand the complexities of cases, that translation services were often poor and that case workers seemed overwhelmed, with too little time to give to proper decision making. They noted that time scales are given in letters that are not adhered to.

The quality of case management was also a cause for considerable concern. Many respondents had experiences of paperwork being lost and cases delayed for long periods of time for reasons that are left unexplained. As one interviewee said “*the time it takes makes people destitute.*” Many feared both lengthy periods of time with no communication or progress in their case and the possibility that they would suddenly face detention and removal at the next reporting appointment. This produces a simultaneous process of anxiety about time being wasted and time running out.

Interviewees stressed a lack of predictability and information in the process, noting *“the system incentivises non-engagement on both sides”*. One interviewee spoke for many when she noted: *“the process is poor and there is a problem with a culture of disbelief”*. Interviewees noted that the manner of treatment by Home Office officials was deeply de-humanising. Research into the nature of justice makes clear that procedural justice – the way people are treated during a legal process – matters as much as outcome justice. This is research that the Home Office has been willing to take on board in the case of criminal justice work but actively resist in its asylum work. Both procedural and outcome justice are judged to be poor by those interviewed.

#### **4. Work to end the use of immigration detention for administrative purposes, beginning by setting an immediate time limit**

Interviewees universally feared immigration detention and believed it to be an unjust and counter-productive practice. Those who had been detained reported significant mental and physical harm, and most interviewees had been unable to fully regain their health and wellbeing following time spent in detention. Though long periods in detention are especially traumatic, the impact of even a short period of immigration detention is felt to be lasting. Interviewees reported trauma, isolation, physical ill health, depression, anxiety, self-harm and suicidal thoughts, profound changes in character and reductions in skills and capacities. The harm of detention was connected in particular with the lack of a time limit. Echoing the findings of the All Party Parliamentary Report of the Inquiry Into The Use of Immigration Detention [2015], those interviewed noted that they feared both imminent removal from the UK and that they would languish in detention for months without movement in their cases. Fearing both instant change and no change creates acute mental pressure. The sense of injustice was connected to both the extreme harm of detention as a deprivation of liberty for solely administrative purposes and the fact that interviewees knew that there were less harmful, community-based alternatives available for the management of borders. Current patterns in the use of immigration detention were thus felt to fail tests of moral proportionality.

#### **5. Enable community integration and civic participation at all stages of an asylum claim.**

Interviewees told me that they felt there was a deliberate strategy to minimise social integration and skills maintenance and development during the processing of their claim. The denial of paid work, the use of dispersal, lack of access to education, and the enacting of destitution for those who have been refused all engender forms of isolation, stress, de-skilling and disconnection. The denial of opportunities for contribution and participation were seen as deliberate policy strategies aimed at generating hopelessness as a form of border management. As one interviewee noted, access to education is not only about gaining or maintaining skills *“but also*

*about maintaining a capacity for critical thinking and from different perspectives. This enables you to negotiate a new culture."*

Interviewees noted a lack of communication between agencies at all stages of case management, including at the point of transition when legal status is given. The transition from destitution into work and the welfare system for those with newly recognised status is needlessly stressful for many. *"The system denies you the chance to develop skills and then expects you to have developed or maintained skills to enable you to work as soon as you have status. We've just been precluded from doing that!"*

Interviewees called for a more co-ordinated and holistic approach to work between agencies, and civil society from arrival, case processing to civil society integration. *"This means agencies supporting local communities to be able to assist and support and move members forward."*

## **6. End hostile environment policies.**

Interviewees were well aware of the hostile environment messaging and a policy agenda that aims to create destitution. Interviewees felt that the dismantling of the detailed policy practice and ideology of the hostile environment was critical to the development of communities of justice and mutual flourishing.

### **3.1 Beyond Policy: lessons for civil society responses**

Whilst many of the recommendations for change mentioned by interviewees focused on necessary and urgent changes in public policy, it will be apparent to any reader of this report that the insights offered by refugees do not focus on policy alone. Those we interviewed talked about ways that organisations and individuals can be involved in creating more dignified, just and humane realities for and with refugees. Based on its model of accompaniment, JRS refugees and staff talk about having learnt the following:

**Refugees are people with skills and passions. They exist in an asylum system that frustrates a desire to be self-supporting, to contribute and to develop skills. Involve refugees (without exploitation) as agents who are able to shape their own futures, supporting others and who have a desire to contribute to building communities with others.**

Refugees often spend a lot of time waiting around for appointments with agencies who then have little face-to-face time to offer and process people in a brisk, mechanical and de-humanising manner. Civil society services need to prioritise offering practical services that are properly relational as well as efficient and effective, and also re-humanise. Our interviewees saw as good practice: having time to spend with people, greeting and welcoming, being flexible and restoring a sense of self-determination to encounter with refugees, enabling refugee-to-

refugee support systems.

Whilst story telling is important, refugees are often pressured to tell their 'story' over and over again. Being in contexts where refugees can receive and give support but where telling your story is not demanded as a condition of participation is important.

Living with destitution means that refugees have to spend huge amounts of time and energy each day just securing somewhere to sleep. This process is mentally and physically exhausting. Providing refugee hosting schemes for those who are destitute can alleviate some of this pressure. In the absence of government responsibility for those who are destitute, this is a crucial role civil society groups can take on.

Refugees, like all of us, have a range of needs and capacities – physical, mental, intellectual and spiritual. Offering services that meet all these needs is appreciated by those living with destitution. Destitution affects all of these facets of being human, it is not only a material condition.

Faith traditions and identities are often crucial forms of resilience, identity, practice and meaning-making for those on the move and those who are stuck in immobility (as well as sometimes the factor that has caused the forced migration). Enabling spaces that respect, facilitate and engage with these dimensions of being human is a task for all organisations, not only faith-based groups. Refugees are not simply passive receivers of religious care or tradition, but interpreters, agents and witnesses to the on-going development of these communities and traditions.

## CLOSING REFLECTION

I began this report with the vision of the Jewish-Christian political thinker Simone Weil and her call for forms of 'extreme attention' to the reality of what *is*. Weil believed that our human minds find it hard to look at the reality of affliction and struggle; she thought that we tended to become endlessly and inventively busy rather than to stop and train our minds to the struggle to overcome and live through trauma. Weil did not believe that we could explain suffering, but she did believe that we can – and must – attend to the concrete conditions that produce suffering and challenge them at source. Weil also believed that the very condition of modernity is one of 'uprootedness': our models and ways of living produce uprooted people. This uprootedness is an all-pervasive cultural condition that affects those of us living in late modern capitalist societies – it is a condition that affects the 'settled' as well as the displaced. We are uprooted, in her view, from good relationships, productive and meaningful ways of working, God, and place.

It is possible, on this reading of our times, to be stuck in endless stasis and immobility and yet to be uprooted. It is also possible to think that the failure of European societies to respond well to contemporary displacement is itself a manifestation of a collective uprootedness: forced migrants are not the only uprooted people, nor those who have forgotten how to live well in time and place. Such an analysis is attractive partly because it cuts across host/guest migrant/non-migrant them/us dichotomies and looks towards a shared human condition and a common dislocation from a meaningful, shared search for the good life, the life of a common people who come through birth or necessity to share a particular place and time. In a profound reflection on the Greek poem *The Iliad*, Weil writes of hospitality as the necessary proxy for justice, the interval of peace that breaks into a cycle of violence. Such hospitality does not achieve justice by itself, and it exists alongside the continuing reality of violence, but it is nonetheless a necessary practice as a witness to and pathway towards love and justice.

Imperfect and limited though it is, JRS provides such a witness, and much of that witness comes from a deep collaboration between refugees and other refugees as much as from the vision of a faith-based organisation committed to accompanying refugee communities. In so doing, as a community it stands firmly, and with vision, for something that remains absent.

Dr Anna Rowlands



## APPENDIX 1: METHODOLOGY

### 1. Research Process

This research consisted of ethnographic participant observation of the work of the Jesuit Refugee Service UK and structured and semi-structured interviews conducted with destitute and formerly detained refugees, staff at JRS UK, JRS UK hosts, the Jesuit Provincial and policy experts. The research was conducted by an external academic researcher who attended JRS UK activities, meetings and participated in the Day Centre and conducted the interviews. Two additional interviews were conducted by a JRS UK member of staff. The interview questions were developed in consultation with JRS UK staff including refugees.

The interviews of between 1-2 hours were carried out over the course of a year in the JRS UK offices through pre-arranged 1-2-1 slots. The questions were asked in English and almost all answered in English; some respondents spoke in a mixture of English and French. Assistance and further support was available for anyone who wanted it, as was a private space.

Questions were asked orally by the interviewer and respondents answered verbally. Interviews were recorded only by hand, verbatim. French responses were translated into English.

30 in-depth interviews were conducted.

### 2. Limitations

In common with any research project, this project has limitations. One significant limitation was the relatively small sample size.

Others relate to speaking primarily with those who had some English language competency and, connectedly, to the sensitive nature of some of the information sought. These issues were:

The survey was voluntary, and participants were invited to take part in the interviews but could, of course, decline. We tended to approach those whose situation was a little more stable – this may mean that the most vulnerable – those whose accommodation and health situations are likely to be worst – may be under-represented. However, all those refugees interviewed were destitute.

People described in-depth scenarios of mental breakdown, self-harm, suicide attempts, abuse and violence. It is difficult to represent these descriptions in a report of this kind and such information has been used only when it is core to a key argument the report wishes to make. What is recorded here is less than the full reality described in interviews.

Individual questions could be refused, although none were. Some people did ask for their answers to particular questions not to be recorded in writing or used in detail in the report.

No formal questions were asked about faith and identity in the interviews, nonetheless questions about resilience and survival elicited responses that were about faith. Informal follow-up questions were asked when such insights were offered. However, it became apparent through the interview process that the group of participants was largely Christian, with a much smaller number of Muslim participants. The faith insights therefore largely reflect the traditions and background of the interviewees. In order to provide wider findings on faith narratives, a more extensive and religiously balanced piece of work would be necessary.

### 3. JRS UK's criteria for offering support

In order to register with JRS UK and receive the full support offered, one needs to 1) be destitute and 2) have a protection need.

For operative purposes, JRS UK defines as destitute anyone who:

**is not eligible for asylum support or social security benefits,**  
or  
is receiving assistance less than that provided by asylum support provision (e.g. some social services care packages).

Most of those JRS UK supports have applied for asylum and been refused, and many are preparing a fresh claim. Some are preparing an initial asylum claim, or there is reason to think that they ought to be. JRS UK also supports some people who have been granted refugee status, but who are waiting to be transferred to the wider Department of Work and Pensions system.<sup>20</sup> This can take a very long time, during which those granted refugee status are left destitute.

The Joseph Rowntree Foundation defines destitution as: 'Lacking the means to meet basic needs of shelter, warmth, food, water and health.' JRS UK's operative definition is grounded in a similar understanding – appeals rights exhausted asylum seekers are denied both the opportunity to work, and any formal support whatsoever. These criteria enable the organisation to focus limited resources where they are the most urgently needed.

<sup>20</sup>There can be lengthy waits for an asylum seeker who wins an appeal hearing before they receive written documentation confirming that they have right to remain, and then a further lengthy wait, which is currently typically more than 3 months, before they receive a National Insurance number enabling them to access benefits or be allowed to apply for work.

## APPENDIX 2: POLICY AND SOCIAL CONTEXT <sup>21</sup>

### 1. The Hostile Environment

Key aspects of the hostile environment agenda are:

#### 1.1. Charging for NHS care

In England, healthcare charges have been gradually extended to many people without permanent residency, including undocumented migrants and those with refused asylum claims. The Immigration Act 2014 included significant extensions to charging for secondary care.<sup>22</sup> Since August 2017, charges have been extended into community health services. Services now chargeable include community midwifery, district nursing, drug and alcohol treatment, and mental health services amongst others.

As of 23rd October 2017, payment is demanded upfront for all services included within the charging regime (i.e. hospital care and community services), and treatment for “non-urgent care” is prohibited without it. The definition of urgent care is unclear.<sup>23</sup> There are also plans to begin charging overseas visitors and undocumented migrants for primary care in the near future, and to try to do so for emergency services. Furthermore, healthcare providers are now obliged to check patients’ immigration status, even for many services that remain free. There are no clear guidelines on how this is to be done; in response to concerns and request for clarification, the Health Secretary’s office stated that there were ‘no fixed evidential requirements’.<sup>24</sup>

There is good evidence that charging had already been deterring many from accessing hospital care.<sup>25</sup> Importantly, an unpaid bill of £500 or more counts against a person attempting to regularise their immigration status – so NHS charging is likely to deter asylum seekers from seeking even urgent care, for which payment would theoretically be demanded after treatment. The prospect of immigration checks inevitably deters those of undocumented immigration status from seeking medical attention (see section 1.5 “Information” for further details).

<sup>21</sup>This partly draws on research conducted by Ms Jess Scott at the University of Cambridge in summer 2017 and some of the material has appeared in a different form in JRS UK’s report “Out in the Cold: Homelessness among destitute refugees in London” (January 2018)

<sup>22</sup>[https://www.fph.org.uk/media/2202/final-fph\\_briefing\\_nhschargingregs\\_4.pdf](https://www.fph.org.uk/media/2202/final-fph_briefing_nhschargingregs_4.pdf)

<sup>23</sup> Department of Health guidance published in January 2019 states “Urgent treatment is that which clinicians do not consider to be immediately necessary, but which nevertheless cannot wait until the person can be reasonably expected to leave the UK. This means that the longer a patient is expected to remain in the UK, the greater the range of their treatment needs that are likely to be regarded as urgent.” (“Guidance on Implementing the Overseas Visitor Charging Regulations”). The difficulties with determining and proving how long someone will be in the UK are, of course, profound.

<sup>24</sup>The Health Secretary’s office stated that “The changes do not require that a patient will need to provide a means of identification to qualify for free care. While this may be helpful in demonstrating eligibility, other information will be used by trained NHS staff to ensure the residency status of a patient is identified. The Regulations simply require that a relevant body must make such enquiries that it is satisfied are reasonable in the circumstances to determine whether charges should be made. There are no fixed evidential requirements”.

<sup>25</sup>Hanne Ockert-Axelsson, ‘Sick, tired, and afraid: Assessing the relationship between unpaid hospital bills and the consequences debt can have on immigration status for undocumented migrants at an East End London Clinic’, MSc Thesis, KCL, 2017.

For more information, see JRS UK's briefing, "NHS Charging Regulations: Impact on undocumented migrants, refused asylum seekers, and other vulnerable groups" (December 2017).<sup>26</sup>

## 1.2. Work

Virtually all asylum seekers are banned from working.<sup>27</sup> The 2016 Act makes working without proper documentation a criminal offence in its own right, with a maximum custodial sentence of six months and/or an unlimited fine in England and Wales. This new offence covers all workers, whether self-employed or employed. The 2016 Immigration Act also makes it a criminal offence for employers to employ someone who they 'know or have reasonable cause to believe' is undocumented. The maximum custodial sentence for employing an undocumented migrant is also increased from two years to five years.

## 1.3. Driving Licences

The 2014 Act provided the UK Government with the power to revoke UK driving licences held by undocumented migrants. The 2016 Act provides two new measures:

1. Gives power to police and immigration officers to search people and premises, in order to seize revoked or unrevoked UK driving licences of undocumented migrants; and
2. Creates a new criminal offence of driving whilst unlawfully present in the UK.

This is significant not only for the exclusion from driving, but also because the driving licence constitutes a form of ID that could help access other services. It could also provide a record that would help in regularising immigration status.

## 1.4. Banks

The 2014 Act prohibited banks and building societies from opening current accounts for individuals who do not have immigration permission or a right to be in the UK. The 2016 Act goes further and prevents undocumented migrants from continuing to operate existing bank accounts.<sup>28</sup> If the account holder is confirmed to be undocumented, the Home Office has the power to:

1. Require banks and building societies to close the account as soon as reasonably practicable; or
2. Apply to the courts to freeze the account until the undocumented immigrant leaves the UK.

<sup>26</sup> This briefing reflects the situation at the time much of the research was conducted.

<sup>27</sup> Someone who has been waiting twelve months for a decision on their asylum claim may apply for permission to work in jobs on the "shortage occupation list". The list is extremely restricted, including professions such as classical ballet dancer and nuclear medical practitioner. (The list can be found at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/486107/Shortage\\_Occupation\\_List\\_-\\_November\\_2015.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/486107/Shortage_Occupation_List_-_November_2015.pdf)). This of course amounts to a total ban on work for the vast majority of those seeking asylum, as it would for the vast majority of people.

<sup>28</sup> Immigration Act 2016, Schedule 7 (<http://www.legislation.gov.uk/ukpga/2016/19/schedule/7/enacted>).

## 1.5. Information

New measures in the 2016 Act built up data collection and data sharing between the Home Office and its “partners”. This involves gathering personal data on migrants from other government departments (e.g., Dept of Education, NHS); or from private for-profit companies (e.g., banks and money lenders, including through the CIFAS databases). Under the 2016 Act, banks and building societies are required regularly to check the immigration status of their account holders. If they establish that a client is undocumented, they will have a duty to report this to the Home Office. These changes came into force in January 2018.<sup>29</sup>

The Data Protection Act 2018 generally gives data subjects extensive rights to know what information is held on them by whom and for what purpose. However, it contains an exemption for information held for the purposes of immigration control.<sup>30</sup> This exemption is currently the subject of a legal challenge.

Data-sharing between the NHS and the Home Office was previously enshrined in a memorandum of understanding in November 2016. However, following legal challenge, the government partially paused the sharing in May 2018, and abandoned it in November 2018.

## 1.6. Detention

All undocumented migrants and all those claiming asylum in the UK are liable to being detained in an immigration removal centre. In the UK, there is no time limit on detention, and some people are held for years. The UK is the only country in Europe without a time limit on immigration detention. Because immigration detention is an administrative process, the decision to detain someone does not go before a judge. There is good evidence that conditions in Immigration Removal Centres are poor. For example, access to healthcare within centers is often difficult, partly due to a culture of disbelief by staff, and partly due to insufficient medical professionals.<sup>31</sup> Immigration detention itself can take a severe toll on mental and physical health.<sup>32</sup> Those who JRS UK works with report increased difficulty accessing legal advice in detention. Furthermore, this all occurs in isolation from family and friends, and where communication with them is limited. All of this makes detention an especially difficult context from which to engage with the asylum system.

<sup>29</sup>Following the so-called “Windrush” scandal, the new Home Secretary, Sajid Javid, committed to “temporarily reduce the scope” of immigration checks on bank accounts.

<sup>30</sup>Data Protection Act 2018, Schedule 2, paragraph 4 (<http://www.legislation.gov.uk/ukpga/2018/12/schedule/2/paragraph/4>).

<sup>31</sup><http://www.medicaljustice.org.uk/wp-content/uploads/2016/04/healthwatch-detention-centres-final-ok-2014.pdf>; Bail for Immigration Detainees, “Nothing Good Comes from Detention”: Voices from Detention’ (April 2019), pp.17-22.

<sup>32</sup>For example, this is a finding of Women for Refugee Women, ‘We are still here: the continued detention of women seeking asylum in Yarl’swood’, November 2017.



## 1.7. Ever-shifting context

The policy landscape is of course ever-shifting and policy and legislative changes take time to unfold. For example, large parts of the Immigration Act 2016 have yet to be enacted. At the time of publication, a new bill relating to EU immigration is likely in the near future, and it is difficult to know what it will hold or the implications will be for other migrants. This multiplies uncertainty for those seeking asylum and all liable to detention and the hostile environment, whose lives could be profoundly shaped by it. At the same time, as will be seen, the efforts of civil society organisations to challenge hostile environment legislation are bearing some fruit.

## 2. Destitution

Research by the Joseph Rowntree Foundation shows high levels of destitution in the UK population as a whole, and demonstrates its crushing impact on human lives.<sup>33</sup> It was observed that migrants faced “compounding difficulties. Benefit eligibility restrictions affecting some groups of migrants meant that they often had an income level even lower than that of our UK-born interviewees...and they tended to have been in this position for an extended period of time. Many current and refused asylum seekers viewed their lack of access to the labour market as the major cause of their destitution. Social isolation, while also affecting many UK-born interviewees, could be particularly prevalent among destitute migrants...”<sup>34</sup>

Recent research by JRS UK, conducted via surveys of 136 people who attend their day centre, found:

A widespread pattern of sporadic street homelessness: 62% of respondents had experienced street homelessness within the last year<sup>35</sup> and 47% had no regular place to sleep.

Destitution coupled with an inability to seek help from authorities rendered people vulnerable to abuse: 36% of respondents felt physically afraid of those they lived with.

## 3. Support for destitute refugees after refusal of an initial asylum claim

### 3.1. Outgoing legislation: Section 4 Support

Section 4 of the Immigration and Asylum Act 1999 provides for support to rejected asylum seekers who are considered to be destitute and where a temporary barrier to their return exists. A rejected asylum seeker is eligible for this form of support if s/he appears to be destitute and meets at least one of the following conditions:<sup>36</sup>

<sup>33</sup> Joseph Rowntree Foundation, “Destitution in the UK” (April 2016).

<sup>34</sup> Ibid., p.4.

<sup>35</sup> From November 2017.

<sup>36</sup> The following text is taken from “Asylum Support, Section 4 Policy and Process – Version 7” chapter 1, section 1.2 and lightly amended for grammatical context.

S/he is taking all reasonable steps to leave the UK or place themselves in a position in which they are able to leave the UK. This could include complying with attempts to obtain a travel document to facilitate departure;

**S/he is unable to leave the UK by reason of a physical impediment to travel or for some other medical reason;**

S/he is unable to leave the UK because in the opinion of the Secretary of State there is currently no viable route of return available;

**S/he has made an application for judicial review of a decision in relation to the asylum claim and the court has granted permission to proceed;**  
or,

The provision of accommodation is necessary for the purpose of avoiding a breach of a person's Convention rights, within the meaning of the Human Rights Act 1998.

In order to receive Section 4 support, someone who has been refused asylum must sign a statement saying that s/he will return to her or his country of origin when the Secretary of State considers it safe. This creates an insuperable difficulty for those who are in fear for their lives should they return to their country of origin.

The support provided under Section 4 is comprised of accommodation and subsistence vouchers. The accommodation providers supply the vouchers, the exact nature of which is left at their discretion.

This system for providing support is still in operation at the time of publication, but is shortly to become obsolete. However, Section 4 was in force at the time at which the survey was conducted. It is therefore relevant to understanding the systems that refugees must navigate in order to meet their needs, and how those systems are failing them. Those JRS support – the respondents to this survey – are not in receipt of section 4 support.

### **3.2. Even more limited destitution support**

The 2016 Immigration Act replaces section 4 with another provision (Section 95A), yet to come into force. If and when it does, support will be harder to qualify for. It will be paid in cash at the same level as Section 95 support (£37.75 per week).

The criteria for accessing Section 95A support will be more restrictive than those previously in play for Section 4.

Regulations will require single adults to apply within a highly restrictive 21-day “grace period” after refusal of their asylum claim. Additionally, what is meant by “genuine obstacle” to leaving the UK is yet to be defined.

**There will be no right of appeal on refusal of support.**

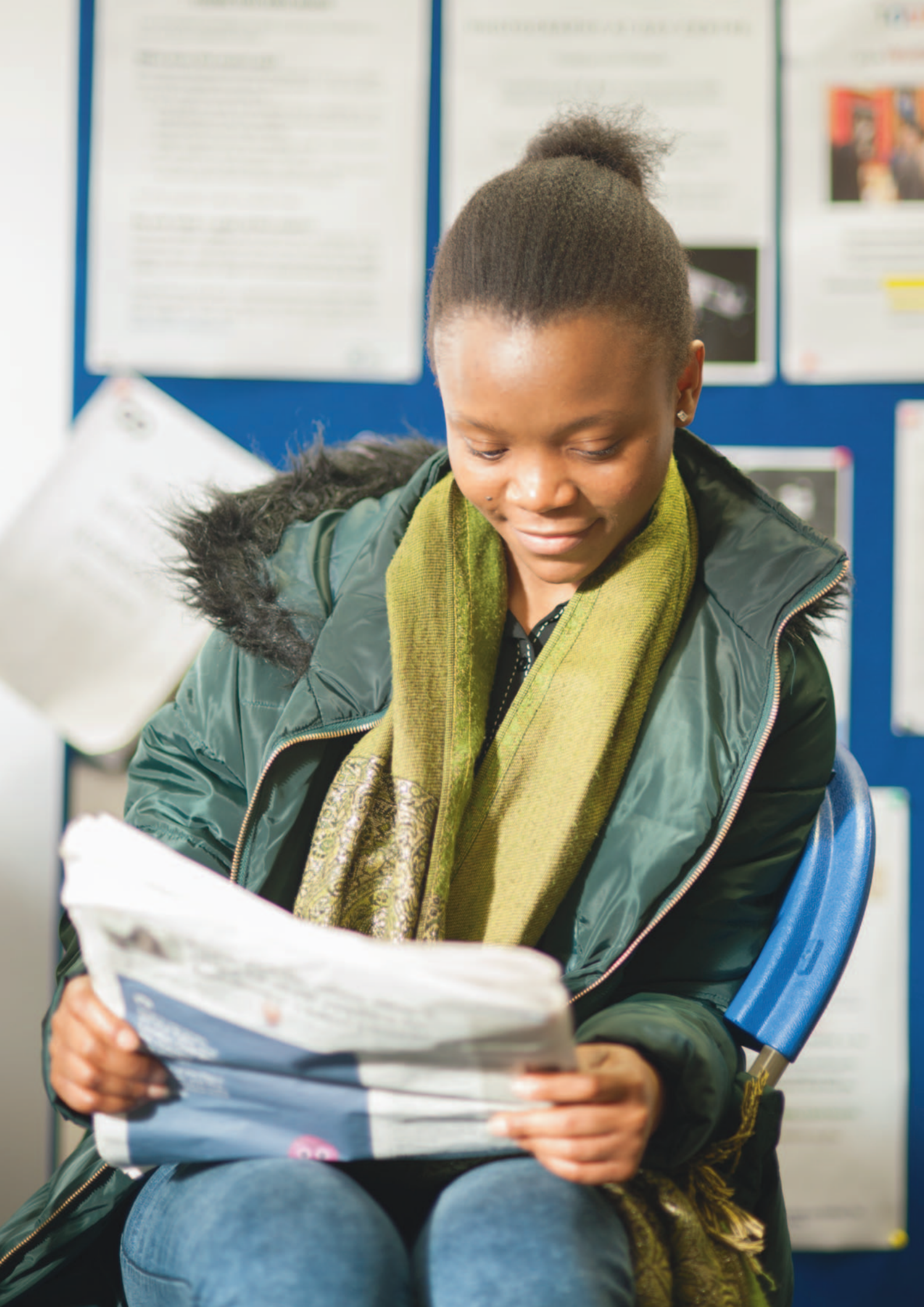
### 3.3. Support for Families

At the time of publication, those whose asylum claims have been refused and who have children continue to be supported under the system for those with pending asylum claims. However, legislation yet to come into force will change this.

The 2016 Immigration Act makes it much more difficult for destitute families to access emergency support. It removes Section 94(5) of the Immigration and Asylum Act 1999, which had allowed for families with children who have had their claim rejected to remain supported under Section 95 until they leave the UK. Under new regulations Section 95 support will be discontinued after 90 days for families whose asylum claim is finally rejected. The restrictions on families with children applying for Section 95A support will be the same as those on single adults. This raises the worrying prospect of children forced by government policy to live in destitution.

The removal of support from families who must (but cannot, or do not) return to a country of origin raised an awkward conflict with the legal obligations of Local Government to support families and children from falling into destitution. The Act therefore now makes provision for local authorities to support destitute refused 'asylum seekers' with dependent children where "support is necessary to safeguard and promote the welfare of a dependent child."<sup>37</sup> However, the complexity of the different kinds of support system has caused concern with some legal experts concerned that some families will not receive support and thus be left destitute.

<sup>37</sup> Schedule 12, paragraph 10A





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