

## Destitution among those seeking asylum

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### Summary

Many refused asylum seekers cannot leave the UK but are denied any means to support themselves, being barred from work and benefits and, increasingly, from basic services. People in this situation live in destitution, often for years, as they continue to pursue their asylum claim. Many are ultimately recognised as refugees by the government.

### About JRS UK

The Jesuit Refugee Service (JRS) is an international Catholic organisation, at work in 50 countries around the world with a mission to accompany, serve and advocate on behalf of refugees and other forcibly displaced persons. JRS in the UK has a special ministry to those who find themselves destitute as a consequence of government policies and those detained for the administration of immigration procedures. JRS UK runs a day centre, activities, hosting scheme (*At Home*), and legal advice project for destitute asylum seekers, most of whom are pursuing fresh claims, and destitute newly recognised refugees; and detention outreach services to Heathrow IRC.

### How Those Seeking Asylum are made destitute

All asylum seekers are barred from working and cannot access the benefits system.<sup>i</sup> 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 preparing a claim, or while they await a response. Ultimately, people in this situation are left with no way to meet their basic needs – i.e., they are destitute. A significant number are left in this situation for years.

### The Hostile/ Compliance Environment

This destitution is not accidental. It is a deliberate consequence of an overt government policy to ensure exclusion of those it considers undocumented migrants for the purposes of enforcing immigration control – to create a “hostile”, or “compliance” environment, which also criminalises, for undocumented migrants, many day to day activities such as driving, and bars them from basic services such as [healthcare](#).

### Support available for destitute refused asylum seekers

Refused asylum seekers who are destitute and unable to leave the UK are currently able to apply for minimal support under Section 4 of the immigration and asylum act 1999.<sup>ii</sup> However, there are numerous barriers to receiving such support. The difficulties faced in proving destitution for the purposes of asylum support are well-documented.<sup>iii</sup> Furthermore, in order to qualify, one must demonstrate that one is taking “all reasonable steps” to leave the UK, which creates an insuperable difficulty for those who are in fear for their lives should they return to their country of origin. In 2017, members of the No Accommodation Network

(NACCOM) collectively [provided](#) accommodation for 840 destitute refused asylum seekers unable to access support, which gives some sense of the problem's scale, especially when it is understood that most destitute asylum seekers lodge informally with friends or strangers and circulate around a number of addresses.

### **The Asylum System**

The determination system for asylum is notoriously arbitrary: numerous investigations have pointed out the [culture of disbelief](#) and [hostility](#) towards applicants, a lack of accountability, and the poor training of those making decisions.<sup>iv</sup> The UK Government has been challenged before for relying on discredited information about countries of origin.<sup>v</sup> Many rejections of asylum are overturned on appeal: According to Home Office statistics, in 2017, 35% of appeals were granted. But legal routes have themselves become more difficult to pursue. Cuts in legal aid mean few solicitors can afford the time for detailed work on a case that requires intensive background research. Numerous refused asylum claims represent people who desperately need a safe haven but have been let down by an unfair system, and these people are then rendered destitute. 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 a near insurmountable bar to clear-headed thought necessary for coherent testimony.

### **Life in destitution for those seeking asylum**

Destitution is gruelling. We carried out a survey about living conditions in our day centre. Everyone surveyed was legally homeless, sporadic street homelessness was widespread, and over a third of those surveyed felt physically unsafe around those they lived with. The findings are detailed in our [report](#) "Out in the Cold: Homelessness among destitute refugees in London" and the [briefing](#) on it, both available on our website.

#### **Note on the terminology of "Refugee" used in Out in the Cold publication**

The Jesuit Refugee Service around the world uses a broader definition of refugee than is contained in the UN's 1951 Convention or 1967 Protocol.<sup>vi</sup> Drawing on Catholic Social Teaching, JRS therefore 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."<sup>vii</sup> JRS UK operates within this more holistic definition; in much of our work, anyone in this situation is referred to as a refugee, regardless of whether the government in their host country recognises them as such.<sup>viii</sup>

### **For more information**

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<sup>i</sup> There are a few scenarios in which those with pending asylum claims are theoretically permitted to work; for the first twelve months that an initial asylum claim is being considered, the claimant is barred from all work. If the *initial* assessment of the claim takes longer than twelve months, claimants may apply for permission to seek a job on the UK's shortage occupation list. See

<http://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN01908>. However, success in this application is virtually impossible.

<sup>ii</sup> For further details see appendix 2 of our [report](#) "Out in the Cold: Homelessness among destitute refugees in London".

<sup>iii</sup> See Refugee Action "[Slipping Through the Cracks](#): how Britain's asylum support system fails the most vulnerable"; ASAP, "[Destitution](#): unchecked, unbalanced".

<sup>iv</sup> See Freedom from Torture, "Lessons not learned: the failures of asylum decision-making in the UK" (2019).

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

<sup>viii</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.