

Joint statement on the impact of proposed reforms to asylum support under the Immigration Act 2016 on stateless people in the UK

June 2026

Summary

We are deeply alarmed by the UK Government's proposed reforms to asylum support, set out in its consultation on implementing provisions of the Immigration Act 2016. These proposals would significantly restructure and reduce access to support for people who have been refused asylum, including removing asylum support from families 90 days after refusal. In England, they would also limit access to local authority support for families and care leavers without immigration status. They would put children at risk of destitution, and significantly increase destitution among people refused asylum or without an immigration status, including stateless individuals and families who may not have had a chance to regularise their stay.

Stateless people, in particular, are already disproportionately forced into prolonged destitution and legal limbo. These proposals could have a specific and egregious impact on them, and fundamentally undermine their human rights.

This statement highlights the potential impact of the proposals. It has a particular focus on their implications for stateless people and families in the UK, and ensuring that everyone can access the support they need to live safely and with dignity. We write jointly as organisations providing legal advice and support to stateless people and people refused asylum facing destitution, and as people with direct experience of statelessness and destitution.

Systemic implications on risk of destitution, abuse, and human rights violations

The proposals to remove asylum support from families with children after refusal of asylum unless they are judged to be unable to leave the UK, and to limit the circumstances in which local authorities can provide support, are particularly alarming. And, when considering whether support is necessary for child safeguarding and welfare, local authorities would need to take into account whether the Home Office thinks they are able to leave the UK. This requires local authorities to be guided by immigration control factors in decisions about child welfare.

These changes would **place families at immediate risk of homelessness**. In practice, this could lead either to families being separated (if children are taken into care to prevent homelessness), or to families being driven underground in desperation to remain together –

as has occurred when removal of support from families refused asylum was previously piloted. Both outcomes are deeply harmful.

These consequences are entirely **inconsistent with the government's duty to safeguard children and promote their best interests**, in violation of the Children's Act and the UN Convention on the Rights of the Child. Local authorities should be guided by their duty of care in providing support to families, tailoring solutions to the protection needs of each child and their family, and not by immigration control factors. The new system would also impose a significant additional burden on already overstretched local authorities. The government has stated that it is pursuing these changes to "incentivise families to engage with the returns process." No one should be made destitute for the purpose of immigration control, and to put children at risk of destitution for this reason is especially troubling.

Restricting local authority support available to care leavers without immigration status also risks leaving them vulnerable to abuse and exploitation, and will make it harder for them to resolve their status.

With reference to adults, these proposals are likely to entrench and prolong destitution among people who have been refused asylum. They would reduce the already minimal support available to individuals who are unable to leave the UK while navigating complex immigration or statelessness processes. At present, people refused asylum, including many who are stateless, are routinely made destitute.

As shown by Freedom of Information data, every year, thousands of people refused asylum and made destitute are recognised as needing protection following fresh asylum claims or applications for stateless leave.

Without support, people refused asylum become **highly vulnerable to abuse, exploitation, and serious deterioration in both physical and mental health**. They also face barriers to healthcare under the NHS charging regime. The proposals would worsen this situation. Overall, the proposals could lead to human rights violations which could be prevented or addressed with adequate State support.

Particular and egregious impact on stateless people

These proposals will have an egregious impact on stateless people in particular, and risk violating their human rights and access to nationality.

Stateless people and those at risk of statelessness face distinct and heightened challenges within the asylum and immigration system. They are not recognised as nationals by any State and, in many cases, have no right to reside elsewhere. The lack of documentation and evidence of nationality (or lack thereof) can also have repercussions in their access to services and support. As a result, stateless people often face structural barriers to resolving their status.

The lack of material support, destitution, and poor mental health outcomes can all undermine individuals' ability to engage effectively with legal or administrative processes,

making it harder for them to resolve their immigration status and access the protection they badly need and are entitled to.

Statelessness often complicates the asylum process and makes it especially difficult to navigate. JRS UK, Asylum Aid, and Liverpool Law Clinic work with many people who have been refused asylum and who are stateless or at risk of statelessness.

These are people who may also be unreturnable because no State will accept them as their national or issue them documentation. Statelessness cases are often complex, requiring extensive evidence gathering and engagement with multiple authorities. **Stateless people already therefore experience prolonged periods of destitution that often locks them in statelessness for longer, and these changes will worsen their situation, with a particularly severe impact on families where both parents and children are stateless or at risk of statelessness.**

Time limits to apply for support

The government proposes introducing a deadline of 21 days (for individuals) and 90 days (for families), following the exhaustion of appeal rights, to apply for asylum support on the basis of being unable to leave the UK.

We strongly **oppose the introduction of any deadline, which simply fails to recognise the realities faced by people refused protection, experiencing destitution, and often navigating complex immigration and statelessness procedures.** Obstacles to return regularly come to light outside of this timeframe, and there is additionally the need to evidence them – which may require securing legal advice – and prepare an application. If the government required people to apply within the suggested timeframes, this would in practice mean that most people facing something the government agreed was a “genuine obstacle” to leaving the UK would nonetheless be destitute.

In particular, statelessness determination and related applications often take extended periods due to evidential complexity, barriers to accessing legal advice and representation, and the lack of awareness about statelessness.

Statelessness is complex and often intersects with other legal and practical issues. It can take years for statelessness to be identified as the underlying barrier, and for individuals to realise that they need to make a statelessness application. We regularly support individuals who apply for statelessness leave years after being refused asylum and declared appeal rights exhausted.

Access to legal representation further compounds these delays. Statelessness applications are complex and fall outside the scope of legal aid in England and Wales, requiring applications for Exceptional Case Funding. Overstretched legal providers are often reluctant to take on such cases, further delaying the point at which an applicant can demonstrate eligibility for support.

The process of preparing a statelessness application is also lengthy and demanding, involving thorough and documented gathering of evidence (including contacting schools,

foreign authorities, and embassies who are often unresponsive or inconclusive), combined with further legal research or expert evidence.

Imposing a deadline to apply for support would be a major impediment to many stateless people and disregard the above obstacles.

Removal of appeal rights and lack of procedural safeguards

The consultation states that people refused asylum and facing a 'genuine obstacle' to leaving the UK will be able to access asylum support – under the new Section 95A system – if they apply within the required timeframe. The proposed list of 'genuine obstacles' roughly mirrors the existing criteria for Section 4 support for those refused asylum. However, the framing suggests there is an intention to interpret more restrictively than it currently is. And critically, under the proposals there would be no way to appeal against a refusal of Section 95A support.

The proposed **removal of appeal rights would make it significantly harder, or even impossible, to challenge incorrect or unlawful decisions.**

Already under the existing support system, people facing a 'genuine obstacle' to leaving the UK in practice struggle to access support. The Home Office rarely acknowledges the lack of a viable route of return or inability to get travel documents, even when there is evidence of those facts and significant efforts have been made to document them. This is fundamental to why so many stateless people are refused asylum support and are forced into destitution. In our experience, asylum support decisions frequently fail to engage with evidence provided as to why someone cannot leave the country, and so it is concerning that these proposals contain no detail about how that criterion will be assessed.

The ability to appeal has been crucial for many stateless individuals. **Without independent review mechanisms**, there is a risk that errors in decision-making may remain unaddressed, pushing people to situations of limbo and consequently increasing the risk of destitution, exploitation, and abuse.

Impact on stateless families and children

The impact of these changes on families where parents are stateless or at risk of statelessness is likely to be particularly severe. Where families are unable to access support, this may affect children's access to stable housing, essential services, and opportunities to regularise their status. As outlined above, stateless families already face significant barriers and delays in accessing routes to protection, and the proposed changes may exacerbate those barriers and their vulnerability, and push them into prolonged destitution.

It is also suggested that destitute families with an outstanding application should only be eligible for local authority support if that is an Article 8 (right to family life) application. This is concerning as it would exclude applicants under other procedures, including on the basis of statelessness. If the proposed changes do go ahead, any outstanding immigration

application should qualify, including anyone with a pending application for statelessness leave.

Where families disengage from systems due to lack of support, or fear of separation, there is a risk that children may be at a heightened risk of statelessness if the parents are unable or afraid to engage with nationality or birth registration processes.

Conclusion

The proposals will inevitably lead to destitution, including for children and people who may still be eligible for other protection pathways in the UK. They also represent a significant shift in the framework governing access to asylum support and require careful assessment of their legal and practical implications. They have the potential to exacerbate statelessness, prolong situations of limbo, and place children and their families refused asylum at risk of abuse, exploitation, and entrenched destitution. We urge the Government to have due regard to the implications and consequences mentioned in this statement, to avoid long lasting damage on children and their families.

If approved, the impact on stateless people and those at risk of statelessness would be severe, compounding the uncertainty and instability they already endure and the structural barriers they face in resolving their status. By prolonging their exclusion from stable immigration status, the changes would obstruct access to existing pathways to settlement and citizenship, undermining broader efforts to reduce statelessness.

No one should be made destitute by design.

Recommendations:

- Abandon the current proposals to reform the asylum support regime;
- Ensure that everyone can access the support they need to live safely and in dignity, and that access to asylum support is based on need and responsive to individual circumstances;
- Maintain effective procedural safeguards, including access to independent appeal mechanisms;

If carrying out the proposed reforms:

- Conduct and publish a full Equality Impact Assessment, including assessment of impact on stateless people, and Child Rights Impact Assessment of the proposals;
- Ensure that the design and implementation of any changes are consistent with the UK's international obligations relating to statelessness, refugees, and the rights of the child.

Case study

Asylum Aid's client, HH, has been in the UK since 2009. He arrived from Iran, where he was born and lived all his life. His mother is Iranian and his father Afghan. Under Iranian law, he is not Iranian, as nationality passes solely down the paternal line. He has no Afghan documents either – he has never been there or registered in any way with the civil authorities.

On arrival in the UK, HH claimed asylum, but was refused by both the Home Office and the courts. Starting when he was first declared appeal rights exhausted, HH has repeatedly tried and failed to obtain travel documentation and identity documentation and submitted evidence of this to the Home Office.

Between 2011 and 2021, HH's representatives made more than 20 direct approaches to the Iranian authorities in the UK by phone, email, letter, and in person to try to obtain identity documents for him. The Iranian authorities have consistently said that he is not entitled to Iranian nationality; the Home Office finally accepted this in 2024. Between 2013 and 2024, HH and his representatives also tried repeatedly to obtain documentation from Afghan embassies in the UK and Europe. These efforts were documented and submitted to the Home Office as part of two unsuccessful statelessness applications. HH also made applications for assisted voluntary return, which the Home Office repeatedly closed because he had no ID.

Having exhausted appeal rights and being unable to leave the UK, access to "Section 4" asylum support should have been straightforward for him. Specifically, he clearly met two criteria which, in theory, *should* have made him eligible for Section 4 support: first, "taking all reasonable steps to leave the UK" and second, there being "no viable route of return" for him. And yet his asylum support has regularly been withdrawn over the last 15 years, despite him also having an outstanding application with the Home Office.

In November 2025, HH's asylum support was withdrawn again, despite over 300 pages of evidence being submitted that documented those constant efforts to obtain ID that would enable him to leave the UK. In despair at the prospect of imminent destitution, he instructed Asylum Aid to apply for voluntary return again. The Home Office rejected his application within 24 hours because he didn't have Afghan documentation.

No reasons were given why the Home Office found that he did not meet the "taking all reasonable steps to leave" criterion: their response just stated that it was not accepted that he was *'taking steps to ... place himself in a position in which he is able to leave the UK'*.

Nor did the Home Office give reasons why they did not accept that he qualified on the grounds that *that there is currently no viable route of return available* – despite the ongoing suspension of returns to Afghanistan, the lack of any formal diplomatic relations between the UK government and the Taliban regime, and the Home Office's failure even once in the last 15 years to have requested action from the Afghan authorities to facilitate his entry clearance.

Despite also submitting evidence that further protection submissions were close to being finished, the Home Office maintained the withdrawal of asylum support, reinstating it on the day before the asylum support appeal hearing after a fee waiver application was submitted. This was granted and a full application for LTR on private life grounds was submitted in March.

Case study

Sara came to UK over a decade ago and claimed asylum. Her nationality was disputed and her application refused. She exhausted her appeal rights roughly 3 years later. After this she was destitute for years. She applied for Section 4 support in the midst of the COVID-19 pandemic and was granted support. During this period the JRS UK legal project were assisting her and identified that she might be stateless.

Several months after she had been granted support, the Home Office informed Sara that her support was being reconsidered. JRS UK responded to this flagging Sara's destitution, ongoing COVID-19 risks, and that she was preparing a statelessness application and was in practice unable to leave the UK. The process of gathering evidence for this was set out.

The Home Office responded that they would discontinue Section 4 asylum support in just over 3 weeks. Sara appealed this decision to the Asylum Support Tribunal.

On appeal the judge looked at the work that had been done in approaching national embassies and other authorities in preparing the application and noted that the case had been referred on to Asylum Aid's statelessness project. Asylum Aid provided documentation about the efforts to obtain travel documentation and the next steps they had outlined. The appeal was allowed.

Sara was recognised as stateless just over a year later. She had struggled to access asylum support and, without the appeal process, would have been destitute during that year.

A lack of support while preparing for and during a statelessness application can result in years of destitution. Even once a decision is made, there is no right of appeal against refusal of leave – only an administrative review process, which currently has an 18-month backlog.