

**Supplementary information for
Minority Communities Diversity Forum
27 September 2007
Immigration and Destitution**

Recent history of people newly arriving in Derby

- People seeking asylum
- Refugees and / or people given limited leave to remain in the UK
- Migrant workers
- Family reunions
- Marriages
- Students
- Destitute 'refused' or 'failed' asylum seekers from other cities

Asylum seekers / Refugees

- 1970s, 1980s and 1990s – arrivals from Vietnam and Bosnia.
- Between 1992 and 2000, almost 277,000 people received permission to remain in the UK, 89,000 applications remained outstanding – mainly in London/South East England.
- 1999 – Humanitarian Evacuation of Kosovo/'Interim' Scheme – people supported by Home Office/Social Services, mainly in Local Authority properties. Some decisions on their asylum claims not resolved until late 2005.
- 1999 – Out of County placements by Kent County Council.

Home Office Dispersal programme: rate of dispersals: (snapshots)

- July to December 2001 – 851 people placed by NASS in Derby.
- May 2002 – 1,063 people placed, rising to 1,564 in November 2003 – in addition to people supported under 'subsistence only' arrangements, plus people from Kosovo still awaiting outcome of asylum claims.
- 2026 'bed spaces' procured for asylum seeker placements in Derby. Home Office had set a 'cluster limit' of 1,179. Already an acute shortage of affordable housing in Derby with 11,000 people on the social housing register.
- 2002 / 2003 – people of 64 nationalities had been dispersed to Derby. Largest population (then) was of Iraqi people, followed by people from African countries.

- Cessation of dispersals – September 2003 – following representations to the Home Office from Derby Police and Derby City Council about erratic rate of dispersals and community cohesion issues in Normanton/Peartree.
- Recommencement of dispersals - January 2006, following agreement between Derby City Council, Derby Police and the Home Office on numbers and suitability of placements.
- Currently approx 440 asylum seekers in Derby awaiting Home Office decisions on claims, of 44 nationalities. Largest population of current asylum seekers is Pakistani. Almost all current asylum seekers are within families.

Refugees

- Since 2000, around 6,400 NASS supported asylum applicants in East Midlands region received permission to remain in the UK.
- A study in September 2006 (EMCARS/NIACE) estimated that the overall number of refugees in the East Midlands in 2005 was 9,000. Derby's population is unknown as refugees can choose where to live following a positive Home Office decision.
- From the same study, it was estimated that between 2,500 to 6,000 additional refugees will come to the East Midlands between 2005 and 2010.
- From September 2005 people are granted refugee status reviewable after five years.

Migrant Workers

- May 2004 – EU enlarged – people from A8 countries have the right to reside in the UK if they are working and have a Workers Registration Scheme document for first year's work.
- Large but unknown number of people have arrived in Derby, mainly from Poland, Latvia, Lithuania and the Czech Republic.
- Anecdotally, many not officially registered for work or have no National Insurance numbers. Many move into Derby after having initially arrived in other UK cities. As EU nationals are not subject to Immigration control there is no record of who has come to the UK, who has stayed and who has returned home. Government only measures numbers of NINo applications. DWP records may be incomplete?
- Migrant workers cannot access non-contributory benefits until they have worked continuously for a year, but may join the social housing register if they have 'meaningful' work – over 10 hours a week. Work does not have to be permanent or full time and earnings do not have to be sufficient for support. Only one member of a household has to be employed; other family members have right to reside in the UK if supported by person working.

- January 2007 – a further 2 countries joined the EU – Romania and Bulgaria. People arriving for work have to have a work permit in place. Seem to be quite a few people arriving without this, including young people on their own.
- Most have settled temporarily in Normanton/Rosehill/Peartree areas of Derby, where there are more affordable/available properties to rent than other areas of the City. Much of the property used is unsuitable for multiple occupation and rents can be extortionate for the facilities provided. Derby City Council Housing Standards Officers are trying to get a true picture of the scale of these problems, which are growing, and are working towards enforcing safety standards wherever they can.

Family Reunions following asylum applications

- People granted indefinite leave to remain in the UK can usually apply to bring their families to join them. If they have full refugee status then they do not have to have an Immigration check to prove they have adequate accommodation and/or funds for the family joining them in the UK.
- People granted temporary leave to remain via Humanitarian Protection or Discretionary Leave to Remain rules may not, in normal circumstances, bring their children to the UK until they have been granted settlement.

Marriage/Family members joining British nationals

- A non-British national from abroad wishing to join their spouse in the UK may only be granted leave to enter the UK on condition that they have enough funds to house and accommodate themselves without recourse to public funds for (usually) two years and the British national may be asked to sign a sponsorship undertaking – and –
- Family members/children of British nationals who arrive with the spouse may also be subject to that undertaking. In most circumstances, the Border and Immigration Agency will need to be satisfied that there is adequate accommodation and funds to house and support the arriving family.

Students from abroad

- People from abroad wishing to study in the UK usually have to prove they can complete their studies with adequate funds to support and house themselves. They generally do not qualify for social housing if they have no other right to remain in the UK.

Destitution

Any people arriving in the UK under the above circumstances may fall prey to destitution sooner or later, sometimes for long periods. This might be caused by one or more of the following:

Asylum seekers

- Have to prove they are without adequate housing and support – so are destitute – to be eligible for accommodation and support from the Home Office while their asylum claim is being determined. The amount of money allowed, at levels significantly below income support, means that people struggle to maintain themselves and their families and there are reports that buying clothing essentials and so on is not possible.
- People claiming asylum can opt to receive subsistence-only support if they have friends and relatives prepared to house them. This support is usually accepted, however, as a route to avoid being dispersed to accommodation in other parts of the country, away from friends/relatives, and some people suffer real hardship.

People newly granted leave to remain in the UK

- Following a successful asylum claim, the Home Office officially grants a period of 28 days during which a person is expected to organise work, or claim benefits, and apply for housing. At the end of this time they will cease all support and accommodation arrangements. In reality, this period is often reduced to less than two weeks, sometimes only a week – too short a period of time to successfully organise funds or housing. Such people may, through no fault of their own, become temporarily destitute for weeks and/or months. They have to resort to sleeping on the floors of others' homes, which if their supporters are themselves seeking asylum, is in breach of Home Office rules and can jeopardise their friends' support.

Being present in the UK illegally

- ... so-called 'illegal immigrants'. These are people who have entered the UK in breach of immigration rules, have overstayed their visa time-limit or have not declared their presence in the UK. People arriving without proof of identity or the necessary visa documentation will also be considered to have committed a crime and will be deemed illegally present in the UK. Such people will never have any claim to benefits or support unless they legalise their presence in the UK.
- In some situations, for example people suffering Domestic Violence following arrival in the UK under ongoing sponsorship arrangements, they can apply for leave to remain in the UK in their own right, but proof and/or criminal evidence of abuse is required to support their case.

Note: once a person has claimed asylum in the UK they can stay until the Home Office has considered their claim and issued a decision. They are **not** illegal immigrants during this time but they have to prove they have no funds or means of support, and so are destitute, to qualify for Home Office support while they are waiting.

Unsuccessful asylum claims

- ...so-called 'failed' or 'refused' asylum seekers. Once a claim for asylum has been refused by the Home Office, or a negative decision has been refused upon appeal, then usually the Home Office will stop an applicant's support and accommodation and instruct them to return to their country of origin as soon as possible. They have no right to work, access mainstream benefits or housing and usually have to vacate their Home Office accommodation almost immediately – 28 days is the maximum time allowed. Such people can often rely on friends, relatives or community organisations for a short time but in the long term this is not sustainable. It almost always causes destitution – real and sustained hardship, homelessness and illness.
- In many cases, failed asylum seekers reluctantly decide they will have to return home in an attempt to escape further destitution, but their country of origin will either not accept them back, or arrange visas for their return; or there are simply no safe routes back; or the Government cannot ensure a safe reception upon a person's return. Such people remain unsupported in the UK unless they apply for 'Section 4' support. There is no apparent time limit for staying on this support.
- Refugee Action operates a 'Choices' programme which can often negotiate a safe passage back home for those choosing to do so. They do many checks to ensure that people returning are not putting their lives at considerable risk in doing so.

Note: There are no accurate records of numbers of people who are destitute following refused asylum claims in the UK and, therefore, Derby. People generally make themselves 'invisible', avoid contact with anyone in authority or officialdom and keep a low profile in communities, for fear of being involuntarily repatriated.

However:

The BBC reported that they had discovered that there are between 400,000 and 450,000 unresolved asylum cases in the Home Office systems, 155,000 to 283,000 of which have been 'refused' but the applicant is still present in the UK and not receiving any support.

- 'Hard case' or 'Section 4' support can be applied for, but in accepting accommodation and support (via vouchers) a person has to agree to certain conditions, including an acceptance that they will comply with 'removal directions' to their country of origin as soon as it can be arranged. For this reason very few people apply for Section 4 support (only about 15% of all 'refused' applications) as, to them, certainly in the short term, destitution in the UK is preferable to repatriation to their country of origin. Families with children can also be accommodated under these arrangements.
- The Government has passed legislation that entitles them to remove children and place them in care if a parent is unable to support them because they have no resources to support their family. In practice, because of the huge amount of protest this legislation prompted from advocacy groups, including from Derby via the East Midlands Consortium for Asylum and Refugee Support, the Government has only rarely attempted to apply the law nationally, and to our knowledge no-one locally has been subject to this treatment.

- The Government states that the ‘intention’ behind Section 4 support is to “convey the message of return”.
- There are currently 75 people accommodated under Section 4 support in Derby – 48 Iraqis, 21 originating from Africa, five Iranians and two from other nations.
- In Derby, much work has been done to ensure that the housing used to accommodate people receiving Section 4 support is safe, complies with basic standards and is managed properly by the people contracted to the Home Office – Accommodation Providers. Although there are sometimes still management issues, all the properties have been inspected and should now comply with housing safety legislation.
- The Home Office acknowledges it has a huge backlog of people awaiting removal from the UK. It is concentrating on repatriating first those people with refused asylum claims who they consider are a risk to national security or have been involved in serious crime. However, they have also noticeably stepped up the pace of other ‘failed asylum claim’ removals in recent months.
- The fast-track system now in place allows the Home Office to remove people almost immediately following their arrival in the UK if they quickly assess their situation and judge that their asylum claim has no merit.

Note: It is illegal for Local Authorities or any organisation reliant on Government funds to support, house or advocate on behalf of destitute, ‘failed’ asylum seekers, directly or indirectly. Derby City Council therefore cannot fund any activity which benefits ‘failed’ asylum seekers, even via other organisations such as community groups and voluntary services. It falls, by default, to the voluntary sector and charitable organisations to provide advice and subsistence support to people who have no other means to keep themselves alive. To do this they have to rely on voluntary subscriptions from various charitable groups including faith groups and churches.

- In Derby, it is mainly the Refugee Advice Centre which provides food, blankets, moral support and advocacy for people who otherwise cannot support themselves. Much of their work now involves helping destitute people.
- Nationally, many advocacy groups such as Refugee Action and the Refugee Council and voluntary and community organisations regularly challenge the Government to change their policies to prevent widespread destitution among refused asylum seekers, on Human Rights grounds. They have commissioned a report on destitution and have been challenging some situations when poor legal advice has caused asylum claims to fail in the first place.
- The Leader of Derby City Council, supported by the Chief Executive and Bob Laxton MP, wrote to the Home Secretary, then Charles Clarke, in early 2005, from MECAC. Other letters had previously been sent by various people, including representations from Derby City Council and from the Voluntary Refugee Forum about the growth of destitution in Derby. On this occasion, the Leader wished to register the Forum’s ‘deep concerns’ about the refusal of the Government to allow people to work to support themselves following refused asylum claims, suggesting that Derby initiate a pilot project to allow flexibility around the employment laws in the City whilst waiting to return to their countries of origin. The Home Office would not agree that this should go ahead.

- Many people move from city to city in an attempt to find people from their own community to support and house them following a failed asylum claim. As these are 'invisible people' it is not known how many this involves. It appears that this can cause some to polarise towards locations where they have a better chance of finding support. This means, for instance, that people from Iraq may be coming to Derby where there are Iraqi networks and people from Somalia may be gravitating towards Leicester, for similar reasons.

Migrant workers

- A person seeking work and arriving in the UK from the EEA, including from the Accession States, has a three month period in which to find a job. During that time they have the right to reside in the UK, but thereafter they only have that right if they are economically active.
- They are not entitled to access any benefits or social housing during this initial period and if they have arrived without a job in place they have to rely on their savings to live while they look for work. Some of these people do not have access to funds to enable them to buy a flight ticket home or support themselves if they are unable to secure employment, so become destitute.
- Many people are excluded from applying for social housing because they are out of work and, if homeless, have to rely on friends and relatives for housing. Some people are suffering extreme hardship if they do not have regular employment or become ill and cannot work.
- After they have worked continuously for 12 months, they are entitled to apply for benefits such as income support and job seekers allowance. Many people are employed by people or agencies who exploit them or employ them within the informal economy; their work is illegal, they do not pay tax or they are not registered for work and their employment is insecure and irregular. This includes people employed by gangmasters, and trafficked people, who pay vast sums for an 'agent' to find work in the UK for them. Some are provided with accommodation – very often substandard and overcrowded – payment for which is deducted from their wages, in addition to payments for transport to their place of work and working clothes and shoes and so on. Some people are working for totally inadequate pay – well below minimum wage levels; some have become homeless and destitute as a result.
- Eastern European women in particular seem to have been targeted by gangmasters exploiting them, forcing them into prostitution in the UK.

Note: As it is illegal to exploit people in this manner, criminal charges can (and have) been brought against the people who 'employ' them. But many people are intimidated by the people who have brought them into the UK, they owe large sums to them in 'arrangement' fees and will suffer destitution rather than making themselves known to people who may be able to help.

- Adult Social Services have had increasing numbers of European people approaching them for support because they are in destitute circumstances and have become unable to house or feed their families. Mostly they are not empowered to support people who are not economically active, and such people have to make arrangements to return home, but where people are suffering from serious disease or illness, or where children are at risk, in extreme circumstances they can sometimes provide help within National Assistance Act legislation.