

Submission to the DWP for its evaluation of whether it is necessary to increase the length of the move-on period beyond 28 days

Still Human Still Here is a coalition of some 80 organisations which are seeking to end the destitution of asylum seekers in the UK. Its members include nine City Councils, OXFAM, the Children's Society, Amnesty International, Citizens Advice Bureau, Homeless Link, Crisis, Doctors of the World, National Aids Trust, the British Red Cross, a range of faith based organisations and all of the main agencies working with asylum seekers and refugee in the UK.¹

We welcome the opportunity to input into the DWP evaluation of whether it is necessary to increase the length of the move-on period in order to enable newly recognised refugees to begin to receive the welfare benefits for which they are eligible before their Home Office support ends.

Scale and scope of the problem

It is the experience of Still Human's member organisations that newly recognised refugees consistently end up destitute because their section 95 asylum support is cut off before they are able to access mainstream benefits or start working. Over the last eight years, Still Human Still Here has repeatedly raised this issue with the Home Office, which has acknowledged the problem, but has been unable to effectively address it.

Despite repeated efforts to solve this issue through procedural improvements, the evidence shows that the problem has got worse in recent years and that very significant numbers of refugees are ending up destitute after the 28 day move-on period expires. For example:

- In 2015, the British Red Cross supported over 9,000 destitute refugees and asylum seekers of which 1,155 had refugee status (13%). This represents a significant increase on 2014 during which they supported 7,700 destitute refugees and asylum seekers of which 700 were refugees (9%).
- In 2015, 38% (225 people) of those housed by the No Accommodation Network (NACCOM) were refugees who were made homeless after obtaining leave to remain. An increase from 36% (186 people) in 2014.

Further analysis of regional and city based projects strongly indicates that the situation has further deteriorated in the first quarter of 2016 and that this is a UK wide issue.

For example, between April 2015 and March 2016, the Refugee Survival Trust provided 877 emergency grants to destitute refugees and asylum seekers in Scotland. Of these, 238 grants (27%) were made to refugees who were still waiting to access mainstream benefits after the 28 days move on period had ended.

¹ See <http://stillhumanstillhere.wordpress.com/> for a full list of members.

In the last quarter of 2015, the British Red Cross destitution project in Greater Manchester supported 79 refugees after their asylum support had been cut off. This meant 43% of all new service users were refugees. Between 1 January 2016 and 25 April 2016, a total of 118 destitute refugees were assisted by the project - an increase of nearly 50%.

The West Yorkshire Destitute Asylum Network (WYDAN) noted in a submission to the Work and Pensions Select Committee in 2015 that their members were “seeing an increase in the numbers of new refugees seeking support with accessing benefits – from advice to emergency food parcels and accommodation.”² A member of WYDAN, St. Augustine’s Centre in Halifax, noted in April 2016 that during 2015-16 they supported 74 new refugees who became destitute after the move-on period ended and described this as a “significant increase” on the previous year.

Similarly, the Service Manager for Refugee Futures (Tuntum Housing Association) in Nottingham stated in April 2016 that they had “definitely seen an increase in the amount of new refugees experiencing destitution over the past two years.” Between April 2014 and April 2016 they supported 256 destitute refugees who had to wait between four and nine weeks before they received their benefits. Refugee Futures set up their own foodbank to ensure some support for their clients as many local foodbanks only operate once a week and they only have limited access to Nottingham City Council’s Emergency Hardship Fund.

This information shows that a very significant number of refugees cannot access Job Seekers Allowance (JSA), Employment Support Allowance (ESA) or other mainstream benefits within the current 28 day time limit. Furthermore, evidence from service providers indicates that an even greater number of refugees are unable to access accommodation within this time frame. For example:

- In 2015, the Holistic Integration Service (HIS) in Scotland found that 93% of new refugees who engaged with HIS (816 people) presented as homeless to their local authority following cessation of their asylum support.³
- A survey of 100 newly recognised refugees who accessed the Refugee Council’s advice service at the end of 2015, found that 81 were homeless or about to be homeless at the point that they sought advice and of these 29 were in circumstances that constituted homelessness.
- In Leeds, G4S recorded that of the 732 individuals leaving asylum accommodation in 2015, 285 had been granted status. Housing Options, the statutory service provided by Leeds City Council to give advice on housing and assess housing entitlement for homeless people, recorded that in the same period 256 newly recognised refugees presented to them because their entitlement to NASS asylum accommodation had ended. This suggests that 90% of newly recognised refugees in Leeds were either in

² West Yorkshire Destitute Asylum Network Submission to the Work and Pensions Select Committee inquiry into benefit delivery, 2015. WYDAN includes Leeds Asylum Seekers Support Network (LASSN), Meeting Point, Abigail Housing, PAFRAS, St Augustine’s, Destitute Asylum Seekers Huddersfield (DASH), Bradford Ecumenical Asylum Concern (BEACON), Bradford Action for Refugees and Unity in Poverty Action.

³ Insights into integration pathways in Scotland, year two (1 April 2014 – 31 March 2015) of the Holistic Integration Service (HIS), June 2015.

need of housing advice and support or were homeless after leaving their section 95 accommodation.

The Leeds Project Coordinator for Abigail Housing confirmed in April 2016 that the majority of their new residents are refugees who had been evicted from NASS accommodation and had already had a period of homelessness – usually sofa surfing. It is very unusual for them to have made a claim for Housing Benefit.

Unfortunately, the vast majority of refugees who find themselves destitute will not be able to access the type of housing support offered by Abigail Housing because of the limited bed spaces available. For example, RETAS Leeds reported in April 2016 that they were supporting an Iranian refugee who was about to be made homeless as his move-on period was coming to an end. RETAS referred him to several social housing providers in the area, but were informed that they all had long waiting lists. When the refugee visited the Leeds Housing Office he was told that his only option was to apply for a loan in order to pay the deposit and initial rent charges to a private landlord as they would not be able to find him any housing before his eviction. The only reason this refugee did not end up street homeless was because members of his church stepped in and offered him accommodation.

This case illustrates a common problem: the majority of refugees are single people who are not considered vulnerable and so when they are evicted from their section 95 accommodation they are usually unable to get homelessness assistance from the local authority. As a result, they end up sofa-surfing with friends or acquaintances; living in emergency or temporary accommodation; and/or spending periods of time on the streets.

Some refugees move to different cities or regions because of issues around homelessness. The Coordinator of a St Mungo's project in London noted in April 2016 that most of their clients who are refugees had become homeless after they were forced to leave their Section 95 accommodation. The Coordinator was aware that some clients experienced delays in receiving National Insurance numbers (NINos) and JSA, but even those who had support in place often had inadequate time and assistance to be able to find themselves accommodation. Consequently, many move to London where at least there are other refugees who speak their language and can offer advice.

Accessing accommodation has become even more difficult for refugees because of the introduction of a legal requirement for landlords to check the immigration status of prospective tenants. Landlords do not tend to accept a residence permit as proof of residency and often want to see a passport. Others are reluctant to rent property to anyone who does not appear to be British.

Why are mainstream benefits not accessed within the 28 day period?

Administrative delays

WYDAN noted in evidence to the Work and Pensions Select Committee in 2015 that:

“Many clients seen by our services across Yorkshire and Humberside faced difficulties in accessing DWP benefits because of delays in receiving crucial identification documents from the Home Office, including NINos, Biometric Residence Permits, and NASS-35s (letter from the UKVI stating that support has

ended). Some clients will receive all the documents at the same time, whilst others will receive each document at different times. Without easy and quick access to these documents, new refugees struggle to access mainstream benefits within the tight 28 day grace period after receiving status.”⁴

In April 2016, Refugee Action Kingston supported a Syrian refugee who was still waiting for his NINo to be sent to him and whose 28 day move-on period was about to come to an end. He has no family or social contacts in the UK with whom he can stay, but is not considered in priority need for social housing (see case studies numbers 2, 5 and 6 in the Appendix for detailed case studies of refugees who became destitute while waiting for documents/benefit payments to begin).

This is a common problem. As new refugees are not sure whether the Home Office will have allocated them a NINo, many wait for at least a week after receiving status to see whether one arrives in the post. In the case of T, a 20 year old Eritrean man, he waited a week before seeking help from a local project. When a support worker made enquiries, it was unclear whether they should call the main NINo allocation line or a dedicated line for new refugees. Support workers were passed between departments and given the wrong information. When someone finally got through, the advisor said that the NINo would be resent, but would take up to seven working days to arrive. This left T with only one week in which to apply for DWP benefits, sort out housing and open a bank account before his NASS support was stopped.⁵

The Asylum Support Appeals Project (ASAP) was involved in four cases between March 2015 and February 2016 in which they represented clients before the Asylum Support Tribunal who were appealing against decisions terminating their asylum support after a grant of refugee or humanitarian protection status. In these four cases, the Home Office had not provided a NINo when notifying the client of their permission to stay and issuing them with a Biometric Residence Permit. Without a NINo, the refugees were unable to start work or access mainstream benefits when the 28-day grace period ran out. In all these cases, the judge either allowed or remitted the appeal, generally holding that the 28-day grace period should not start until the NINo is received by the refugee.

Home Office caseworkers take the necessary information to complete an application for a NINo during the asylum interview and should automatically apply for a NINo for all adult refugees at the moment they grant them status. However, this regularly does not happen in practice, even though this apparently contradicts their own policy, which states: “In all cases ... where leave is being granted a NINo update letter **MUST** be prepared. Where a NINo is enclosed the letter will act as a covering letter to it and if there is no NINo it will inform claimants the reasons why it is not enclosed.”⁶

Delays around documentation also arise when the documents have been sent, but not received by the refugee. For example, Revive, a support group in Manchester, noted in April 2016 that they had several cases where the Home Office claims to have sent out the Biometric Residence Permit, but they have not been received. Even where a tracking number had been obtained the cards seem to have disappeared in transit. There could be a variety of

⁴ WYDAN, Submission to the Work and Pensions Select Committee inquiry into benefit delivery, 2015.

⁵ WYDAN, Submission to the Work and Pensions Select Committee inquiry into benefit delivery, 2015.

⁶ See Procedure for Issuing a National Insurance Number (NINO) to Asylum Claimants Granted Leave to Enter or Remain in the United Kingdom, page 10.

explanations for this: the documents were lost by the postal service; the refugee was recently moved to new NASS accommodation and the documents have been sent to the wrong address; the refugee lives in multiple occupancy accommodation and the documents were delivered but not given to the refugee directly; the documents were sent to the wrong solicitor (e.g. one who is no longer working on the case).

Since July 2015, the 28 move-on period should only begin from when the letter and BRP are received, but this does not always happen in practice. In addition, where there is a delay in receiving the NINo or other documentation, section 95 support and accommodation are still terminated after 28 days, irrespective of the reason for the delay.

Poor advice and practice

In 2015, WYDAN noted that “Unfortunately, many of our services report that their clients were also given misleading, incorrect and unhelpful guidance from Job Centre advisors. Some centres refused to accept JSA/ESA claims until after the grace period had ended, meaning that new refugees were forced into destitution before they can even start their claims for mainstream benefits. One service in Barnsley spoke of a couple who were wrongly advised by the Job Centre that they could not attend a work-focused interview until after their Home Office support had been terminated.”⁷

This experience was not confined to Yorkshire and Humber. In April 2016, the Manager of Asylum Support Housing Advice in Manchester recounted one case in which a male refugee who went to the Job Centre for help was told to go away and apply online or by phone. The refugee tried to apply online, but could not proceed as he did not have a NINo which is required for an online application. He then called the DWP and was told his English was not good enough to apply by phone.

In another case, the Manager had to call on behalf of a refugee who was told that he could not claim JSA until his section 95 support had stopped. It was only after she read out the DWP guidance that the Job Centre advisor agreed to accept the application (see also case study number 3 in the Appendix in which support workers had to re-send the same information four times to a Job Centre).

Refugee Futures in Nottingham reported in April 2016 that DWP in their area still insist on conducting a Habitual Residency Test (HRT), despite Home Office guidelines stating that there is no requirement to do this for refugees. Refugee Futures have challenged this practice many times over past four years without success.

The following case study from GARAS in Cardiff relating to an Eritrean refugee (ER), who was granted status on 10 November 2015, illustrates many of the problems identified above that newly recognised refugees encounter in trying to access mainstream benefits.

ER’s NASS support was stopped on 3 December 2015, but he did not manage to get an appointment with the Job Centre to apply for a NINo until 8 December 2015. GARAS tried to notify the caseworker dealing with the ESA application of ER’s new address, but this could not be done by phone without a NINo, which only arrived on 21 December 2015.

⁷ WYDAN, Submission to the Work and Pensions Select Committee inquiry into benefit delivery, 2015.

On 30 December 2015, ER was refused ESA because he was considered to have failed the Habitual Residence Test (HRT). A request for a short term Benefit Advance was also refused because he had failed the HRT. On 6 January 2016, a caseworker from GARAS accompanied the refugee to Job Centre Plus (JCP) to complete another HRT form which took a further two weeks to process.

During this time, ER was dependent on charity handouts and loans from people he knew. He was also diagnosed with TB and the hospital advised him to eat more. GARAS consequently had to apply for charity funding in order to buy food for ER to safeguard his health.

On 25 January, GARAS had to further engage with JCP as ER's bank account had been closed. On 27 January, 56 days after his asylum support was stopped, ER finally received his ESA. By this time, he needed to obtain a new sick note for JCP.

Accessing bank accounts

Refugees are frequently unable to open a bank account during the transition period because they do not have the required identity documents. For example, occupancy documents issued by G4S are not accepted by banks (they require tenancy agreements) and refugees generally do not have utility bills to support applications (see case study five in the Appendix for an illustration of this problem).

The DWP are unable to process application for benefit without a bank account and will withhold payments until one is open. Often the only solution is for the DWP to help organise a 'simple payment account' through the Post Office. However, this process is not always well understood and even when successful many local shops will not accept the Simple Payment vouchers, resulting in service users walking for miles to cash in vouchers.

Challenges for refugees in trying to access support

Accessing mainstream welfare benefits is challenging for British citizens, but it is often impenetrable for refugees who are generally not familiar with the procedures or sufficiently fluent in English to navigate the system. In addition, most refugees cannot rely on a network of friends and contacts for advice and support and often do not know what local services are available to them or where to go for help.

The following case of Ahmed, a 24 years old Syrian who was assisted by St Chad's Sanctuary in Birmingham, illustrates the difficulties newly recognised refugees face.

Ahmed was dispersed to Wolverhampton. He speaks no English and therefore did not understand the letters he received stating he had been granted refugee status on 15 March 2016 and that his support would be stopped on 13 April. He was not advised about what would happen next or told where to go to seek assistance.

On 12 April, a woman from G4S, his housing provider, came to see Ahmed and asked him to sign a piece of paper. He did not know what it was and no interpreter was provided, but because she insisted he signed the form and she gave him another letter. It was only when he showed this letter to another man living in the house who could

read English and spoke Arabic, that he found out that the letter said he had to leave the property the next day.

Ahmed was unaware he could apply for social housing and benefits. He went to live with another asylum seeker, a friend from Sudan. However, he had to leave this property on 27 April when his friend's support was also discontinued. Ahmed then travelled to Birmingham as he had a friend there who spoke English. His friend brought him to St. Chad's Sanctuary on 28 April. Volunteers at St. Chad's signposted him to the British Red Cross drop in where he could get advice. Ahmed said he would ask at the mosque to see if he could stay with them overnight.

Part of the reason why more refugees are becoming destitute after the move-on period expires is that the Home Office now aims to take decisions on all non-complex asylum cases within six months. This makes it much more likely that refugees will be granted status before they become familiar with the language, systems and support services in the UK. In addition, budget cuts mean that there are less voluntary and statutory services available to help guide and support refugees through the process or assist those who do become destitute when the move-on period ends.

Even those refugees who do speak English fluently and have lived in the UK for some time are often overwhelmed by the number of things they have to do in such a short period of time in order to transit successfully between asylum support and mainstream benefits. A welfare advisor from Freedom from Torture noted in April 2016 that there “are a huge amount of difficulties with transition” and highlighted some of the main challenges they encounter as:

“...gate-keeping by Local Authorities; lack of interpreters/poor interpreting at HPU; client cannot secure an appointment over the telephone in advance of visiting the HPU because they do not meet the (narrow) criteria over the telephone screening and then they cannot get a walk in appointment because they have not secured an appointment over the telephone first; the client does not have all the documentation required or there are delays regarding NI numbers/benefits/ID docs; the client does not fit criteria for borough links but none the less has borough links that may be historic rather than recent but this is rarely taken into consideration; long waiting times for initial appointments so that the client is destitute for some time before they ever get to declare homelessness, clients health then can deteriorate further because of destitution; lack of experience by HPU professionals in catering for the specific needs and vulnerabilities of our clients, for example, not understanding the need for some of our clients to have self-contained properties because of their specific mental health needs; inappropriate temporary accommodation (chaotic hostels) for many of our clients, especially those with children; the insecurity of client's moving from insecure immigration status to having status but remaining in a highly insecure position. This latter point seems to be totally overlooked by Local Authorities as a risk for people newly granted refugee status.

In sum, transition is highly stressful for most of our clients and managing their expectations is very difficult especially when every Local Authority operates differently, there is little or no continuity of care/casework for clients in the way their applications are handled and it is totally disempowering for them as they go from being granted status to feeling like they have no entitlements because of becoming

destitute when they don't need to if appropriate support were in place. The 28 days is totally inadequate in my opinion..."

Refugees' health and the consequences of destitution

The British Medical Association has noted that asylum seekers often have specific health problems which are related to the effects of war and torture (between 5-30% of asylum seekers are estimated to have been tortured)⁸ and a higher incidence of illnesses like tuberculosis, hepatitis and parasitic infections.⁹ The Royal College of Obstetricians and Gynaecologists has stressed that pregnant asylum seeking women are seven times more likely to develop complications during childbirth and three times more likely to die than the general population.¹⁰ The Royal College of Psychiatrists also highlighted that "The psychological health of refugees and asylum seekers currently worsens on contact with the UK asylum system."¹¹

As this information makes clear, refugees often have complex health needs which can inhibit their ability to engage with the transition process. Consequently, the most vulnerable refugees are also the ones most likely to become destitute when the 28 day move-on period comes to an end.

The Women in Exile Project at the Women's Centre in Kirklees reported that women who access the project's mental health services and are granted refugee status frequently experience a deterioration in their mental health as a direct result of the pressure caused by having to transit between support systems within the 28 day deadline.

Many women struggle to attend the numerous appointments with different agencies while simultaneously trying to properly feed and look after their families on a very limited budget. They also find the challenge of trying to secure safe, appropriate accommodation that will allow them to stay in the catchment area for their family's services (schools, healthcare, etc.) extremely stressful.

During this process, women often miss their appointments with the Women's Centre, breaking their continuity of healthcare and negatively impacting on their mental health. This process is exacerbated when the NASS support is terminated and the refugee becomes destitute. An advisor from Freedom from Torture considered that the impact on their clients of being made homeless, negated all the work they had done to overcome their trauma and more or less brought them back to square one. This is illustrated in the following two cases provided by the Women's Centre in April 2015.

WA received a positive decision on her asylum claim and immediately applied for JSA, but it took a total of 58 days before she was able to access accommodation and benefits. She consequently became destitute when she was evicted from her asylum housing and she slept rough for three days. She was then housed by friends for three weeks before hearing about the Women's Centre and attending one of the drop-ins.

⁸ A. Burnett and M. Peel, *The health of survivors of torture and organised violence*, BMJ, 322, 2001.

⁹ Sharpe A, *Asylum seekers: meeting their health care needs*, BMA, 2002 www.bma.org.uk

¹⁰ Centre for Maternal and Child Enquiries (CMACE), 2011, *Perinatal Mortality 2009: United Kingdom*, London: CMACE

¹¹ The Royal College of Psychiatrists (RCP), *Improving services for refugees and asylum seekers: position statement*, Summer 2007.

The Centre supported her and she was eventually accepted as being in priority need by the local authority who accommodated her in an unfurnished house. With no furniture and isolated from the community, her mental health deteriorated and she has been hospitalised for self-harming.

WD was granted status and applied for JSA on the day her asylum support was terminated. She was provided with accommodation, but the JSA was delayed for more than three weeks. While she didn't receive any money, she still had to sign at the Job Centre and to fulfil her job-seeking contract. Her mental health deteriorated and she told the Women's Centre: "I wish they (Home Office) would take back the paper (granting asylum) and I stay as asylum – it's better than this. It's such terrible stress"

Once support has been cut off, refugees find it even more difficult to resolve the administrative issues which are preventing them from accessing the support they are entitled to. For example, it is extremely difficult for a refugee who doesn't have any money to call the Job Centre or DWP in order to resolve a problem or provide necessary information, particularly when it can take over an hour to get through to an advisor and go through an ESA application.

In April 2016, an advice worker for Refugee Action Kingston highlighted the case of a Syrian refugee they assisted who ended up sleeping under a bridge for three weeks. He had no Biometric Residency Permit or NINo to apply for benefits and also needed an address in order to make a benefits application. Refugee Action managed to find him a temporary place in a night shelter and eventually he received his documents and was able to access mainstream benefits.

The consequences of leaving refugees without support, even for very short periods of time, is extremely serious as it both causes illness and complicates existing health problems. The deterioration in their health once they become destitute will be quicker and more pronounced than in the general population because of their vulnerability and due to the fact that they have already been living well below the poverty line (on just over £5 a day), in some cases for extended periods of time, while waiting for their case to be decided.

The consequences of this were illustrated in a 2012 Serious Case Review which involved a refugee who developed a brain infection and could not look after her child, EG. The boy starved to death and the mother died two days later. The family became destitute during the transition from asylum to mainstream support, leaving the family "dependent upon ad hoc payments by local agencies." The review expressed "concern about the adverse consequences on vulnerable children and the resulting additional pressure on local professional agencies" when support was cut off.

The current situation in which refugees and their families are routinely left destitute because their section 95 support is cut off before they are able to access mainstream support means that the lessons from EG have not been learned as there has been no change in policy which would prevent this from happening again. On the contrary, the following case of M, a Nigerian refugee with two children, could easily have resulted in another tragedy like EG:

M was awarded status following social services advocating that it was in the best interests of the children for the family to remain in the UK, due to M's severe mental health issues and the need for ongoing support. Making a claim for Income Support

was complicated. Bank account details were needed to make the claim, so the application was delayed until this was arranged. The Job Centre then advised that her new claim could not be processed until two days before her NASS support was due to end. When the claim was processed, it took over a month for the first payment to be made. Claims for Housing Benefit and Child Tax Credits were also made but inevitably the NASS support ran out before M received any of these payments. As a result, the family were left in temporary accommodation without any subsistence support for a number of weeks. During this period of destitution, food parcels and hardship payments were provided by Meeting Point for the family. The whole experience was very distressing for M especially considering her poor mental health.¹²

It should also be noted that some refugees who are left destitute will consider other survival strategies in order to provide for themselves or their families. This may lead to them becoming involved in illegal and exploitative work, abusive transactional relationships, begging and prostitution – all of which put them at risk of harm.

What needs to change to ensure refugees are not left without support

In 2005, the Home Office published its National Strategy for Integration which states that it is “essential that we support refugees in realising their full potential – economically, culturally and in terms of social inclusion.” It also notes that successful refugee integration supports wider departmental priorities, including building cohesion, reducing health inequalities, tackling extremism and increasing community empowerment.

In this document, the Home Office also highlighted that refugees were not receiving their documentation before their asylum support was terminated and stressed that this “is of great importance in ensuring that most new refugees make a successful transition to life in the UK.”¹³

The Home Office further identified the provision of intensive one-to-one caseworker support to newly recognised refugees, during the 28 day period and beyond, as being crucial to successful integration and this caseworker approach has been a successful part of all recent integration strategies, including Sunrise, RIES and the Gateway programme.

In this way, the Government itself recognises that a smooth transition from section 95 support to mainstream benefits is pivotal to avoiding short term destitution and to ensuring the long term successful integration of refugees into UK society.¹⁴

Yet, more than 10 years after these findings were published, this problem still persists. In April 2016, a member of the North East Migration Partnership outlined a range of initiatives that had been undertaken in the region to address destitution amongst refugees after the move-on period expired:

¹² WYDAN, Submission to the Work and Pensions Select Committee inquiry into benefit delivery, 2015.

¹³ Home Office, Integration Matters: A National Strategy for Refugee Integration, March 2005, page 62

¹⁴ As set out in various Home Office publications, including: Home Office, Integration Matters: A National Strategy for Refugee Integration, March 2005; UKBA, Moving on Together: Government’s recommitment to supporting refugees, March 2009; Home Office, The Gateway Protection Programme: an evaluation, Research Report 12, February 2009; and Home Office Spotlight on refugee integration: findings from the Survey on New Refugees in the UK, Research Report 37, July 2010.

Over the past 18 months, the North East Migration Partnership's Subgroup dedicated to closing the move-on gap has, with the full co-operation of the region's DWP, JCP and representatives from the HMRC, tried all kinds of practical measures to close the move-on gap for new status refugees living across the North East. These initiatives included collecting and analysing case studies to isolate and address pinch points, refreshing and strengthening process guidance to JCP staff, including a reminder that JCP can issue temporary NINOs, workshops held with JCP staff, clarifying the process for support agencies including producing a set of information cards for refugee-led community groups, and reviewing available escalation routes.

Our work contributed to action at the national level between DWP and the Home Office to improve guidance directly given to individuals granted leave to remain, which resulted in the publication in July 2015 by the DWP of a new document (called *Help available from the Department for Work and Pensions for people from abroad*) which the Home Office issued with all grant letters to individuals, and was also given by the COMPASS contractor in the North East to its service users as a back up. None of these measures closed the gap. So, at the end of 2015, North East Migration Partnership made clear in discussions with the Home Office COMPASS contract management team that it had concluded it was not possible to close the move-on gap for newly recognised refugees through any process improvements that did not include the actual hand in process itself. They concluded the only effective solution was to provide an active referral to the benefits system (termed a 'warm hand-in' by the DWP), as indeed is successfully done for resettled refugees under the Syrian Vulnerable Persons Resettlement Programme and the Afghan Interpreters programme in our region. Without this there are simply too many players and permutations that can lead to someone falling through the transition gap and so delay the registration of new claims and lead to destitution for newly recognised refugees.

As has been highlighted in this paper, there are some measures that could be taken which would help to reduce administrative delays in the transition process from asylum to mainstream support, including: starting the 28 day period from the point when a refugee receives all their relevant documents, including the NINO; providing intensive one-to-one caseworker support to newly recognised refugees to support the integration process; and ensuring there is an active referral to the benefits system.

While Still Human would like to see these changes take place, we believe that even if all these improvements were implemented it would still not solve the problem. For example, previous DWP research from 2013 indicated that it takes on average 32 days *from receipt of a claim* to first payment for a claimant with a National Insurance number and 35 days for a claimant without. This would indicate that even if the 28 day grace period did start from the point when DWP received a claim for support, a refugee would, on average still, spend at least four days without support.

Furthermore, as has been highlighted above, there will always be a significant number of vulnerable refugees who will struggle to engage with the system (e.g. because of health problems or because they do not speak English) and will not be able to access benefit payments within the 28 day timeframe, *even when they are supported by a dedicated caseworker*.

This is evidenced by the experience of the Holistic Integration Service (HIS) in Scotland which found that even with a dedicated caseworker, refugees only received their first benefit payment on average 42-50 days after they received status, resulting in 14-18 days of destitution (see also case study number 1 in the Appendix for an example of how long it can take to access benefits even with the support of a caseworker).¹⁵

In addition, from 25 May 2016, all newly recognised refugees in Newcastle City Centre will be applying for Universal Credit (UC) instead of JSA or other working age benefits. UC can only be applied for online and the online form is only available in English or Welsh. A member of the North East Migration Partnership made the following observations as to whether applications for UC could be successfully concluded within the current 28 day deadline:

... once someone opens their online account they have 28 days to complete their online application and payments of UC only start one month and one week after completion of the online form. This will effectively make it impossible for move-on refugees to receive mainstream benefits at the point where their asylum support terminates. Even if an individual opened their online account and completed their form on day one of the move on period, they would not receive any benefit payment until at least day 35. There will be one single payment for all benefits – so processing of the claim against all elements, including housing, must be completed before any payment is made. Payments will only be made into Bank Accounts, which include Basic Bank Accounts so are reliant on individuals being able to open a Bank Account which has been problematic for many individuals (Post Office accounts cannot be used).

Conclusion

The most straight-forward way to ensure that newly recognized refugees do not end up destitute would be to maintain section 95 support until their mainstream benefits are ready to start so that there is a seamless transition between support systems. However, if the Government wishes to maintain the current system in which there is a fixed move-on period, then based on the evidence cited above, Still Human Still Here believes that this should be increased from the current 28 days to at least 42 days and preferably to 49 days.

This will dramatically reduce the incidence of destitution amongst refugees; will improve the effective integration of refugees; and free up significant resources for both voluntary and statutory agencies that is currently used to provide urgent assistance to refugees who are about to have their support cut off or who have already become destitute (see for example case study 1 in the Appendix).

¹⁵ Insights into integration pathways in Scotland, year two (1 April 2014 – 31 March 2015) of the Holistic Integration Service (HIS), June 2015.

Appendix – detailed case studies illustrating the difficulties in trying to complete the transition to mainstream benefits with the 28 day move-on period

Case study No.1 from St. Augustine’s Centre in Halifax, granted status in January 2016

Ensia, a 34 year-old Iranian women, arrived in the UK in July 2015 and claimed asylum. She suffers from severe mental health problems and was consequently provided with support from the community mental health team and housing office in addition to the casework team at St. Augustine’s Centre. Even with this level of support, Ensia became destitute due to delays in the provision of key documentation, delays in benefits being processed and delays created by being accommodated out of area due to there being no emergency accommodation in Halifax. During her period of transition Ensia had the added difficulty of needing to attend regular mental health appointments regarding her medication. During her destitution period Ensia disclosed having suicidal thoughts and the police were called on one occasion due to a mental health crisis.

Ensia was housed in bed and breakfast accommodation out of area for a period of over six weeks. There were no cooking facilities and Ensia could not afford to buy pre-prepared food. Her claim for ESA took over one month to be paid, hardship payments were made by St. Augustine’s Centre to cover the period 05/03/2016 – 23/03/2016. Support staff were required to provide out of hours support on multiple occasions, regular advocacy was required to iron out issues and to inform statutory services who were not familiar with the issues and reasons for delays facing new refugees.

Timeline of transition:

27/01/2016 – Received refugee status. BRP documents and NINo were delayed and not sent out. Applications for bank account and benefits were delayed due to lack of documentation. Advised to wait to receive documents.

25/02/2016 - Temporary NINo requested and applied for Employment Support Allowance.

28/02/2016 - Accommodation advice sought and application for accommodation made.

03/03/2016 - After advocacy by our caseworker her NINo was eventually received.

05/03/2016 – NASS terminated. Places sought by caseworker at hostels across the region; advised that her support needs were too high for general hostels but too low to be considered priority by Calderdale Council. After advocacy, Calderdale Council re-assessed her and accommodated her out of area in emergency bed and breakfast accommodation in Huddersfield. Support network and appointments were consequently disrupted.

09/03/2016 – Bank account appointment unsuccessful, no proof of address due to lack of documentation and having left NASS accommodation. Ordered Simple Payments Card for benefit to be paid into.

10/03/2016 - ESA benefit being processed.

21/03/2016 – Caseworker called ESA to enquire why there had been no payments, advised that sick notes had been received covering the period since Refugee status was granted but system had not been updated, also suggested that the change of address may have delayed matters.

23/03/2016 - First payment of ESA received after advocacy by caseworker.

21/04/2016 – Accommodation provided back in area by Pennine Housing.

Case Study No.2 from St. Augustine's Centre in Halifax, granted status September 2015

Maria, a 38 year old Nigerian women, claimed asylum in March 2015. She was granted refugee status on 19/09/2015. St. Augustine's staff and volunteers supported Maria with her transition, but due to the length of time between applying for benefits and receiving payment, we were unable to avoid a period of destitution between 17/10/2015 and 12/12/2015 when all eligible benefits were in place. It took five weeks for Income Support; eight weeks for Child Benefit and 12 weeks for Child Tax Credits to be paid.

Maria and her four children, including a baby under one, survived on a £40 hardship payment from St. Augustine's Centre for one week immediately after their NASS terminated, and then survived on a very limited income for seven weeks until all benefits were in place. During this period Maria was unable to afford to heat the home, pay for school bus fares and put enough money on the gas meter to cook for the family.

Timeline of transition:

19/09/2015 – Received refugee status.

29/09/2015 – Applied for Child Benefit.

05/10/2015 – Applied for Income Support and requested Child Tax Credits application form to be sent to applicant.

13/10/2015 – Application for local housing 'Key Choice' bidding system.

14/10/2015 - Applied for Housing Benefit and Discretionary Housing Payment for bond.

16/10/2015 – Moved into private rented accommodation. Bond cannot be paid by council until other benefits are in place, explained this to landlord, agreed family can move in anyway.

17/10/2015 – NASS terminated.

19/10/2015 – Applied for Child Tax Credits.

20/10/2015 – Applied for Short Term Benefit Advance and Emergency Living Support application for Local Authority.

23/10/2015 – Payment for Income Support received.

29/10/2015 – Children walking 1.9 miles to school as transition from asylum seeker to refugee mean their free school transport has been disrupted (cost for bus fares £70 per week). New applications made for free bus passes.

3/11/2015 – Provided with Short Term benefit advance of £68, not the £340 she was advised she would receive. Emergency Living Support from LA not granted – told not eligible.

16/11/2015 – Application for local housing now made 'live', able to begin bidding for housing.

19/11/2015 – Received Child Benefit payment and backdated for 3 months.

12/12/2015 – Received Child Tax Credits backdated payments.

Case Study No. 3 from St. Augustine's Centre in Halifax, granted status November 2015

Abdul, an 18 year old Sudanese man, claimed asylum in July 2015. He received his refugee status on 02/11/2015. Abdul speaks very little English and was considered to be particularly vulnerable due to his young age. Abdul was destitute for three weeks immediately after his NASS support finished. He stayed with friends who were still living in NASS accommodation and who also provided him with food. He then received Income Support for five weeks before the payments ceased pending further information. This information was sent by St. Augustine's staff four times before it was updated on the Job Centre system. This

took up a lot of staff member and volunteer time at the drop-in and necessitated repeat appointments on the same issue. Abdul was homeless and sofa surfing during this period which compounded the issues of not having any money for nearly seven weeks.

Timeline of transition:

02/11/2015 – Received refugee status.

05/11/2015 – Applied for Job Seekers Allowance.

26/11/2016 – Claimed Income Support as advised by Job Centre that he is ineligible due to studying 18hrs a week.

30/11/2015 – NASS terminated.

30/11/2015 – Staying with friend, made application for local housing ‘Key Choice’ bidding scheme.

20/12/2015 – Income Support Payment received.

25/01/2016 – Income Support Payments stopped due to further information regarding course of study requested by Job Centre. Requested information (A164 - Verification) sent to Stockton Benefits Centre.

28/01/2016 – Requested information sent again as Job Centre said they had not received it.

23/02/2016 – Information requested by Job Centre still not updated on system.

24/02/2016 – Hardship payment made by St. Augustine’s Centre.

25/02/2016 – Resent information for a third time, arrangement made to fax copy and reinstate benefit due to ‘exceptional circs’.

03/03/2016 – Income Support still not received documents, resent for a fourth time.

03/03/2016 – Moved into own accommodation, Housing Benefit in place.

10/03/2016 – Income Support reinstated and backdated payment made.

Case study No. 4 from Refugee Action in Bradford, granted status in March 2016

I got a letter telling me I had refugee status on 05.03.16 and my BRP arrived in the post on the same day. I went to Bradford Action for Refugees the same day for help. They asked if I had a national insurance number and I told them I had signed a letter with the Home Office to get one when I had my interview. They told me to wait a few days for this to arrive. I waited a week but nothing arrived. However I did get a letter from asylum support telling me my support would end on 07.04.16. I went back to BAfR on 17.03.16 and they helped me to call the job centre and apply for Job Seekers Allowance. The worker on the phone said I needed to apply for my own NINo but I was told by BAfR that the benefits application I had made should trigger a NINo appointment.

I had an appointment at the job centre a couple of days later where they took information about my status to start my claim. I asked them about NINo and they gave me a phone number to call myself. I went back to BAfR and they called for me. I was given an appointment in Leeds on 04.04.16 to have an interview about my NINo. I was told to wait and my NINo would come. From 17.03.16 I had to go to the job centre every week to show I was looking for work. I had to pay bus fare from my asylum support and I was not getting any JSA. They just kept saying I had to wait for it but I still had to go there.

As soon as I received the letter to say my support was ending I took that and my BRP to housing options to apply for a house. My parents are also in the UK and we got status around the same time so I asked to live with them. They are both elderly with health issues and really need support. I spend all of my time and money on helping them and going to see

them. Housing Options said I couldn't live with them even though they had been given a two bedroom property. From 12.03.16 up until 07.04.16 I visited Housing Options around five times to find out what was happening but they were always quite rude and told me just to wait.

On 07.04.16 I was homeless and so I went to them at 9am with all my belongings. They told me they will try to find a hostel and sent me away. Later in the day they called me to say that they couldn't get me in to a hostel because I didn't have a NINo or any benefits. They said they couldn't help me further when I asked them what I should do. As I was totally homeless I stayed at my parent's house even though I had been told I wasn't supposed to live with them so I felt guilty I had done this. The next day I got help from Family Action who managed to liaise with housing options and get me a place at Palm Cove Society. I went to them on 08.04.16 and had no money or NINo. They helped me to get food parcels and I would also go to temple and get food if I could but I had to walk as I had no money for bus.

I tried to get a bank account at Barclays but they sent me away as they said I could not get an account without an income, but the job centre had told me they couldn't pay me money unless I had a bank account. Palm Cove called daily to JSA to ask about the benefits and they sent me a letter on 11.04.16. I was able to use this letter and my BRP to open an account at Nationwide and my benefits were finally paid. I think this is when my NINo must have been given as I then received a letter about that too.

I wish that I had my NINo straight away as I was told by the Home Office in my interview that I had signed for this. Other people at temple had their NINo sent with their BRP and so they got their money straight away and had their asylum support topped up to JSA level. They had no trouble getting a bank account or getting a house. I don't think there should be a gap between asylum support stopping and JSA starting as this is very difficult. At the housing office they were very rude to me and they expected me to know how the process worked. I am not from the UK I do not understand how the housing system works. I think there should be someone who can explain the process to you.

Case Study No. 5 from Refugee Action in Bradford, granted status in September 2015

I got a letter on 14.09.15 to say I had refugee status from 08.09.15 and another letter with my BRP in it. I have lots of health problems so I saw an advocacy worker at Solace (mental health charity working with asylum seekers and refugees) for help. She made an appointment with me on 25.09.15 and explained to me about ESA. We called the new benefit line to apply for this and I was told they would write to me.

On 28.09.15 I went to a bank with my BRP to open a bank account as I was told I needed this to get benefits. They told me I couldn't open one without an official letter showing my address or a NINo. They would not take any of my home office letters. On the same day I went to the housing office and they took my details but they said they couldn't help me yet as I didn't have a letter saying my support would finish. They seemed to dismiss me and they didn't treat me very well, I felt like they were very rude. I went to both of these places with my befriender as she helps me a lot and speaks English better than me.

My befriender also made an appointment for me to apply for a NINo as I did not have one, this was about 01.10.15. This was at a job centre in another town so I had to travel by bus to get there. They said I couldn't apply for one as I had said I will work however I had applied

for ESA. I went back to Solace on 02.10.15 and they called the benefits help line to ask about a NINo - they said I needed to call NINo line directly to make an appointment, which is what my befriender had done in the first place where we got turned away.

We called the NINO line and they said no I couldn't apply and would be turned down again, it is benefits that should make the NINo appointment if ESA has been applied for. We called the benefits line again and they tried to tell us the same thing so my worker argued this time and they agreed they would make the appointment for me and I would have to wait. To make these three calls we had to go on hold each time so altogether it took about 2 hours for us to sort this out. My worker at Solace said this is something that should have been automatically done in the first place when we applied for the ESA on 25.9.15.

During the next week I got a letter from my GP to confirm my address and my befriender went to the bank with me again. We were at the bank for over 3 hours while they checked my letters and finally agreed to open a bank account. It was a new worker at the bank and he read the policy and found that he did not need a NINo to open the account. I also received my termination letter and was told I must leave my accommodation on 23.10.15. I saw Solace again on 09.10.15 and they called the benefits help line to give them my bank details. They said I couldn't give them as I had no NINo I must wait for a call back and give them then. My worker arranged for them to call her which they did on the 12.10.15 and she gave them the details. They said I should send my sick note so I put that in the post. My worker also told me to take my termination letter to housing.

I went back to housing on 12.10.15 with my befriender. I had also been to the GP to get a letter about my health problems, as well as getting my GP to call housing office as well. Housing said I would be a priority and that I should go back on 23.10.15 when I was homeless and they will give me a house. I was so relieved to hear this as I was worried about leaving my old house and where I would go. I was sent a letter to say I should go to the job centre on 23.10.15 for my NINo interview.

I was worried as this was the same day as my house was finishing. I saw my Solace worker again on 16.10.15 and she explained that I should go to both places as it was important. My befriender agreed to go with me which was another long bus journey. When I was homeless on 23.10.15 I went to housing and they told me to look on the internet for properties but I do not have a computer. Luckily my befriender had made contact with a housing organisation called Fusion and so I went to them and they spoke to the council and got me in to a hostel for the night. It was ok. They then supported me with housing and benefit problems and did help me to find a house.

Although I had a house my money was not paid until 16.11.15 so I had to survive 23 days with no money. Throughout the whole of this time I was mad. I took more medication and I was crying all the time. I had physical symptoms and my body was very itchy, I was scratching until it bled. My GP referred me to a dermatologist. Fusion referred me to another charity to get food parcels which is all dry and tinned food so I did not have anything fresh for a long time. I wish I had the NINo straight away and my benefits started once I had the decision. I did get back pay to when my refugee status was given but I had already been through so much stress and needed the money at the time rather than after.

Case Study No. 6 from PAFRAS in Leeds, granted status in April 2016

Mrs Y, an Iraqi single mother, was granted asylum on 19 April 2016, she is five months pregnant. Mrs Y applied for Income Support by telephone on 21 April with the help of a Children's Centre. Because her NINo had not been issued at that point the application was recorded under a temporary reference.

She received a letter from Job Centre Plus and the Income Support form to sign shortly afterwards. In the meantime she received her NINo. She took the Income Support form and evidence of her leave to remain in the UK, along with her NINo letter to the Jobcentre. The person at the desk copied her documents for her, but although she gave them the NINo letter she doesn't think they copied it. They then told her to sign the form and post it in the envelope provided, which she did.

On 12 May, we called the Benefits Enquiries line to inquire about progress of the application. At that point, we had not seen the letter dated 21 April which indicated that a temporary reference and not Mrs Y's NINo had been used for the application. We were told that there was no record of the application. Once we had had sight of the letter we called back to try to link the application made under the temporary reference to Mrs Y's NINo. We were told that this was not possible. The adviser, who was helpful, searched for the application under the temporary reference but could find nothing. She advised us to make a fresh application.

We then called the claim line. The agent took Mrs Y's NINo and her name, he found the account but when he asked us to confirm her title, Mrs, he said there was a serious problem with the data recorded on the database and he would not be able to take the application over the phone. He said he would send out a paper form for Mrs Y to complete and return. After some discussion he was persuaded to explain the nature of the problem. He said that the database recorded Mrs Y as a Mr, and a male and this was not something that he was able to change. We assented to making a paper-based application and he indicated that the form would be sent the same day and should arrive by 16 or 17 May.

Mrs Y's Asylum Support will be discontinued on 18 May. She is five months pregnant and has a child who is just under three. Her Income Support application should be almost processed at this point but instead we have a situation where her Asylum Support will finish before she has been able to submit a benefits application. This has had knock-on effects on the timing of her applications for Child Benefit and Child Tax Credits as (1) we cannot send her original document to HMRC before they have been copied again for the Income Support Application and (2) eligibility of Child Benefit and Child Tax Credits is, I have been told by HMRC, determined by checking her Income Support application anyway, meaning that the IS application must precede the CB and CTC applications. Added to this, given the possibility of the copies being lost by the Jobcentre and/or sight of the originals being required when they do the HRT, we would be unwise to send the originals until the Jobcentre has at least confirmed that the application has been approved.

Therefore, we are looking at a substantial delay before any benefits can be claimed. Furthermore, the Tax Credits (Immigration) Regulations 2003(SI 2003/654) allow for a refugee to backdate their Tax Credits claim to the date of their asylum claim *as long as they make their tax credits application within one month of receiving notification of their refugee status*, it is now impossible for Mrs Y to be able to take advantage of this as she cannot apply for her Tax Credits without sending her status document (and that of her child) to HMRC.