



Still Human Still Here submission for the United Nations Universal Periodic Review of the UK, May 2012

1. Introduction

1.1 Still Human, Still Here is a coalition of more than 50 organisations which are campaigning to end the destitution of refused asylum seekers in the UK. The coalition includes all the main agencies working with refugees in the UK along with other organizations which are increasingly having to assist asylum seekers because of problems linked to destitution, such as the British Red Cross, Crisis, Mind, the Children’s Society, Citizens Advice Bureau, OXFAM and National Aids Trust.¹

1.2 Article 11 of the Covenant on Economic, Social and Cultural Rights, which the UK has ratified, recognises “the right of everyone to an adequate standard of living for himself and his family including adequate food, clothing and housing”. Still Human Still Here believes that the level of support available to asylum seekers who are waiting for decisions on their applications is now so low that many are unable to meet their essential living needs of adequate food, clothes and toiletries. Still Human is also concerned about those asylum seekers who have had their application refused and are then left destitute in the UK without any form of statutory support at all.

2. Inadequate support for asylum seekers awaiting outcomes on their applications

2.1 Under Section 95 of the 1999 Immigration and Asylum Act, asylum seekers receive a living allowance and a no-choice offer of accommodation outside London, or ‘subsistence only’ support if they can stay with family or friends.

2.2 During the passage of the 1999 Bill, the Government set support rates for asylum seekers at 70 per cent of Income Support and noted that “The Government consider the link to the amount of income support benefits to be generally quite helpful.”² Ten years later, the rationale for reduced payments of 70 per cent remained essentially unchanged, with the Home Office stating:

“the Government does not have a policy of destitution. The UK’s asylum support policy is properly balanced and sufficient to meet essential living needs. ...The levels of subsistence support reflect the temporary nature of support to an asylum

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

² See evidence from Mike O’Brien, Immigration Minister the Special Standing Committee on the Immigration and Asylum Bill on 11 May 1999. Income Support is generally considered to be the minimum amount required to meet essential living needs (not including accommodation).

seeker and the fact they have access to fully furnished, rent free accommodation with utilities and council tax included.”³

2.3 However, by 2011, Section 95 support levels had been reduced well below 70% of Income Support for the majority of asylum seekers making it extremely difficult for them to meet their essential living needs while they are awaiting the resolution of their cases. Asylum seeking couples, lone parents and single adults under 25 years old receive an average of 67% of Income Support, while single adult asylum seekers over 25 get just 54%. The vast majority of asylum seekers now have to survive on just over £5 a day (all single adults receive £36.62 a week). Asylum seekers are not allowed to work to support themselves unless they have been waiting for more than one year for a decision to be made on their initial application.

2.4 Section 95 of the 1999 Act defines a person as destitute if they are homeless and/or cannot meet their ‘essential living needs’. Still Human Still Here does not believe the current levels of support are sufficient to meet essential living needs of food, clothes and toiletries and to pursue an asylum application.

2.5 Still Human calculated the cost of meeting those needs by adapting the basket of basic goods compiled by the Joseph Rowntree Foundation in 2008 as part of their research for minimum income standards in Britain. Items that would not generally be considered essential to avoid absolute poverty were removed.⁴ Accordingly, Still Human estimates that an asylum seeker in 2008 would have needed a minimum of £31.66 a week for food⁵ and a further £9.70 a week to meet the costs of household cleaning items, toiletries, cold/flu remedies, paracetamol, telephone calls, stamps, clothes and travel. Taking inflation into account, the minimum required for a single adult asylum seeker to meet their essential living needs in 2009 amounted to no less than £43.60 a week. Allowing for inflation for 2010 this means the cost of meeting essential living needs for 2011-12 would be approximately £45 a week.

2.6 In 2011, a single adult over 25 years old received £67.50 on Income Support. If an asylum seeker was given 70 per cent of this amount they would receive £47.25 – roughly equivalent to the minimum estimate for essential living needs calculated above.

3. The support system for refused asylum seekers

3.1 If a person is refused asylum and has no further opportunities to appeal, they lose their right to accommodation and support 21 days later. The main exceptions to this are refused asylum seeking families with children who should continue to receive support under Section 95, and refused asylum seekers who are destitute and qualify for support under Section 4 of the 1999 Act by showing that they are taking steps to leave the UK or

³ Home Office response to a letter from the Red Cross to the Home Secretary on changes to support rates, 23 September, 2009.

⁴ The Joseph Rowntree Foundation research on minimum income standards looked at *needs*, not wants. For more information see: www.minimumincomestandard.org

⁵ Food includes 56 items which would provide a balance diet. Alcohol and other clearly non-essential items of expenditure have been removed.

are unable to do so through no fault of their own (e.g. they are too sick to travel, there is no viable return route to their country, they have a judicial review pending).

3.2 Those who are granted Section 4 support will receive £1.23 less than they would have got on Section 95 support. It is also delivered through a plastic payment card rather than in cash and can only be spent in certain shops. This makes it even more difficult for asylum seekers as they have no cash for phone calls or transport and cannot get best value by shopping in markets and discount stores. At the end of June 2011, just under 2,500 people were on this form of support.

3.3 In 2010, it was estimated that around 70% of destitute asylum seekers in the UK came from just eight countries, all of which were either in conflict or had serious and widespread human rights violations (Zimbabwe, Iran, Iraq, Sudan, Afghanistan, Somalia, the Democratic Republic of Congo and Eritrea).⁶

4. The consequences of destitution

4.1 As a result of the policies outlined above, thousands of asylum seekers are living in destitution with either inadequate support or no support at all, and with no opportunity to work to support themselves.

4.2 Between 2008-2010, the British Red Cross alone has provided assistance to approximately 10,000 destitute asylum seekers each year. A survey of Red Cross clients in 2010 found that 28% slept rough at some stage and nearly 90% survived on one meal a day.⁷

4.3 Several of Still Human's member agencies have reported evidence of an increased incidence of mental and physical health problems amongst asylum seekers in recent years. The Royal College of Psychiatrists noted in 2007 that: "The psychological health of refugees and asylum seekers currently worsens on contact with the UK asylum system" and concluded that the full range of social and medical care services "should be available at all times throughout the asylum process, including (for) those whose claims have failed, whilst they remain legally in the UK."⁸

4.4 A recent report by the Institute of Race Relations, found that twenty eight asylum seekers took their own lives after their asylum claims were turned down during a five year period and attributed some of the deaths to the fact that the asylum seekers were destitute and unable to access social services. The cases documented included:

- Serguei Serykh, his wife Tatiana and their 19 year old son, Stepan, who were refused asylum in the UK and committed suicide from the balcony of their 15th

⁶ Still Human Still Here, *At the end of the line*, 2010, page 38.

⁷ British Red Cross, *Not gone, but forgotten*, June 2010, pages 21-22.

⁸ The Royal College of Psychiatrists (RCP), *Improving services for refugees and asylum seekers: position statement*, Summer 2007.

- floor flat in Glasgow on 7 March 2010. This was the date their support vouchers were due to be stopped.
- Osman Rasul Mohammed, an Iraqi asylum seeker who jumped from a tower block in Nottingham on 25 July 2010. He had been in the UK since 2001, was destitute and was having problems accessing legal advice.⁹

5. Recommendations

5.1 In May 2009, the Committee on Economic, Social and Cultural Rights reviewed the UK and expressed concern “at the low level of support and difficult access to health care for rejected asylum-seekers”. It recommended that the UK “ensure that asylum-seekers are not restricted in their access to the labour market while their claims for asylum are being processed” and review the regulation of “essential services to rejected asylum-seekers, and undocumented migrants, including the availability of HIV/AIDS treatment”. In 2010, the UN Special Rapporteur on the human rights of migrants endorsed these recommendations and urged the UK Government to ensure “that refused asylum-seekers are not left destitute while they remain in the United Kingdom.”

5.2 Still Human Still Here fully supports these recommendations and specifically urges the UK Government to:

- Provide asylum seekers who would otherwise be destitute with cash support equivalent of no less than 70% of Income Support until they have been given some form of status in the UK or been returned to their country of origin.
- End Section 4 support and provide all those eligible with continued cash support through Section 95.
- Grant asylum seekers permission to work if their cases have not been resolved in 6 months or they have been refused but cannot be removed through no fault of their own.
- Provide free access to healthcare for all asylum seekers while they are in the UK

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⁹ The Institute of Race Relations, *Driven to Desperate Measures: 2006-10*, October 2010. Cases in the report are indicative and likely to severely underestimate the total number of deaths in the period reviewed.