

Claiming Asylum in the UK- The Real Story

If only we cared as much about asylum seekers or those individuals seeking refuge as we do about cats and dogs, then maybe they would have more of a chance of receiving a supportive welcome from policy makers, residents and the media. This paper seeks to address how Britain welcomes individuals who are in need of refuge: people who have left their home countries at great risk and danger to their lives, crossing seas in leaky boats and making long journeys over armed borders to arrive penniless in our country.

One of the current challenges faced in the UK is the level of misunderstanding by the public around immigration, asylum seekers and refugees. This is a direct result of the popular media providing incorrect and inflammatory press coverage see for example Khan 2012 and as a consequence, people are not being informed by real facts and evidence. This has resulted in confusion at best and hatred at worst. This paper attempts to address some of those myths by presenting real data and evidence.

I volunteer for a charity “Southampton and Winchester Visitors Group” (SWVG) that befriends local asylum seekers and refugees. We wrote an article in the Southampton Echo two years ago highlighting one particular challenge local asylum seekers faced. This paper is based upon some of the negative comments we received from the Echo’s readers.

Firstly, I will provide some definitions and clarifications of terms.

An Asylum Seeker is someone who has left their country of origin and formally applied for asylum in another country because of danger at home, and is waiting to hear the outcome. These individuals have made themselves known to the authorities and are behaving in a perfectly legal manner. They only become a refugee when their asylum claim has been accepted. It is important to note that in reality, they are already refugees, but the British Government only defines them as refugees once their claim has been accepted. The 1951

UN Convention, states that a refugee is someone who “owing to a well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality, and is unable to avail himself of the protection of that country”.

In contrast, an economic migrant is someone who has moved to another country to work for economic and work reasons. Refugees are not economic migrants, although the distinction is blurred between someone fleeing from political persecution and someone who leaves their country made uninhabitable by prolonged drought - both are in need of a safe haven.

There are reasons why Britain should accept asylum seekers. We have a duty to do so under International Law - anyone has a right to claim asylum in the first country they enter and have their application assessed fairly, and the UK has long supported humanitarian principles. Refugees accepted into our country live positive and fulfilling lives, and the benefits radiate out into the local community, the economy may receive a boost, and history suggests that refugees commit themselves totally to their new country (Singer 1979) and Wurn (2018). They have survived and escaped hardships portraying stamina, initiative and skills that are of great benefit to us.

It is painful but worth mentioning that the UK at times, supports the hostile regimes that contribute to making the world an unsafe place. The UK is second only to the US in global sales of weapons to the rest of the world. In 2015, £7.7bn of arms sales were approved by the Department for International Trade (Kelsey 2017) and Andrew Smith of Campaign Against Arms trade states that the UK consistently arms many of the most brutal and authoritarian regimes in the world and placed arms exports above human rights. Saudi bombing and blockade of Yemen being a notable example. This absolutely makes it clear why Britain has a duty to help those who suffer from human rights exploitation.

THE PERCEPTION OF ASYLUM SEEKERS DRIVEN BY THE BRITISH MEDIA

Social media often states that “Migrants and refugees fleeing North Africa are heading straight to the UK” (Bowden 2018). “Soft touch Britain: the asylum capital of Europe” (Thomas, 2012). The facts are very different from the stories handed down from the British media.

The great majority of the approximately 65.6 million people displaced (UN Refugee Agency 2017) worldwide are receiving refuge in the poorer and less developed countries of the world. Of the 65.6 million, 22.5 million are refugees, 40.3 million are displaced in their own country and 2.8 million are seeking asylum. Turkey is hosting 2.9 million refugees, Pakistan, 1.4 and Lebanon, 1 million. The UK at the end of Dec 2016 was supporting 119,000 refugees. The UK is 5th out of the EU member states in terms of asylum applications. 84% of all refugees today live in developing countries (Home Office Stats March 2018). Those that do attempt to come to Britain do so because the UK is perceived to have a fair judicial system, some have family members here and many already speak English.

The language used to report on the current refugee crisis is very different across different countries. In a report commissioned by the UNHCR, analysing media reports of the refugee crisis in 5 European countries; Spain, Italy, UK, Germany and Sweden, it was noted that in Germany and Sweden, terms such as refugee or asylum seeker were used, whilst Italy and the UK preferred the term “migrant” and in Spain, the dominant term was immigrant. Spanish and British media emphasised perceived threats to their welfare systems and cultural norms. In 2015, the Swedish press was most positive towards the arrivals whilst the UK press was both the most negative and most polarised. (UNHCR 2015). The situation in Sweden has sadly changed in recent times with references made to the fragile welfare state as a result of immigration. (The Economist, June 23rd 2017)

The problem with hostile media coverage is that it brings out defensive behaviour from people who feel threatened resulting in high levels of anxiety.

Hostile media coverage also encourages negative policy formation, the recent “hostile environment” policy invented under labour but launched when Teresa May was Home Secretary led to cruel and harsh rules being applied to all those seeking asylum causing widespread unhappiness and hardship (Milner 2017). The hostile environment was coined to impact supposed “illegal immigrants” but also impacted asylum seekers and refugees. The media must be encouraged to change if we are to address the facts beneath the refugee crisis rather than perpetuating myths and misunderstanding.

THE JOURNEY FOR AN INDIVIDUAL SEEKING ASYLUM IN BRITAIN

On arrival to Britain the individual must present themselves at their port of entry to an immigration officer or must travel to the Asylum Screening Unit in Croydon. They will undergo an asylum screening interview and will register a formal application for asylum with the Home Office. They are photographed, finger printed and will receive an official ID card. This is followed by a compulsory asylum interview, where they are asked to fully explain how they have been persecuted in their home country and why they are afraid to return and any evidence they have will need to be presented. This process sounds reasonable, but there are many problems.

The person may not speak English, the interpreters available may not speak in the same dialect as the individual, many are extremely frightened and from countries where the death penalty is often applied. Fear of those in authority has instilled a reluctance to be open meaning that this information is unlikely to be forthcoming. Evidence is rarely clear-cut as to be caught in their home country with the “wrong set of papers” may also result in death or imprisonment. To further exacerbate the stress, this person has very likely undergone an extremely long journey in very difficult conditions, often in the back of a lorry having fled from violence and torture, witnessed family or friends being murdered and life that we cannot possibly begin to imagine.

Once the interview has been completed, the asylum seeker waits for a decision. This may be months but can also be years. A report by Kate Lyons

argues that in some extreme cases the Home Office have left people waiting for more than 20 years without a decision. The Home Office has a target of six months for deciding claims but as Stephen Hale from Refugee Action states, the long delays and other failings of the asylum system are “causing immense damage to people who come to this country seeking safety” (cited by Lyons 2018).

What happens whilst waiting for a decision?

Each individual has a different experience, but generally, if believed to have a legitimate claim and have passed a destitution test, they are housed in accommodation provided by the Home Office. This can be anywhere in the UK, but will usually be to places known as “dispersal cities”. The Home Office can move them on with only a few days notice to another area disturbing emerging friendships, social and legal support networks. If they are judged destitute and entitled to accommodation, they will also receive a small living allowance in cash or vouchers of £37.75 per week (or £5.40) a day. Some individuals will be detained in special immigration centres run by the Government HM Prison Service even though they have not committed a crime. For those not detained, they have to report on a regular basis to one of 15 centres across the UK. Failure to do so will result in their claim being dismissed. As an asylum seeker they are not allowed to work, drive, rent housing or hold a bank account. For those who are refused asylum support this is likely to result in destitution and a high risk of homelessness.

Decisions are made by Civil Servants in the Home Office or by immigration judges. The decision will be one of the following: Leave to Remain - legal permission to stay in the UK (normally for five years)

Limited leave to remain: normally for 2.5 years with reapplication every 2.5 years up to 10 years in total. Fees for application are currently £601 per individual with a £200 health levy each time. There is no access to legal aid and penalties are imposed for even minor law infringements, for example, detention or removal.

Humanitarian Protection status can be awarded, meaning that the person does not qualify as a refugee, but does need protection and this can be up to 5 years.

Discretionary Leave to Remain: this falls under Article 8 of the Human Rights Act, respect for private and family life and is usually for 30 months without recourse to public funds, meaning that the individual cannot access any Government funding including benefits, tax credits or housing assistance.

In most cases initially, the case is refused requiring the individual to appeal. Over one third of appeals are successful. This must mean the Home Office are either getting decisions wrong or prefer to defer the decision to the courts. The number of people currently being granted protection has worryingly been falling and it echoes what Price, the Public affairs officer at Asylum Aid has observed, the Home Office are consistently refusing applications unfairly and making the wrong decisions (Price, 2018)

A claim having failed, the asylum seeker can submit fresh evidence either to support their claim or to make a fresh claim. For example they may possibly be able to get documents that back up the evidence that they gave at interview or they be able to provide medical evidence of torture. Since 2010 and the hostile environment the claimant has had to travel to the Home Office's Further Submissions Unit in Liverpool to submit new evidence which must be done in person only. If the individual is disabled, ill, in detention or an unaccompanied child, they can submit by post, so why not allow all claimants to submit by post? This policy is unfair with people forced to travel long distances, with prohibitive costs often in excess of £100 per person. These people have in the main, already been declared destitute with no hope of finding the travel costs. The meeting lasts at most 10 minutes and in many cases, no questions are asked, indeed it is difficult for the HO to ask many pertinent questions as they will not have seen the paperwork relevant to the claim. Statistics from 2016, indicates that the number of fresh claims submitted have reduced from 1,621 in 2010 to 300 in 2016 and just 189 for the first three quarters in 2017.

However, one has to be careful to distinguish “submittals” from those which are then deemed by the Home Office to be “fresh claims”

The Home Office rationale for seeing people in person is to prevent against fraud. This could just as easily be ensured by submission of papers at a police station, and combined with visits already required. It seems unnecessarily cruel to expect people with no source of income, with potential language problems and generally struggling to survive to get to Liverpool to hand over a form, which the government could just as easily accept by post or email. This policy is attempting to prevent people making fresh asylum applications and the Government is trying to shirk its legal responsibilities to consider asylum claims.

In the UK, the Government does not allow asylum seekers to work and earn money. If the person’s initial claim is rejected the Government will evict them from their home, forcing them onto the streets with the consequent danger of exploitation, slavery, drug dealers and so forth. Some will return to their home country, but for others, what they have fled is still far worse than the streets in the UK. Suicide rates amongst asylum seekers have reached an all-time high - 393 recorded attempts in 2015, up 11% on the previous year (The Guardian, 2016) and in June 2018, the Guardian reported the first suicide deaths amongst unaccompanied teenagers on arrival in Britain.

Some of the comments received as a result of our original article in the Southampton Echo argue that since life in Britain for someone seeking asylum is portrayed as being so very hard, returning home must be better for them but this is really not the case. For most, the conditions at home that have caused them to flee have not changed, the dangers remain the same. Neighbouring countries are too poor, often economically struggling and politically unstable to absorb new populations. As Singer (1993) argues, this option works best where ethnic and tribal links cross national frontiers therefore enabling integration. Resettlement in a country like the UK may mean the difference between life and death for these people and is the only hope for a decent existence.

WHAT HAPPENS IF THE CLAIM FOR ASYLUM FAILS?

Once a person's claim for asylum has been refused, the Home Office will write advising that the individual needs to leave the UK. Support that they have been receiving ceases 21 days after their asylum claim has been refused. If there are dependent children or other significant factors, then some support may continue on a discretionary basis. Occasionally, there may be support from a Local Authority, particularly if there is a "child in need". All NHS hospital care will be charged to the individual, who of course now has no income. There are a few exceptions for example, treatment of TB and emergency treatment in A and E, but in the main, all hospital care will be chargeable. In some circumstances the NHS will inform the Home Office about unpaid debts. When an individual's claim for asylum ultimately fails, the Home Office will sometimes attempt deportation. Enforced removals have declined since 2004, whilst voluntary departures have increased (The Migratory Observatory 2017). Deportation is the state-enforced departure of a non-citizen from the UK.

So a single individual without children who has failed to secure asylum and who does not meet the criteria for the limited support mentioned above, will now be without accommodation, secondary health or financial support of any sort and may be detained at any time. These individuals are exceptionally vulnerable to exploitation, gang-masters and the slave trade. The scale of homelessness amongst men and women who have come to the UK to seek asylum is increasing. In a climate of "being tough" against non-nationals, particularly in the current Brexit climate, we seem to have forgotten that there are human beings in the centre of this storm. The Jesuit Refugee Service (2018) published a report that gives accounts of people who have come to Britain to find sanctuary but have instead found themselves trapped in destitution, cornered into situations of abuse and forced out into the cold. The report argues that the current government agenda is at the root of refugee homelessness, it dehumanises and fosters a cruel society. We need to energise our society renewing values of hospitality, inclusiveness, liberty and a value for human life.

WHAT HAPPENS IF THE ASYLUM CLAIM IS SUCCESSFUL?

This should be a time of joy and great hope, but for many new refugees, their problems will continue. Indeed for some their situation will get much worse. Asylum support both in terms of cash allowance and accommodation ceases either 21 or 28 days (depending on the level of support) after the decision to award refugee status is made. This again is likely to result in destitution and severe poverty with the majority of single people ending on a sofa or on the streets. Accessing accommodation has recently been made more difficult through the introduction of a legal requirement for landlords to check the immigration status of prospective tenants. The person will now be a legal citizen but a passport is required by a landlord from anyone who doesn't seem British.

Refugees are eligible for benefits but face difficulties in accessing them because of Home Office delays in issuing crucial documents. In particular being given a National Insurance number is vital both for gaining work and accessing benefits. Currently there is work being undertaken with Job Centres to help avoid misleading advice being provided to claimants preventing them working and so forcing them into destitution.

Refugees are frequently unable to open bank accounts due to the delay in receiving key asylum papers vital for work, renting and receiving benefits.

ACCESS TO LEGAL AID

It is commonly argued that since asylum seekers can access legal aid, there is no reason, if they have a valid claim, that everything should not progress smoothly. To date access to legal aid has in principle remained in place for those seeking asylum, but there has been a substantial reduction in legal support for other areas of immigration law. As a consequence there has been a reduction in the number of legal aid providers working in the area of asylum law (Refugee Action 2018). Legal aid providers are paid by unit of work rather than by the hour. This has also led to a reduction in solicitors taking on cases

and when solicitors do, they spend less time on each case. Refugee Action have identified a 56% reduction in the number of solicitors offering legal aid representation for immigration and asylum cases since 2005. In its report “tipping the scales”, Refugee Action argues that for people seeking asylum it could mean the difference between being sent back to a country where they face certain death or being offered the opportunity to successfully rebuild their life here. In 2016, 46 local authority areas each had over 100 people seeking asylum that did not have access to legal aid solicitors.

DETENTION

Immigration detention refers to the Government practice of detaining asylum seekers and others seeking refuge for administrative purposes only. (The Migration Observatory 2018). Detention is often used while identity is being proved or to facilitate immigration claims. Detention can also be used in preparation for deportation back to their home country. A person does not have to commit a crime to be detained. Interestingly, most people detained are not sent home but eventually return to society and achieve their asylum claim, although this may take years. Therefore detention and removal of their liberty cannot in most cases be justified.

The Migration Observatory argues that the UK has the largest network of detention facilities in Europe. The facilities’ capacity is currently 3,500 people with individuals held for an indeterminate length of time. The UK is the only EU country without a statutory time limit for the detention of people seeking sanctuary. Britain also has very limited opportunities for individuals to challenge detention.

The practice of depriving people of their liberty not only has a human cost but also costs the UK far more than alternative solutions. If individuals were allowed to work (as in most other countries) they could be self sufficient and contribute to our economy. More than £500m was spent on immigration detention in the UK over the last 4 years (The Independent 2018). In the year ending Sept 2017, 27,565 people entered detention, more than 28% were

detained for more than 4 months and 28 people were held for 2 years or longer. This is a poor use of public money. Hundreds of individuals seeking asylum and refuge status have mental health problems arising from the trauma they have suffered, depriving these vulnerable people of their liberty will only exacerbate their psychological problems.

Depriving a person of their liberty for the purposes of immigration should be an absolute last resort. The Guardian in 2015 cites an example of a 28 year old who was trafficked at the age of 16, beaten, raped and tortured on route to the UK and had then been detained for nearly 3 years . Officials had tried to remove him from the UK 8 times, but because he came from a disputed area between Nigeria and Cameroon, his nationality remained unclear. He had been diagnosed with Post Traumatic Stress Disorder by two Doctors and prescribed high dosage of anti- depressant drugs in detention. He has tried to take his own life, and been met with cynicism from staff employed at the detention centre as “attention seeking”. This is just one of many examples of the stories behind the figures quoted in the popular press and news reports. These people are not criminals but asylum seekers and the system must change. Seeking asylum is a universal human right, the exercise of which must not be universally criminalised.

RIGHT TO WORK

Since 2002, asylum seekers have not been allowed to work under UK law but are able to work in a voluntary capacity. This situation makes the UK unusual in Europe, where most countries allow access to employment within 9 months of entry (in Germany: 3 months) it is only Lithuania and Ireland have greater restrictions. But the situation in Ireland is now changing and will allow asylum seekers to work shortly. Spain and Sweden are the least restrictive with asylum seekers able to look for local work on arrival. Asylum seekers can apply to UK Visas and Immigration for permission to work if they have been waiting for a decision for over 12 months but even then only for jobs on the Shortage Occupation List.

As part of the 'hostile climate' policy, there are penalties for employers who take on people not entitled to work. This creates an administrative burden for employers who have to conduct extra checks and discourages them from taking on even legitimate candidates.

Just like the average British person, most asylum seekers and refugees were hardworking before circumstances forced them to claim asylum in the UK. Many had professional careers in their own countries working as engineers, doctors, teachers, lawyers, nurses, midwives, administrators and chefs. These people are currently prevented in the UK from working and their skills and knowledge wasted.

The UK needs skilled people and here is a group that are desperate to contribute and repay the country that has given them refuge. The UK has a shortage of labour both skilled and unskilled (The British Chamber of Commerce 2018) likely to be made worse after Brexit. These people want to rebuild, to make their lives a success and contribute to our country.

For more than a decade, the UK policy of work restriction has received criticism from NGO's, trade unions, churches and some Parliamentarians. Calls for change have tended to focus on reducing the length of time asylum seekers must wait before be able to work. Campaigners have asked that asylum seekers should become eligible to work after 6 months and that refused asylum seekers unable to return home through a lack of cooperation by their home country's authorities should also join the workforce. These changes would bring benefits to the UK economy and reduce the cost to taxpayers of supporting asylum seekers.

People seeking asylum become deskilled over time if not able to practice those skills. They lose their ability to be economically independent and to fulfil their full potential. Unnecessary costs are then borne by the country should the asylum seeker be unable to return to their country of origin. The current system in not allowing these people to work enforces years of idleness undermining their ability to successfully integrate into this country.

CONCLUSION

This paper has attempted to address some of the myths associated with the UK asylum system using facts, experience and evidence. The demonisation of asylum seekers in our UK media coupled with the incorrect image of Britain being a “soft touch” has led to negative and dangerous policies. We need to work with policy makers, the media and each other to return Britain to a humanitarian country where all individuals are respected, valued and treated with fairness and dignity.

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