

**EOC(2) 01-04(p05)**

## **EQUALITY OF OPPORTUNITY COMMITTEE**

**Date: 5 February 2004**

**Time: 09:30**

**Venue: Committee Rooms 3 & 4, National Assembly Building,  
Cardiff Bay**

**Title: Welsh Local Authorities Consortium for Refugees and  
Asylum Seekers - Enabling Role**

### **Progress Report December 2003**

#### **1. Introduction**

1.1 The Consortium was established in December 1999 to co-ordinate activities regarding asylum seekers in the region and to negotiate a contract to provide accommodation for the dispersal of asylum seekers. Membership was open to all local authorities in Wales, but the City and County Council of Cardiff wished to pursue its own separate accommodation contract with the Home Office. Twenty-one local authorities formed the original membership of the Consortium. Cardiff agreed to work separately, but in co-operation with the Consortium.

1.2 In April 2002, after some seven months of delay in NASS, the Consortium reluctantly withdrew its offer of the Contract. For several months following the withdrawal the Consortium was in negotiation with NASS, claiming that NASS should reimburse the expenditure that was incurred during the time that NASS asked the Consortium to keep its arrangements on hold. The reply from the Director of NASS was received 27<sup>th</sup> June 2003. It stated, that the Minister Beverley Hughes has rejected the request for re-imburement of costs incurred by the Welsh Consortium during negotiations with NASS. The basis for the rejection was that there was no agreement between NASS and the Consortium stating that NASS would pay for pre contract costs incurred by the Consortium. As a result the Newport Borough Council issued invoices to Chief Executives of all Councils to all Local Authorities who were members of the Welsh Consortium at the time of the

agreement and the Memorandum of Understanding.

1.3 The City and County of Cardiff agreed an Accommodation Contract that started in April 2001, and the City and County of Swansea agreed a contract starting November 2002.

1.4 Newport County Borough Council became the lead local authority of the Consortium in December 1999, and continues to lead the Welsh local authorities under the NASS Enabling Agreement. Cardiff City Council has been a full member of the Consortium since April 2002.

1.5 NASS has four designated cluster areas for dispersal in Wales: Cardiff, Newport, Swansea and Wrexham. Local authorities outside the cluster areas have little involvement with asylum seekers apart from unaccompanied asylum seeking children and asylum seekers who are living with family or friends and are not part of the dispersal programme. The Consortium represents the interests of all 22 Welsh local authorities in the region, to offer support as necessary, and to co-ordinate the work of the other statutory agencies, the voluntary sector organisations and the private accommodation providers.

1.6 The original Welsh Local Authorities Consortium structure with its Executive Board and sub-regional arrangements was disbanded in April 2002 with the withdrawal of the accommodation contract. The new structure came into being to provide the Enabling Role in May 2002 and is outlined in appendix (1).

1.7 The Manager of the Consortium Trish Johns retired in September 2003 and Leona Evans was appointed in her place.

## **2. Accommodation Contracts**

2.1 Local Authority Contracts.

- The City and County of Cardiff Council contract with NASS commenced in April 2001. The Cardiff contract with NASS is for 362 properties.
- The City and County of Swansea contract commenced in November 2002 for 150 properties.

2.2 Private Providers. The private providers operating in Wales are: -

- Adelphi - Wrexham
- Accommodata – Cardiff
- Clearsprings – Cardiff, Newport, Swansea and Wrexham
- Leena Properties - Swansea

## **3. Numbers in Wales**

3.1 The number of asylum seekers dispersed to Wales has steadily grown since 2001. The NASS Regional Officers and Accommodation Contractors meet regularly to discuss any issues regarding dispersal and accommodation.

## 3.2 Overview

Type of support	Approximate Number
Dispersed by NASS	2,467
NASS Subsistence only	158
Local Authorities Social Services	
Interim Cases	125 approximate
Unaccompanied asylum seeking children	70 approximate
WRC	90 approximate
Emergency Accommodation	
Self Supporting ?	Unknown number
Total	2,910

3.3 An analysis of the breakdown of NASS dispersed asylum seekers at 1<sup>st</sup> of December 2003 is attached (Appendix 2).

## 4. Enabling Structure

4.1 The WLACAS Executive Steering Group - guides and monitors the development of the NASS enabling role throughout Wales. By agreement Newport City Council continues to be the lead local authority of the Consortium, and employs the Consortium Manager. The group meets quarterly, with special meetings convened if required. The core members are three senior managers from the participating local authorities, members from the Welsh Assembly Government, the Welsh Local Government Association, Health, Police, Race Equality Council, the Welsh Refugee Council and the NASS Regional Manager.

4.2 The WLACAS Inter cluster Liaison Group - meets quarterly, several weeks prior to The Executive Steering Group. This group includes two representatives from each Cluster Multi Agency Group, together with the Private Providers, NASS Regional Manager and representatives from other agencies as required. Progress in the development of the enabling role and any problematic issues identified by the Liaison Group are reported to the Executive Steering Group.

4.3 Multi Agency Groups - for the support asylum seekers and refugees continue to meet regularly in each cluster area: - Cardiff, Newport, Swansea and Wrexham. Members of the multi agency groups include representatives from all the different departments within the local authority e.g. education, social work

services & housing together with Police, Health Services, The Welsh Refugee Council, Race Equality Councils and Job Centre Plus. The NASS Regional Manager and local managers of the private accommodation provider firms are also invited to the meetings. Cardiff and Swansea Multi agency groups have recently undergone a review as both cities have established sub groups, task and finish groups which deal with most issues. The Multi Agency Groups have reviewed their Terms of Reference and reduced the number of meetings per year.

4.4 Sub Groups - have been formed in each cluster area to resolve any particular support issues. These include health, children, resettlement, homelessness, benefits, women's issues and others.

4.5 All meetings are properly convened and minuted. The sub groups vary in the different areas.

4.6 Whilst the voluntary agencies attend the Multi agency Group Meetings, they in turn have developed their own local umbrella groups under Voluntary Action in Cardiff, Newport & District Refugee Support Group, Swansea Bay Refugee and Asylum Seeker Support Group and Wrexham Refugees and Asylum seekers Support Group. These groups are providing very valuable support for all refugees, and have provided much of the practical support and organised a wide variety of activities to help and encourage people to settle into the communities.

4.7 The Consortium Manager attends a range of UK meetings:

- The National Local Authority Consortia Co-ordinating Group (NLACCG) meets monthly with the aim of developing a consistent standard of services for asylum seekers and refugees across the Regions.
- The NASS Consultative Group meets bi-monthly. This group is chaired by the NASS Director and allows the Consortia to have regular discussions with senior NASS officers as its systems and new legislation develops.
- LGA Task Group for Asylum Seekers. This elected member group focuses on the implications of the national dispersal programme and legislative developments that are likely to impact of the local authorities.
- National Integration Forum meets quarterly. This group monitors, guides and implements the Home Office strategy on Integration.
- ADSS Task Force. This group is meeting over the next twelve months. The key focus area is the development of services and best practice for Unaccompanied Asylum Seeking Children.

Feedback from all of these meetings is disseminated throughout Wales by written E-mail reports, verbal reports at Multi Agency Meetings and by the provision of information by telephone and face-to-face meetings as required. The Consortium office receives a wide range of enquiries from many different local authorities and agencies. When there is not a clear local answer to a question, it is usually possible to obtain advice from colleagues in other regions in the UK.

## 5. Support for Asylum Seekers

5.1 Health - Each of the five Local Health Boards have been committed to the provision of primary and secondary health services for all asylum seekers and refugees. Their work has been co-ordinated by the All Wales Health Group. The Welsh Assembly Government has made funding available for the provision of services, although planning budgets has been very difficult without any projected numbers for whom to plan. Even in areas where there was already a significant percentage of black and ethnic minorities within the established community, GPs have been challenged to provide for new arrivals. The Health Boards continue to strive to ensure that services can be accessed, by appointing dedicated nurses to make initial needs assessment and assist with registration with the GP. The Health Boards have arranged for telephone interpreting services to be available and are working with others to develop interpreter services.

The Welsh Refugee Council has started a drop-in meeting on Friday mornings at the Cardiff office with a health focus. This will be extended to the other cluster areas at a later stage.

5.2 Education - Protocols exist in each cluster area to ensure that children are registered in schools and provided with the necessary support. The Consortium has worked with the Welsh Assembly Government to develop grant arrangements for Local Education Authorities for children in families dispersed to Wales, and also education for dispersed adults. There have been a few problems in some areas regarding placements of pupils in schools. These issues are being looked at both locally through the Multi agency partnerships and the sub groups and through possible more sensitive dispersal of families with children of school age, to areas with school vacancies, in the future.

5.3 Interpreters - Work continues in each cluster area to develop interpretation and translation services. All Councils have contracted with telephone interpreter services. Cardiff Council has appointed an officer to further develop its database of community interpreters and translators. The Asylum Seekers Project in Newport has recruited a pool of casual community Interpreters/ Translators. In October 2003 this database has been handed over to the Gwent Education Multi-Ethnic Support Service (GEMSS). GEMSS are also running an Interpreting Course for the casual interpreters with OCN Level II qualification. Experience is being shared with the aim of developing quality local services in the other cluster areas.

5.4 Media - The Consortium has continued to work with others to provide the media with accurate facts about asylum seekers and refugees. The Consortium Manager is a member of the Refugee Media Group in Wales. This group has secured funding from Comic Relief, and appointed a Media Co-ordinator who is employed by OXFAM and who will monitor press, radio and television reporting and develop resources so that an accurate picture can be portrayed whenever possible. The Refugee Media Group in Wales (RMGW) has organised a conference, which took place on the 14<sup>th</sup> November 2003.

The aims of the conference were:

- to enable the RMGW to share learning with a local and national audience particularly around engaging asylum seekers and gender issues
- to convince others, particularly the media, of the advantages of working from a gender perspective and to encourage a change in the nature of asylum reporting

- to share experiences of work on changing public perceptions, ideas and beliefs
- to ensure asylum seekers and refugees are integral to every stage of the conference from planning to delivery and evaluation.

The Consortium produces a news-sheet 'Refugee Matters' to provide information regarding the developments and provision of services. It is an efficient method of sharing Consortium information.

5.5 Community Safety - The Police are continuing to be actively involved throughout Wales at both a local operational and strategic level. Partnership working is proving to be very effective and excellent working relationships have developed. A Wales Forum has been set up to look at community safety post the Wrexham disturbances. Information on asylum and refugee issues is effectively channelled through Community Officers.

5.6 Drop In Centres are now set up in each cluster area. This gives the Police and other agencies opportunity to pass on important community centre messages.

## **6. Resettlement and Integration.**

6.1 The Consortium recognises that true integration begins as soon as asylum seekers arrive in Wales. If asylum seekers are not helped to orientate themselves in an area and encouraged to benefit from the local community resources, they will remain isolated during their stay here, suffer ill health, and lack motivation.

6.2 The multi agency groups in each cluster area have been making every effort to ensure that arrangements are in place so that new refugees are able to access benefits, housing and other basic rights. All agencies need to develop protocols so that the transition from asylum seeker to refugee is as smooth a process as possible.

## **7. All Wales Refugee Policy Forum.**

A consultative meeting took place on the 19<sup>th</sup> on November 2003. It was introduced by the Minister for Social Justice and Regeneration Edwina Hart and chaired by Yasmin Hussein, Head of Equality Policy Unit. The Forum will work to ensure a more strategic, co-ordinated and effective approach is taken to supporting the successful integration of refugees and asylum seekers on a national level across Wales. It aims to be practical and outcome driven mechanism.

The Forum will focus its work on the key areas of

- Accommodation & Housing
- Community Development/Safety/Justice
- Health & Social Services
- Employment & Life Long Learning
- Children & Young People
- Media/Information & Communication.

# 8. Emergency Provision.

The local co-ordination of responses to major disasters and emergencies is the responsibility of Local Authority Emergency Planning departments. Emergency Planning Officers frequently attend the multi agency group meetings in the cluster areas, and are kept informed of the dispersal plans. EPDs are sensitive to the needs of BME groups in the community and are aware that newly arrived asylum seekers may speak very little or no English. Emergency Planning training includes elements to address this.

# 9. Financial Arrangements

9.1 A Business Plan for the best use of the Enabling Grant has been compiled and agreed. Newport City Council as lead local authority receives funding for the Consortium Manager post. The four cluster areas are allocated an amount towards the provision of the co-ordination of the NASS Enabling role in that area. This involves the facilitation of multi agency meetings, providing a contact point in the cluster area for the agencies supporting asylum seekers and the Consortium Manager and the NASS Regional Manager.

9.2 Finance - The Consortium is funded by the Home Office through the Enabling Grant of £105,000. This grant is allocated between the lead local authority and the four local authority cluster areas where asylum seekers are being dispersed.

9.3 Funding Officer - A recommendation has been made to the Executive Steering Group in January 2003 to appoint a Funding Officer, who would serve to advise and support the local authorities and the voluntary agencies in making bids to capacity build local resources for asylum seekers and refugees. The proposal was to fund the post from the Enabling Grant. The post was to be based at the lead authority, fixed term and part time. Aled Singleton has been appointed as the Consortium Funding Project Officer and commenced on 26<sup>th</sup> August. Aled attends the Multi Agency meetings in each of the cluster areas and is developing resource information. He meets with the voluntary and statutory agencies to identify the most pressing needs.

## 9.4 Development Officer, Wrexham Inter-Agency Committee for Asylum Seekers

A part time Development Officer Allyson Smiga has been appointed in April 2003. The purpose is to develop support for asylum seekers and refugees in the area and to liase with statutory, other voluntary agencies and the Consortium.

## 9.5 Table 1

Lead Authority	35,000
Cluster areas	
Cardiff	12,500

Newport	12,500
Swansea	12,500
Wrexham	12,500
Bids Officer	20,000
Total	£105,000

## 10. Summary

The Consortium structure has been revised and the links between the Consortium office and the cluster areas strengthened. The working partnerships in each cluster area are becoming well established.

We continue to be challenged on all fronts but there is clear evidence that the infrastructure and wrap around services for asylum seekers are steadily improving and some examples of best practice are emerging.

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5 February 2003

## **Destitute Asylum Seekers Sub Group**

### **Report - January 2004**

## **Hard Case Support under Section 4 & Section 55 of the Asylum**



Appendix 1: Section 4

Appendix 2: Section 55

Appendix 3: Current Dispersal Statistics to Wales (handed out on the day)

To date, the number of asylum seekers in Wales exceeds 2500.

Dispersed Asylum Seekers to Wales .... 2467

Asylum Seekers in Emergency Accommodation .... 82

Asylum Seekers Supported under Interim Arrangements .... 62

Asylum Seekers Dispersed to Wales with Voucher Support Only .... 158

The ICD (Immigration Casework Directorate) are making decisions much faster than in the past. As a result a considerable percentage of applicants is reaching the end of the asylum process; i.e. they would not be entitled to support under section 98. This group may be entitled to receive support under Section 4, if they meet the criteria. Those who do meet the criteria have to accept the accommodation offered to them by NASS (National Asylum Support System). There is no accommodation for people who are accepted to receive Section 4 support in Wales. NASS only procured accommodation in England.

Many of those who have applied for asylum and have resided in Wales while their application was being processed (which could take years) have established strong local connections through refugee community groups, voluntary organizations, places of worship, education, communities they live in and other sources.

From our experience, some of the people are very reluctant to accept the support available under Section 4, as they feel that they will be uprooted from Wales, which they consider to be their second home.

As a result they become homeless and destitute and dependent on their friends and their communities (who have very limited resources (as they are mostly asylum seekers or refugees themselves) and charitable donations of food (which are not regular).

At the moment the only source of sustenance for those left destitute is through a 'Food Parcel Project', which is run completely by volunteers from different churches. The public response has overwhelmed the current volunteers and the project is in threat of folding without a formal employment of a 'Food Project Coordinator'.

If arrangements were in place to provide this support in Wales, then the people who are entitled to Section 4 support would most likely accept the offer. This would result in reduction in homelessness and destitution.

Homelessness and destitution is already the future for many asylum seekers who have received negative decisions and exhausted all rights of appeal. For this voiceless group, there are many who cannot be sent back to their country of origin and who are not entitled to any support at all. For this group, living on the streets of Wales is the only alternative.

The situation becomes worse when one considers asylum seekers who apply for asylum 'in country' and thus are denied support under section 55. This group is made up of couples without children and single applicants. There is no safety net for this group as most will not meet the criteria of special needs when referred to Social Services and have no access to any other funds.

The increasing number of destitute Section 55 asylum seekers, those who exhausted all rights to appeal and those who will not accept Section 4 support as it involves moving from Wales add to homelessness within our cities in Wales.

Yours sincerely,

## **Destitute Asylum Seekers Sub Group**

### **Recommendations:**

1. The Equal Opportunities Committee should review the need for Hard Case Support in Wales – it is suggested that if support were linked with clear reporting conditions this could save the Immigration Service time and resources when putting in place arrangements for removal.
2. The Equal Opportunities Committee should review the policy on failed asylum claimants from nations where there is currently no prospect of removal from the UK.
3. The Equal Opportunities Committee should review the impact of the (DOH) Department of Health's decision to deny failed asylum seekers free access to primary and secondary health care.
4. The Equal Opportunities Committee should review NASS's instruction for failed asylum seekers and their advocates to navigate the Hard Case system. NASS currently have not published a policy bulletin. There is no explicit definition of which medical conditions may prevent travel, and the link to the Voluntary Assisted Returns Programme is ill defined.

5. The Equal Opportunities Committee should review NASS's decision-making process for Hard Case Support applications. NASS should consider issuing information about this entitlement with NASS termination letter to nationals from countries where returns will not be possible.

6. The Equal Opportunities Committee should accept that uprooting failed asylum seekers from Wales to areas where Hard Case accommodation is available is extremely disruptive. Many failed asylum seekers will have built up strong support networks and therefore will be reluctant to move to an unfamiliar environment.

7. The Equal Opportunities Committee needs to allocate funds to a Hardship Grant, which would allow asylum seekers who are single or couples without children and who are made destitute under the current policy to access funds for sustenance.

8. The Equal Opportunities Committee needs to consider allocation of funds to appoint a part time 'Food Project Coordinator'.

## **Membership of the Destitute Asylum Seekers Sub Group:**

Name	Group/Organisation
Sara Evans	Cardiff County Council: Asylum Seekers
Steve Hyde	Cardiff Social Services: City Centre Team
Jeff Rees	Cardiff Social Services: City Centre Team
Veronica Cummings	Cardiff Social Services: City Centre Team
Frances Ballin	Cardiff Justice and Peace (CARI)
Lindsey Derraven	Clear Springs
Dick Anley	Clear Springs
Anne Hubbard	SOVA
Vanessa Bucolli	Refugee Media Group

Glenys Tyler	British Red Cross
Trish Johns	WLARAS
Karen Batten	Cardiff Social Services
Aled Edwards	CYTUN / DPIA
Colin Coleman	Cardiff Social Services: City Centre Team
Lorraine Harris	ROKPA
Jane Tooby	Quakers
Elin McCallum	CCC Welfare Rights Unit
Jon Townley	Oxfam
Babs Walsh	Wallich Clifford Hostel
Ruth Gwilym	Welsh Refugee Council
Salah Mohamed	Welsh Refugee Council
Kerry Pain	Citizens Advice Bureau
M Paulkovic	Citizens Advice Bureau
Eleanor White	Amnesty
Reverend John Hanson	Trinity Church
Mervyn Walters	Salvation Army
Louise Finnigan	CARI
Elizabeth Perret-Atkins	Rainbow Of Hope
Dianne Corker	
Shelagh Croskery	Cardiff Law Centre
Michael Franks	Wallich Clifford Hostel
J Hayford	Welsh Refugee Council

Leona Evans	Welsh Consortium
Sister Breda Gainey	Sisters of St Josephs
Abdi Adan	Somali Advice and Information Centre
Victoria James	YMCA
Sue Scanlon	Local Catholic Community
Kebebus Mulugeta	SOVA Mentor

## Appendix 1

### Section 4 Support Judgement

### Salih & Rahmani v Secretary State

October 2003

#### Introduction

These claims were first instructed in order to obtain accommodation and support for the two claimants, who are both failed asylum seekers. In this claim both were successful and accommodation and support were rewarded through section 4 or 'hardcases' support.

However, both claimants decided to take the case further and seek judicial review of the practice of the Home Secretary not to inform failed asylum seekers who may be eligible for hard cases support, and of his delay in providing such support to those who qualify for it.

#### The Claimants Case

- NASS had accommodated 'S' as a destitute asylum seeker since October 200, and would have had on file his nationality and ethnic origin. NASS knew that his asylum claim had been finally dismissed. Contended that NASS would therefore have known, when they sent the withdrawing of support letter, that 'S' would qualify for section 4 support.
- Question why the termination of support letter was therefore sent out, with no mention of the possible

availability of section 4.

- Asserted that legal representative and voluntary agency knowledge of the availability and application process for section 4 support was limited. Such services were also under increasing pressure and many clients were turned away.
- The delay between application and receipt of support was typically 12 - 14 working days, and that this delay involved claimants experiencing unnecessary hardship. NASS had demonstrated that when required by court, accommodation and support could be made available immediately.
- It was argued that in practice there was no lawful reason as to why failed asylum seekers who appear likely to qualify for section 4 support, could not remain in their Part VI NASS accommodation until section 4 accommodation was available.

## **The Defendants Case**

- A considerable number of those who apply and are accepted for section 4 support do not take up the offer - assert that one reason is that the accommodation is often in different part of the country previously accommodated in. Also assert that this highlights that in reality many individuals can find alternative means of supporting themselves.
- The policy of the homeoffice is that this form of support should be reserved for genuinely exceptional cases, and should not be provided to failed asylum seekers as a matter of routine. The intention is that all other avenues of support should be firstly explored prior to an application for section 4.
- Therefore not considered appropriate to give notice of the possibility of section 4 support as a matter of routine. Suggest that given the 'exceptional' nature of this support, it would be misleading to generally encourage failed asylum seekers to apply.
- Take the view that those who really need support will become aware of section 4 availability.
- Accepted that it would be unlawful for NASS to deliberately delay the provision of section 4 support. Submitted there was no evidence of a deliberate delay, but rather of a delay caused by a genuine administration process.
- Accepted that there is no statutory impediment to NASS permitting failed asylum seekers who appear likely to qualify for hard cases support to remain in their Part VI accommodation until section 4 accommodation is available. Did not accept that cash or vouchers could continue to be provided

## **The Judgement**

- It was found a matter of concern that, on the evidence set before the court, many legal representatives acting for asylum seekers do not inform their clients who appear to qualify for hard case support of the scheme and advise them how to apply for it.
- Found it surprising that in the cases brought before the court, eligible asylum seekers who seek advice from Refugee Council may neither be told of the scheme nor be referred to solicitors who are able to advise about it.
- The position of the Home Secretary regarding the decision not to inform apparently eligible asylum seekers of his policy in relation to hard case support, is not based solely on consideration that there are other adequate means of making the scheme and his policy known. They are also based on the view that making it more widely known would encourage unfounded applications. It is not open to

the Home Secretary to decide to refrain from making known his hard cases policy. On principle a policy such as that should be made known to those who may need to avail themselves of it.

- In practice, the policy not to make the policy available excludes persons ignorant of it from the benefit of the policy in a manner that is not set out in or implicit to the policy.
- No justification for the Home Secretary's view that greater publication of the hard cases support scheme would encourage undeserved applications
- In considering the greater publication of section 4 support... 'perhaps closer to the present context, the standard IND letter notifying that asylum is refused informs the addressee of his right of appeal and where advice may be obtained. I have no facts before me to justify a different approach to hard cases support. "
- If the Home Secretary is satisfied that an Iraqi Kurd, for example, is destitute within the meaning of Part VI support, I see no basis for his reaching a different view as to eligibility for hard case support.
- It is illogical to equate knowledge of the scheme with eligibility.
- It is inconsistent to refrain from informing apparently eligible persons of the scheme because the information would lead to unfounded claims and at the same time to assert that there are in any event adequate sources of information and advice.
- On the evidence presented, the court found that NASS could not assume that those seeking support will address themselves to those organisations it suggests have information of the policy.
- For the above reasons...."I am satisfied that the decision of the Home Secretary not to inform asylum seekers of his policy on hard cases support is unlawful and must be reconsidered"

"On the basis of my judgement, The Home Secretary will have to reconsider his policy not to inform asylum seekers who apparently qualify for section 4 accommodation of the existence of the scheme. He will take into account that while the standard letter is literally accurate...it is understood by some asylum seekers , and indeed some of their lawyers, as indicating that no other form of support is available....Furthermore, there is actual evidence that the eviction or threat of eviction does cause real hardship to persons who are eligible for hard cases support, and known by NASS to be so eligible

...Given that no investigation is made as to an applicants individual circumstances, it is not apparent what administrative steps are being taken by NASS that involve the delays before an offer of support is made.... The delays involved have to be scrutinised against the background that the applicants for support are exhypothesi destitute and have nowhere else to turn, and against the undoubted fact that when required by the court to do so, NASS can and does arrange accommodation immediately"

## **Appendix 2**

### **Section 55, Nationality Immigration and Asylum Act 2002**

#### **Introduction**

Section 55 of the Nationality Immigration and Asylum Act 2002 denies adult asylum seekers who make their application in-country any support unless they can satisfy the Home Office that they applied ‘as soon as reasonably practicable’. It exempts those with children or special needs and anyone who, without support, would suffer ‘inhumane or degrading treatment’ contrary to the European Convention on Human Rights.

The Government originally indicated to Parliament that Section 55 would be applied as an exceptional measure to abusive claims made ‘weeks or months’ after arrival. However, Section 55 as now applied by the Home Office, together with the refusal of permission to work, means total destitution for a large minority of UK asylum seekers. It is consequently putting severe strain on the refugee communities and agencies, which support them. Besides pushing many asylum seekers into destitution, Section 55 is likely to encourage higher levels of illegal residence in the UK.

## Background

- Under Section 55, in the third quarter of 2003, NASS refused support to in-country asylum applicants without family in 81 per cent of cases.
- Section 55’s full effect has not yet been seen, because its operation was constrained through most of 2003 by court actions.
- Its impact is exceptionally hard to monitor because, by definition, those made destitute are excluded from all statutory support systems (except health care).

## Key Findings

### 1. Scale of destitution: general estimate

For the UK: Operated by the Home Office on the current basis, Section 55 is likely to deny accommodation and means of subsistence to at least 15,000 asylum seekers in a full year. This estimate assumes asylum applications at the level seen during 2003.

## Latest Information

The Home Secretary has announced new guidance on section 55 in December 2003.

Under section 55, applicants must claim asylum ‘as soon as reasonably practicable’ upon arriving in the UK to be eligible for NASS support.



Those asylum seekers who can give a credible explanation of how they arrived in the UK within the last three days will be considered to have made their claim 'as soon as reasonably practicable'. Those who claim after being in the country for more than three days will generally not be eligible.