

The new IND, destitution reports and mounting campaigns

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April saw the launch of the Border and Immigration Agency, which takes on the duties of the Immigration and Nationality Directorate (IND). Two reports published at the turn of the month recommended that refused asylum seekers who cannot leave the UK be granted limited leave to stay and the right to work. Meanwhile, there is mounting interest in the *Strangers into Citizens* campaign to grant leave to remain to irregular migrants. Further details are provided below.

On an operational level this edition of NRPF Briefing outlines various useful sources of information for NRPF practitioners and information about a recent Lambeth case. This confirmed that a local authority has a duty to provide accommodation to children in need but this does not impose a duty to house parents and children together.

Launch of the Border and Immigration Agency

The Border and Immigration Agency (BIA), launched on 1 April 2007, is the new executive agency of the Home Office. The Agency assumes the responsibilities of the Immigration and Nationality Directorate (IND) for managing immigration control in the UK. Lin Homer becomes the Chief Executive of the new agency. The BIA is divided into six regions

- Scotland and Northern Ireland
- North East, Yorkshire and Humberside
- North West
- Wales and the South West
- London and the South East; and the
- Midlands and East of England

For further information go to www.bia.homeoffice.gov.uk/

The new Border and Immigration Agency works on a regional basis across the United Kingdom.

Joseph Rowntree and Joint Committee of Human Rights Reports

The Joseph Rowntree Charitable Trust (JRCT) and the parliamentary Joint Committee on Human Rights (JCHR) both produced reports at the end of March 2007, which made important findings on the issue of asylum destitution.

The JCRT report ***Moving on: From Destitution to Contribution***, reports on the findings of a Commission's inquiry into destitution. The Commission found that destitution amongst refused asylum seekers is the direct result of government policy. To end destitution and improve the asylum system it proposes changes that ensure that

- the asylum process should keep people in the system, not drive them from it
- asylum seekers can contribute to host communities rather than being a burden
- all asylum seekers have access to the basic necessities of life.

JRCT published a compendium research report, ***Destitution in Leeds: the experiences of people seeking asylum and supporting agencies***, which looks at the impact of destitution in Leeds. The findings are consistent with those of previous reports. Interestingly it finds that refused asylum seekers, dealt with under the New Asylum Model (NAM), are experiencing destitution.

To download copies of both reports visit www.jrct.org.uk

The House of Lords and House of Commons Joint Committee on Human Rights (JCHR) produced ***The Treatment of Asylum Seekers; Tenth Report of Session 2006-07***. It found that the Government has a deliberate policy of destitution and that a number of cases reach the Article 3 threshold of inhuman and degrading treatment.

The inquiry found that the Government has a deliberate policy of destitution and that a number of cases reach the Article 3 threshold of inhuman and degrading treatment. It recommends that where a refused asylum seeker will not be able to leave the UK for 12 months or more, limited leave for a year should be granted with permission to work.

Reports by the JCRT and the JCHR found that destitution amongst refused asylum seekers arises as a direct result of Government policy

NAM Case Owners to make decisions on section 4 applications

From 1 May 2007, Asylum Team Case Owners within BIA will decide on section 4 applications for support. They will determine whether people who apply for section 4 support are destitute and will apply will the updated Asylum Support Policy Bulletin 4 (see <http://www.ind.homeoffice.gov.uk/documents/accesstosupport/pb4?view=Binary>)

Home Office seeks to double the rate of deportations in Scotland

The Home Office is seeking to double the rate at which it deports failed asylum seekers from Scotland, in a drive to clear a backlog of cases. The immigration service is aiming for a target of 10 people a week after achieving only half of that figure last year. For further information see <http://www.theherald.co.uk/news/news/display.var.1303151.0.0.php>

Leaflet: Will I have to pay?

The National Aids Trust and the Terrence Higgins Trust have jointly published a leaflet providing advice to recent migrants and those of uncertain immigration status who may be concerned that they could be charged for accessing NHS sexual health and HIV services. Download the leaflet at: <http://www.nat.org.uk/document/253>

Forthcoming research on age disputes cases

The Immigration Law Practitioners Association (ILPA) has been funded to undertake research on the experience of young people who have been the subject of age disputes and to make recommendations on how improvements to the process can be made. For further information visit www.ilpa.org.uk/

Discrimination by social services departments

A recent article in the Guardian newspaper suggested, *There is widespread discrimination faced by asylum seekers in trying to access social services.* For further information see:

<http://society.guardian.co.uk/socialcare/comment/0,,2043940,00.html>

ILPA Information Service

ILPA has developed an information service to support the refugee sector. This provides regular updates and information sheets on legal developments and campaigns on immigration and asylum law and practice. For further information about the service and how to register for information go to www.ilpa.org.uk/infoservice.html Useful articles from its first two immigration sheets are outlined below

Legacy cases

In July 2006, the Home Secretary announced that there was an asylum “legacy” of around 450,000 cases and that the Home Office would clear this legacy within 5 years. To deal with these legacy cases, the Home Office has established a separate directorate – the legacy directorate. A legacy case is any case where all of the following apply

- there has been a claim for asylum
- Home Office records indicate that the case has not been concluded
- The case is not being dealt with under the New Asylum Model (NAM)

It is intended that, by the summer, there will be 1,000 Home Office staff working in the legacy directorate. It is important to be understand that the legacy is not a new ‘amnesty’ or regularisation process. For further information see ILPA Update Sheet 2.

Darfur Judgement

A recent judgement of the Court of Appeal, in the cases of AH, IG, and NM (Sudan), found that it would be unduly harsh for three asylum seekers from Darfur to return to Khartoum and live in camps or squatter areas. For further details of the judgement see ILPA Update Sheet 2.

A new directorate within the Border and Immigration Agency will deal with “legacy” cases.

Zimbabwe Judgement

In March 2007 the Court of Appeal dealt with a test case AA (Zimbabwe) which addressed whether it is safe to forcibly return any person to Zimbabwe who has been refused asylum in the UK. The Court of Appeal ordered the Tribunal to reconsider this issue. The effect of this is to suspend removals to Zimbabwe until the Tribunal has reconsidered the case. For further information see ILPA Update Sheet 1.

Children's cases

For an update on the way in which children's asylum cases are dealt with, and proposals for the future, see ILPA Update Sheet 2.

New Asylum Model (NAM)

For an update on the NAM see ILPA Update Sheet 1.

Other sources of information

Refugee Council Briefings

The Refugee Council regularly produces briefings on a range of refugee and asylum related issues. Recent briefings that are of relevance to NRPF are as

- An updated briefing on the UK Borders Bill (March 2007). This indicates its concerns about asylum seekers left destitute at the end of the asylum process and states its support for the *Still Human Still Here* campaign. To view the briefing go to

<http://www.refugeecouncil.org.uk/NR/rdonlyres/20C842A2-129B-46BD-8ACF-1D24888EF428/0/Bordersbill.pdf>

- An updated briefing on the New Asylum Model (March 2007) Go to:

<http://www.refugeecouncil.org.uk/policy/briefings/2007/nam.htm>

Refugee Council briefings provide updates on the UK Borders Bill and the New Asylum Model

Other Reports and Publications

Migration and Social Security Handbook (CPAG, March 2007)

The CPAG has produced the *Migration and Social Security Handbook* giving practical, comprehensive guidance on social security entitlement for anyone who has come to or is leaving the UK. It includes guidance asylum support. The Handbook bridges the gap between benefits and immigration advice. For information about how to obtain a copy go to

<http://www.cpag.org.uk>

Disabled People in Refugee and Asylum Seeking Communities (Keri Roberts and Jennifer Harris, 2007)

This report

- Reviews entitlements to social and welfare services
- provides data on the numbers and social characteristics of disabled people in refugee and asylum-seeking communities

make recommendations for social care and refugee practitioners and policy-makers and those providing housing to disabled refugees and asylum-seekers.

The report is available from The Joseph Rowntree Foundation

email: publications@jrf.org.uk

or order online at: www.jrf.org.uk/bookshop/details.asp?pubID=470

UK Action Plan on Tackling Human Trafficking (March 2007)

In March 2007 the Home Office and Scottish Executive published the UK Action Plan which pulls together work currently underway to tackle trafficking across government, and creates a platform for future work to combat this ongoing problem. It aims to balance protecting and assisting victims with enforcement work that cracks down on the organised crime groups responsible for much of the trafficking. To view the document go to <http://www.homeoffice.gov.uk/documents/human-traffick-action-plan>

Narrowing the gap: the inspection of children's services (OFSTED, April 2007)

This report examines evidence from 37 joint area reviews of local authority children's services that took place in 2005-06. It finds that most local authorities are making a good contribution towards delivering better outcomes for the majority of children and young people. However it highlights access to Child and Adolescent Mental Health Services for UASC and refugee children as one of the most frequently cited weaknesses.

See www.ofsted.gov.uk/publications/070041

This is a good place to live and think about the future...the needs and experiences of unaccompanied asylum seeking children in Scotland (March 2007)

The Scottish Refugee Council has published research carried out by the Glasgow Centre for the Child and the Society. One finding was that the quality of service provision varied across the country. To download the report go to <http://www.gccs.gla.ac.uk/docs/pdf/UASCreport.pdf>

PICUM Newsletter

Platform for Cooperation on Undocumented Migrants (PICUM) has produced its April newsletter. For this, and for details of its forthcoming conferences on HIV treatment and ethnic minorities and migrants (7 and 8 June 2007 in Lisbon) and access to healthcare for undocumented migrants (28 and 29 June 2007 in Brussels), and for recent policy briefings, visit www.picum.org

ECRE Guidance on the treatment of Iraqi refugee and asylum seekers

The European Council (ECRE) this month published guidance on the treatment of Iraqi refugees and asylum seekers in Europe. To view the guidance go to www.ecre.org/files/ECRE_Iraqi_Guidelines.pdf

Events

A safer future for unaccompanied children – The challenge for local authorities in implementing the UASC reform programme.

Barnardo's and the Home Office are hosting a conference on UASC on Thursday 5 July 2007 in July London. For further information visit http://www.barnardos.org.uk/news_and_events/conferences.htm#asylum

Strangers into Citizens campaign event on 7 May 2007

The campaign is calling for the Government to allow a pathway for long-term illegal workers in the UK to earn a living legally. The campaign will hold a national day of action, celebration and a rally at Trafalgar Square on 7 May 2007 calling for all immigrants who have been in the country for four years to be allowed a work permit for two years. For further information visit www.strangersintocitizens.org.uk/

Jon Cruddas, MP, a supporter of the campaign, has tabled a Commons motion calling for a debate on the possibility of granting 'indefinite leave to remain' for migrants who have been in the UK for over four years. For further information go to <http://news.independent.co.uk/uk/politics/article2486647.ece>

A recent opinion poll indicates that 2 in 3 people think that refused asylum seekers and visa overstayers should be given the right to work. For further information see <http://news.independent.co.uk/uk/politics/article2483865.ece>

Destitution Summer Sleep outs 22 June 2007

Across the country “sleep outs” are being organised to highlight the plight of refused destitute asylum seekers. These are supported by the Refugee Council, Church Poverty Action and Amnesty International, which also support the *Still Human Still Here* campaign. For further information go to <http://www.church-poverty.org.uk/sleepout>

“Human rights, migration and poverty: their impact on transcultural care”

The 33rd annual conference of the Transcultural Nursing Society will be held on 19 – 21 September 2007.

<http://www.bournemouth.ac.uk/ihcs/tcns07.html>

Case Law

Blackburn-Smith v Lambeth London Borough Council case

In this case the High Court reiterated that section 17 Children Act 1989 does not impose a duty on local authorities to provide accommodation for children in need. Section 20 of the Act does impose a duty to provide accommodation to children in need but does not impose a duty to house children and parents together. The claimant, a Jamaican national, came to the UK in 1999, married a British national in 2001. The couple had two children but the relationship broke down in 2004. The claimant was never granted leave to remain.

For further details see the eflash produced by Arden Chambers which is circulated electronically with this Briefing (if you need a copy of this please email frances.smith@islington.gov.uk). This contains information about how to register with Arden Chambers for their “eflash”. These provide an immediate response to recent court decision or other legal developments.

A recent judgement indicates that section 20 of the Children Act imposes a duty to house children, but not to impose children and parents together.

For further information or to register directly for Briefings e-mail nrpf@islington.gov.uk or tel. 020 7527 7101.

Other contact details:

NRPF Network C/o Asylum Seeker and Refugee Service, Islington Council, 299 Hornsey Road, LONDON N19 4HN
<http://www.islington.gov.uk/nrpfnetwork>