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Introduction

In the past month the Home Office has published some key documents

- Enforcing the Rules: a strategy to ensure and enforce compliance with our immigration laws,
- Planning Better Outcomes for Unaccompanied Asylum Seeking Children, the Home Office Consultation on UASC Reform, and
- Provisional asylum statistics for 2006.

This edition of the NRPf Briefing highlights key points arising from these publications for those working with people who have NRPf and indicates where further information can be found.

There is evidence that the NRPf issue is rising up the agenda with, for example, the tabling of an Early Day Motion (EDM) on funding for local authorities, which are supporting refused asylum seekers. There have also been recent news articles in the Guardian newspaper and on BBC London radio and television.

Enforcing the Rules: a strategy to ensure and enforce compliance with our Immigration Laws

In early March the Home Office published its *Enforcing the Rules* strategy. This sets out the Home Office's approach to one of the four objectives of last year's review of the Immigration and Nationality Directorate (IND),

To ensure and enforce compliance with our immigration laws, removing the most harmful people first and denying privileges of the UK to those here illegally.

The strategy proposes closer working relationships with local authorities and other public and private sector bodies

In order to achieve its aims the strategy proposes closer working relationships with local authorities and other public and private sector bodies,

...we will make it easier for employers, healthcare workers, local authorities, government agencies and service providers like banks to access information more easily and determine whether people are here legally and entitled to services.

In its press release the Home Office indicated that *Blocking the benefits of Britain to those in the UK illegally* lay at the heart of the strategy.

To view the full report go to <http://www.ind.homeoffice.gov.uk>

The strategy makes no specific references to local authorities' duties to support destitute people from abroad who have no recourse to public funds (NRPF).

A report in the Guardian on 8 March 2007 indicated that Councils across England and Wales have been left with a £100m bill because they are for caring for sick and destitute migrants who have NRPF. To view the article go to <http://www.guardian.co.uk/immigration/story/0,,2028886,00.html>

BBC London radio and television broadcast a news article on 27 March 2007 regarding local authorities supporting failed asylum seekers and the governments' use of "economic strangulation" as a means of forcing people to return home, is not working. To view the article, go to: http://www.bbc.co.uk/london/tv/television/news_interviews/index.shtml

Asylum Statistics

The Home Office has published asylum statistics for the last three months of 2006 along with a provisional analysis for 2006. These indicate that 23,520 asylum applications were made in 2006, and 16,250 principal applicants were removed.

At the end of December 2006 there were 6,555 applicants (excluding dependents) in receipt of section 4 support for failed asylum seekers. Iraqi nationals accounted for the highest number receiving section 4 support, 2,600 (40% of those supported).

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To view the full report go to:

<http://www.homeoffice.gov.uk/rds/pdfs07/asylumq406.pdf>

Planning Better Outcomes for Unaccompanied Asylum Seeking Children – Home Office Consultation

In February 2007 the Home Office published proposals for new ways of processing asylum claims from and supporting UASCs. The consultation indicates that three themes inform its approach: UASCs are a group of children with specialist needs that require specialist support, there should be consistency in the support provided by local authorities to and more rational geographical distribution of UASCs.

The consultation document highlights how under the present system refused UASCs who turn 18 may have no access to welfare support. It suggests that

It is clearly far better that both immigration and care processes work in ways that avoid that eventuality, by prompt decision making and promotion of voluntary return, to include relevant re-integration assistance in country of origin.

Under the present system refused UASCs who turn 18 may have no access to welfare support

The paper explains that where applications are refused and voluntary return is not taken up, enforced return will be the norm. The Home Office is also exploring options for returning unsuccessful applicants who have not reached adulthood.

The consultation period ends on 31 May 2007.

To view the consultation document and find out how to respond go to <http://www.ind.homeoffice.gov.uk/6353/6356/17715/uasc.pdf>

There have been reports of local authorities being reluctant to take on responsibility for supporting UASCs under the proposals due to potential leaving care costs. For further information see <http://www.communitycare.co.uk/Articles/2007/03/08/103707/government-and-councils-clash-over-asylum-seeker-leaving-care.html>

Two recent reports take a critical look at the way in which the UK treats asylum seeking children. See *Reports and Publications* section below.

Early Day Motion (EDM) – Supporting Failed Asylum Seekers

On 7 March 2007 Nick Hurd MP tabled the EDM 1072

That this House notes the statutory obligation that local authorities have to provide support services for asylum seekers that have exhausted all appeals on their applications; further notes that the Home Office has failed to deport many of these individuals; recognises that local authorities are not eligible for Government grants to provide the services and that this can place pressure on the delivery of other services and council tax levels; acknowledges the particular pressure placed on the London Borough of Hillingdon, which has a significant number of asylum seekers due to the location of Heathrow airport in the borough; and calls on the Government to remunerate councils fairly for the costs of supporting asylum seekers who have exhausted all appeals.

Call on the Government to remunerate councils fairly for the costs of supporting asylum seekers who have exhausted all appeals.

At 16 March 2007 11 MPs had signed the motion.

On 22 February 2007 the London Borough of Hillingdon proposed an additional 1% council tax increase to cover the £1 million a year the council spends to support asylum seekers who have exhausted all rights of appeal and have not been removed from the UK. For further information http://www.hillingdon.gov.uk/news/archive/2007/feb/council_tax.php

Freedom of Information Act (FOI) Requests

A number of recent Home Office responses to FOI requests are relevant to NRPF.

In response to a question about funding for failed asylum seekers the Home Office indicated that

Adult asylum seekers who have a need for care and attention due to age, illness or disability which has not arisen solely from destitution or the physical effects of destitution are supported by local authorities under section 21 of the National Assistance Act 1948.

Failed asylum seekers with a need for care and attention may also be supported under section 21 – subject to the provisions of Schedule 3 to the Nationality, Immigration and Asylum Act 2002, which limits eligibility for support.

Local authorities may also support failed asylum seekers under the provisions of the Children Act 1989. This may include former Unaccompanied Asylum Seeking Children (UASC) who qualify for support under the leaving care arrangements.

Other FOI responses included details of various voluntary return programmes and the number of applications for NASS support, including section 4 “hard cases” support. To view the full responses go to

<http://www.homeoffice.gov.uk/about-us/freedom-of-information/released-information/foi-archive-immigration/>

ESOL Funding

Eligibility for free ESOL classes for some asylum seekers to be re-instated

The Secretary of State for Education and Skills has announced that he will re-instate eligibility for free ESOL classes for asylum seekers who are unable to return or be returned to their country of origin for circumstances beyond their control and who are eligible for Section 4 support.

For further information see:

<http://www.publications.parliament.uk/pa/cm200607/cmhansrd/cm070314/text/703>

Section 9 evaluation

The Home Office has announced that it will publish the evaluation of its the section 9 pilot in the next few months. Section 9 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 allowed to Home Office to withdraw support for families who had failed to cooperate with steps to remove them from the country. For further information see <http://www.publications.parliament.uk/pa/ld200607/ldhansrd/text/70314w0002.h>

Legal Update

Bryan McGuire of Field Court Chambers has produced detailed guidance for local authorities on Schedule 3 to the Immigration, Nationality and Asylum Act 2002. A copy of this will be circulated electronically with this issue of the NRPF Briefing.

Events and Training

Poverty, Destitution and Asylum: An Event for Scottish Refugee Council Members and Stakeholders on 30 March 2007 in Glasgow

For further information view:

http://www.scottishrefugeecouncil.org.uk/noticeboard/March_30th

Asylum Support Appeals Project (ASAP) Training

ASAP is running asylum support appeals training for members on 11 April 2007. The sessions will explain how to appeal against NASS decisions to stop or refuse support for asylum seekers. Participants need to have some knowledge of section 4 support to attend these sessions. Speak to Gerry or Lisa with any queries. To book a place call 020 8684 5873.

PICUM: Platform for International Cooperation on Undocumented Migrants

PICUM is holding a workshop on Protection and Gaps Under the International Human Rights Framework 30 MARCH 2007, *Undocumented Migrants Have Rights!* For further information go to <http://www.picum.org/>

Reports and Publications

Seeking Asylum Alone (Jacqueline Bhabha & Nadine Finch, 2006)

A recent report examines the process for unaccompanied asylum seeking minors and finds it lacking from a human rights perspective. *Seeking Asylum Alone* focuses on the situation in the UK with comparative material available on the situation in the United States and Australia through linked reports. The report addresses the following themes

- Overview of the statistics, the definitions and the realities surrounding child asylum seekers;
- A background to and the present legal framework in the United Kingdom for processing applications of unaccompanied or separated children seeking asylum;
- The models surrounding and associated with determining the age of child asylum seekers
- The detention, accommodation and care of the unaccompanied child asylum seeker and the need for and role of the legal guardian;
- Applying for asylum: the processes involved - from the screening process to the appeal process
- Recommendations for improved policies and practices.

To download a copy of this report go to:

http://www.humanrights.harvard.edu/conference/SAA_UK.pdf

They are children too: a study of Europe's deportation policies (Liz Fekete, Institute of Race Relations, March 2007)

This report argues that unaccompanied minors and children in asylum seeking families are being damaged by target-driven deportation systems that prevail across the continent. It draws on 150 cases involving arrest, deportation, detention and destitution. To find out how to obtain a copy of the report go to <http://www.irr.org.uk/2007/march/ak000018.html>

Contemporary Slavery in the UK (Joseph Rowntree Foundation 2007)

This report outlines the existence of slavery in modern day Britain. It reviews the different forms slavery now takes, such as the trafficking for women and children for sexual and domestic labour, forced labour and debt bondage. To download the report visit <http://www.jrf.org.uk/bookshop/eBooks/2016-contemporary-slavery-UK.pdf>

Positive Steps: Supporting race equality in mental healthcare (Department of Health, February 2007)

The guide, produced with the help of mental health care staff and community workers, offers advice and support for better responding to the needs of BME patients. It highlights good practice that already exists in the mental healthcare system. It is part of the Government's five-year action plan (Delivering Race Equality in Mental Health Care) to further improve services for these patients. The guide also incorporates key mental health issues and religious and cultural needs for different ethnic groups, using needs for South Asian, African and Caribbean groups as examples. It also includes an extensive list of useful contacts, organisations and resources

To download a copy of the guidance go to:

http://www.dh.gov.uk/PublicationsAndStatistics/Publications/PublicationsPolicyAndGuidance/PublicationsPolicyAndGuidanceArticle/fs/en?CONTENT_ID=4143168&chk=Afz9TE

The Ground of Justice – The Report of a Pastoral Research Enquiry into the Needs of Migrants in London's Catholic Community (Von Hugel Institute, 2007)

The report outlines the life experiences and needs of migrants who attend Catholic congregations in London. The report highlights the issue of homeless migrants. Eastern European nationals and Polish nationals in particular were found to be at risk of destitution. Homeless agencies found that

...the combination of the economic right to work in the UK with an exclusion from access to welfare state services was creating a pool of accession country migrants who are experiencing intense need.

To download a copy of the draft report go to:

http://www.vhi.org.uk/publications/display.php?id=8&content_title=The%20Ground%20of%20Justice.

Dispersal: Facilitating Effectiveness and Efficiency Report (2002)

Following a Freedom of Information Act request, the Home Office has made available a 2002 report which is critical of the dispersal process for asylum seekers. The Home Office commissioned the research from Oxford Brookes University. For details about how to obtain a copy of the report visit:

<http://www.homeoffice.gov.uk/about-us/freedom-of-information/released-information/foi-archive-immigration/2739-dispersal-report>

RAL (Researching Asylum in London)

RAL is a comprehensive database of research on asylum and refugee issues in London. RAL has been developed by ICAR and City University, London. To access the website, please see www.researchasylum.org.uk

For further information, please contact:

<http://www.islington.gov.uk/nrpfnetwork> or e-mail nrpf@islington.gov.uk or tel. 020 7527 7101

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