Out in the cold

Homelessness among destitute refugees in London

Refugees reveal the reality of living in destitution

A report by the Jesuit Refugee Service UK

JRS
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About JRS UK

The Jesuit Refugee Service (JRS) is an international Catholic organisation, operating in over 50 countries worldwide. Our mission is to *accompany, serve* as companions, and *advocate* on behalf of refugees, or forced migrants.

JRS UK works specifically with refugees who have been detained or made destitute by the asylum process. JRS UK is based in Wapping, London, where we run a Day Centre for destitute refugees. This report is based on their experiences of destitution.

JRS UK Values

JRS is grounded in Catholic Social Teaching: our work is based on the principles of hospitality and carried out in a spirit of compassion and solidarity, encouraging participation and community, aiming to give hope, justice and dignity to refugees and forced migrants. As a work of the Society of Jesus, we draw on the charism and principles of Ignatian spirituality, which affirms that God is present in human history, even in the most tragic episodes.

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A NOTE ON TERMINOLOGY

Refugee

The Jesuit Refugee Service around the world uses a broader definition of refugee than is contained in the UN's 1951 Convention or 1967 Protocol.[1] Drawing on Catholic Social Teaching, JRS therefore applies the expression 'de facto refugee' to all "persons persecuted because of race, religion, membership of social or political groups"; to "the victims of armed conflicts, erroneous economic policy or natural disasters"; and, for "humanitarian reasons", to internally displaced persons, that is, civilians who "are forcibly uprooted from their homes by the same type of violence as refugees but who do not cross national frontiers."[2] JRS UK operates within this more holistic definition; anyone in this situation is referred to in our work as a refugee, regardless of whether the government in their host country recognises them as such.[3]

1 The 1951 Geneva Convention relating to the Status of Refugees defines the refugee in law. It provides that a refugee is a person who is outside her or his country of nationality, has a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, and is unable or, due to such fear, is unwilling to avail herself or himself of the protection of that country. The 1951 Convention limited refugees to those in this circumstance due to events occurring before 1951, and gave states the power to limit it to events within Europe. The 1967 Protocol Relating to the Status of Refugees removed these temporal and geographical limitations.

2 A key articulation of this principle is found in Cor Unum, Refugees: A Challenge to Solidarity (1992), paragraphs 3-4.

3 This finds a parallel in international law, where anyone fitting the Convention definition is a refugee, whether or not they are recognised as such. 'Asylum seeker' is not a category in international law, but a term the UK government, among others, uses to describe people who have asked to be recognised as refugees. Those refugees it refuses to recognise are often referred to as 'failed' or 'refused' asylum seekers.

FOREWORD:

A MESSAGE FROM THE DIRECTOR OF JRS UK

Each week JRS staff and volunteers sit alongside destitute refugees at our Day Centre and share a meal. We come to know refugees by name in that context, and conversation is as often about politics or football as about the frustrations of resolving their immigration case. It is notable though how often anxiety about living arrangements frames these informal encounters; even when not the main subject of conversation, it seems still to loom large in the background.

The idea of conducting this survey arose out of informal conversations such as these. We wanted to understand the needs of those we accompany and serve and provide an opportunity for the hidden stories of their lives to be heard by others. What we found is that destitute refugees are living in conditions which are worse even than we feared. The scale of sporadic street homelessness amongst men and women of varying ages and backgrounds is deeply troubling, but so too is the precarious nature of other arrangements, and that so many refugees are living in situations where they feel physically in danger.

In this climate of hostility towards migrants, we seem to have forgotten that at the centre of the public storm are human beings. This report is based on the stories of people who came to Britain seeking sanctuary, but who instead found themselves trapped in destitution, cornered into situations of abuse and forced out in to the cold. Pope Francis reminds us that stories such as these are *a sign of the times* – that they are a sign we should pay attention to and reflect on. My hope is that this report kindles some sense of our moral responsibility towards those we currently exclude and that it might play a role in a conversion of heart and open the way for a more authentic human response.

Finally, I want to say thank you to the refugees who participated so generously in this survey and trusted us with difficult details about their lives and to say thank you to the team of staff and volunteers at JRS UK who worked hard to bring these stories to life, including Sophie Cartwright who led this project, with support from William Neal, Marischka Nkashama, Liliane Djoukouo, Nicolette Busuttil, Megan Knowles and Jonathan Parr.

Sarah Teather, Director JRS UK

EXECUTIVE SUMMARY

This report examines patterns of homelessness amongst the destitute refugees served by the Jesuit Refugee Service (JRS) in London. JRS UK provides support to those who have fled to the UK for safety and sought asylum, but who are struggling to gain recognition of their status as a refugee. Unable to leave the UK yet barred from working and with no access to government support, they are left destitute, often for many years.

Our survey of those who attended the JRS UK Day Centre in East London uncovered a widespread pattern of sporadic street homelessness: indeed the majority of respondents, including men and women of various ages, had been street homeless within the last year. This was coupled with very insecure accommodation in general. The threat of sleeping on the streets was ever present for a large number of those we serve. For those who had accommodation, it was frequently inadequate – dilapidated, dirty and cold, and often overcrowded, even with hostile strangers. We also found indications that many respondents were cornered into living situations that left them vulnerable to abuse. A substantial minority of respondents did not feel physically safe in their accommodation, and many specifically described being afraid of those they lived with. Overall, these conditions, unsurprisingly, had a negative impact on physical and mental health.

As respondents were asked to reflect on their situation, it emerged that most felt trapped. They were denied the capacity to order their own lives or perform basic tasks, and therefore deprived of freedom and privacy. Many pleaded simply to be treated as human. These perceptions and experiences were framed by concerns over immigration control. The threat of detention and removal compounded other fears, and lack of immigration status was often seen as the root of destitution and homelessness.

The pervasive homelessness documented here emerged as a key aspect of destitution – a destitution which is not accidental, but a deliberate aim of government policy, which has been enforced and strengthened by the matrix of still-unfolding policy and legal measures that make it ever more difficult for undocumented migrants to meet their basic needs and criminalise, for them, many day-to-day activities. This is described by policy makers as the *hostile environment agenda.* It targets those who are often already vulnerable as a result of situations that brought them to the UK in the first place, and manufactures further vulnerability by barring them from supporting themselves. We argue that deliberately making individuals destitute, with the knowledge that it is likely to result in street homelessness and significant risk of exploitation and abuse is not an acceptable tool of government policy, particularly as a means of enforcing decisions taken in an asylum determination system widely viewed as flawed.

We note that many of those surveyed were deeply appreciative of hosting arrangements, such as the JRS UK *At Home* scheme, which provides some temporary relief from street homelessness. However, we conclude that street homelessness and the vulnerability associated with insecure housing amongst destitute refugees can only be solved by repealing the policies associated with the hostile environment agenda and, crucially, by giving those seeking asylum the right to work to support themselves until their situation is resolved. We invite communities across the UK to join us in calling for these policy changes.

1. INTRODUCTION

1.1 The destitute refugees JRS UK accompanies[4]

Those claiming asylum face innumerable barriers to resolving their situation. The determination system for asylum itself is notoriously arbitrary: countless investigations have pointed out the culture of disbelief towards applicants, and the poor training of those making decisions. The UK government has been challenged before for relying on discredited information about countries of origin.[5] Many rejections of asylum are overturned on appeal: in 2016, 41% of appeals were granted.[6] But legal routes have themselves become more difficult to pursue. Cuts in legal aid mean few solicitors can afford the time for detailed work on a case that requires intensive background research. Numerous refused asylum claims represent individuals who desperately need a safe haven but who have been let down by a system which appears stacked against them. Once rejected, any fresh claim for asylum must also be lodged in person in Liverpool; a tall order for someone rendered destitute. Destitution and unstable housing themselves of course create a chaotic context for handling paperwork, and the anxiety it generates can be a near insurmountable bar to clear-headed thought necessary for coherent testimony.

Many whose asylum claims are refused cannot leave the UK but are denied any means to support themselves: like all seeking asylum, they are barred from working and cannot access the benefits system.[7] After a claim is refused and the claimant's appeal rights are declared to be 'exhausted', asylum support of £36.95 a week, and very basic accommodation, are cut off.[8] Many people subsequently put in fresh asylum claims – some of which succeed – but often cannot access financial support while they await a response for various reasons. Ultimately, refugees in this situation are left with no way to meet their basic needs – *i.e.,* they are destitute.[9] These are the people we work with. Some have lived in destitution in the UK for many years. For example, we surveyed an older couple who had been in the UK for 15 years, most of them spent destitute. For them and people in their situation, destitution is not a brief episode, or a treacherous bridge to cross, but an indefinitely extending reality.

Through our Day Centre, JRS UK supports on average 215 destitute refugees a month.[10] The Day Centre provides a small cash travel allowance to pay for bus passes, toiletries, and a hot meal which we all share, as well as a place to sit and relax in warmth, safety, and friendship. JRS UK also runs a Hosting Scheme called *At Home,* through which we

4 See Appendix 1 for a discussion of JRS UK's criteria for targeting support.

5 For example, in 2015, the Independent Advisory Group on Country Information (IAGCI) critiqued the Home Office's reliance on a discredited report in declaring it safe to recommence return of Eritreans who had fled their country without permission to leave. The IAGCI's report can be found here: https://www.gov.uk/government/publications/eritrea-country-information-and-guidance-iagci-review. For more information, see the following article: https://www.theguardian.com/uk-news/2016/jul/28/hundreds-of-eritrea-asylum-applications-still-incorrectly-refused

6 Home Office asylum statistics February 2017: https://www.refugeecouncil.org.uk/policy_research/the_truth_about_asylum/facts_about_asylum_-_page_5

7 In a few scenarios those with pending asylum claims are *theoretically* permitted to work; for the first twelve months that an initial asylum claim is being considered, the claimant is barred from all work. If the initial assessment of the claim takes longer than twelve months, claimants may apply for permission to seek a job on the UK's shortage occupation list. See http://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN01908. However, it is virtually impossible to succeed: being forced into unemployment for at least the previous year, and living in danger of removal at short notice are two of several reasons why. See https://www.refugeecouncil.org.uk/assets/0003/9621/Refugee_Council_briefing_Westminster_Hall_Debate_on_asylum_seekers_and_the_right_to_work_11_Jan_2017.pdf

8 From 5th February 2018, asylum support will rise to £37.75 per week.

9 For a more detailed discussion of the definition of destition, see Appendix 2.

10 This is the mean number of visitors to the centre per month, from October 2016 to September 2017.

arrange for destitute refugees to be hosted for periods of 3 (or sometimes 6) months. Refugee guests are primarily hosted by religious communities, although families and couples have also participated. Over the last 18 months, 14 people have been hosted.

1.2 The hostile environment

The destitution of those whose asylum claims have been refused is created by government policy. The Home Office aims to create a "hostile environment" for undocumented migrants. This criminalises many every day activities, such as driving and work, and makes it extremely difficult for undocumented migrants to access vital services, notably healthcare. As criminal convictions and unpaid medical bills count against an applicant in the immigration system, these policies also serve as a further impediment to regularising immigration status.

Especially pertinent to homelessness is the Right to Rent Legislation: the 2014 Immigration Act declared that undocumented migrants did not have the "right to rent", and introduced civil penalties for landlords who did not check immigration status. In the 2016 Immigration Act, criminal liability was placed with the landlord: landlords can be imprisoned for up to five years if it is found that they had "reason to believe" that the tenant was in the country irregularly. Also, landlords can now evict undocumented occupiers more easily, without any court order, and the Home Office can order them to do so.

This legislation doesn't just prevent undocumented migrants from renting: it places a question-mark over whether it is legal for a landlord to permit an undocumented migrant to lodge rent-free in privately rented accommodation as their main residence, including those staying long-term with friends or family who rent privately.

This legislation therefore breaks familial, community, and human bonds, and prevents private individuals from behaving with compassion.

1.3 The research project in brief

We knew from the refugees we accompany that homelessness was a big problem for them – and the policy context also highlights it as a pressing issue. We wanted to understand the situation refugees were facing more clearly and give refugees a chance to explain how it affects them, both to us and to others. We therefore conducted a survey on homelessness at our Day Centre, and received 135 responses. The methodology is explained further in Appendix 1.

1.4 Homelessness

Under English and Welsh law, one is considered legally homeless if one:[11]

- Has nowhere to live;
- Has a home but can't get into it;
- Is staying in a hostel or refuge;
- Has been served with an eviction notice or asked to leave by family or friends with whom one is staying – *i.e.,* if one's accommodation is precarious or about to end;
- Is living in poor or overcrowded conditions;
- Is at risk of violence or abuse in one's home;
- As part of a family, has nowhere to be together;
- Cannot pay for other basic necessities once one has paid for one's housing.

11 This section is indebted to Shelter England's summary (http://england.shelter.org.uk/housing_advice/homelessness/rules/legally_homeless). More detail can be found here: http://england.shelter.org.uk/legal/homelessness_applications/defining_homelessness.

Homelessness is closely connected to destitution but not strictly a necessary feature of it. One might be unable to meet other basic needs – *e.g.* to afford food – whilst one had adequate and secure accommodation for which one was not paying. However, this combination of circumstances would be extremely unlikely to come about. Unsurprisingly, virtually all respondents were homeless according to the above definition.

Further briefing on the policy context affecting the refugees who are the subject of this report is included in Appendix 2.

2. KEY FINDINGS[12]

2.1 Living situation

2.1.1 Levels of street homelessness

A significant majority of respondents were or had been street homeless: 58% (over 62% of those who gave us information about it), had slept rough within the last year[13], and nearly 20% for more than a month. 5% had slept on the streets the night before filling out the survey[14], and 13% had slept in a shelter of some kind, 4% in a shelter that changed every night, and 9% in another kind of shelter. Alongside some perpetual street homelessness sits a wider pattern of sporadic rough sleeping, pointing to a perpetual vulnerability to street homelessness.

62%

of refugees have been street homeless in the last year

2.1.2 Insecurity of accommodation

Overall, living arrangements were found to be highly unstable, with a large number at constant risk of having to sleep outside.

Nearly half of respondents – 47% – did not have a regular place to sleep, instead sleeping in different places on different nights.[15] People would couch-surf, going from friend to friend. Several people reported coming home to find themselves locked out for the night, as a fairly routine occurrence. This helps to explain the sporadic rough sleeping: sometimes, they managed to find a floor to sleep on, sometimes not. Unsurprisingly, the vast majority of people – 87% of those surveyed – said they did not feel in control of when they left their current accommodation, while only 8% said that they did.[16]

"I go from one friend's to another."

A more specific point needs to be made about the nature of this instability. Respondents were asked how long they had been staying in the place they had slept on the previous night. 81 people, 60% of those who answered, said that they had been staying there for 6 months or more and were

12 Percentages are rounded to the nearest whole number.

13 People were asked: 'How many nights in the last year have you found yourself sleeping on the streets?' 79 people – 58% of total respondents - had slept on the streets at some point in the last year, corresponding to 62% of those who answered (the figure of 79 includes one person who did not state how long they had been sleeping on the streets, but did state that they had been on the streets the previous night – and therefore evidently at some point in the last year).

14 7 people.

15 People were asked "Do you tend to stay in different places on different nights?" 48% of those who answered said yes, corresponding to 47% of total respondents.

16 In a list of questions about current accommodation, respondents were asked: 'Do you feel in control of how long you stay there?', given the options of yes or no, and asked to explain. 87% of all respondents, 91% of those who answered the question, said no. Not all who did not answer 'yes' or 'no' ignored the question; some skipped over the multiple choice aspect and gave an answer in their own words, normally more nuanced.

not street homeless.[17] Taken on its own, this might seem to suggest a relatively stable living situation. However, such a suggestion would be misleading: 44% of those people also reported that they stayed in different places on different nights, which is only slightly lower than the overall percentage of people who stayed in different places on different nights.[18] For these people, the place they have been staying for 6 months is not, evidently, a stable home, but one of multiple places in which they lodge informally, and, in some cases, from which they may find themselves locked out without notice on any given night.

2.2 Living conditions for those in accommodation

63% of people reported that they had stayed in some kind of house or flat the previous night. The below focuses principally on their experience, though it also includes some respondents who stayed in shelters. Most people live in conditions that are not fit for habitation – one of the criteria for legal homelessness. Several trends emerged about physical living conditions, detailed below.

2.2.1 Overcrowding

> *"I share a small room with children and sleep on the floor. I'm sick and walk with a stick."*

Overcrowding is difficult to quantify via a questionnaire as perceptions of what counts as overcrowded vary. We sought to measure this by asking both how many people respondents lived with, and how many bedrooms there were. This itself had limitations in that it did not establish how many rooms were shared between partners, but we thought it important to avoid too intrusive a line of questioning. As an indication: over 56% of those staying in flats or houses, and answering questions about number of rooms,[19] stayed in properties with more than twice the number of people than bedrooms.[20] That is, over half of the relevant people stayed in accommodation with more than two people per bedroom. This suggests that overcrowding is a significant issue for many at the Day Centre, which was reinforced by responses to more open-ended questions.

36%
of refugees don't feel physically safe in their accommodation

Numerous people reported sleeping on the floor or on a sofa, either in a communal area, or in a room shared with several others. Several of those who reported this were older. For example, a married couple in their 60s slept on the floor, and a woman of 57 said she slept on a chair. In light of this, one ought to consider the possibility that not having a bed is very common. Plausibly, people accustomed to hardship cease to focus

47%
of refugees do not have a regular place to sleep

17 85 people, 63% of respondents, 66% of those who answered, said that they had been staying there for 6 months or more. 4 of those people were street homeless.

18 Of the 85 people who had been staying in the place they stayed last night for 6 months or more, 39 stayed in different places on different nights. However, 3 of those were street homeless, as were 4 of the total 85. Therefore, 36 people were a) not currently street homeless b) had been staying somewhere for 6 months or more and c) stayed in different places in different nights. This is 44% of all those who a) were not currently street homeless and b) had been staying somewhere for 6 months or more.

19 *i.e.,* excluding those who answered "Not applicable" or did not answer the question "How many bedrooms are there in the place where you stayed last night?

20 41 out of 73 people.

on some aspects of it. A relatively young and healthy person might come to find this normal. Older people are most likely to feel it and therefore to bring it up when asked to describe their living conditions.

2.2.2 Uninhabitable conditions

The survey did not ask specifically about living conditions, partly because it focused on levels of homelessness, and partly because it was intended to give respondents a chance to talk about what they thought was most important. Nonetheless, the poor condition of their accommodation came up in response to many questions, suggesting that it was a significant feature of respondents' experience. There were reports of:

- Rat-infested properties;
- Bed-bug infestation;
- Properties soiled with faeces;[21]
- Chronically dirty properties;
- Cold or unheated properties.

2.2.3 The threat and/or experience of physical violence looms large

"their [my housemates'] behaviour is bad."

"I feel in danger being in different places sometimes I do not know the person living with me."

"I need a proper safe place to stay."

> *"Sometimes I come late just to avoid problems at home. And stay in the cold or without food."*

36% of people said they did not feel physically safe in their accommodation.[22] When respondents were asked to give their views on the accommodation situation of destitute refugees, the theme of safety and security came up repeatedly. Responses to the question, "What do you think about the living arrangements of destitute refugees as a whole?" included: "Very unsafe"; "People

21 It needs to be borne in mind that, in many cases, those surveyed had no control even over the internal condition of their accommodation.

22 Corresponding to 38% of those who answered the question. It should be borne in mind that some may find this an uncomfortable question to answer – especially if they do not feel safe.

Refugee Stories: **Marius and Svetlana**

Marius and Svetlana, a couple in their 60s, have been in the UK for 15 years. They have spent much of that time sleeping on the streets, including around a month within the last year. Now, they share a room in a church-based hostel. Do they feel safe there? "Yes, it's secure. They help," they both agree. "But when I go out I am scared", Svetlana adds.

They don't have money to buy food, so they take food from bins to eat.

They are grateful for the help they receive from the church, but feel let down by the government whom they asked for protection: "Thank you for…[those who host us]. I wouldn't be alive if not for them. The government never gives support," says Svetlana. "I am 15 years here. No support, no help. The government does not care".

who are destitute must be provided a safe place to stay"; "refugees like us…[should be] respected and offered accommodation as being homeless is dangerous all the time."

Many respondents reported highly volatile situations. "Anything can happen" was a common refrain. Asked about how they felt about their accommodation situation, a respondent said: "I feel bad because anything can happen to me any time"; similarly, asked if they felt in control of how long they stayed in their current accommodation, one person answered no. They remarked: "anything can happen". It is evident that this volatility and insecurity was closely connected to fear or experience of physical violence, because it was especially prominent when people were asked whether they felt physically safe, or to explain why they didn't. For instance, responses to this question included:

> *"Not really. So many people. Anything can happen any time."*
>
> *"Family but still a bit insecure. Anything can happen."*
>
> *"No."* When asked to explain: *"I don't know what's gonna happen."*

Similar comments elsewhere in interviews included:

> *"I don't know what could happen to me."* [23]
>
> *"I don't know what happens tomorrow."*

Hosting schemes provided a measure of safety in this context, and all respondents in the JRS UK hosting scheme felt safe.

42%
of refugees do not feel comfortable around the people they stay with

2.2.4 Undernourishment and malnourishment

Several respondents referred to not having enough to eat. This is significant because food was not mentioned in the survey, nor was it obviously a natural focus of it. When asked to reflect on their housing situation, food came up.

2.2.5 Poor living conditions had an adverse effect on mental and physical health

> *"I feel worried as I don't get permanent place to live and my health become worse."*

Unsurprisingly given the above, many people reported that their living situation was having an adverse effect on their health. Reports included:

- One woman who had just been released from hospital and was still recovering was staying in very overcrowded conditions; there were two bedrooms and 7 people;
- A woman in her late fifties to early sixties explained, *"I share a small room with children and sleep on the floor. I'm sick and walk with a stick."*

This is in line with research by the Joseph Rowntree Foundation, which noted that, in many cases, destitution was bad for mental and physical health.[24]

23 The original French: "Je ne sais pas ce qui peut m'arriver."
24 Joseph Rowntree Foundation, "Destitution in the UK" (April 2016), pp.44-48.

2.2.6 Frail and older people in destitution

In several of the interviews quoted, respondents described the difficulty of being older in their living situations. It is important to bear in mind that extended destitution takes a huge toll on the human body. So do the kinds of trauma that many refugees experienced in their countries of origin – such as torture. Aging and frailty are likely to set in earlier for destitute refugees than for the UK population as a whole. A woman of 57 thus described herself as an "old woman".

Of those who stated their age, one in five were over 55 years old, which suggests that older people in destitution are a significant phenomenon. This is corroborated by data from Doctors of the World, another organisation that works with vulnerable and impoverished populations, and disproportionately with migrants: in 2016, 15% of patients in Doctors of the World's UK clinics were 50 or over.[25]

87%

of refugees do not feel in control of their accommodation

2.3 Destitute refugees' feelings and reflections

2.3.1 Trapped in a painful situation

> *"I just need my freedom."*

42% of people said that they did not feel comfortable around those they lived with.[26] This, of course, could be a response to a wide range of scenarios or cover a range of feelings, but it was a good starting point for a deeper conversation. In people's explanations of their discomfort, and in their wider reflections on their situation, a pattern emerged: there was frequently a sense of being trapped – one man actually likened destitution to imprisonment – and a very widespread feeling that agency and autonomy were lacking. This was naturally framed by the total inability to control one's home and therefore one's life. It played out in several overlapping ways, often involving a privation of bodily autonomy, and connected to physical danger.

2.3.1a Forced to live with abuse and in danger

Many respondents felt forced by homelessness into accepting abuse – and often connected this with the experience or fear of physical violence. One man explained: "When it's cold I have to accept any mistreatment..." A woman stated: "I don't have a choice. I have to comply with the conditions in the place where I live."[27] Asked whether he felt physically safe, one man replied "Not really, but [I] have no choices".

2.3.1b Lack of freedom to structure one's life or perform basic tasks

Destitute refugees often find themselves utterly dependent on the hospitality of others – many of whom might give it grudgingly, many of whom themselves have relatively few resources and relatively little space. This means having to fit around someone else's life in every possible way. At the same time, without money, opportunities to take a break away from the house are scarce; in the absence of work or the funds to go to a café, one may be stuck in the house all day, an unwelcome guest, accommodating oneself to a host's routine. This provides valuable context for the following remarks from the interviews.

25 https://www.doctorsoftheworld.org.uk/Handlers/Download.ashx?IDMF=72acc37f-bdc6-44b4-82b8-c17bc462ddff.

26 Corresponding to 45% of those who answered the question – which is, like the question about physical safety, potentially a difficult question to answer.

27 The original French: "Je dois me soumettre à l'endroit ou je vis."

For many, living with others on whom they were dependent meant that they were unable to choose when to eat, sleep, or wash, and were sometimes prevented from doing so altogether.

> *"If only I could have my freedom to look after myself properly."*

"You do things their way. You do not sleep the time you want, or get up the time you want."

"Since I sleep on a chair in the living room, I must wait for everyone to leave the room so that I can sleep and I have to be the first to wake up to vacate the living room..."[28]

"I sleep in the living room, I can't sleep before the host."[29]

"I have limited [time] to do something, time to go to shower, time to eat and watch TV, I don't like it."

"Sometimes I am prevented to do certain things"; What, if anything, would make you feel more comfortable in your accommodation? *"I would like to have my own place, to feel free."*

Related to this was the almost total deficit, for many, of privacy.

"I have no freedom for myself, no privacy, share room with children."

"[I have] no freedom, [I'm] stressed, [I have] no privacy."

"I feel sad, and especially I do not have my own privacy anymore."[30]

"I don't have privacy…I don't sleep properly."[31]

Many respondents had no freedom to come and go, but had to wait for their housemates to get home and unlock the door at an unspecified time – and a time that might not come:

"I have no keys to the house. So I usually stay outside to wait for them."

28 The original French: "Je dors sur une chaise au salon, je dois attendre que tout le monde quitte pour dormir et je dois me reveiller le premier pour liberer le salon…"
29 The original French: "Je dors au salon, je peux pas dormir avant le proprietaire."
30 The original French: "Je me sens triste, et surtout je n'ai plus ma propre intimité."
31 The original French: "Je n'ai pas d' intimité…je ne dors pas convenablement."

Refugee Stories: **Litzian**

Litzian, a woman aged 26-35. Litzian was street homeless, and had been so for more than 6 months, sleeping outside on her own. She moved around from place to place each night, depending on the weather. She explained that she was often in physical danger: "Living on the streets means that I am at great risk of being assaulted." This, she thought, was typical, but that didn't make it endurable: "We are left at the mercy of people we don't know. Abuse is common and somewhat expected. People like me have an impossible life to lead."

"[I want] A house for myself. You open the door you can go inside. Sometimes when I am late people are not happy."

"Sometimes I get home late and the home is closed. No keys, so had to go elsewhere…"

"Sometimes I stay outside for hours for him [my host] to come and open the house door."[32]

2.3.1c Lack of assurance over one's home

> *"…they tell me just to leave."*

The feeling of being trapped was wedded to the insecurity of almost all living arrangements. Across the spectrum of feelings about one's hosts or housemates and one's living conditions, a profound awareness of uncertainty and instability was constant. Sometimes, it was part of an explanation for why the respondent didn't feel safe:

"I can be out at any time."

"it is not easy to know that you might need to leave the place at any time."

Or a caveat, overshadowing a feeling of safety:

Do you feel physically safe? *"Yes, but I don't know how long I will stay in this place."*

Other similar remarks included:

"My host family are very kind and lovely people. But I am afraid they may need their space at any moment."

"The place does not belong to me, the owner can need her space in the future."

Inevitably, the constant threat of having nowhere to sleep profoundly shaped the way people saw the world.

2.3.1d Indignity of being unable to contribute or participate

Even among those who currently had somewhere safe to live, and whose hosts were kind, there was a profound feeling of being a burden (a term specifically used by seven respondents). People didn't want to be completely dependent. People desperately wanted to contribute to their households – often to deter their hosts from mistreating them, but also, in other cases, to repay their hosts' kindness.

A respondent who was afraid of their housemates was asked what would improve their situation. They replied: "[To] contribute *e.g.* food, electricity, gas, water."

> *"You feel you are overstaying your welcome."*

One man who said he did feel not only safe but also comfortable said he felt so because the friend he lived with was old, and he looked after him, so it was like charity. He felt comfortable because, unlike most others, he had agency and the chance to contribute in his living situation: "my friend is an old man over 80. I help him as well, so it is part of charity work so I'm happy". His situation, atypically, afforded some opportunity to stand in solidarity with another who stood in solidarity with him, and this gave him dignity. It is notable that, while he saw his assistance to his friend as meaningful work, he still expressed a desire for more opportunity to work and contribute. He told me, "If immigration problem is solved…[t]hen I will do charity work as well."

32 The original French: "Des fois je reste dehors pendant des heures pour qu'il vienne ouvrir la maison."

Refugee Stories: **Mahmood**

Mahmood, a man between the ages of 36 and 45. 8 years ago, he spent over a year on the streets, often sleeping rough for two or three months at a time, then was on and off the streets for 7 years. He had spent over a month sleeping rough over the past year. He moved around from night to night: "I sometimes stay with a friend, sometimes on the street, sometimes with family."

Mahmood gave a gruelling description of his life on and off the streets: "It's not good. Very, very bad. No matter how you try, you end up…mixing with unkind people. They steal your things. You can't carry everything all the time. All the time, you're not really clean. Your shoes are wet." He describes being trapped by the inability to work, by the total lack of resources or choices: "It's like you are in prison, but you are walking around on the streets. It's like you are a prisoner who was let out on license and you have to report to the police and you know you are still a prisoner. We are treated worse than criminals. When I went to sign, I asked what help they could give me. They said 'nothing'."

In this horrifying situation, there is both kindness and resilience. For several months, Mahmood slept in a tent underneath a tree in a park. One day, he went out. When he returned, a branch had fallen, and broken the tent. His response? "I gave thanks to God, because if I had been in the tent, I could have been hurt or even killed." A few days later, he returned to find a brand new tent in place of his old one. Thinking it belonged to someone else, he slept outside it for about a week, but no occupier turned up. He realised the tent had been a gift for him, from an anonymous well-wisher.

At the time the survey was conducted, he was sleeping at a friend's, where he had been staying on and off for six months. When there, he felt physically safe and comfortable, but described tight constraints on him. He couldn't go into the kitchen if anyone was in there, and he didn't have his own key or own space. His current accommodation was also insecure, and he was sometimes ill-treated but felt he was unable to complain: "I can go back on the streets at any time. When it's cold, I have to accept any mistreatment or if anyone is not happy."

For Mahmood this was a massive improvement. "There are some other places I have slept in the past year where I don't feel safe…Other friends want money and drink." He reflected on his situation: "If you live in someone's house, not paying rent, not working, you don't expect nice words every day, and you have to accept it, because otherwise you end up on the streets."

2.3.2 Immigration status

Immigration status and fear of immigration enforcement appeared in the interviews repeatedly and unbidden. Many people explicitly linked their housing situation to their immigration situation, though immigration was nowhere mentioned in the questionnaire. For several people, lack of immigration status was a significant factor in creating fear, alongside housemates' behavior. When asked what would make their situation better, one man replied simply: "If immigration problem is solved then I will be okay."

At times, the responses turned to immigration status or control by government when the question had more obviously focused on the relationship with housemates. When asked whether they felt in control of when they left their accommodation, one person responded: "I can be detained at any moment." Someone else explained that they did not feel physically safe in their accommodation because of "Fear of arrest and deportation." They were afraid of being removed from the UK. This person also had a tense relationship with their host, who was pressuring them to move out. Nonetheless, in this case, it was the government who additionally threatened them with physical danger. An older woman who did feel safe in her accommodation said she felt so in part because those she lived with "don't call the police".

> *"I can be detained at any moment."*

This offers important context for the frequently expressed sense that "anything can happen." Anything could happen on so many levels, in any and every sphere of life. Housemates and immigration officials both present danger: homelessness and statelessness bleed into one another.

2.3.3 Destitution as dehumanising

> *"We left our countries due to different problems, political or other, thinking that our situation would be improved but on the contrary we found ourselves in a worse place. This should be treated more humanly."*

11 respondents explicitly stated that refugees should be treated as human beings, that refugees were human beings, or that refugees were not treated as human beings. Again, no question on the survey particularly invited this response. Nowhere did the survey ask about the humanness of refugees, or even couch the issue of homelessness in terms of the treatment (as opposed to experience) of refugees. The neglected humanness of refugees came up, again and again, when destitute refugees were asked, in the most general terms, for their reflections on their own or other refugees' experiences and situation. The responses are quoted below:

"I believe it's a basic right of asylum seekers or refugees to be helped because they are human beings at the end of the day. To be in this situation makes you feel unwanted."

"We left our countries due to different problems, political or other, thinking that our situation would be improved but on the contrary we found ourselves in a worse place. This should be treated more humanly."

"I believe refugees should be treated as humans."

"We should be helped as we are human beings."

"As human beings, refugees should be treated good."

"I would be happy…if refugees are [were] treated like humans."

"Refugees are human beings they should have their own accommodation."

"refugees are human beings they should have accommodation."

"It [the living arrangements of destitute refugees as a whole] is not good for humans."

"We live through very difficult times now… we do not have status or secure accommodation for ourselves. I think that all human beings have the right to have accommodation. This should not be regarded as a luxury but as a priority for all."[33]

These all indict refugees' exclusion from human community and the good things that should be for everyone. One person in particular considered how this exclusion was bad for community:

> *"The forced destitution of asylum seekers and refugees is not good to anyone – not to themselves, their communities, or family. It is a major violation of human rights."*

This speaks powerfully of a denial of human dignity that is fundamentally detrimental to the common good.

In 2016,

41%

of asylum appeals were granted

2.3.4 Reflections on the government

Related to both the focus on immigration and the concern with dehumanisation, many respondents turned to systemic issues: the system should be improved, the government should help, this was an injustice. There were a number of responses calling for systemic change or serious research, or critiquing the government from a human rights perspective.

> *"The government does not do anything at all, any arrangements at all are by charities only and there are a handful of them. We need more."*

"It must be publicly investigated and researched."

33 The original French: "Nous vivons des moments très, très difficiles…on n'as pas de papier, aussi pas d'endroit pour nous securiser. Je pense que tout être humain a le droit d'avoir un abri cela ne doit pas être un luxe mais une prioritee pour tous."

3. CONCLUSIONS AND ANALYSIS

This study has shown an exceptionally vulnerable group of people who are on the very margins of society and whose most basic needs are not met. Nor is this an accident (as they clearly understood).

Many of their experiences are shared with other destitute people. However, refugee destitution has several distinctive factors: it is deliberately created, and is framed by immigration control, which both bars most routes out of destitution and keeps ever-present the possibility of detention and removal into further danger.

3.1 No way out of homelessness

Nearly everyone surveyed was legally homeless by the accepted definition within English and Welsh law. Some had no accommodation or slept in hostels or night shelters. Nearly all who did have accommodation either knew by pre-agreement that they only had it for a few months – as is the case with hosting schemes – or lived under constant threat of eviction and might lose access to that accommodation at any time without notice. Furthermore, for many with accommodation, it was overcrowded or of poor condition. In these situations, those with regularised immigration status would have recourse to local, national, or UK-wide government support networks, or both. Those whose claims for asylum have been rejected have none. In their report on destitution, the Joseph Rowntree Foundation notes that typical routes out of destitution were an end to benefit sanctions or finding work.[34] These routes are barred to all migrants deemed undocumented, including refugees whose asylum cases have been refused. In order to resolve the human tragedy that is refugee homelessness, it is necessary to alter laws and policies around immigration and asylum.

3.2 The extra vulnerability of undocumented refugees in destitution

Homelessness rendered most of those surveyed extremely vulnerable, with widespread fear of abuse, a strong sense of physical danger, and the feeling that any mistreatment had to be accepted. This has something in common with homelessness in the general population. However, this needs to be set in the further context of a fear of immigration control, and the chronic, all-encompassing uncertainty with which it frames these refugees' lives. The total uncertainty of their lives is physically incarnated in their living arrangements. Fear of one's housemates, landlord, or abusive partner is exacerbated by fear of detention, and in some cases removal into even greater danger.

This extra vulnerability has a very disturbing implication indeed: someone who is forced to obey those they live with, and who effectively has no recourse to the law, is at great risk of exploitation. Many of the qualitative interviews conducted suggest the potential for this to happen – recall the reports of having to accept abuse. None explicitly show that it is currently happening to the respondents. However, this is a reality that it is hard to uncover by conducting a survey and points to an issue to which JRS and others supporting refugees need to be very alert.

3.3 Looking to the future

Right to rent laws, as they begin to be more widely enforced, will inevitably make it harder for destitute refugees to find anywhere to live, and therefore worsen their situation relative to the picture painted here. That legislation will also, specifically, force many into an even more vulnerable position, needing

34 Joseph Rowntree Foundation, "Destitution in the UK" (April 2016), p. 64.

to accept whatever roof they can find on whatever terms. The lack of any address will, in turn, make it more difficult to access any government support that might be available; to access such support, one must evidence one's addresses up to the point of application.[35]

3.4 Justice intrinsic to charity

The refugees we hear in this report are forced to rely entirely on handouts, and to be completely dependent on others. Obviously, this means that their needs are routinely not met. The enforced asymmetrical dependency has other, related consequences. It places refugees in renewed danger, and it prevents them from participating freely in communities or structuring their own lives, *i.e.* from flourishing. Three privations – of basic material needs, of safety, and of autonomy within community - arise out of destitution. Through charitable gifts focusing on material needs, it is possible to address the first of these privations. But even with sensitive framing of support, the second and third privations remain features expressly associated with status in law. A deep charity calls for justice, recognising that charitable offerings are not enough.

35 See Appendix 2 for details of (very limited) support for some people who have had asylum claims refused.

4. RECOMMENDATIONS AND FURTHER DISCUSSION

Refugee homelessness is a consequence of destitution – a destitution that is endemic and life-destroying. This reality sits deep within UK communities, yet on their margins, often invisible. This should trouble us as a society. How should we and can we respond?

There is much that can be done by individuals, families and communities to create hospitable spaces for destitute refugees facing difficulty. Hosting, for example, can provide vital safety and relief. **We encourage all who can to participate by welcoming a refugee into their homes either for a period of a few months, or for a night as emergency accommodation.** As well as providing for basic needs, hosting can help to protect refugees from the abuse and exploitation to which destitution otherwise leaves them vulnerable. There are many organisations who facilitate such hosting arrangements throughout the country, of which the JRS UK *At Home* scheme in London, working primarily with religious communities, is one such example.

Refugees we spoke to in our survey were deeply appreciative of hosting arrangements. However, there was also recognition that such arrangements are nevertheless still only temporary; tackling the lack of stability and autonomy which are sources of anxiety and suffering requires structural policy change. Refugee destitution is a consequence of a range of policy measures, known as the hostile environment agenda, created deliberately by government to ensure exclusion of those it considers undocumented migrants for the purposes of enforcing immigration control. The undocumented status of those it is enforcing action against is in turn bound up with the process for determining an asylum claim itself and the sense that many have of not having been adequately heard.

In pursuing the hostile environment agenda, the government employs aggressive means to enforce compliance with decisions about which evidence suggests it should not have confidence; worse, as the introductory section to this report makes clear, this compliance process itself then adds further barriers to accessing justice. **Deliberately making individuals destitute, with the knowledge that it is likely to result in street homelessness and significant risk of exploitation and abuse, while also simultaneously adding barriers to prevent individuals from resolving their situation is not, in JRS UK's view, a morally acceptable tool of government policy, particularly when used as a means of enforcing decisions taken by an asylum determination system which is widely viewed as flawed.**

The stories on which this report is based especially draw out the vast injustice and human cost of deliberate destitution and homelessness. **We invite communities across the UK to join us in calling for the following policy changes to end destitution:**

1. Give all seeking asylum the right to work

'Asylum seekers' in the UK are predominantly barred from working. Indeed, more recent legislation has increased the criminal penalties associated with working without permission to do so. Our experience of accompanying refugees at different points in the asylum process suggests that most want the right to work to support themselves rather than government or other sources of financial support. The findings of this report reinforce that conclusion with repeated calls to be able to participate and contribute. The desire to work is more than just about

providing for material need, but because work provides people with a sense of meaning and purpose and a way to contribute to and participate in society. Anyone who remains in the asylum system for a prolonged period of time can experience substantive atrophy of skills and employability making integration very difficult if and when their immigration status is eventually resolved. Many refused 'asylum seekers' are unable to leave the UK, even where the Home Office does not acknowledge this. We recommend that the right to work be extended to those in the asylum system, including those who have been refused, for as long as they are in the UK.

2. Provide 'asylum seekers' unable to support themselves through work with basic financial support

If an 'asylum seeker' is unable to work to support themselves their basic material needs should be met via government support. This includes those who have been refused, for as long as they are in the UK. Destitution experienced by 'asylum seekers' otherwise creates significant vulnerability leaving people open to exploitation and abuse.

3. Abandon the hostile environment agenda

This agenda to create destitution is at the root of refugee homelessness. Furthermore, it dehumanises, fostering a cruel society. It should have no place in a decent, humane immigration system. Government should focus on creating a society that fosters values of hospitality, community, participation and respect for dignity.

Enacting these changes would mean a vital step towards a more just, more humane society. They are crucial if the human tragedy of refugee destitution is to be addressed.

APPENDIX 1: METHODOLOGY

1. Research process

A questionnaire was developed, in consultation with destitute refugees, practitioners working with them, and policy experts. It included both multiple choice questions, with the option to select "other" and/or elaborate, and open-ended questions.

The survey was carried out in our Day Centre, over two consecutive Thursdays. The questionnaire was produced in English and French, and interpreters were hired for Tigrina, Amharic, and Arabic. This minimised the possible biasing of the survey sample created by language barriers. Assistance was available for anyone who wanted it, as was a private space.

Where the survey was conducted in English or French, respondents either wrote down their responses, or they spoke them and these were recorded verbatim. French responses were subsequently translated into English. Where an interpreter was employed, s/he translated the responses and recorded them in English as the answers were given.

We received 135 responses.

2. Limitations

In common with any research project, this one presented challenges and had certain limitations. One significant limitation was the relatively small sample size.

Others relate to the issue of self-selection and, connectedly, to the sensitive nature of some of the information sought. These issues were:

The survey was voluntary, and therefore self-selecting. This may mean that the most vulnerable – those whose accommodation situations are likely to be worst – are under-represented because they feel least able to engage in the process and least confident in speaking. It is also true that in some cases having particularly pressing housing issues to report may make some people more likely to opt into a survey on housing.

People are likely to be reluctant to share some sensitive or personal information – for example, about abusive relationships. The questionnaire only gets to half of the story. This becomes evident in certain responses. One woman told us: "Over the last year I have stayed in many different places, but I won't mention where." It is likely that, in many cases, the full reality is bleaker than the portion of it described in the survey response.

Individual questions could be refused, and some were.

3. JRS UK's criteria for offering support

In order to register with JRS UK and receive the full support we offer, one needs to 1) be destitute and 2) have a protection need.

For operative purposes, JRS UK defines as destitute anyone who:

- is not eligible for asylum support or social security benefits, or
- is receiving assistance less than that provided by asylum support provision (*e.g.* some social services care packages)

Most of those we support have applied for asylum and been refused, and many are preparing a fresh claim. Some are preparing an initial asylum claim, or there is reason to think that they ought to be. We also support some people who have been granted refugee status, and whose asylum support has been cut off, but who are waiting to be transferred to the wider Department of Work and Pensions system.

This can take a very long time, during which those granted refugee status are left destitute.

The Joseph Rowntree Foundation defines destitution as: ‘Lacking the means to meet basic needs of shelter, warmth, food, water and health.’ JRS UK’s operative definition is grounded in a similar understanding – ‘refused asylum seekers’ are denied both the opportunity to work, and any formal support whatsoever.

These criteria enable us to focus limited resources where they are the most urgently needed.

APPENDIX 2: POLICY AND SOCIAL CONTEXT [36]

1. The hostile environment

In addition to the Right to Rent legislation, other key aspects of the hostile environment agenda are:

1.1 Charging for NHS care

In England, healthcare charges have been gradually extended to many people without permanent residency, including undocumented migrants and those with refused asylum claims. The Immigration Act 2014 included significant extensions to charging for secondary care.[37] Since August 2017, charges have been extended into community health services. Services now chargeable include community midwifery, district nursing, drug and alcohol treatment, and mental health services amongst others.

As of 23rd October 2017, payment is demanded upfront for all services included within the charging regime (*i.e.* hospital care and community services), and treatment for "non-urgent care" is prohibited without it. The definition of urgent care is left to physicians to determine, which means much uncertainty for patients about eligibility for access. There are also plans to begin charging overseas visitors and undocumented migrants for primary care in the near future, and to try to do so for emergency services. Furthermore, healthcare providers are now obliged to check patients' immigration status, even for many services that remain free. There are no clear guidelines on how this is to be done; in response to concerns and request for clarification, the Health Secretary's office stated that there were 'no fixed evidential requirements'.[38] The prospect of immigration checks will inevitably deter those of undocumented immigration status from seeking medical attention. There is good evidence that charging has already been deterring many from accessing hospital care.[39]

Importantly, an unpaid bill of £500 or more counts against a person attempting to regularise their immigration status – so NHS charging is likely to deter those struggling to gain recognition as refugees from seeking even emergency care, for which payment would theoretically be demanded after treatment.

This is significant to the current report given the detrimental effect of homelessness and wider destitution on health.

For more information, see JRS UK's briefing, "NHS Charging Regulations: Impact on undocumented migrants, refused asylum seekers, and other vulnerable groups" (December 2017).

1.2 Work

The 2016 Act makes working without proper documentation a criminal offence in its own right, with a maximum custodial sentence of six months and/or an unlimited fine in England and Wales. This new offence covers all workers, whether self-employed or employed. The 2016 Immigration Act also makes it a criminal offence for employers to employ someone who they 'know

36 This partly draws on research conducted by Ms Jess Scott at the University of Cambridge in summer 2017.

37 https://www.doctorsoftheworld.org.uk/Handlers/Download.ashx?IDMF=8f735eb1-d357-4df5-9723-cf7081bda719 p.6.

38 The Health Secretary's office stated that "The changes do not require that a patient will need to provide a means of identification to qualify for free care. While this may be helpful in demonstrating eligibility, other information will be used by trained NHS staff to ensure the residency status of a patient is identified. The Regulations simply require that a relevant body must make such enquiries that it is satisfied are reasonable in the circumstances to determine whether charges should be made. There are no fixed evidential requirements."

39 Hanne Ockert-Axelsson, 'Sick, tired, and afraid: assessing the relationship between unpaid hospital bills and the consequences debt can have on immigration status for undocumented migrants at an East End London Clinic', MSc Thesis, KCL, 2017.

or have reasonable cause to believe' is undocumented. The maximum custodial sentence for employing an undocumented migrant is also increased from two years to five years. This, of course, makes it even more difficult for undocumented migrants to secure income.

1.3 Driving licences

The 2014 Act provided the UK Government with the power to revoke UK driving licences held by undocumented migrants. The 2016 Act provides two new measures: 1. It gives power for police and immigration officers to search people and premises, in order to seize revoked or unrevoked UK driving licences of undocumented migrants; and 2. It creates a new criminal offence of driving whilst unlawfully present in the UK. This is significant not only for the exclusion from driving, but also because the driving licence constitutes a form of ID that could help access other services. It could also provide a record that would help in regularising immigration status.

1.4 Banks

The 2014 Act prohibited banks and building societies from opening current accounts for individuals who do not have immigration permission or a right to be in the UK. The 2016 Act goes further and prevents undocumented migrants from continuing to operate existing bank accounts.[40] If the account holder is confirmed to be undocumented, the Home Office has the power to:

1. Require banks and building societies to close the account as soon as reasonably practicable; or

2. Apply to the courts to freeze the account until the undocumented immigrant leaves the UK.

1.5 Information

New measures in the 2016 Act build up data collection and data sharing between the Home Office and its "partners". This involves gathering personal data on migrants from other government departments (*e.g.,* Dept of Education, NHS); from NGOs or from private for-profit companies (*e.g.,* banks and money lenders, including through the CIFAS databases).

Under the 2016 Act, banks and building societies will be required regularly to check the immigration status of their account holders. If it establishes that a client is undocumented, a bank or building society will have a duty to report this to the Home Office.

1.6 Detention

All undocumented migrants and all those claiming asylum in the UK are liable to being detained in an immigration removal centre. In the UK, there is no time limit on detention, and some people are held for years. In this, the UK is very unusual among European countries. Because immigration detention is an administrative process, the initial decision to detain someone does not automatically go before a judge.

Those surveyed in the Day Centre live in perpetual fear of detention.

There is good evidence that conditions in immigration removal centres are poor. For example, accessing healthcare within centres is often difficult, partly due to a culture of disbelief by staff, and partly due to insufficient medical professionals.[41] Immigration detention itself can take a severe toll on mental and physical health.[42]

40 Immigration Act 2016, Schedule 7 (http://www.legislation.gov.uk/ukpga/2016/19/schedule/7/enacted).
41 http://www.medicaljustice.org.uk/wp-content/uploads/2016/04/healthwatch-detention-centres-final-ok-2014.pdf
42 For example, this is a finding of Women for Refugee Women, 'We are still here: the continued detention of women seeking asylum in Yarlswood', November 2017.

1.7 Unfolding impact

Much hostile environment legislation is not yet fully in force, or has come into force so recently that its full effects have yet to be felt. For example, as tenancies come up for renewal, more and more landlords will respond to right to rent legislation, evicting or issuing *ultimata* for tenants' friends and family to leave if they do not have immigration status.

2. Destitution

Recent research by the Joseph Rowntree Foundation shows high levels of destitution in the UK population as a whole, and demonstrates its crushing impact on human lives.[43] It was observed that migrants faced "compounding difficulties. Benefit eligibility restrictions affecting some groups of migrants meant that they often had an income level even lower than that of our UK-born interviewees…and they tended to have been in this position for an extended period of time. Many current and refused asylum seekers viewed their lack of access to the labour market as the major cause of their destitution. Social isolation, while also affecting many UK-born interviewees, could be particularly prevalent among destitute migrants..."[44] It should be noted that this study was UK-wide, and conducted from Scotland, and much of the policy most relevant to the destitute refugees surveyed here is specific to England. For example, in all other parts of the UK, 'refused asylum seekers' are exempted from any NHS charging. The experience of those in England specifically is likely to be even worse.

3. Support for destitute refugees after refusal of an initial asylum claim

3.1 Outgoing legislation: Section 4 support

Section 4 of the Immigration and Asylum Act 1999 provides for support to rejected asylum seekers who are considered to be destitute and where there is a temporary barrier to their return. A 'rejected asylum seeker' is eligible for this form of support if s/he appears to be destitute and meets at least one of the following conditions:[45]

- S/he is taking all reasonable steps to leave the UK or place himself or herself in a position in which they are able to leave the UK. This could include complying with attempts to obtain a travel document to facilitate departure;
- S/he is unable to leave the UK by reason of a physical impediment to travel or for some other medical reason;
- S/he is unable to leave the UK because in the opinion of the Secretary of State there is currently no viable route of return available;
- S/he has made an application for judicial review of a decision in relation to the asylum claim and the court has granted permission to proceed; or,
- The provision of accommodation is necessary for the purpose of avoiding a breach of a person's Convention rights, within the meaning of the Human Rights Act 1998.

In order to receive Section 4 support, someone who has been refused asylum must normally sign a statement saying that s/he will return to her or his country of origin when the Secretary of State considers it safe. This creates an insuperable difficulty for those who are in fear for their lives should they return to their country of origin.

The support provided under Section 4 is comprised of accommodation and subsistence vouchers. The accommodation providers supply the vouchers, the exact nature of which is left at their discretion.

43 Joseph Rowntree Foundation, "Destitution in the UK" (April 2016).
44 *Ibid.,* p.4.
45 The following text is taken from "Asylum Support, Section 4 Policy and Process – Version 7" chapter 1, section 1.2 and lightly amended for grammatical context.

This system for providing support is still in operation at the time of publication, but is shortly to become obsolete. However, Section 4 was in force at the time at which the survey was conducted. It is therefore relevant to understanding the systems that refugees must navigate in order to meet their needs, and how those systems are failing them. Those we support – the respondents to this survey – are not in receipt of Section 4 support.

3.2 Even more limited destitution support

The 2016 Immigration Act replaces section 4 with another provision (Section 95A), yet to come into force. It will be harder to qualify for. It will be paid in cash at the same level as Section 95 support (£36.95 per week, rising to £37.75 on 5th February 2018).

The criteria for accessing Section 95A support will be more restrictive than those previously in play for Section 4.

Regulations will require single adults to apply within a highly restrictive 21-day "grace period" after refusal of their asylum claim. Additionally, what is meant by a "genuine obstacle" to leaving the UK is yet to be defined.

There will be no right of appeal on refusal of support.

Right to rent legislation also makes it harder to apply for destitution support, because to do so, one needs to explain where one has been living, and why one cannot stay there any longer. This requires those the applicant has been staying with to confirm – and they are unlikely to do so if it may result in eviction.

3.3 Support for families

At the time of publication, those whose asylum claims have been refused and who have children continue to be supported under the system for those with pending asylum claims. However, legislation yet to come into force will change this.

The 2016 Immigration Act makes it much more difficult for destitute families to access emergency support. It removes Section 94(5) of the Immigration and Asylum Act 1999, which had allowed for families with children who have had their claim rejected to remain supported under Section 95 until they leave the UK. Under new regulations Section 95 support will be discontinued after 90 days for families whose asylum claim is finally rejected. The restrictions on families with children applying for Section 95A support will be the same as those on single adults.

The removal of support from families who must (but cannot, or do not) return to a country of origin raised an awkward conflict with the legal obligations of Local Government to support families and children from falling into destitution. The Act therefore now makes provision for local authorities to support destitute refused 'asylum seekers' with dependent children where "support is necessary to safeguard and promote the welfare of a dependent child."[46] However, the complexity of the different kinds of support system has caused concern with some legal experts that some families will not receive support and thus be left destitute.[47]

46 Schedule 12, paragraph 10A

47 Zoe Harper, Legal Officer, ILPA "The Immigration Act 2016: its implementation and potential challenges in Wales", p.17: "Given the complexity of the different provisions for support and accommodation to families, there is a real risk of families with children falling through the gaps between the various systems."

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