



Welsh Refugee Council

120 – 122 Broadway
Cardiff CF24 1NJ

Email: info@welshrefugeecouncil.org.uk

Phone: 02920 489 800 | Fax: 02920 432 999

Welsh Refugee Council response to the Home Office's 2018 review of asylum support rates. August 2018.

1. Welsh Refugee Council.

1.1 For over 25 years, Welsh Refugee Council has worked people who are fleeing persecution, conflict & oppression. We deliver direct specialist support services to people seeking asylum and people with refugee status in Cardiff, Wrexham, Newport, Swansea, Rhondda Cynon Taff, Merthyr Tydfil and Bridgend & work to empower asylum seekers & refugees to build new futures across Wales.

1.2 Our services include the Welsh Government funded Asylum Rights Programme and Move-On services, various Home Office funded SVPRS contracts with Local Authorities and a Comic Relief funded specialist paralegal service for vulnerable women. We work extensively with a range of community, voluntary & statutory sector partners and strive to contribute to the creation of a Wales where respect and equality for all is paramount and where human rights are enjoyed. We co-chair the Wales No Recourse to Public Funds Forum with the British Red Cross and the Wales Strategic Migration Partnership and are an active member of both the Welsh Refugee Coalition¹ & Nation of Sanctuary² movement in Wales.

1.3 Given our contact with people moving through the asylum process, including those deemed to be failed asylum seekers, who are supported under Section 95 and Section 4 of the Immigration and Asylum Act 1999, we welcome the opportunity to submit our views on asylum support rates as part of the current Home Office review.

2. Recommendations

2.1 Our recommendations for asylum support rates are:

(A) Asylum support rates should be raised to reflect the needs of people seeking asylum and to avoid driving people into poverty. They should be set at a minimum rate of 70% of income support levels.

¹ A coalition of organisations working in Wales with asylum seekers & refugees at all stages of their journey, & with the communities in which they live. We work together in the interests of asylum seekers & refugees, to ensure that our limited resources can be used to best effect & to speak with one voice on policies & practices affecting people seeking safety in Wales.

² <https://cityofsanctuary.org/>

Newport

125 Lower Dock Street
Newport
NP20 1EG
Tel: 01633 266420

Swansea

Rooms 30 & 31, YMCA
Swansea
SA1 5JQ
Tel: 01792 630181

Wrexham

33 Grosvenor Road
Wrexham
LL11 1BT
Tel: 01978 355818



UK Registered Charity No: 1102449

Company Number: 4818136



- (B) The harmonisation of Section 95 and Section 4 support rates and maternity grants are welcome. In both cases, higher rather than lower rates should be paid and rates should match Sure Start Maternity Grant rates.**
- (C) Whilst travel and communications are included within the review of support rates, they should be considered essentials and support rates raised accordingly.**
- (D) Where people apply for additional payments, applications should be responded to in a timely & transparent manner.**
- (E) Where maternity grants are applied for in the 8 weeks prior to birth, they should be paid by the anticipated birth date. When adding new dependants, it should take no longer than 1 week from receipt of birth certificate to process the application. Payments should be backdated either from the claim date or from 1 week after receipt of the application by Migrant Help.**
- (F) The August 2015 support rate changes that introduced a flat rate for each member of the household should be reversed. Children should receive higher payments in order that their specific ongoing and developmental needs are better met. These rates should be in line with Child Tax Credit rates.**
- (G) The harmonisation of Section 95 and Section 4 should also be reflected in cash payments for those people supported under Section 4.**
- (H) Existing Home Office policy and guidance on asylum support, including for decision making on Section 4, should be adhered to, applied consistently and be transparent.**
- (I) The Home Office should accept evidence submitted by health professionals without questioning their professional judgement.**
- (J) Where there are delays in processing claims for support, support entitlements should be backdated to the claim date or at least within the processing timescales in Home Office guidance.**
- (K) People seeking asylum should be permitted the right to work where they have not received a decision on their asylum claim within 12 months, unconstrained by the shortage occupation list (Immigration Rules, Appendix K).**
- (L) The move-on period following receipt of status should be extended from 28 to 56 days.**
- (M) Where an application has been made for welfare benefits within the 28 day move-on period, asylum support should be continued until the first benefits payment has been made.**
- (N) The target time for processing an application for an Integration Loan should be decreased to less than the length of the move on period.**



(O) When a newly recognised refugee has applied for an Integration Loan & has not yet received it, they should be permitted to remain in their asylum accommodation.

3. Determining asylum support rates

3.1 Determining asylum support rates using ONS information on the amount of money spent on meeting most needs (food, toiletries, household cleaning items and non-prescription medicines) *by the lowest 10% income group in the UK* is morally and practically flawed.

3.2 Gains in reducing poverty levels across the UK over the last 20 years are reversing³, with detrimental impacts on individuals, communities and the public purse, not least for health and social services:

- Nearly a quarter of adults in the poorest fifth of the population experience depression or anxiety
- More than one in 10 working-age adults in the poorest two fifths, and around one in six pensioners in the poorest fifth, are socially isolated
- 20% of those in the poorest fifth have 'problem debt'
- 70% of people in work are not contributing to a pension impacting their future financial resilience

3.3 A key driver of poverty in Wales, where poverty is higher than in England, Scotland and Northern Ireland, is reductions to working age benefits⁴.

3.4 Determining asylum support rates based on the *lowest 10% income group* endorses and exacerbates such poverty and amounts to poverty by design. *Reducing poverty* amongst all communities and populations, through an adequate welfare system, should be a priority for the UK Government. With specific regard to asylum support:

(A) Asylum support rates should be raised to reflect the needs of people seeking asylum and to avoid driving people into poverty. They should be set at a minimum rate of 70% of income support levels.

(B) The harmonisation of Section 95 and Section 4 support rates and maternity grants are welcome. In both cases, higher rather than lower rates should be paid and rates should match Sure Start Maternity Grant rates.

3.5 Beyond the moral imperative to set adequate support rates and to situate these within a broader poverty reduction agenda, in assessing what are essential needs it is necessary to acknowledge there are some costs (e.g. travel to legal representatives) common to people seeking asylum which occur with such frequency as to warrant classification as essential needs.

4. Essential costs

4.1 People supported by Section 95 or Section 4 receive such support on the basis that otherwise they would be destitute. It is therefore critical that people are supported sufficiently to meet *all* essential living costs if they are to avoid unnecessary hardship and be vulnerable to exploitation.

4.2 Essential living costs must include food, toiletries (including sanitary protection for women), non-prescription medicines, cleaning items, clothing, travel and communications.

³ <https://www.jrf.org.uk/report/uk-poverty-2017>

⁴ <https://www.jrf.org.uk/report/poverty-wales-2018>



4.2.1 Food

Fridge space in shared houses is usually limited to one shelf for individuals, sometimes less, depending on how many people are sharing the property. Rooms aren't always big enough to store supplies, are sometimes shared and food shouldn't be kept in bedrooms as this can lead to problems associated with long-term storage due to bugs and mice in many properties. For these reasons, people face challenges in bulk buying food and therefore cannot take advantage of cost savings that might be expected of them or open to the wider non-asylum seeking population.

4.2.2 Cleaning items

People often report having to use limited funds to purchase products to clean houses that are unsanitary, damp or that are infested with bugs or lice. The products that people need to purchase in these circumstances are over and above the requirements of routine cleaning and are correspondingly more expensive. Accommodation providers should bear these costs and address the root cause of the problem, but where providers don't or where they are simply unresponsive to requests, residents of sub-standard homes need to pay for specialist products to maintain a reasonable healthy living environment.

4.2.3 Clothing

People most often struggle to afford seasonal clothing, particularly in winter months where more items are needed and when items tend to be more expensive (e.g. boots and coats). In order to afford these more expensive items of clothing people make tough choices about spending on food or necessary clothing. People also shop at lower cost retailers, though this is only a viable option where such retailers exist in the locality or where they are reasonably stocked. Families with children struggle with the costs of school uniform.

4.2.4 Travel

People seeking asylum have travel needs that are directly related to their asylum claim: travel from a dispersed location to an immigration centre to report where the distance is up to 3 miles and access to legal advice are the obvious and most pressing requirements.

With regards access to legal advice, people seeking asylum consistently seek help from Welsh Refugee Council on this issue. If legal representatives are available in the city in which people reside, travel from outlying areas can be expensive (e.g. on Newport buses a return costs £3.50 and a day ticket £3.70) and prohibitive if supported under Section 4 and without access to cash (e.g. on Newport buses, the correct change is required). In summer months, people walk long distances to destinations such as legal representatives (e.g. a mother with a new born baby was recently moved to a Newport property 50-60 mins walk from the city centre and regularly walks into town with her baby to access support organisations), though in poor weather or for some people with disabilities, children or caring responsibilities this is not feasible. If legal representatives are not available in the city in which people reside, travel to access solicitors can be prohibitive for people supported under Section 95, as well as for those supported under Section 4. Wrexham, described as an 'advice desert'⁵, does not have any immigration solicitors who will take legal aid clients. This means asylum claimants in North Wales must find and travel to solicitors in Manchester, Liverpool or Cardiff (with typical day return train fares costing £19.20, £10.20 and £29.50 respectively).

⁵ <https://www.refugee-action.org.uk/tipping-scales-access-justice-asylum-system/>



Lack of funds for travel also impacts on integration, as well as health and community cohesion in other significant ways: hindering access to ESOL, to education (see box below) and to volunteering opportunities.

Asylum seekers are not a homogenous group, though a proportion will require access to language tuition to become proficient in English or Welsh. Access to language provision is necessary to facilitate integration and to ensure that people are as close to being labour ready as possible should they receive status. For those people who don't receive status, they live in communities navigating English or Welsh speaking public services for a period of time and require a level of proficiency for their own health and wellbeing, as well as to reduce interpreting costs for public services. Funds to travel to language classes are therefore critically important.

I walk to college – sometimes 45 minutes - unless it is raining and then sometimes I don't go. I can't afford the bus fare. Friends from college who understand my situation offer lifts to some places. On occasions I say to my friends I can't go out as I don't have the money, but can't do this all the time as friends will stop asking otherwise. That will lead to mental health problems. I appreciate everyone's kindness and I don't want to moan, though life is hard.

4.2.5 Communications

Communication is a problem for people as they are often unable to afford credit for their phones. Welsh Refugee Council regularly supports people to make phone calls and to use other communication facilities in our 4 offices across Wales such as copying, scanning and faxing. Whilst we are able to support in this way, it is our mission to promote independence – clearly not a viable option where people are not permitted to work and not provided with sufficient funds to meet essential communication needs.

(C) Whilst travel and communications are included within the review of support rates, they should be considered essentials and support rates raised accordingly.

4.2.6 Additional needs

There are needs that arise for individuals and families that, even with the finest budgeting skills, clearly could not be met within a limited weekly allowance. This includes non-emergency trips to hospital.

(D) Where people apply for additional payments, applications should be responded to in a timely & transparent manner.

5. Provision of support to households with children

5.1 Women who are pregnant and people with children have needs which are not sufficiently supported by the current allowance rates. Women in pregnancy require more frequent contact with GP and specialist hospital services. As indicated above under travel and additional costs, travel costs can be prohibitive.



5.2 Problems arise with the length of time it takes for a) maternity grants to be paid and b) a new dependent to be added to an ongoing support claim.

- a) Maternity grants are not always paid before the baby arrives, even if the application is submitted early (i.e. 8 weeks before the due date).
- b) The Home Office requires an original birth certificate to be submitted in order to add a dependant. People don't usually get the baby registered until a couple of weeks after birth. If the process of adding a dependant then takes 4 – 12 weeks, the mother is trying to survive on just £37.75/£35.59 per week for her and her baby's needs.

Examples of waiting times for maternity grants:

- 1) A woman supported by Section 95 waited just over 4 months for payment of her maternity grant and then another 2 months for her baby to be added to her support. The fact that her maternity grant was paid so late meant that this woman didn't have time to buy necessary baby items before she went into hospital.
30.03.18 – MATB1 sent with request for pregnancy allowance & maternity grant
30.04.18 – Maternity grant paid
02.05.18 – Baby born. In hospital for 3 weeks.
07.06.18 – Birth certificate posted 1st Class to Asylum Support team
05.07.18 – Confirmation from Home Office Asylum Support team that birth certificate is on system
16.7.18 – Welsh Refugee Council followed up with the Home Office
18.7.18 – 7.8.18 – Asylum Seeker Nurse raises this issue at multi-agency meeting attended by the Home Office and directly with those Home Office employees she has contact details for
26.7.18 (approx.) – Client's immigration solicitor chases up payments
06.08.18 – Client receives first payment for dependant
- 2) A woman supported by Section 4 waited 4 months for payment.
06.04.18 – MATB1 sent with request for pregnancy allowance & maternity grant
07.05.18 – Baby born (no maternity grant yet received)
10.05.18 – Chase request sent for maternity grant
29.05.18 - Birth certificate posted 1st Class to Asylum Support team
12.06.18 – Welsh Refugee Council followed up request for maternity grant and dependant payments
18.7.18 – 07.08.18 - Asylum Seeker Nurse raises this at multi-agency meeting attended by the Home Office, and directly with Home Office employees she has contact details for
06.08.18 - Client receives maternity grant and first payment for dependant
- 3) A woman supported by Section 4 waited 5 months for payment.
26.01.18 – MATB1 submitted to Home Office by Migrant Help
02.03.18 – Baby born (no maternity grant received)
28.03.18 – Migrant Help received birth certificate
11.04.18 – Migrant Help submitted birth certificate to Home Office
June 2018 – Dependant payments commence
Start July – Maternity grant received



(E) Where maternity grants are applied for in the 8 weeks prior to birth, they should be paid by the anticipated birth date. When adding new dependants, it should take no longer than 1 week from receipt of birth certificate to process the application. Payments should be backdated either from the claim date or from 1 week after receipt of the application by Migrant Help.

5.3 Families with children struggle on current asylum support rates. Welsh Refugee Council often supports desperate parents unable to afford to formula milk or nappies. Our Newport office houses a food bank and from this we try to give mothers food, so that they can spend their limited allowance on nappies and milk. Occasionally, we are donated pack of nappies which are always welcome. Families with children with specific dietary requirements (e.g. requiring milk thickener) experience additional hardship.

(F) The August 2015 support rate changes that introduced a flat rate for each member of the household should be reversed. Children should receive higher payments in order that their specific ongoing and developmental needs are better met. These rates should be in line with Child Tax Credit rates.

6. Section 4 support

6.1 Welsh Refugee Council recommends that Section 4 support be available in the form of cash. Many day-to-day activities require cash and are prohibited without it. Travel is an example. Furthermore, providing this allowance in cash ensures people can obtain change, making most efficient use of limited financial resource.

(G) The harmonisation of Section 95 and Section 4 should also be reflected in cash payments for those people supported under Section 4.

7. Accessing support

7.1 Whilst commenting on rates of support, it would be negligent not to draw attention to the difficulties experienced by people on a daily basis in *trying to access asylum support*. Welsh Refugee Council's casework provision for people seeking asylum is consumed by crisis situations where people struggle to access the asylum support they are entitled to.

7.2 As a snapshot figure, Welsh Refugee Council's Asylum Rights Programme supported 47 people to make asylum support applications during the quarter April – June 2018. This support included assistance with starting applications, gathering supporting evidence, chasing up delays, challenging refusals, adding new dependents (including 9 women applying for maternity grants/pregnancy allowance), making the case for reinstatement of support where errors led to its cessation, ensuring continuity of support where circumstances changed and resolving problems with ASPEN cards. The later is a significant issue, with 40 cases supported over the last quarter with problems such as ASPEN cards being swallowed by machines and long delays in refunding credit to ASPEN cards caused by ATM failures.

7.3 Although people making applications for support are destitute, it is common for people to experience waits of weeks or months for applications to be considered and for outcomes to be communicated. Welsh Refugee Council recommends that:

(H) Existing Home Office policy and guidance on asylum support, including for decision making on Section 4, should be adhered to, applied consistently and be transparent.



(I) The Home Office should accept evidence submitted by health professionals without questioning their professional judgement.

(J) Where there are delays in processing claims for support, support entitlements should be backdated to the claim date or at least within the processing timescales in Home Office guidance.

8. Time spent in receipt of support

8.1 The time spent in receipt of asylum support varies enormously. Some people can be supported for 5 months, whereas others can spend many years (8+) on asylum support. Families can legally stay on Section 95 support for the entirety of their asylum claim (including refusals) if they had a child before their claim was refused and they became appeal rights exhausted. Generally, families on Section 4 also do not lose their support if their asylum claim comes to an end, but this is less legally clear. Insofar as we can generalise, an average length of time supported might be approximately 2-3 years, including refusals and appeal processes.

8.2 Forcing people into surviving below the poverty line for any length of time leads to people spending a lot of time in their rooms and becoming isolated and increasingly depressed. If and when people are granted status, it is often very difficult for people to get back into the frame-of-mind required for work.

8.3 Forcing people into poverty and isolation has cost implications not only for individuals, but for public services too, particularly mental health services.

(K) People seeking asylum should be permitted the right to work where they have not received a decision on their asylum claim within 12 months, unconstrained by the shortage occupation list (Immigration Rules, Appendix K).

9. Moving on from asylum support

9.1 For those people securing positive immigration status in the UK, moving on from asylum support and on to either work or mainstream benefits can be problematic and frequently leaves people vulnerable to poverty, destitution and exploitation, especially where people have lived on asylum support for lengthy periods of time. Changes to asylum support could address these vulnerabilities:

(L) The move-on period following receipt of status should be extended from 28 to 56 days.

(M) Where an application has been made for welfare benefits within the 28 day move-on period, asylum support should be continued until the first benefits payment has been made.

(N) The target time for processing an application for an Integration Loan should be decreased to less than the length of the move on period.

(O) When a newly recognised refugee has applied for an Integration Loan & has not yet received it, they should be permitted to remain in their asylum accommodation.