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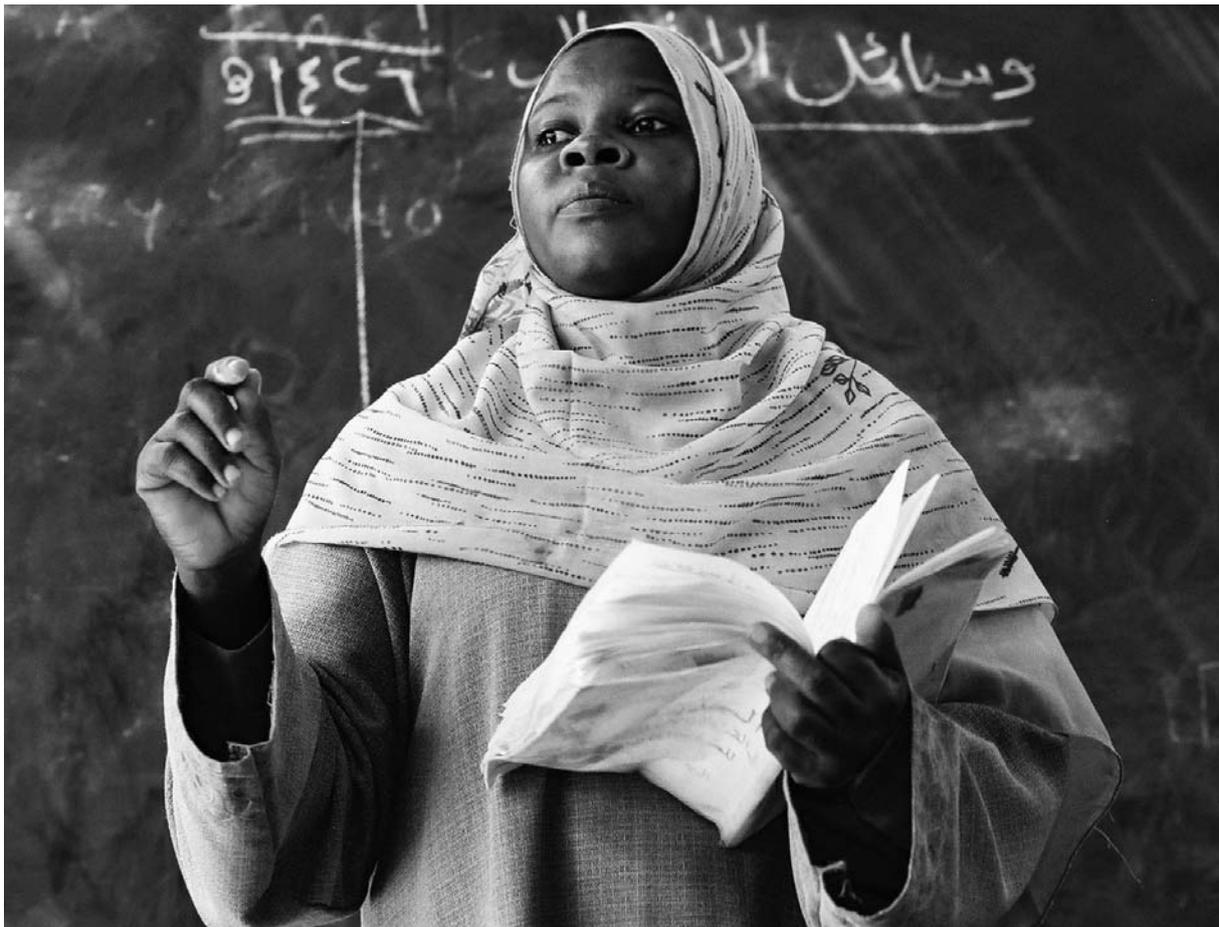
# Home truths

June 2006

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## Adult refugees and asylum seekers

A guide for donors and funders



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Cover photo supplied by Education Action International (Simon Davis)

# Executive summary

**NPC recommends that donors and funders support two types of charity: those that improve the asylum system and those that encourage integration. Charities that build links with host communities, improve mental health or increase employment have a high impact on integration.**

## Who are refugees and asylum seekers?

**Refugees are people with a ‘well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion’ who are unable to get protection in their home country.**

The UK hosts 290,000 refugees: less than 3% of the world’s refugees. 34,000 asylum seekers (people applying for refugee status) came to the UK in 2004. The top five source countries for asylum seekers have poor human rights records or are unstable due to war. Although not all asylum seekers have a case to stay in the UK, many are fleeing war, sexual violence, torture or persecution. Charities help asylum seekers to address the human rights issues arising from their flight.

## An asylum seeker’s journey

**The asylum system decides whether people seeking protection have a case to stay in the UK. Wrongly rejecting a case could condemn an asylum seeker to persecution, even death. Consistency and careful scrutiny are needed if a protection system is to be just.**

However, the Office of the United Nations High Commissioner for Refugees (UNHCR) has found that there is a culture of disbelief of asylum claims at the Home Office. One in five of the Home Office’s initial asylum decisions is overturned on appeal. Charities are a key agent of change: they provide legal advice to help individuals gain protection and have helped to improve the system.

25,000 asylum seekers are detained each year. Although detention can be an appropriate way of containing people whose claims are likely to be unfounded, it can be misused. Children, torture victims and people with serious health problems may be detained. Charities make the experience of detention more bearable, help people regain their freedom and hold the government to account for its policies.

Furthermore, the failings of the asylum system affect refugee integration. Charities improving the asylum system improve integration too.

Other issues that asylum seekers face as they await a final decision on their claims for protection are explored later.

## Life in the UK

**Refugees and asylum seekers face barriers to integrating and having a good quality of life in the UK. Major barriers include public attitudes, poor mental health and unemployment.**

Communities do not always welcome asylum seekers. Harassment causes immense distress and impedes integration. Charities can build better relationships by bringing people together to overcome prejudices and to improve the local area for all.

Two thirds of refugees suffer from anxiety or depression and one in ten has post-traumatic stress disorder. Going to the doctor is challenging for those who speak little English and have limited knowledge of the system. Charities provide culturally-sensitive mental health support and improve NHS services.

Employment is the key to social integration. It leads to financial security, better housing and improved mental health. However 36% of refugees are unemployed. Many refugees are highly educated but face barriers to employment, such as gaining qualifications recognised in the UK. Charities can help refugees find satisfying work and reduce the costs to society of unemployment.

Other barriers to integration and quality of life, such as housing, are explored in depth later in the report.

## Funding priorities

Government has invested significant amounts to improve refugee integration. This alone is not enough to sustain all the charities doing effective work in this field. Furthermore, keeping charities independent from government helps to secure the trust of refugees and asylum seekers and allows charities to lobby. Donors’ and funders’ support is needed to improve the asylum system and to encourage integration.

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# Introduction

Anglavi was repeatedly beaten and brutalised.

'People would die right in front of you,' he says quietly. 'Then you would be made to dig their graves and bury them'.

## Anglavi's story<sup>1</sup>

They are an instantly recognisable cultural symbol, as iconic as Big Ben, red telephone boxes or fish and chips. The giant double-decker buses of London are British through and through.

So it is that six days a week, nine-and-a-half hours a day, behind the wheel of any one of the 6,500 diesel-powered monoliths that traverse the streets of inner London, you will find 33-year-old Kokouvi Anglavi, originally of Togo, but now holding a passport that confirms his right to be considered as British as the buses he drives.

'Route 9—Crouch End to Trafalgar Square; 476—Northumberland Park to Euston; 341—Tottenham to Waterloo,' Anglavi begins rattling off the routes he may be driving in any given week. From his vantage point, high in the driver's seat, these streets of London surely seem a million miles from the life he knew in West Africa.

It was early in the 1990s that Anglavi joined the young people's political party, the Action Committee for Renewal (CAR), which called for genuine democracy to be established in Togo.

One afternoon, as Anglavi handed out leaflets near his home, he was picked up by government soldiers. They took him to a camp where he was detained in abysmal conditions for nearly two years.

His small cell contained more than 20 people, which meant he either had to stand or sit in a hunched position. Lying down to sleep was impossible. Each day, detainees would receive a meagre portion of bread that was meant to sustain them, even though they were used as forced labour beyond the camp's walls. Anglavi was repeatedly beaten and brutalised.

'People would die right in front of you,' he says quietly. 'Then you would be made to dig their graves and bury them.'

Detainees were most afraid of being hauled out of the military prison in the middle of the night and loaded onto trucks. This they knew meant almost certain death. Those taken were transferred to an army shooting range, where they were used as human targets.

Two years after Anglavi's imprisonment, it appeared it was his turn to die. However, when the soldier in charge of this particular death detail recognised Anglavi as an old school friend, he allowed him to escape.

So much time had passed without word of him that when Anglavi arrived at his own home, his family could not believe he was still alive, if only barely. During the next six months he received medical treatment—he could not see properly, he vomited his food, he could not sleep and there was blood in his urine.

Galvanised by his experiences, when Anglavi had recovered his strength, he started to participate in political activities once more. At one large protest the police came and videotaped all those involved. For safety he left home to stay with his uncle, who in turn hid him temporarily elsewhere.

Two days later his uncle returned to tell him the devastating news. Anglavi's home had been burnt down. His father had been trapped in the blaze and killed. There was no trace of his mother. His four sisters were all away at school at the time, but word soon reached them and, fearing more reprisals, they fled into neighbouring Ghana. It would be many years before Anglavi saw them again.

Anglavi was helped to flee to Britain. On arrival he was detained by the Immigration Service. Detention was no place to recover from trauma and it was hard to get legal advice to fight his case to stay in the UK.

His quest to be recognised as a refugee continued once he was released from detention. He was denied refugee status by the Home Office, and then again on appeal. Luckily, he was granted a judicial review thanks to the tenacious work of a new lawyer working for a refugee charity called the Medical Foundation for the Care of Victims of Torture.

The lawyer told Anglavi to prepare himself: if the review failed, he would have to return to Togo within days. This time, however, with all the facts assembled—medical evidence of his treatment, letters of support from local MPs and the presence of two witnesses who knew first-hand the truth of his story—Anglavi finally received refugee status.

Meanwhile, after repeated attempts to trace his family with the help of international aid agencies, Anglavi at last received the news that they had been located. Joy was tempered with sadness when he learned that the second eldest of his four sisters, Adjom, who would today be 19, had died of malaria whilst in exile in Ghana.

After a prolonged bureaucratic wrangle, his sisters were given permission to come to the UK. Taking care of them has been his priority since the day they arrived. Initially he worked as a pastry chef. Having qualified as a teacher in Togo, he began teaching French at a secondary school in Essex, but found that job too stressful. Now Anglavi works for the First Capital bus company.

Anglavi battled with depression when he first came to this country. However, after the anxiety of the legal process and with help to overcome his traumatic experiences as well as stable employment, life is slowly improving for Anglavi and his family.

*'Receiving refugee status has transformed my life. I have a good job and have made great friends through First Capital. It is hard to forget the past but now life is good for me and my sisters.'*

### The role of charities

Asylum is a contentious issue in the UK. The public is rightly concerned about misuse of the asylum system by people coming to the UK for economic and personal reasons. Yet behind the headlines and political rhetoric lie stories of people fleeing war or persecution like Anglavi. Refugees face many challenges on arrival in the UK, including a tough legal process for gaining protection, the threat or reality of detention and living on less than £40 a week. Many suffer from poor mental health, live in poor quality housing and face barriers to gaining employment.

This report outlines the vital and diverse role charities play in improving the quality of life for refugees and asylum seekers in the UK. In Anglavi's case, a charity:

- helped him find expert legal help to fight his asylum case;
- secured his release from detention; and
- helped him to overcome traumatic experiences in Togo and cope with anxiety about his future in the UK.

This report shows how charities also:

- press the government for the asylum system to be humane and just, as well as firm and efficient;
- provide guidance to the media on portrayal of refugees and asylum seekers;
- help refugees get into employment and training;
- help refugees and asylum seekers to access vital services, like healthcare; and
- build lasting relationships between refugees, asylum seekers and host communities by addressing the needs of each group.

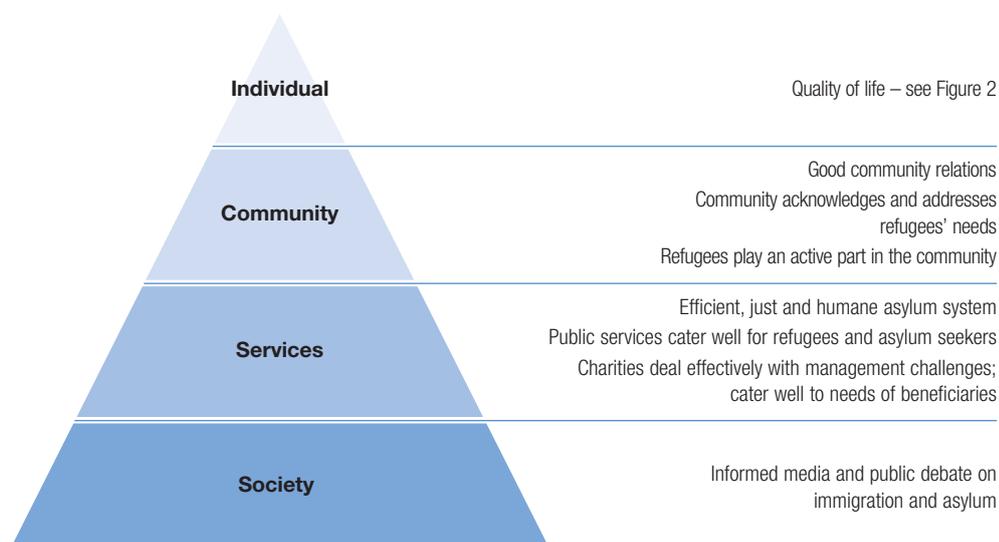
This report aims to assist all donors and funders, from those new to the issue to those experienced in the field, to maximise the impact of their giving. It looks at the extent to which charities working with refugees and asylum seekers create change at different levels of society, as outlined in Figure 1.

In general, the broader the intended reach of a charity's activities, the less certain the impact. For example, supporting research that shows the negative impact of a government policy is often less certain to yield results than direct work helping women asylum seekers to access healthcare. Yet in many cases, the policy work will yield longer-lasting, more fundamental and wide-reaching change.

Anglavi was detained on arrival in the UK. Detention was no place to recover from trauma.

He was denied refugee status by the Home Office and then again on appeal. Luckily, a new lawyer working for a refugee charity helped him to get refugee status.

**Figure 1: Results at different levels of society**



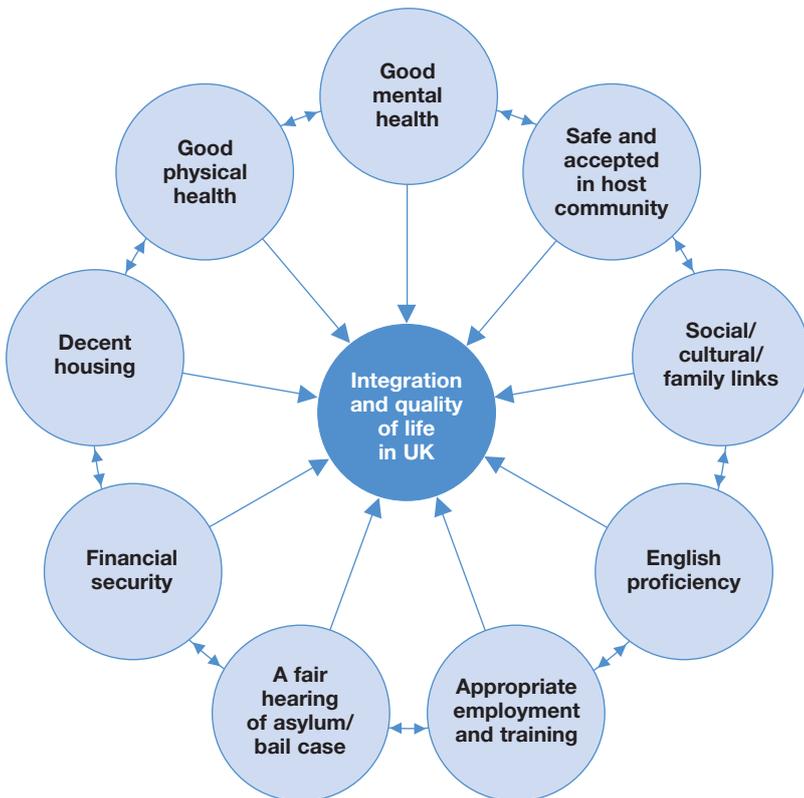
Photograph supplied by the Medical Foundation for the Care of Victims of Torture



Anglavi at work

Figure 2 expands on the results that working with individuals can achieve. All contribute to refugee integration and quality of life in the UK. Many of the issues this diagram highlights are closely interlinked. It is well known that homelessness and temporary housing make employment less likely. On the other hand, poor mental health and a lack of English language skills make seeking and sustaining employment harder. This report will discuss the implications of these linkages for funders.

**Figure 2: Results at the individual level**



**Structure of the report**

Section 1 explains who refugees and asylum seekers are, where they come from and why they come to the UK. It discusses trends in numbers and outlines conditions in asylum seekers’ home countries.

Section 2 outlines asylum seekers’ experiences as they seek legal protection in the UK. It looks at the difficulties they face as they await a decision on their case, and illustrates how charities can help tackle problems, challenge legal decisions, empower communities and campaign for change.

Section 3 explores how refugees and asylum seekers adjust to their new circumstances, and how individuals, communities and public services respond to them. It shows how charities can improve relationships in areas of community tension, help refugees recover from trauma and find appropriate employment and housing.

The report concludes by outlining priorities for donors and people who want to have an impact on the lives of refugees and asylum seekers.

**Methodology**

This report is based on ten months’ research involving:

- **Secondary research:** reviewing literature produced by government, academics and charities.
- **Consultation:** with experts from the charitable sector, academia, civil service and the grant-making world. These individuals, who contributed so much to the research, are acknowledged at the end of the report.
- **Visits to 32 charities** based in London, Glasgow and Hull. NPC chose to visit charities in London because refugees and asylum seekers have settled in the UK capital for many years and the majority of asylum seekers in this country still live in London. NPC chose to visit Hull and Glasgow because these cities have only received asylum seekers since 2000 and charities there are in an early stage of development. NPC was particularly interested in Hull, as a recent report raised concerns about race relations and the local government response to the arrival of asylum seekers.<sup>12</sup>

This report is accompanied by more detailed charity recommendations for donors and funders who would like to learn more about some of the most effective charities NPC identified.

# Who are refugees and asylum seekers?

This section explains why refugees and asylum seekers flee their homelands and presents figures about the countries of origin, gender, sexuality and age of those who come to the UK.

## Definitions

The UK is a signatory to the 1951 United Nations Convention Relating to the Status of Refugees, drawn up to protect refugees in the aftermath of World War II. According to the Convention, a refugee is:

- ‘A person who has a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion’; and
- ‘Someone who is outside the country of his/her nationality and is unable or, owing to such fear, is unwilling to avail himself/herself of the protection of that country’<sup>1</sup>;

An asylum seeker is someone who has made a claim to a country that is a signatory to the Refugee Convention to be considered for refugee status.



Photograph supplied by Positive Action in Housing

### Box 1: Some refugee experiences

**War in Somalia:** Zahra fled war-torn Somalia with her family in 2001 when she was 15. From the age of four, she rarely left the house for fear of rape. Two of her sisters died in the war.<sup>3</sup>

**Persecution of gay men in Jamaica:** ‘Four men were arrested near the airport in Kingston, Jamaica, in November 1996 and charged with “gross indecency”. The men, two of whom were partially clothed, were forced to remove all their clothes and held naked in public view at the airport police post until the following day. An angry mob gathered, allegedly in response to incitement by police officers, and threatened the men. The four were then driven to the Rape Unit where they were allegedly sexually assaulted before being transferred to the Remand Centre where they were forced to clean other inmates’ cells and toilets with their bare hands. Police also incited other inmates to assault the men and left their cells unlocked so that other inmates could ... beat them.’<sup>4</sup>

**Rape as torture in Uganda:** Gladys was raped repeatedly in front of her husband to extract information about her husband’s political activities in Uganda. She lost the baby she had conceived before she was imprisoned, but later became pregnant by one of her rapists.<sup>9</sup>

**Suppression of Christianity in Sudan:** ‘It was not safe for me in Sudan because my father was a Bishop in the Anglican Church... the Islamic government was prohibiting worship and burning churches. My brothers were arrested and we were accused of links with the rebel movement. I knew I could never go back.’<sup>10</sup>

Humanitarian Protection and Discretionary Leave are types of short-term protection for people who do not meet the UK’s interpretation of the criteria for refugee status. They are granted protection to fulfil the UK’s obligations under the European Convention on Human Rights,<sup>13</sup> incorporated into UK law as the Human Rights Act (1998). The Human Rights Act guarantees the right to live free from ‘inhuman or degrading treatment or punishment’ and the right to respect for family life (although what constitutes an infringement of these rights is a complex and developing area of law). People seeking asylum must state on their initial application whether they are also seeking protection under the Human Rights Act.

Humanitarian Protection is generally granted to people who have fled from conflicts, or are at risk of the death penalty or unlawful killing.<sup>4</sup> Discretionary Leave is granted in limited circumstances to people who do not meet the criteria for Humanitarian Protection, but who cannot be removed due to their age, health or because of a lack of safe passage to their home countries.

Gladys was raped repeatedly in front of her husband to extract information about her husband’s political activities in Uganda. She lost the baby she had conceived before she was imprisoned, but later became pregnant by one of her rapists.

It was not safe for me in Sudan because my father was a Bishop in the Anglican Church ... the Islamic government was prohibiting worship and burning churches. My brothers were arrested and we were accused of links with the rebel movement. I knew I could never go back.

Sudanese asylum seeker

In this report, NPC distinguishes between refugees and asylum seekers because they have a different legal status and different entitlements:

- The term **refugee** is used to describe any person who has been granted asylum, humanitarian protection or discretionary leave.
- The term **asylum seeker** is used for those who have yet to receive a final decision on their claim to stay in the UK.

### Reasons for seeking asylum

Refugees flee their home countries for many different reasons, including:

- **Torture:** According to **Amnesty International**, torture is still practised systematically in more than half the world.<sup>14</sup> There are more than one million victims of torture worldwide each year.<sup>15</sup> One in ten asylum applicants claims to have been tortured.<sup>16</sup> The last worldwide torture survey by Amnesty International reports that cases have increased dramatically in recent years. Most individuals affected are women or children.<sup>14</sup>
- **War or genocide:** In 2004, there were eight conflicts worldwide each causing over 100,000 deaths and a further eight causing between 10,000 and 100,000 deaths.<sup>17</sup>
- **Sexual violence:** Women are particularly vulnerable to sexual violence as a means of torture, control or as a weapon of war. See for example Gladys' story in Box 1. Sexual violence is explored further in the section on gender.

- **Harassment from state or non-state agencies:** Asylum seekers may have been persecuted by state agencies, qualifying them for refugee status. However, they may also qualify if they have been pursued by gangs or criminals from whom the state is unwilling or unable to protect them. This is often the case with homophobic crimes. (See for example the story from Jamaica in Box 1).
- **Trafficking:** Trafficking involves the smuggling of people, who have not consented, or who have been coerced or deceived into consent, for the purposes of exploitation. This includes forced labour, forced prostitution and forced marriage. Trafficking is reaching epidemic proportions. For example, the UN estimates that more than 200,000 children are enslaved by traffickers in West and Central Africa. The problem is growing most rapidly in Eastern Europe and the former Soviet Union.<sup>18</sup> The UK government's conservative estimate is that 1,400 women are trafficked to work as prostitutes in the UK each year.<sup>19</sup> If a home country's government is unwilling to protect victims, then the victim may have a case for seeking asylum in the UK.

Refugees and asylum seekers often want to continue their human rights work in exile, but they may need help to campaign in a different country and cultural context. The **Refugee Education and Training Advisory Service (RETAS)**—a project of the charity **Education Action International**—provides a human rights advocacy training course that incorporates training in British political structures and the media and introduces refugees to key players in government and international NGOs. Two weeks of intensive training helps participants to build confidence and develop their own projects. After two months implementing their plans, participants reconvene to review progress and to offer further suggestions on taking their work forward.

Course graduates are often successful in raising the profile of refugee issues. For example, Lansana, a graduate of last year's course for African refugees, is now chair of a refugee community organisation in Enfield. He organised community events to combat negative press coverage in the borough and is about to start a masters degree at the University of East London. In addition, he is working with other lawyers in his native Sierra Leone to continue his campaigning work for greater judicial scrutiny of the government's legal powers.

### Are all asylum seekers genuine?

Not all asylum applicants have experienced persecution. The National Audit Office has documented cases where asylum seekers' claims have been fraudulent. For example, an asylum seeker claiming to be fleeing from

Photograph supplied by Education Action International (Simon Davis)



Rwanda was refused legal status as he was found to be in possession of documents briefing him on common Rwandan phrases, provinces and villages.<sup>16</sup> The asylum process is open to misuse by migrants who use the system opportunistically in their attempts to remain in the UK.

However, as this report will discuss, the legal tests for establishing a well-founded fear of persecution or of human rights abuse are very tough. This makes it unlikely that many unfounded asylum claims are successful.

## Profile of refugees and asylum seekers

### Numbers

There are approximately 290,000 refugees in the UK, accounting for 0.5% of the UK population and 3% of the world's 10 million refugees.<sup>20</sup> The majority of the world's refugees live in less developed countries. For example, Pakistan and Iran have 1.2 million refugees each.<sup>21</sup> Most refugees do not have the resources to travel far when they flee and so end up in nearby countries.<sup>22</sup>

As Figure 3 shows, applications for asylum in the UK have varied significantly over the last decade, peaking at over 84,000 in 2002 and falling to a low of under 34,000 in 2004. These variations partly reflect European-wide trends, although the rise in numbers in the mid-90s and early twenty-first century affected the UK more than other countries. Research shows that applications for asylum in European countries are affected by three factors: international conflict and human rights trends, immigration and asylum policies, and the perceptions of asylum seekers and traffickers.<sup>23</sup> For the UK, there is no statistical evidence to show that changes in asylum policies have affected numbers of applications, although there is for other European countries.<sup>23</sup>

These application figures only account for the "principal applicants"—or heads of the household—who make an asylum application for the whole family. There were just over 10,000 dependants of principal applicants in 2003, forming 18% of all asylum arrivals. Around one in five applicants come to the UK with dependants, bringing an average of two family members with them.<sup>24</sup>

Of the 84,130 principal applicants for asylum in 2002, 38% were granted asylum, discretionary leave or humanitarian protection. Two years later, a further 12% were still waiting for a decision on their case.<sup>16</sup> As the asylum process can drag on for many years for those with more complex cases, it takes some years to get final data on the overall proportion accepted. Of the people who applied in 2001, 42% eventually gained protection. This figure is not a perfect guide to the proportion of new claims that will be

accepted, as asylum policy has become more stringent over recent years.

Some recent applicants may stand less chance of success, as they have neither the same access to legal aid nor the same right to appeal decisions.<sup>25</sup> This report will outline evidence that some claims for asylum are wrongly rejected.

Other refugees come to the UK through a resettlement programme. The United Nations High Commission for Refugees (UNHCR) facilitates the transport of groups of refugees who cannot be safely returned to their country of origin or safely settled in the country to which they have fled. Torture survivors, people with medical needs, children and older people are prioritised. The numbers arriving in the UK are small at present. The Home Office aimed to receive 500 resettlement refugees during the financial year 2003/2004.<sup>26</sup>

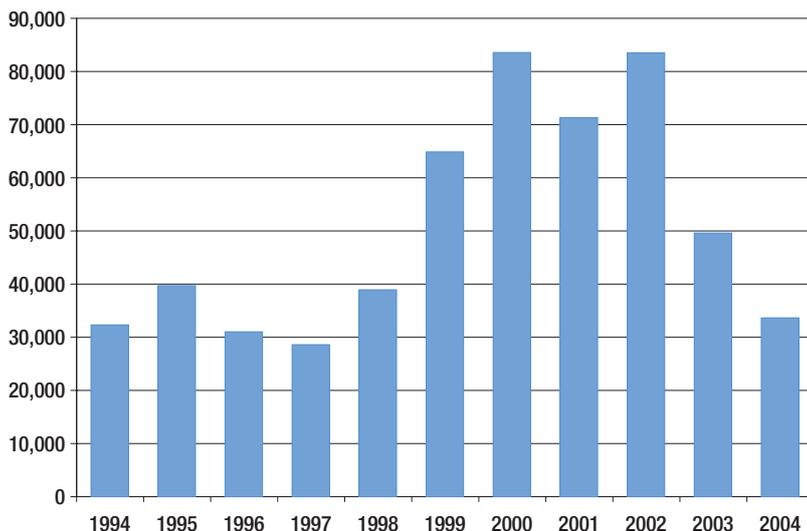
Between 1998 and 2002 (when asylum numbers were much higher compared to the overall picture in Europe than today) the UK ranked:<sup>27</sup>

- 74th globally in terms of refugees and asylum seekers weighted by Gross Domestic Product (GDP) per capita (a standard measure of the economic strength of a nation). In the then European Union, the UK ranked 2nd, with Germany in first place (and France, the Netherlands and Sweden close behind).
- 56th globally in terms of refugees and asylum seekers hosted per 1,000 of population, and 6th in the then European Union.
- 29th globally in terms of refugees and asylum seekers hosted per km<sup>2</sup>, and 5th in the then European Union.

**Table 1: Top ten countries of origin 2004<sup>32</sup>**

| Nationality                  | Applications in 2004 | Applications ranking in 1999 |
|------------------------------|----------------------|------------------------------|
| Iran                         | 3,455                | 14                           |
| Somalia                      | 2,585                | 2                            |
| China                        | 2,365                | 6                            |
| Zimbabwe                     | 2,065                | 34                           |
| Pakistan                     | 1,710                | 7                            |
| Iraq                         | 1,695                | 10                           |
| Democratic Republic of Congo | 1,475                | 16                           |
| India                        | 1,405                | 13                           |
| Afghanistan                  | 1,395                | 4                            |
| Sudan                        | 1,305                | 32                           |

Two fifths of asylum applicants are eventually granted protection in the UK.

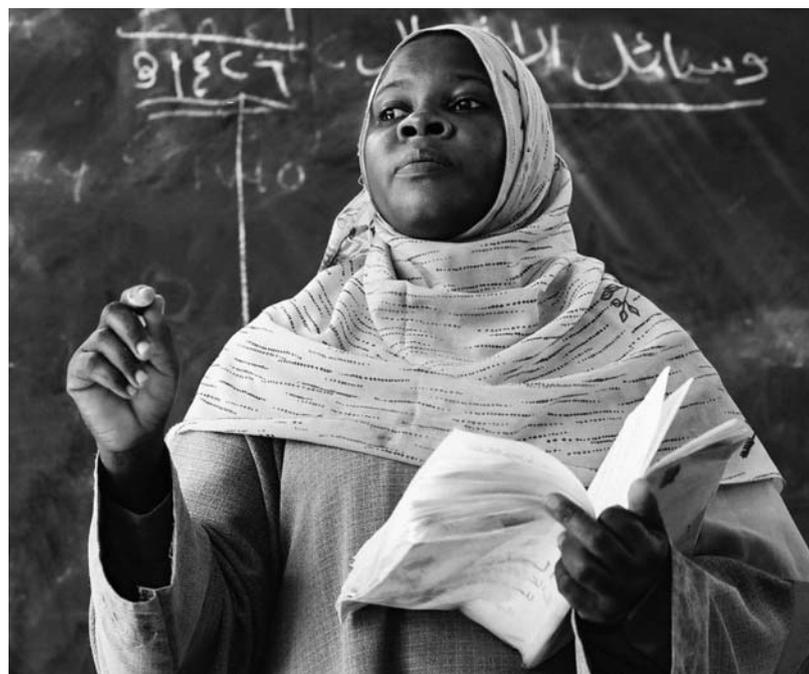
**Figure 3: Number of principal applications for asylum to the UK, 1994–2004<sup>24</sup>**

Approximately three quarters of asylum applicants to the UK are male, although women make up half of the refugee population worldwide.

### Country of origin

The number of asylum seekers coming to Britain from certain countries has varied over the years, as Table 1 illustrates. In 1999, there were few applications from Zimbabwe. In 2004, when persecution of opposition party members in Zimbabwe was more common, there were more than 2,000 applications for asylum.<sup>28, 24</sup>

War or human rights violations affect all the countries in Table 1. In China, the government systematically abuses the rights of people of Central Asian origin, cracking down on religious expression.<sup>29</sup> In India, police do not adequately protect the rights of lower-caste Dalits and members of tribal groups,<sup>30</sup> and security forces routinely torture detainees in Kashmir. In Iran, dissidents are detained and denied access to lawyers and medical care.<sup>31</sup> In the Democratic Republic of Congo, Somalia and Afghanistan, order has not yet returned to some regions following conflicts.



Photograph supplied by Education Action International (Flor Coello)

### Gender

Only one quarter of asylum applicants to the UK are female,<sup>32</sup> although women make up half of the refugee population worldwide.<sup>33</sup> Women can face particular forms of persecution, and particular difficulties in gaining protection in the UK. Furthermore, they are often reliant on their husbands' or fathers' claim for asylum, not realising that they have a right to make their own claim, which sometimes has a greater chance of success.

Experts think that official statistics may underestimate the number of refugee women in the UK, since women may arrive as dependants after positive decisions on a family member's claim.<sup>33</sup> There are many possible explanations for the relatively low numbers of women asylum seekers in the UK. If it is a man's political activities causing the trouble, then sending him away may also protect the rest of the family. Women's role as carers means that they may be more inclined to travel to neighbouring regions than further afield. Women in gender-segregated societies may fear travelling alone. In war-torn societies, women are vulnerable to sexual harassment and assault, which may make them less likely to risk the dangers of fleeing.<sup>33</sup>

As well as fearing persecution for the same reasons as men, women may be punished for violating social norms. Both the state and individuals, including close family, can punish women for refusing to comply with restrictions on freedom of movement, dress, or sexual behaviour.<sup>33</sup> Additionally, women may experience domestic violence and may not be adequately protected by the state. Demanding individual or women's rights, for example to education, divorce and abortion, may lead to punishment. In cases where the state is not directly involved in their abuse, asylum seekers must show that it has failed to protect them or given them no redress in law.<sup>34</sup>

In the political sphere, women's activity may take on a different character to men's. For example, they are often involved in hiding people from the authorities, passing messages between activists, or holding small-scale meetings in the home. These activities are disproportionately punished but are not well documented, and are thus more difficult to prove.<sup>35</sup>

The Refugee Convention does not allow persecution for reasons of gender as a ground for granting asylum. Instead, claimants must show that they have been persecuted for reasons of race, religion, nationality or membership of a particular social group.<sup>36</sup> This is straightforward in some cases, such as those of women in the former Yugoslavia who were raped for their membership of an ethnic group, but less so in others, such as cases of domestic violence. Case law has developed idiosyncrasies. For example, one judge ruled

that women who may be subject to Female Genital Mutilation (FGM) are a particular social group and therefore the risk of FGM can constitute grounds for granting asylum.<sup>37</sup> However, this ruling does not seem to be consistently adhered to by Home Office decision-makers.

More than 100 million women worldwide have experienced FGM, and more than two million women are at risk each year. The procedure carries serious health risks, can cause sexual dysfunction and has been linked with mental illness.<sup>38</sup> Other forms of sexual violence that may constitute grounds for seeking asylum include forced sterilisation and abortion.<sup>37,36</sup>

Rape can be used as a weapon of war, as in Rwanda and the former Yugoslavia. Rape can also be used as a method of torture. It affected 20,000 Bosnian Muslim women in one year alone.<sup>39</sup> Consequences can be devastating, including HIV and other sexually transmitted infections, mental illness and unwanted pregnancy. Rape can be grounds for seeking asylum, but again, the woman must prove that the state was responsible or was unwilling or unable to protect her.<sup>21</sup>

**Asylum Aid's Refugee Women's Resource Project (RWRP)** produces information resources for lawyers and asylum seekers pursuing their own cases. Asylum Aid found that the Home Office was refusing cases from countries that have a stated commitment to women's rights, but do not uphold these rights in practice. In order to tackle this, they collated evidence from human rights sources and published a report on women's treatment in Albania, Jamaica and the Ukraine. Lawyers can now use this to support their clients' cases for asylum.

A woman who arrives with family may not realise that she and her children have the right to claim for asylum independently of the principal applicant (eg, her partner or her father). Even if a woman does know her rights, she may not want to pursue her own application, or relatives may discourage her from doing so.<sup>33</sup> This is troubling, because the woman sometimes has a stronger claim and a greater chance of gaining refugee status than her male relatives.<sup>40</sup> As well as placing the family at greater risk of rejection, not pursuing her own claim means the woman is dependent on the principal applicant, and therefore has limited freedom to leave the relationship. If she is separated from her family, she will not have a legal reason to remain in Britain.<sup>33</sup>

As part of a consortium, Asylum Aid's RWRP campaigned to ensure that asylum-seeking women living in government-funded accommodation are protected in the event of domestic violence from their partners. Before this, a woman could not access refuges if she left her partner. The RWRP received a certificate,

the 2003 Award of Distinction, from the Mayor of London for this work, which resulted in housing and refuge provision for asylum-seeking women fleeing their partners in the UK.

## Sexuality

Same-sex relationships are illegal in 80 countries around the world and lesbian, gay, bisexual and transgender (LGBT) people may be subject to the death penalty, torture, imprisonment, harassment and discrimination. No statistics are collected on the number of LGBT refugees and asylum seekers in the UK but it is clear that they face numerous obstacles.<sup>41</sup>

Firstly, they may face particular problems gaining legal protection. Asylum seekers who do not immediately declare their sexuality as the cause of their treatment (perhaps due to shame or fear of homophobia) are often seen as less credible by Home Office decision-makers, who may decide an LGBT applicant has no right to protection if they believe that the asylum seeker would not face persecution as long as his or her sexuality is kept secret. LGBT asylum seekers also may face legal wrangling over whether their treatment meets the threshold for persecution or *'inhuman or degrading treatment or punishment'*.<sup>41</sup>

Secondly, they may be excluded by both refugee and LGBT communities in the UK. Refugees in the UK may face some of the same prejudices they fled in their home country, and LGBT people in the UK may be prejudiced against refugees.<sup>41</sup>

## Age

Figure 4 shows that the majority of principal applicants fall into the 18-29 age group, with most dependants under the age of 18.

There were 5,325 applications for asylum from unaccompanied children in 2004, and around 1,700 children were part of asylum-seeking families.<sup>32</sup> Most refugee children have faced experiences that run counter to the basic needs of every child for shelter and food, for safety and security and for stable schooling. Furthermore, they may have witnessed violence and war, had long and difficult journeys, and once in the UK, may take on a caring role with vulnerable and preoccupied parents.<sup>42</sup> NPC will explore how charities address children's needs in a separate report. The report will also address issues particularly pertinent to refugee families.

Gay asylum seekers can face particular barriers to gaining protection. They may be rejected both by refugee communities and gay communities in the UK.

Photograph supplied by Education Action International (Ron Coello)

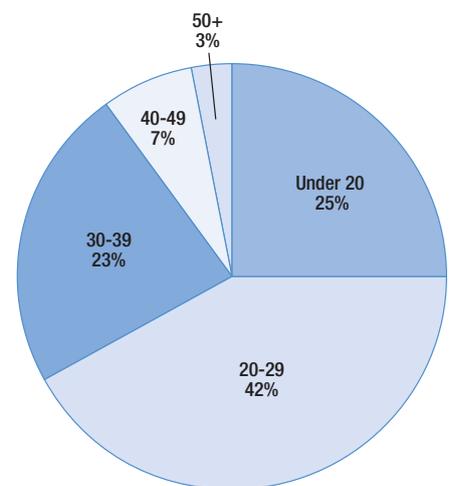


### Summary: who are refugees and asylum seekers?

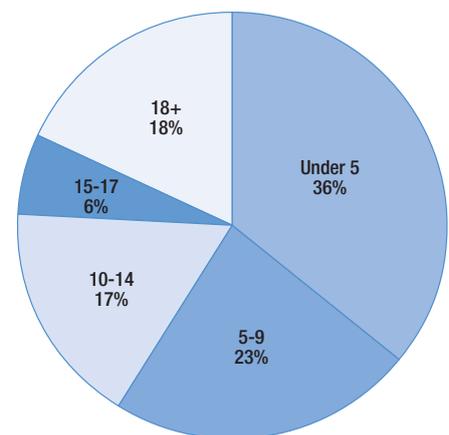
Many but not all asylum seekers are fleeing from very difficult circumstances, including war, persecution, or torture. Women and gay asylum seekers face particular difficulties. Charities can help refugees continue their human rights work in the UK, or provide them with information to support genuine claims to stay in this country. Sections 2 and 3 will illustrate how charities can also help them overcome their traumatic experiences.

Charities can help refugees and asylum seekers continue their human rights work in the UK, or provide them with information to support genuine claims to stay in this country.

**Figure 4: Age profile of asylum applicants in 2004<sup>32</sup>**



Principal Applicants



Dependants

# An asylum seeker's journey

**Fleeing a home and seeking asylum in the UK can be traumatic. This section explains what happens to asylum seekers from the moment they leave their home country until they get a final decision on their case to stay in the UK. It outlines the difficulties that genuine asylum seekers face on arrival, including an unreliable decision-making process, problems finding lawyers and the risk of detention. Their anxieties about the future and grief about fleeing are compounded by poverty and poor housing upon arrival in the UK.**

**This section will show how poor policy and procedures create a clear role for charities: both in pressing for change, and in supporting asylum seekers as they progress through this complex, inconsistent and sometimes unjust system.**

## Coming to the UK

How do asylum seekers decide where to flee? The popular press often paints a picture of opportunistic “asylum shoppers” who calculate where they will receive the best benefits and work out where they stand the greatest chance of success. In reality, few have the desire or financial resources to travel far afield.<sup>22</sup>

Those who decide to flee may travel independently, employ the services of a smuggler or may be coerced into flight by a trafficker. Smugglers take a one-off fee to arrange transport, whereas traffickers exploit migrants on arriving in the destination country. The **Refugee Council**, one of the largest refugee charities in the UK with over 90,000 clients each year, believes that use of smugglers and traffickers has become more common in countries where visas are now needed to leave the country, or where UK immigration officials are stationed at ports.<sup>43</sup> Such officials refused to allow 30,000 people to travel in 2003 and the government plans to increase the use of these measures.<sup>36</sup> It is a cause for concern that this approach is taken in countries where human rights abuses are well known, including Zimbabwe and Jamaica, meaning that asylum seekers may have to seek out smugglers. In doing so, they are putting their own lives at risk, as conditions are very dangerous. They also risk funding criminal activities in order to flee.

Whether travelling independently or with a smuggler or trafficker, there are six main factors influencing an asylum seeker's destination:<sup>22</sup>

- ability to pay to reach the destination;
- ease of entering the destination country;
- relatives and friends in the host country;
- perceptions of a country as democratic and safe;
- links between the host and home country (including colonialism); and
- ability to speak the host country's language.

UK citizens may also consider these factors when considering relocating overseas.

For those travelling with a smuggler or trafficker, the way possible destinations and their asylum systems are presented is also a factor. Research shows that some smugglers and traffickers portray the UK as more sympathetic to refugees than other European countries, although few specifically mention welfare entitlements. However, there is little evidence, quantitative or qualitative,<sup>22, 23</sup> that asylum seekers themselves have knowledge of UK asylum procedures, entitlements to benefits and the ability to work, nor how the UK compares to other European countries. Indeed, some of those fleeing, particularly those fleeing an acute crisis, do not know that they would need to claim asylum on arrival, nor that they would face interviews, forms and fingerprinting.<sup>22</sup>

For those who come to the UK with a smuggler or trafficker, fees can be high and the journey dangerous and traumatic, as the following quote from a Turkish asylum seeker illustrates: *‘I have travelled [in] lorries, even we didn't know where we are. Maybe we been in a lorry three or four days, without food and drinks. My daughter was only four. She was very afraid. I wasn't thinking a lot about what is going to happen. Just we was thinking about how to live – to survive ...’*<sup>44</sup>

In extreme cases, the lack of air in a lorry container could lead asylum seekers to suffocate, as in the case of the 58 Chinese migrants who were found dead on arrival at Calais in 2000.<sup>45</sup>

“I have travelled [in] lorries, even we didn't know where we are. Maybe we been in a lorry three or four days, without food and drinks. My daughter was only four. She was very afraid. I wasn't thinking a lot about what is going to happen. Just we was thinking about how to live – to survive ...”

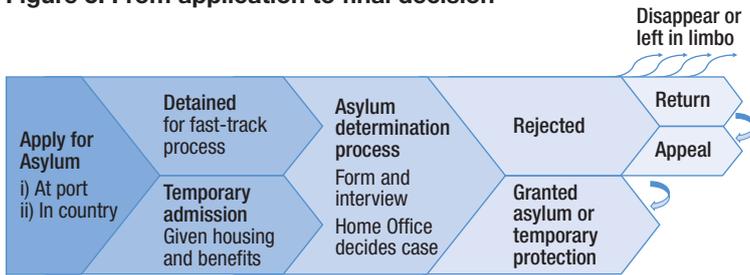
Turkish asylum seeker

# The asylum system should be judged on how accurately it judges people's claims for protection in the UK.

Asylum seekers arriving in Britain have often spent weeks or months travelling on foot, by lorry or by plane. For example, many Turkish-Kurdish asylum seekers make their way from Istanbul with lorry drivers who charge \$20,000 to transport a family to a safe country. With Kurds regularly being denied identity cards and passports from their home countries, fleeing the border illegally is often the only option. They spend up to eleven days in the back of a truck with as many as a dozen other refugees. They are rarely told where they are being taken or given any guarantees that they will get there.<sup>46</sup> Understandably, new arrivals may be exhausted, confused, traumatised, incoherent and in a poor state of health.

## Claiming asylum

Figure 5: From application to final decision



This section outlines what happens to asylum seekers from the moment they arrive in this country to the moment they receive a final decision on their claim. It follows the journey outlined in Figure 5, explaining what asylum seekers face on arrival, describing life in detention or on benefits in the community,

discussing Home Office decision-making, appeals and the implications of final decisions.

What should a good process look like? It should deal with claims swiftly and effectively, making accurate decisions about whether an asylum seeker has a legitimate case to stay in this country. Errors in decision-making should be kept to a minimum—both wrongful acceptances and wrongful rejections, highlighted in the light blue boxes in Figure 6. Many people are concerned about the former type of error, and less about the latter. Yet wrongful rejections have very serious consequences. Wrongly rejected asylum seekers can be deported to countries where they face persecution, even death. Examples of wrongly returned asylum seekers from Albania and the Democratic Republic of Congo are given later in this section.

This section will explain what we know about each type of error and the role of charities in reducing errors of each type. Since the system is run by government, a primary role of charities involves highlighting flaws in the process and its results, and encouraging the government to change processes to reduce errors. Charities also play an important role in providing legal assistance to help vulnerable asylum seekers achieve the right result.

This framework could also apply to detention. Although detention can be an appropriate means of keeping track of asylum seekers whose claims are likely to be unfounded and those who are awaiting deportation, some people object to it on principle.

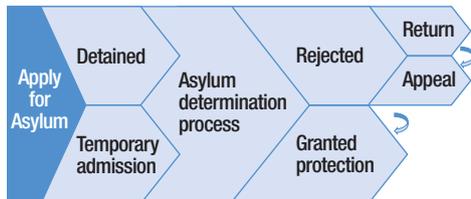
Figures 6 and 7: Errors in the asylum system

|                      |  | True status   |   |
|----------------------|--|---|---|
|                      |  | Asylum seeker genuine                                   | Asylum seeker not genuine                     |
| Home Office decision | Asylum seeker given refugee status     | Asylum seeker gains protection from persecution         | May reduce credibility of asylum system       |
|                      | Asylum seeker not given refugee status | Reject asylum seeker at risk of persecution, even death | Rejected asylum seeker can be safely deported |

|                      |                            | True status  |  |
|----------------------|----------------------------|--|--|
|                      |                            | Asylum seeker unsuitable for detention                                     | Asylum seeker suitable for detention                                 |
| Home Office decision | Asylum seeker not detained | Asylum seeker able to enjoy basic freedoms while awaiting a decision       | Asylum seeker at risk of remaining in the UK illegally               |
|                      | Asylum seeker detained     | Unacceptable deterioration of health, social links and access to education | Health, social links and education still worse than in the community |

Most people would agree that detention is an extremely serious sanction and it should be applied and overseen with the utmost care. Pregnant women, children and torture victims should be exempt, for example. In most cases, government guidelines reflect this, but practice does not. The role of charities is to reduce detention in unsuitable circumstances, as highlighted in Figure 7. Charities provide direct legal help to individuals and lobby for a change in the process.

## Applying for asylum



### At port of entry

Those asylum seekers who arrive legally at a port have the option to claim asylum immediately. Officials will conduct a screening interview, during which the applicant needs to provide information on his or her case to seek asylum, and information to determine eligibility for financial support.<sup>16</sup> Officials may immediately detain asylum seekers if they are thought likely to abscond or are eligible for the fast-track decision-making process, which takes place in detention.

The Home Office designates certain countries as generally safe, meaning that applications are turned down unless lawyers can prove their client would be at great risk. This goes against a non-binding UN standard stating that everyone should be presumed as having a deserving claim until it is dismissed after a fair and efficient process.<sup>4</sup> The European Commissioner on Human Rights commented: *‘There may, indeed, be countries from which the vast majority of asylum applications will turn out to be unfounded, but this in no way removes the obligation to examine each case attentively on its merits. There may be numerous reasons why a country that is generally safe may not be so for a particular person.’*<sup>17</sup> Claims from these countries go through an accelerated process and some observers question whether claims are examined attentively.<sup>4</sup>

Applications from these 24 countries, known as the “white list”, are generally processed in detention. They include most Eastern European and Baltic countries, parts of the former Soviet Union and parts of the former Yugoslavia, as well as Jamaica, Bangladesh, Bolivia, Brazil, Ecuador, South Africa and Sri Lanka.<sup>48</sup> Applications from a total of 55 countries are eligible for a fast-track decision-making process in detention.<sup>47</sup> Detention is discussed in greater depth later in this section.

### In country

Over the last five years, applications at ports have accounted for 28-40% of all applications. The majority of people apply for asylum “in country”—that is to say, at an immigration office in one of five locations around the UK. The government claims that many of the people who make claims in this way are claiming opportunistically, having exhausted other options for staying in the UK.<sup>16</sup> While commentators sometimes dismiss the practice of allowing in-country applications, there are good reasons why these can be necessary:

- The **Refugee Council** believes that there is a growing number of asylum seekers coming to the UK illegally because visa restrictions and overseas immigration controls leave them with few options.<sup>43</sup>
- While on holiday, studying or working in the UK, circumstances in a country of origin may change, leading to an asylum application.
- There are people who do not initially appreciate the need to apply for asylum, or are too traumatised to think about doing so on arrival.<sup>43</sup> Charities like the **Refugee Arrivals Project**, **Refugee Council**, **Refugee Action** and **Migrant Helpline** can help the people that approach them to make a claim.

Again, at this stage, an applicant may be detained. The Home Office had a target of detaining 30% of asylum seekers on arrival by the end of 2005. Since those applying in-country are more likely to have entered the country by trafficking, they are likely to be detained or imprisoned for entering the country illegally. This goes against an article in the Refugee Convention, which states that asylum seekers may need to use illicit means to enter a country, and requires that host countries should not apply penalties for this.<sup>50</sup> Detention is not the only penalty the UK imposes for entering the country illegally. Recent asylum legislation allows decision-makers to consider those who have entered the UK with no documents without good reason and those travelling on false documents as less credible asylum claimants.<sup>48</sup>

Asylum seekers may be immediately refused entry to the UK if they are found to have travelled through a safe country in the EU where they could have sought asylum. An EU agreement allows the UK to return up to 200 asylum seekers a month to the first safe country that they passed through.<sup>51</sup>

Those who are not detained or passed back to another country are given the option to stay with family or friends, or take National Asylum Support Service (NASS) accommodation. NASS accommodation is available in many locations across the UK, although its quality can be poor and asylum seekers have no choice about where they are housed.

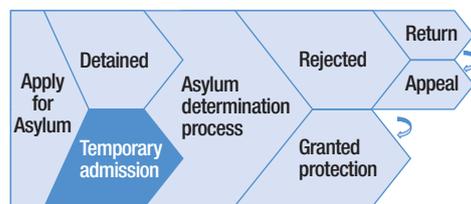
Charities help individuals to get the right result on their asylum claim and press for systemic improvements to reduce errors that can have life-or-death consequences.

Asylum seekers live on benefits of less than £40 a week, 30% below standard UK unemployment benefits. Many go hungry and cannot afford to buy suitable clothing. Charities can provide financial help or contact the Home Office in a crisis.

Some people are housed in emergency accommodation before NASS moves them on to longer-term housing. Although this housing is intended to be temporary, some wait for more than a month for a longer-term placement. This is almost half the time the majority of asylum seekers wait for an asylum decision. Some large families and disabled people are harder to house and can end up in temporary accommodation for six months or more.<sup>52</sup>

Before being sent to more permanent accommodation, or in their first weeks in the UK staying with friends or family, asylum seekers are required to spend a few days at an Induction centre in order to understand better the asylum process. Induction can take place in a designated Induction Centre in the community, or in detention. Some Induction Centres also provide temporary accommodation, and help asylum seekers to apply for welfare support.<sup>49</sup>

### Temporary admission



### Housing and financial support

Asylum seekers who are not detained are given housing and financial support in the community.

Before 2000, the vast majority of asylum seekers were accommodated in London, putting pressure on the capital's housing stock. The government then set up NASS, an agency within the Home Office, to implement a dispersal policy, sending asylum seekers with nowhere else to stay to parts of the country where there were empty flats and houses. These areas are more deprived, with higher levels of poverty and greater pressure on local services than areas to which no asylum seekers are dispersed.<sup>49</sup>

#### Box 2: Positive Action in Housing focus group findings

Mrs A and her school-aged daughter were placed in a high-rise flat that was cold and difficult to heat. She suffered frequent racial harassment.

Mrs B, a single woman, was given a bedroom in a hotel as an asylum seeker. In her own words, the room was 'horrible, damp with water leaking from the bathroom upstairs.'

Mrs C and her family were placed in a two bedroom flat. There were a lot of drunk people in the building and her sons were too scared to go outside.

Mrs D is a single parent with a school-aged daughter. In her first flat, she was so scared she cried every day for six months. There was no lift to her flat and she suffered racial harassment. The flat was overcrowded and damp.

NASS accommodation must meet basic legal standards, providing 'furniture to a reasonable standard' and utilities. Yet a survey by **Oxfam** and the **Refugee Council** found that 92% of support organisations had clients who were in accommodation where landlords did not provide adequate furniture and household equipment.<sup>53</sup> Research by **Shelter** in 2000 found that one in five dwellings used to house asylum seekers was unfit for human habitation, and over a quarter were overcrowded. Nearly half the families surveyed were living in one room and were sharing kitchens and bathrooms with others.<sup>54</sup> NASS has terminated contracts with some poor housing providers, yet there are still inconsistencies in standards of support.<sup>49</sup> Although recent data is lacking, a small focus group conducted in 2004 by the Glasgow-based charity **Positive Action in Housing** suggests that the quality is still low (see Box 2). This charity can help refugees and asylum seekers into better housing, as discussed in Section 3.

In 2003, 38% of asylum seekers chose to live with friends and family in the UK.<sup>32</sup> They are still entitled to the NASS benefits outlined below but they can be vulnerable to homelessness if their hosts ask them to leave.

Figure 8 illustrates the regional distribution of asylum seekers and areas where the greatest numbers are concentrated. More than a quarter still live in the Greater London area, but nearly 90% of these live with relatives rather than in NASS accommodation.<sup>32</sup>

Asylum seekers who arrive without financial resources are entitled to weekly NASS benefits, which at £39.34 per single adult over 25, is 30% below Jobseeker's Allowance, the standard UK unemployment benefit. Children are allocated the same benefits as UK resident children, but young people between 18 and 25 must survive on £31.15 per week. NASS support is less than half of the income level that the **Family Budget Unit**, an independent charity, deems acceptable for a 'low cost but acceptable' level of expenditure.<sup>i, 55</sup>

These levels of support do not allow for a good quality of life. Independent researchers concluded that benefits are set at levels 'that promote poverty and social exclusion'.<sup>56</sup> A survey of 40 refugee support organisations found that 85% of organisations reported their clients went hungry and 95% reported their clients could not afford to buy clothes or shoes.<sup>53</sup> The situation is likely to have deteriorated since the survey was conducted, as the government has withdrawn the practice of giving asylum seekers who have been awaiting a decision for six months a one-off payment of £50 to buy essential items.<sup>57</sup>

Many asylum seekers struggle to keep warm, afford bus fares to attend important appointments, stay in touch with friends and relatives, or provide their children with uniforms, pens and pencils for school. Disabled people and older people often receive no extra assistance, as they would within the mainstream benefits system. Although new mothers are entitled to £300, they usually receive this just before the birth, meaning that pregnant women have no extra money to buy maternity clothes, or time to buy cots and prams before the birth. Charities often end up providing funds to help asylum seekers buy essentials.<sup>53</sup>

NASS makes basic processing mistakes that leave asylum seekers with no financial resources and reliant on the goodwill of their compatriots and charities for weeks on end.<sup>58, 59</sup> A report by the **National Association of Citizens Advice Bureaux (NACAB)** documented many cases of lengthy phone calls by Citizens Advice Bureaux (CAB) failing to resolve issues. Frequently, officials claimed to have no record of previous applications, correspondence or phone calls, conflicting with CAB records. In other cases, officials took an unacceptably long time to process applications.<sup>58</sup>

Although the system may be no worse than for mainstream benefits, asylum seekers without English or social networks are particularly vulnerable.<sup>60</sup> Refugee Community Organisations like the **Somali Women's Support and Development Group** are crucial in building social links, improving English and helping with access to benefits. This small charity based in West London is abuzz with women of all ages, sitting and talking about their lives and experiences. An advisor helps women who have problems with their NASS benefits by making the necessary phone calls and writing letters. Women also come for English classes to help them build links outside their community and address the problems they face.

An independent review of NASS' performance, published in 2004 after intense pressure from charities,<sup>61</sup> concluded that 'NASS *urgently needs to improve its operational performance and standards of customer care. It needs to get ... much slicker at sorting out basic processing errors especially when these affect individual asylum seekers and damage the reputation of the organisation.*'<sup>59</sup> Although the then Home Office Minister Beverley Hughes claimed NASS had made 'real progress' in the nine months between the review's conclusion and its publication,<sup>36</sup> there is reason to doubt this. NASS claimed similar improvements following an earlier report by the same organisation. The later report found these improvements had not been implemented.<sup>58</sup>

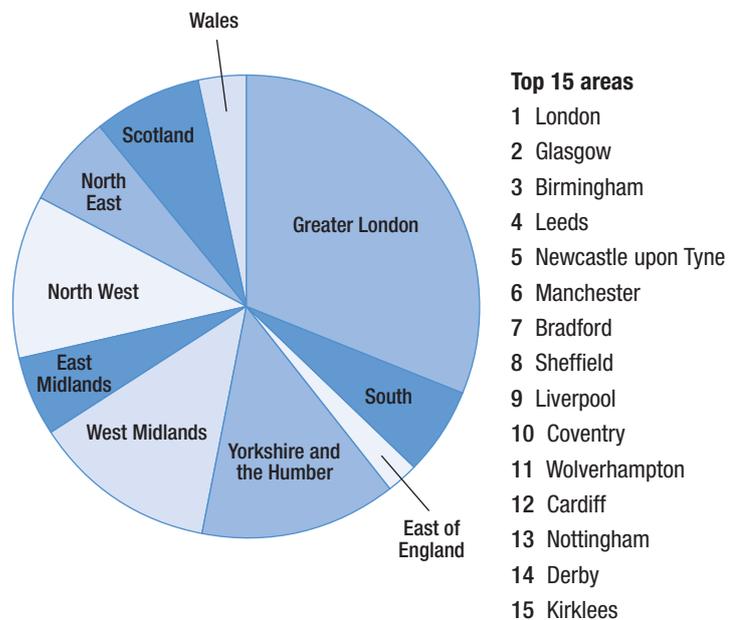
### Box 3: Emergency accommodation contracts

When the government introduced its policy of dispersing asylum seekers to the regions in 2001, it called on charities to take on contracts to accommodate asylum seekers temporarily in London before they were sent elsewhere. After careful consideration, charities including Refugee Council, Refugee Action and the Refugee Arrivals Project decided it was better for them to agree than for the government to arrange hastily for the private sector to manage the accommodation.

Then, in 2002, the government enacted legislation that meant asylum seekers who did not apply for asylum 'as soon as reasonably practicable'—at one stage, within 24 hours of arrival—were not eligible for benefits or accommodation. This meant that the charities providing accommodation were involved in making some asylum seekers destitute. Though they were forced to act against their principles, these charities' reputations with their beneficiaries, the press and grant-makers suffered. However, NPC believes that these charities took their decisions with the best of intent and made all possible efforts to get this legislation overturned.

The policy has since been overturned by the courts—a key success for refugee charities. Lawyers made use of evidence provided by charities including Refugee Council and Refugee Action.

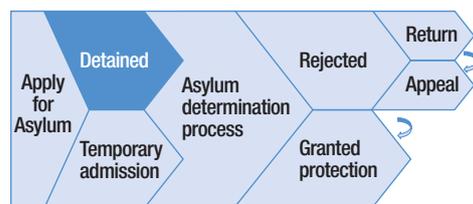
Figure 8: Distribution of asylum seekers in the UK, December 2003<sup>24</sup>



Charities highlight poor housing conditions and help asylum seekers move on to better accommodation.

Detention centres are grim, prison-like environments. Detainees' mental health deteriorates.

### Detention



With an estimated 25,000 asylum seekers detained in 2004,<sup>4</sup> and up to 1,500 people detained at any one time,<sup>62</sup> *'the UK detains more people for longer periods and with less judicial supervision than any comparable country in Europe'*.<sup>63</sup> The Home Office uses detention in two main sets of circumstances: as a means of holding people while they fast-track their asylum cases, and to hold rejected asylum seekers prior to their removal. Those perceived as likely to abscond and those who have entered the country illegally may also be detained. This section concentrates on the experience of detention and on those detained before a final decision on their cases.

Detention can be a reasonable means of dealing with asylum cases that are likely to be unfounded, or for keeping tabs on asylum seekers likely to abscond. Yet deprivation of liberty is an extremely serious sanction. It is important that it is used judiciously and accountably—that the decision to detain is based on evidence, that it can be challenged through bail applications and that statistics on its use are made available to the public.

At the very least, detention should only be applied in circumstances that meet government guidelines about who is suitable for detention. Figure 9 outlines the role of charities in improving the detention system. It ranges from practical help and emotional support to provoking debate about who should be detained.

### The impact of detention

The UK's nine detention centres tend to be grim, prison-like environments in remote locations, which visitors and legal representatives find hard to reach. In fact, some centres are former prisons, others have prison-like regimes. At any one time there are 120 asylum seekers detained in operational prisons.<sup>4, 47</sup>

The effect of indefinite detention, with the threat of sudden removal from the country hanging over many, can be devastating, as Box 4 illustrates. People often find it hard to adjust to forced dependency and the loss of status and identity in the UK.<sup>44</sup> Detainees report feeling ashamed, abandoned and demoralised. The environment and restrictions can rekindle memories of prior detention and mistreatment. Detainees may revisit their experiences in the isolation and monotony of detention.<sup>4, 44</sup> Research from the US shows that 77% of asylum seekers in detention displayed symptoms of anxiety, 86% showed symptoms of depression and 50% of post-traumatic stress disorder, much higher than rates for asylum seekers in the community. Symptoms worsened as time in detention increased.<sup>64</sup>

In 2004, there was a far higher number of deaths in immigration detention than usual, with three self-inflicted deaths and one murder.<sup>4</sup> Observers express concern about the lack of adequate mental health support in detention centres.<sup>47, 65</sup> People in detention are often influenced by the state of mind of those that surround them, to the extent that they may appear collectively depressed.

People with health problems, including victims of torture, can be detained for prolonged periods,<sup>4, 65</sup> although the government states that they *'are not normally considered suitable for detention'*. The two charities **Medical Foundation for the Care of Victims of Torture** and **Bail for Immigration Detainees** examined 13 cases of people with health problems and found that they were

Figure 9: Charities' role in improving the detention system

|                      |                            | True status  |  |
|----------------------|----------------------------|--|--|
|                      |                            | Asylum seeker unsuitable for detention                                     | Asylum seeker suitable for detention                                 |
| Home Office decision | Asylum seeker not detained | Asylum seeker able to enjoy basic freedoms while awaiting a decision       | Asylum seeker at risk of remaining in the UK illegally               |
|                      | Asylum seeker detained     | Unacceptable deterioration of health, social links and access to education | Health, social links and education still worse than in the community |

**Charities:**

- Provide practical and emotional support to detainees
- Provide legal help to remove asylum seekers from detention
- Provoke debate about criteria used to judge suitability for detention

detained on average for over a year.<sup>65</sup> **Amnesty International** was told of a particularly severe case of a woman detained at Oakington Reception Centre in Cambridgeshire. The woman had been so severely sexually assaulted in her country of origin that she found it very difficult to sit down. She was not released until the **Medical Foundation for the Care of Victims of Torture** gave her an appointment for assessment of her condition.<sup>4</sup> **Bail for Immigration Detainees** found examples of a man experiencing hallucinations, another with suspected TB and a third who had made a near-successful suicide attempt, all being detained. Officials are failing to make sure that people in detention have appropriate access to specialist health care when they need it.<sup>65</sup>

A number of reports have raised complaints about racist abuse and derogatory comments at detention centres,<sup>4,44</sup> corroborated by the findings of a BBC undercover film-maker in March 2005. Many staff see immigration detainees as analogous to offenders. Women, who make up 12% of immigration detainees,<sup>65</sup> are particularly likely to feel unsafe in detention.<sup>5</sup> Children may witness officials abusing and belittling their parents.<sup>44</sup>

Children in detention have few opportunities to play, with some being allowed outside for as little as one hour a day. Educational provision can be inadequate. Several asylum seekers described the "school" at Harmondsworth Immigration Removal Centre in West London as a place to pass the time, not to learn. Parents say that their children become bored and listless.<sup>44</sup> At Dungavel House Immigration Removal Centre in Scotland, HM Inspectorate of Prisons found that children's welfare and development was seriously at risk due to poor assessment of their needs and little educational provision.<sup>66</sup> **Save the Children**, the **Refugee Council** and **Bail for Immigration Detainees** have recently begun a campaign to end the detention of children.

Asylum seekers' frustration and desperation sometimes leads to radical action. In summer 2005, a number of Zimbabwean asylum seekers went on a 72-hour hunger strike in protest at conditions in detention and removals to their homeland. Some reports, denied by the Home Office, suggested that up to 200 people were involved.<sup>49</sup> In 2003, over 100 asylum seekers at Harmondsworth fast-track centre rioted following the suicide of a fellow detainee.<sup>49</sup> This followed fires, riots and 33 escapes at Yarl's Wood Immigration Removal Centre in Bedfordshire the previous year.<sup>49</sup>

Detainee visitor groups can make the experience of detention more bearable, providing a connection to the outside world and a sense that someone cares about detainees' circumstances. Some visitor groups also help their users to access legal advice or assist with bail applications. **The Gatwick Detainees Welfare**

#### Box 4: Experiences of detention<sup>4,5</sup>

*'I felt ashamed to be in detention and hated the environment. When I came here I didn't think that people would put me again in prison. I'm really honest, I respect the rules. In detention, we were locked inside all day. We are not criminal, we are not steal something, we have problem with our country. People give us a welcome with prison.'*  
Ibrahim

*'I felt like an animal. Treated like cattle – like a caged animal – you cannot go out.'* The Hani family were woken at 6am by immigration officials, who refused to allow the parents to wake their 11-year-old son. He was traumatised to be awoken by strangers. Officials made the wife go to the toilet with the door open. On arrival at Dungavel House Immigration Removal Centre in Scotland, the boy locked himself in the toilet and refused to come out for a long time, passing his parents notes under the toilet door. The family has now been released, but takes any knock on the door as a threat. Their son cannot sleep and is seeing a psychologist.

**Group** has 75 visitors who speak 21 languages between them. Visiting 800 people at Tinsley House Immigration Removal Centre every year, the group's visitors are trained by the charity's staff in counselling and listening skills and the asylum system. The charity can make referrals to lawyers and helped 74 people gain representation in 2004. The scale of the demand has led the charity to train its staff to get qualifications to offer basic legal advice. Visitors may also help detainees use **Bail for Immigration Detainees'** Bail Notebook, described later in this section. The group also gives out phonecards, toiletries and clothing at the centre. The charity's volunteers can rarely prevent detainees being returned. However, it is clear from the charity's surveys and individual comments that simply being with a detainee in an hour of need is much appreciated.

#### The decision to detain

It is Home Office officials, and not judges, who decide upon and review detention decisions (except in the case of children who have been detained for more than four weeks, when the Immigration Minister must grant approval). The European Commissioner on Human Rights finds this lack of judicial scrutiny unacceptable.<sup>47</sup>

Charities such as **Bail for Immigration Detainees** are also concerned that the Home Office is using the risk of absconding as a justification for detention without making evidence-based risk assessments.<sup>4,44</sup> Indeed, a small survey found that when bailed, over 90% of detainees thought to be at high risk of absconding comply with all conditions imposed on release, such as requirements to report regularly to immigration offices.<sup>44</sup> The European Commissioner on Human Rights and **Amnesty International** believe that there is pressure on officials to fill the increasing number of places in detention centres,<sup>47</sup> currently exceeding the numbers in detention by 1,200 and expanding by 300 places over the next two years.<sup>47</sup> Officials admitted to Amnesty International that the decision to detain can be driven by the number of bed spaces left in daily quotas.<sup>4</sup>

People with health problems, including victims of torture, can be detained for prolonged periods. An appointment with the Medical Foundation for the Care of Victims of Torture can help a detainee get released.

Photograph supplied by Gatwick Detainees Welfare Group



Abdoulaye and Beryl

### Box 5: The impact of visiting detainees<sup>1</sup>

#### Abdoulaye Diomonde's story

*'All in all I was in detention for nearly nine months. With no friends or family in the UK, I found this particularly hard. The idea of committing suicide dawned upon me sometimes. The conditions were harsh, with some officers who didn't seem to care, despite the fact that you could see that some detainees wished to kill themselves and others who went on hunger strike, surviving only on water. Seeing yourself locked up without any criminal offence triggers a deep sense of injustice. We would ask ourselves whether we had made a mistake in asking for asylum.'*

*'I was fortunate. When I arrived at Tinsley House, I left a message for Gatwick Detainees Welfare Group, and the following day I received a visit from Beryl. Her visits comforted me and gave me relief, peace of mind. She helped me to find a good legal representative to launch an appeal in the High Court, and, eight months and two weeks after first being detained, I was finally released. After a long wait, February 2005 brought the news that I had won the appeal. I had been granted refugee status.'*

#### A letter from Rezar to his visitors at Tinsley House Immigration Removal Centre

*'Dear Martin and Mary,*

*'I thank you with all one's heart for the postcard you sent me. It was not simply a postcard but much more than that. It shows that in England live not only ugly people but people like you who try to help the others and encourage them. Once again, thank you very much for all you have done for me.'*

*'You encouraged and helped me in the difficult moments I had in this country, you tried to do everything you could for me. I am sending you this letter, unfortunately not for a good notice to inform you that I will be deported on the 28th October. This time I am helpless and unable to do anything.'*

After his deportation from Campsfield House Immigration Removal Centre in Oxfordshire, Rezar was imprisoned by the Albanian government on account of his involvement with an opposition group. He later managed to escape to Italy.

Parliament is just as ill informed as the general public about decisions to detain.

Charities press for greater transparency.

Parliament is just as ill informed as the general public about decisions to detain. There are no published statistics on this topic, for which a parliamentary select committee, the Joint Committee on Human Rights, has criticised the Home Office. The stated reasons for detention sometimes seem spurious, with detainees who have complied with all previous requirements to keep in touch with the Immigration Service deemed to be at risk of going missing.<sup>67</sup>

Officials must inform asylum seekers of the reasons for their detention in a language that they understand and inform them of their rights to seek bail.<sup>47</sup> In practice, a range of observers have commented that many have no idea of their rights at all and translators are used infrequently.<sup>4, 47</sup>

Article 3 of the Refugee Convention on the Rights of the Child, from which the UK has withdrawn to protect its asylum policy, states that children should be deprived of their liberty only as a last resort and for the shortest possible period of time.<sup>47</sup> HM Inspectorate of Prisons believes that children should be detained for immigration purposes for no longer than a few days. Charities believe that 2,000 children were detained in 2004,<sup>68</sup> but there are no published statistics to confirm this or to tell us how long they are detained for. However, a recent report by **Save the Children** studying the detention of 41 children found that 35 were detained for over ten days and 26 for over a month. Shockingly, a family with two children under five were detained for 162 days and a family with a young baby were in detention for 161 days.<sup>69</sup>

The overwhelming majority of detained children are with their families, since children coming to the UK on their own should not be detained. Many detained families say that their children's need for education and health services would make it extremely difficult for them to abscond.<sup>44</sup>

#### Charities contesting detention

Legal aid restrictions mean that contesting detention decisions is very difficult.<sup>47, 66</sup> In order to qualify for legal help on an application for bail (the term means the same as in the Criminal Justice System), the legal aid funding body must be satisfied that the case has a greater than 50% chance of success. Moves between detention centres can disrupt legal proceedings. When bail applications are successful, judges' desire to have a financial guarantee for keeping to conditions can be a problem.

**Bail for Immigration Detainees (BID)** helps people represent themselves at bail hearings, and uses volunteer lawyers to represent more vulnerable people in court. In 2004, 160 out of 230 bail applications for which BID provided in-depth legal assistance were successful. BID's 'Bail Notebook', which is available in detention

centres and to detainees' visitors, provides a step by step guide to making a bail application. To BID's knowledge, this helped 30 people get bail in 2004.

The charity also runs bail workshops in four detention centres, attracting 15 detainees per session. 100 out of 150 workshop participants at Dover Immigration Removal Centre were granted bail without legal representation.

In 2005, lawyers and detainees used BID's bulletins on Zimbabwe in order to get bail, with at least 35 people released while the courts considered the legality of the government's decision to return them.

BID's policy work has been crucial in highlighting the human experience of detention and the growth in detainee numbers. It has produced reports on the detention of torture survivors, people with severe health problems, families and pregnant women. The policy officer has brought particularly horrifying cases to the attention of the Home Office. For example, during the seventh month of her pregnancy, a woman and her family sought bail. It was granted, except in the woman's case. Two months later, she gave birth to a stillborn baby. Her distress did not precipitate her release, but a transfer to a secure psychiatric hospital. BID helped *Woman's Hour* on Radio 4 to put together a feature highlighting cases like this. This led the Home Office to commit to reviewing its policy on detaining pregnant women.

Another major success for BID was convincing the Home Office to remove a major barrier to asylum seekers getting bail—having to provide a surety (ie, a financial bond to ensure the detainee's compliance on their release). BID is now working to make lawyers aware of this development.

### The legal process in detention

In the UK, the Law Lords have ruled that detention is lawful for periods of up to ten days and that its usage is proportionate to the need to process a large number of cases. Processing cases in detention does not appear to have affected the outcome of many cases: since the fast-track process began, success rates for applicants from the countries involved have not changed significantly.<sup>47</sup>

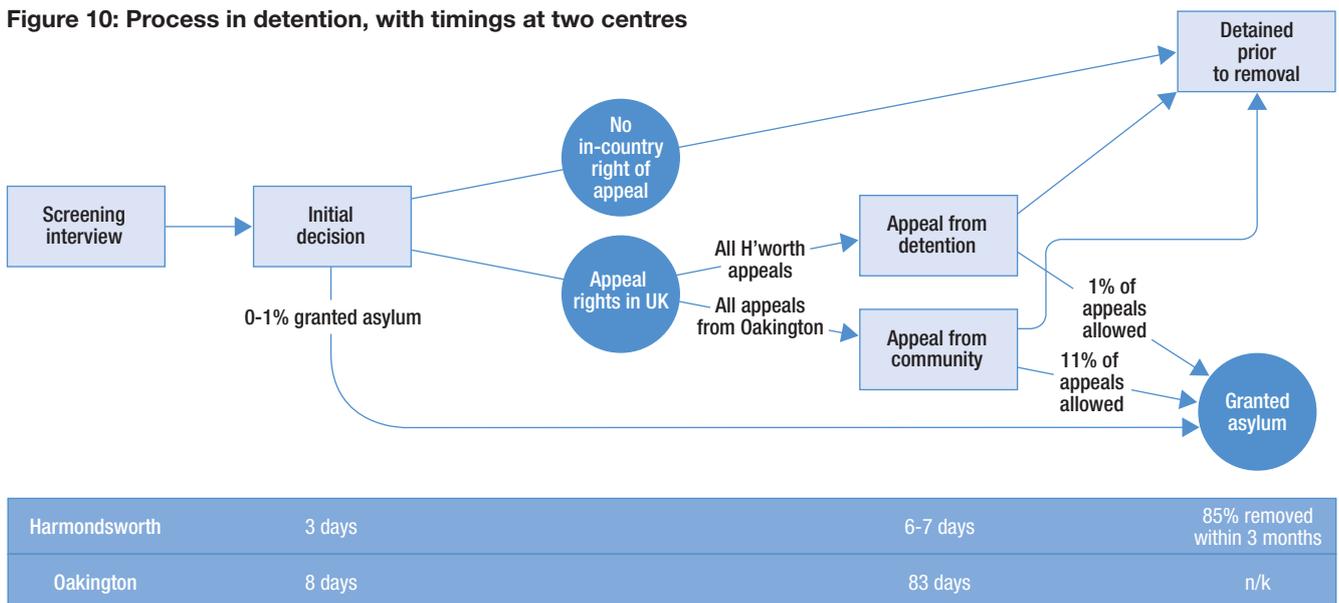
In principle, the Law Lords' decision seems reasonable. In practice, there are still reasons for concern. Organisations including **Amnesty International** and the **Refugee Legal Centre** believe that claims are prejudged and are not considered carefully.<sup>4</sup> Furthermore, the list of countries from which asylum applicants can be detained to fast-track their cases includes countries with a record of human rights abuses. For example, in 2004, Cameroonian applicants were judged suitable for detention,<sup>4</sup> despite evidence of systemic torture of dissidents.<sup>2</sup> The complex medical and legal input such cases require in order to be successful are unlikely to be available in the short timescales imposed by the process in detention. Furthermore, detention puts a particular strain on people who have been tortured, as it evokes memories of prior detention and mistreatment.

Decisions are made in about a week. At Oakington, those who have a right to appeal negative decisions do so from the community. At Yarl's Wood and Harmondsworth, appeals are heard within the centre.

Figure 10 illustrates the process and timescales at the two older establishments.<sup>16</sup> At Oakington, 93% of claims are rejected after asylum seekers have exhausted all appeal rights. This is a higher rate of refusal than in the community. Processing

21% of negative decision letters fail to state what the Home Office disbelieves about the claim, and 14% do not take into account information about the asylum seeker's home country.

Figure 10: Process in detention, with timings at two centres



I have had to deal with interview notes that are barely literate... I have seen interview notes regarding some of the brightest people in the political world and interviewers have no idea what they are talking about.

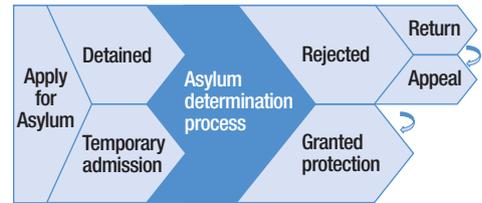
Barrister, Garden Court Chambers

Photograph supplied by Isabelle Merminod



cases in detention does not appear to have affected the outcome of many cases: since the fast-track process began, success rates for applicants from the countries involved have not changed significantly.<sup>47</sup> However, organisations including **Amnesty International** and the **Refugee Legal Centre** (which provides government-funded legal advice at a detention centre using the fast-track process) believe that the system is set up to refuse people, and that the tight timescale renders fair decision-making almost impossible.<sup>4</sup> This seems in contradiction to the lack of variation in success rates. However, it is possible that other factors, such as a change in human rights situations in these countries, could explain the non-variation in the success rates.

### Asylum determination process



On making a claim, asylum seekers are given a "Statement of Evidence" form, which they are required to complete within ten working days. This 18-page form is only available in English and presents a significant challenge for many applicants, particularly those without English-speaking connections.

Asylum seekers who have been traumatised by their experiences may find it hard to communicate their experiences fully so soon after their flight. This is particularly the case for women who have been raped, who may be deeply uncomfortable relating their experiences.<sup>70</sup>

An average of 48 days after the initial application, an applicant is called to an asylum determination interview at an immigration office.<sup>16</sup> Interview practice is sometimes poor. Asylum seekers complain of obnoxious interviewers and of poor quality interpreters. Some fear that their interpreter will be biased based on their ethnic origin. Some complain of having to sign notes of the interview without enough time to read and understand them.<sup>71</sup> Interviewers may also fail to record the session properly. One barrister commented:<sup>71</sup>

Figure 11: Acceptance of errors in the Criminal Justice and asylum systems

|                                  |                             | True status   |   |
|----------------------------------|-----------------------------|---|---|
|                                  |                             | Accused is not guilty   | Accused is guilty   |
| Criminal Justice System decision | Accused is found not guilty | Correct outcome   | Little known about proportion<br>Offenders in the community who may pose a risk to the public |
|                                  | Accused is guilty           | 'Beyond reasonable doubt'<br>Wrongful imprisonment: results may include unemployment, isolation, homelessness and stigma. | Correct outcome   |

|                      |  | True status  |  |
|----------------------|--|--|--|
|                      |  | Asylum seeker genuine  | Asylum seeker not genuine  |
| Home Office decision | Asylum seeker given refugee status     | Correct outcome  | 'Culture of disbelief' suggests proportion low<br>Errors may reduce the credibility of asylum system |
|                      | Asylum seeker not given refugee status | Proportion too high<br>Risk of persecution, even death.<br>Decision makers may have imposed incorrect and unreasonable standard of proof | Correct outcome  |

*'I have had to deal with interview notes that are barely literate. It's very clear from the spelling that interviewers don't know the most basic facts. They don't know which countries people come from. I have seen interview notes regarding some of the brightest people in the political world and interviewers have no idea what they are talking about.'*

In an attempt to lower the cost of the process, legal aid in asylum cases is now tightly restricted. Limits imposed in April 2004 mean that asylum seekers are entitled to five hours of legal aid in preparing their application, with any additional work requiring authorisation from the Legal Services Commission.<sup>67</sup> The consequences for accurate decisions have been concerning. Many legal firms have pulled out of asylum work altogether. One solicitor who has left the field said: *'I am not interested in a career involving substandard advice to vulnerable people'*.<sup>67</sup> In Hull, there used to be four immigration law practices. There are now none. Asylum seekers living there rely on a visiting solicitor who comes to the city once a week. The drop in provision leaves growing numbers of applicants with little or no legal help. The consequences of this include:<sup>67</sup>

- Asylum seekers are forced to attend appeal hearings alone, without any legal representation.
- Women who have experienced sexual violence are unable to build relationships of trust with their lawyers in the short time given and may fail to disclose crucial information.
- Asylum seekers with minimal financial resources are being asked to pay for more work on their cases, and even initial work if they cannot find a firm taking legal aid cases.
- Low quality decisions are made, leading to a loss of confidence in the justice system.

A dossier of evidence compiled by the charities **Asylum Aid** and **Bail for Immigration Detainees** highlights cases including that of a man whose mental health deteriorated as successive applications for further legal aid were turned down; women turning to the sex industry in an attempt to raise funding for legal advice; and lawyers, including those with little experience, asking applicants living on less than £40 a week to pay up to £8,000 for further advice.<sup>67</sup>

Good legal help, whether provided by charities like **Asylum Aid** or solicitors in private practice, helps asylum seekers get the right outcome on their case, as Box 6 illustrates. Good lawyers also help to reduce the considerable anxiety that people going through this process experience.

#### **Box 6: The results of good legal help**

**E is a young orphan from rural Vietnam. At the age of 13 she was kidnapped and trafficked to the UK. She managed to escape from her captors, and with the help of a kind stranger, was put in touch with Asylum Aid's Refugee Women's Resource Project. E's initial application for asylum was refused, but, working closely with a number of anti-trafficking organisations, Asylum Aid fought the appeal and E was granted asylum.**

Following an interview, asylum seekers wait an average of 15 days for the Home Office's initial decision. The decision-making process has speeded up in recent years: by the end of 2004, 83% of applicants got a decision within two months.<sup>62</sup> However, some still wait for more than six months. There is evidence that uncertainty caused by delays can be a major factor in poor mental health.<sup>16</sup> The speeding up of the process, notwithstanding concerns about its quality, should go a long way to improve the mental health of detainees.

Rates of success at this stage are low, with 6% granted asylum and 11% granted other forms of protection on human rights grounds in 2003.<sup>16</sup>

The asylum determination process cost £3,380 per applicant in 2002/2003 to get to the initial decision stage, including the costs of supporting the applicant. The Immigration and Nationality Directorate spent a total of £1.86bn in the same year on its operation, which includes the costs of non-asylum immigration cases. Over 50% of the overall budget went on supporting asylum applicants.<sup>16</sup>

Before the implementation of the legal aid restrictions, there were concerns about the cost of the asylum determination system. Although retracting the policy would cost British taxpayers more, it might lead to fewer asylum seekers being returned to places where they would be at risk of persecution.

#### **Quality of decisions**

As the consequences of wrongful imprisonment are so serious, juries in criminal trials must be satisfied *'beyond all reasonable doubt'* that a defendant has committed the offence to return a guilty verdict. The wrongful returns of people at risk of persecution are more serious still. An incorrect asylum decision can condemn a person to torture or even death. As Lord Justice Bingham once commented: *'asylum decisions are of such moment that only the highest standard of fairness will suffice.'*<sup>172</sup> Sadly, there is overwhelming evidence that the UK is far from reaching this standard, as Figure 11, summarising NPC's analysis of asylum decision-making emphasises.

Given that concerns about decision-making first came to light in 1997 and progress to date has been slow, continued scrutiny by charities is still crucial

**Box 7: Questionable refusals of asylum claims**

*'You claim that your torture consisted of starvation for two weeks coupled with brutal beatings at two-hourly intervals for most of the day, every day for two weeks ... In the opinion of the Secretary of State, it is highly unlikely that you would have survived such abusive treatment in a malnourished condition.'* This decision-maker chose to overrule expert medical evidence substantiating evidence of this asylum seeker's torture.<sup>2</sup>

*'You alleged that whilst in prison you were underfed, beaten and forced to do hard labour. However, you have produced no medical evidence to support the claims that you were beaten or ill-treated. Whilst it is accepted that people fleeing their countries are not always in a position to collect such evidence to support their claims, there is no obligation to accept such undocumented claims as being true. As such, this lack of medical evidence can be seen to strengthen the conclusion that you were not arrested or detained.'* The UNHCR believes that in this case, the Home Office placed an unreasonable expectation on the applicant to produce evidence for his claim. The caseworker should have set his decision in the context of information about the country situation that would give weight to, or detract from, the credibility of the claim.<sup>8</sup>

*'You stated in your asylum interview Q60 that you were detained for two months, although you were tortured and beaten, you never confessed. It is believed that it is highly unlikely that you would not have confessed if you were beaten as you alleged. ... Therefore, your account is not believed to be a truthful account.'* The UNHCR believes that use of such speculative arguments in decision-making is not acceptable.<sup>8</sup>

The asylum system differs from the Criminal Justice System in another important respect: the standard of evidence it is reasonable to expect. The law reflects this. Recognising the circumstances in which refugees flee, it does not require that asylum seekers should be able to provide conclusive proof of their treatment or fears of future persecution. Instead, asylum applicants need to be able to show that there is a 'reasonable degree of likelihood' that they will be persecuted for a reason set out in the Convention.<sup>72</sup> This standard of proof is also reasonable in the light of the consequences of an incorrect positive asylum decision.

Unfortunately, there is evidence of Home Office decision-makers expecting higher standards of evidence before accepting a claim, as the examples in Box 7 illustrate. Even before the introduction of legal aid restrictions, many observers expressed concern about the quality of Home Office initial decisions on asylum claims. Charities, think tanks from across the political spectrum and government oversight agencies have voiced similar opinions on these issues.<sup>16, 72, 73</sup>

UNHCR has found widespread use of weak analysis, poor written English and limited or non-existent research ... The tendency to reject or disbelieve every aspect of an applicant's claim suggests there may be a culture of refusal among caseworkers.

UNHCR quality assurance report 2005

One indication of unreliability is the fact that 20% of appeals against the Home Office's initial decision are successful.<sup>24</sup> Home Office decision-makers face a difficult task in determining the credibility of complex asylum claims, in which supporting evidence may be lacking. Yet there are many cases where decisions do not meet basic standards. Inspections in 2004 found that 21% of decision letters fail to state what the Home Office disbelieve about the application. Twenty-four per cent do not address human rights issues or why temporary protection has not been granted, and 14% do not take into account country information and other objective evidence.<sup>16</sup>

These flaws have financial as well as humanitarian implications. If the Home Office could reduce the proportion of asylum applicants who appeal by five per cent, it would save the public purse £15m each year.

Decision-makers at the Home Office get little training for their post. People new to the post get 11 days education, and 11 days on-the-job training, followed by no more than two days' training a year. The European Commissioner on Human Rights calls this 'manifestly inadequate'.<sup>47</sup> This compares to six months' training for similar officials in Germany and the Netherlands, where a caseworker must have their cases assessed by a supervising official for at least nine months, until he or she has proven competence. There is currently no specific training on dealing with sensitive cases, such as those involving rape and post-traumatic stress.<sup>16</sup>

A 2005 report by the UNHCR on the quality of Home Office decision-making stated:<sup>8</sup>

*'UNHCR strongly believes that refugee status determination requires specialist competencies, knowledge and skills combined with strong analytical abilities ... UNHCR has found widespread use of weak analysis, poor written English, and limited or non-existent research. The feedback sessions held with individual caseworkers lead UNHCR to conclude that a number of caseworkers have a limited interest in, and understanding of, global affairs. The tendency to reject or disbelieve every aspect of an applicant's claim discussed above, besides being a reflection of a misapplication of the law, suggests that there may be a culture of refusal amongst caseworkers. This may lead to claims not being considered on their individual merits.'*

The Home Office is introducing a new model of dealing with applications. These will be classified according to the credibility of the claim and the ease of removing rejected asylum seekers to their home country. Charities believe that there is a risk that due process will be circumvented by prejudging the outcome of the case. Yet they also believe that there is potential for this new system to improve the quality and efficiency of decision-making.<sup>60</sup> Negotiations between charities and the Home Office have led to an agreement to provide early access to legal advice, although the form this will take has not yet been decided.<sup>25</sup>

The Home Office has also recently taken into account some UNHCR recommendations,<sup>74</sup> such as increasing the quantity of training available to decision-makers. Given that progress to date has been slow (concerns about the quality of decision-making first came to light in the late 1990s) and the Home Office has rejected some recommendations (eg, on minimum academic standards for caseworkers),<sup>74</sup> continued scrutiny by charities is needed to encourage further progress.

### Charities improving asylum decisions

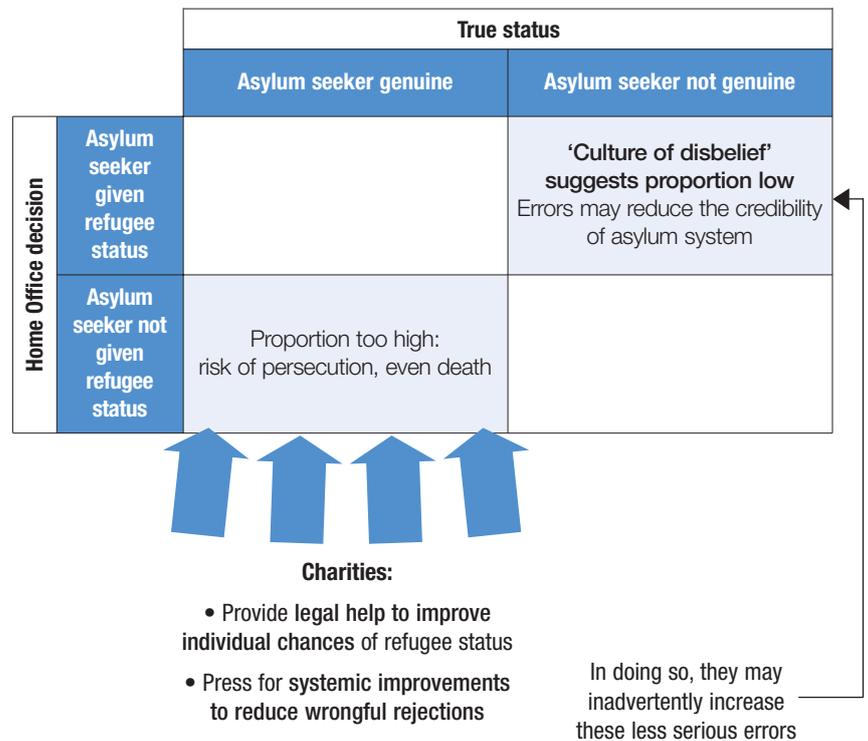
Figure 12 outlines the two roles charities play in reducing wrongful rejections. This section outlines how charities press for systemic improvements.

Charities such as **Asylum Aid**, the **Medical Foundation for the Care of Victims of Torture** and the **Refugee Council** are key players in pushing for the reduction of the unacceptable levels of errors in decision-making. **Asylum Aid** and the **Medical Foundation** have both published reports highlighting poor quality decisions, and the **Refugee Council** is trying to encourage ministers to invest more in initial decision-making to avoid the greater costs associated with appeals.

**Asylum Aid** and **Bail for Immigration Detainees** are using the evidence they have collected on the impact of the legal aid cuts to lobby civil servants and the Legal Services Commission to review their policies. **Asylum Aid** also provides legal representation, mainly at appeal, to help asylum seekers to get the correct decision on their claim. This is discussed in more detail in the next section.

As part of the **Refugee Women's Legal Group**, **Asylum Aid** recently succeeded in persuading the Home Office to draw up gender guidelines for the treatment of women's asylum applications. One of the guidelines gives women the right to have female interpreters or officials for Home Office interviews, in which they may have to disclose details of rape,

Figure 12: The role of charities in reducing wrongful rejections

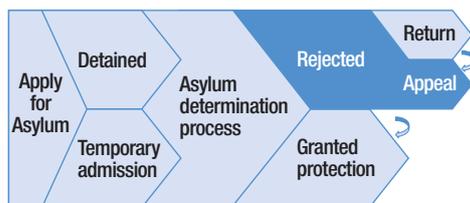


domestic violence or trafficking. The charity is now pressing the Home Office to implement these guidelines more consistently.

Reducing the numbers of one type of error may mean that, in practice, the other type of error will increase. For example, if the public decided to reduce the risk of offenders being wrongly exonerated, it would require the courts to adopt a lower standard of proof for a guilty conviction. This would mean more innocent people would be convicted. Similarly, if the Home Office were persuaded to operate on the 'balance of probabilities' principle, accepting applicants who were more likely than not to have a legitimate fear of persecution, then there would be some incorrect decisions among the higher numbers of acceptances. However, improving asylum decisions does not necessarily have this effect. Training for asylum decision-makers that helps them to make better decisions when the evidence is strong (as in the first example in Box 7) would reduce wrongful refusals without increasing wrongful acceptances.

Charities help individuals get the right result on their asylum claim and press for systemic improvements to reduce errors that can have life-or-death consequences.

## Appeals



Each year, about 65% of asylum seekers attempt to appeal the Home Office's initial decision in court. On average, it takes over seven months from the original application for asylum to get an appeal decision.<sup>16</sup> Although legal advice is crucial, an asylum appeal adjudicator estimates that one third of applicants do not have representation at this stage.<sup>75</sup>

In 2003, adjudicators overturned nearly 15,500 initial decisions at appeal. Of these, 7,000 applicants were from the ten countries from which asylum seekers most commonly flee, with success rates almost as high as 40% for some countries, as Table 2 shows.<sup>24</sup> It is puzzling that cases from these countries, which decision-makers should be expert at dealing with, make up such a high proportion of cases overturned.

**Table 2: Success at appeal by country<sup>32</sup>**

| Highest success rates at appeal (% success) | Lowest success rates at appeal (% success) |
|---|--|
| Somalia (43%)                               | India (6%)                                 |
| Sudan (39%)                                 | Iraq (7%)                                  |
| Eritrea (39%)                               | China (8%)                                 |
| Russia (28%)                                | Nigeria (9%)                               |
| Ethiopia (27%)                              | Moldova (11%)                              |
| Former Yugoslavia (25%)                     | Romania (11%)                              |
| Turkey (23%)                                | Ecuador (11%)                              |
| Iran (22%)                                  | Vietnam (11%)                              |
| Democratic Republic of Congo (20%)          | Gambia (12%)                               |
| Uganda (19%)                                | Ghana (12%)                                |

Asylum Aid offers advice on asylum cases to 2,400 clients each year. The charity gives most people basic advice on their case and provides legal representation at appeal to 120 people a year, achieving a 70% win rate on these cases. This compares favourably to the overall appeal success rate of 20%.

As it believes that the appeal process can be used to stall deportation processes, the government does not give all asylum seekers the right to appeal from within the UK. People from 24 countries that the government deems safe, including Zimbabwe, can only appeal from outside the UK.<sup>4</sup> On his recent visit to the UK, the European Commissioner on Human Rights, Alvaro Gil-Robles, expressed 'grave concern' about this lack of appeal rights. By putting applicants at risk of torture, Mr Gil-Robles stated that the policy is incompatible with the UN Convention on Refugees. Between 2002 and the end of 2004, only four appeals lodged from abroad were successful (although other potentially worthy applicants may have been unable to lodge an appeal.) Mr Gil-Robles believes that this small number cannot justify the incompatibility with the Convention.<sup>47</sup>

In principle, few would be concerned about restricted appeal rights for people coming from countries where persecution is extremely rare. One might argue with Mr Gil-Robles that it is the extent of the risk that matters, not its mere existence. Before EU expansion, some people saw Eastern Europeans as taking advantage of the system; including them on the list of safe countries was intended as both a safeguard and a deterrent. Yet it is still possible to object to the government's policy as it stands.

Firstly, independent observers raise concerns about human rights standards in these countries. The charity **Asylum Aid** has published evidence about the Ukraine failing to implement safeguards to protect abused women, and those at risk of abuse. Box 1 in Section 1 gives an example of the horrendous abuse gay men in Jamaica may suffer. Secondly, this report has outlined concerns from all quarters about the quality of initial decision-making. Government's reliance on stated commitments to human rights rather than realities, coupled with poor decision-making, means appeals provide a crucial safeguard.

In 2003, nearly 40% of all appeal cases asked for permission to challenge the first appeal decision at the Immigration Appeals Tribunal (IAT). With the rationale of preventing appeals being used to circumvent deportations,<sup>76</sup> the government has abolished the IAT and restricted the rights to appeal to the High Court.<sup>76</sup>

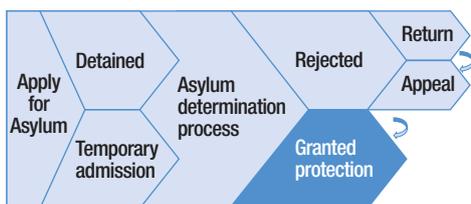
This change in the appeal process risks denying people with a sound case for asylum the right to stay in the UK. In 2003, over 20% reaching the now abolished second stage of appeal were successful.<sup>77</sup> Based on current rates of asylum applications and appeal success rates, this stage of the process would save around 400 people a year from returning

to places where they risk persecution.<sup>16, 24</sup> With asylum seekers facing tough legal aid tests, the European Commissioner on Human Rights says some of these worthy asylum seekers would now be denied an effective right of appeal.<sup>47</sup>

**Asylum Aid** offers advice on asylum cases to 2,400 clients per year. The charity gives most people basic advice on their case and provides legal representation at appeal hearings to 120 people a year. The charity's lawyers target their expertise carefully, only taking on cases that require more time to prepare than legal aid limits allow. The charity achieves a 70% win rate on these cases, comparing favourably to the overall appeal success rate of 20%. Unmet demand is huge, but the charity has wisely taken the strategic decision to keep direct legal work limited and focus on policy work. In this way, it is not supplanting the legal aid system but is using its client work to inform its campaigning for systemic change.

At this time, charities are not campaigning on the change in appeal process. Instead, the **Refugee Council** is pushing for better initial decision-making and **Asylum Aid** for the lifting of restrictions on legal aid.

## Final decisions



### Granted protection

Overall, 38% of asylum seekers are granted status within two years of application. A further 12% are still waiting a decision, often still going through the appeals process two years later.<sup>16</sup> We still do not know the outcome for the 2002 cohort of applicants. Decisions made prior to this give us only a limited idea of the overall success rates, since UK asylum policy and international conflict and human rights situations have changed since then.

People granted asylum are now granted five years' leave to remain in the UK. This recent decision is a policy U-turn for the government, which introduced the right to remain indefinitely after it came to power. Campaigning charities oppose this on the grounds that the uncertainty will have a detrimental effect on refugees' sense of security. Indeed, government position papers from the late 1990s took this line of argument.<sup>60</sup>

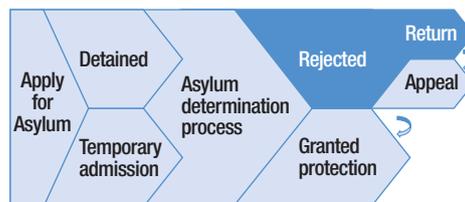
People granted Humanitarian Protection or Discretionary Leave are given three years' leave to remain in the UK. They must reapply for the status at the end of this period. If a refugee has had six years of temporary status, he or she can apply for Indefinite Leave to Remain in the UK. Refugees who have children in school, a mortgage and a job are less likely to be refused further leave to stay in the UK, because they can use the Human Rights Act 1998 to argue that their right to a personal and family life would be infringed if they were not allowed to remain.<sup>78</sup> Although people granted asylum have the right for their dependants to come to the UK, people with Humanitarian or Discretionary protection do not.

Recognised refugees who have been in the UK for five years and whose legal status is not time-limited are entitled to become British nationals. Applicants must demonstrate a proficiency in English, a knowledge of life and institutions in the UK, be of sound mind and "good character". Successful applicants must attend a citizenship ceremony within 90 days, where they must swear an oath to Her Majesty the Queen and pledge allegiance to the United Kingdom.<sup>79</sup>



Photograph supplied by Positive Action in Housing

### Returns and disappearances



If rejected asylum seekers fulfil certain criteria, then they are entitled to some support (normally full-board accommodation and £10 per week in cash) until their circumstances change. People eligible include:

- the severely ill and some pregnant women;
- people cooperating with arrangements to leave the UK, for example, by obtaining travel documents; or
- a lack of a safe route to return the person to his or her home country.

Forty seven per cent of refugees would like to return to their home country given the right circumstances. Charities can provide advice on the practicalities.

The government wanted to make this support conditional on voluntary work in the community.<sup>76</sup> Anti-slavery campaigners and refugee charities raised concerns about the legality of this proposal. Indeed, a coalition wrote to the one charity tendering for a government contract to implement this proposal and persuaded it to withdraw.

Although the government aimed to increase returns by making support conditional on volunteering for deportation, large numbers fear return so much that they choose to disappear from the system and become destitute, or to work illegally. In 2003, the government removed only 20% of asylum seekers whose applications finally failed in that year. The rest go underground, becoming one of the UK's estimated 150,000–180,000 missing rejected asylum seekers. The Home Office had a target of removing more than one in five failed asylum seekers by the end of 2005, but the then permanent secretary, Sir John Gieve, commented that he *'would not bet his mortgage on [attaining] it.'*<sup>80</sup>

It would be reasonable to expect many asylum seekers who receive final rejections to have come to the UK for economic or personal reasons. Anecdotally, however, there are cases of people who appear to have a legitimate case to stay reaching this stage of the process, as James' story in Box 8 illustrates. Indeed, caseworkers at **Asylum Aid** spend a considerable proportion of their time examining the cases of people at the end of the process to see if there are grounds for reopening the asylum case, making a fresh claim on the basis of new evidence or legal arguments. Few requests to the Home Office for reconsidering or reopening cases at this stage are successful.

### Box 8: James' story

When James was 14, both his parents were killed in the genocide in Rwanda. He fled to Tanzania, but as a lone minor, he was vulnerable there. At 17, a local man took pity on him and arranged for him to travel to Britain. When he arrived, his claim for asylum was refused and he was detained.

He remained in detention for two and a half years as the Home Office attempted to deport him. Immigration Officers took him to a succession of embassies to determine his country of origin, unconvinced that he was Rwandan. The only embassy that would acknowledge him as a citizen was the Rwandan embassy, where officials said he was clearly of Tutsi origin. With no progress on deportation, he made a claim for bail and was successful.

Several years on, he is still reporting to the police as part of his bail conditions. Human rights considerations have thus far prevented the Home Office from deporting him to Rwanda. As his lawyer looks for grounds to reopen his asylum case or submit a fresh claim, James, a proud man, is not claiming any benefits. He is reliant on the goodwill of friends and occasional work as a security guard to survive.

Story provided anonymously to protect James' identity. Name has been changed.

**Positive Action in Housing**, a Glasgow-based charity, offers basic humanitarian support to recently rejected asylum seekers as they consider their limited options for the future. The charity provides temporary accommodation in mosques, churches or with volunteers and has a small hardship fund.

**Refugee Action** is proposing to highlight asylum seekers whose cases have been unfairly rejected and who are now destitute. It will look into 130 cases, examining the strength of the individuals' cases for staying in this country and how their cases failed. It expects to find that legal aid restrictions have played a major part in injustices. It will also highlight the effects of destitution on individuals—for example, the very high rates of self-harm that practitioners have noticed. The report should form a powerful basis for the organisation's campaigning. Participants with a particularly strong case for asylum will be offered legal help to explore reopening their cases.

### Voluntary returns

Forty seven per cent of refugees would like to return to their home country given the right circumstances, and a further 10% would consider returning. Refugees want to see political improvements, democracy, human rights and peace before returning home. Some prefer to stay here, where prospects for their children's futures and staying near family and friends are key considerations.<sup>81</sup>

The **Voluntary Assisted Return and Reintegration Programme (VARRP)** helps asylum seekers, failed asylum seekers and those granted temporary protection return to their country of origin. Run by the International Organisation for Migration, people choosing to return can get up to £750 support to access initial housing, take up training opportunities, or pay for healthcare in their country of origin. Amounts of up to £1,500 are available for people looking to set up their own business. There are additional programmes to help people return to Afghanistan. In 2004, 1,750 people (almost double the number from 2002) returned using the government's assisted schemes.<sup>76</sup>

**Refugee Action** believes that it was influential in engaging the government on voluntary returns and has helped direct government thinking. Prior to setting up its **Choices project**, Refugee Action says Enoch Powell's legacy meant discussion of the subject was a taboo within government. Asylum seekers were afraid to discuss it with legal representatives and support groups for fear of it affecting the quality of advice they received. The charity

believes it has contributed to the government investing in home country programmes assisting returns, and allowing potential participants to return home to assess the situation without losing their immigration status in the UK.

It believes that its project, which is now funded by the government via the International Organisation for Migration, is unique in helping people unpick their reasons for wanting to return. If, for example, their decision to return home seems to be motivated more by homesickness or poor experiences in this country than realistic prospects for a safe and successful return, staff will direct people to alternative sources of help.

### Forced removals

The Home Office detains rejected asylum seekers it judges to be at risk of absconding prior to removal, and plans to make detaining or tagging all failed asylum seekers the norm.<sup>76</sup> Sometimes, the Home Office detains rejected asylum seekers when there is no safe travel route to return them to their home country, or their home country will not accept them because of a lack of travel documents.

**Amnesty International** has documented cases of the Home Office detaining failed applicants indefinitely when there is only a slim chance of their removal in the near future.<sup>4</sup>

Although documentation problems and safe travel routes cause the government problems, this alone cannot account for the small numbers of removals. Only 12,600 failed asylum seekers left the country in 2004, although nearly 60,000 received a final rejection during the year.<sup>32</sup> Recognising that swift removal is central to the credibility of the system, it has put in place a target for the number of removals to exceed the number of failed applications by the end of 2005.<sup>76</sup> The government has recently announced that it intends to charter planes with other European countries to help return more rejected asylum seekers home.<sup>82</sup>

**Amnesty International, Bail for Immigration Detainees** and the **Medical Foundation for the Care of Victims of Torture** have documented many allegations of excessive force as officials attempt to remove rejected asylum seekers to their home country.<sup>4, 83</sup> Medical examinations give weight to these allegations, with injuries documented including lacerations and bruising consistent with punching in the face, tenderness and swelling caused by squeezing and pulling testicles and nerve compression injuries probably caused by twisting of handcuffs. The consistency of reports and the injuries observed suggests that excessive force is a systematic problem.<sup>83</sup> Although asylum seekers who have no claim to stay in this country should be removed, it is unacceptable that disproportionate force be used to do this.

**The Medical Foundation for the Care of Victims of Torture's** report on the issue led to last year's BBC undercover documentary, which produced evidence of the abuse. As a result, CCTV cameras have been installed in all vans used for removal.

### Safety on removal?

There is evidence that some failed asylum seekers are persecuted on their return. A BBC World Service documentary<sup>84</sup> on the Democratic Republic of Congo heard from a security service official who said that they arrested dissidents and asylum seekers thought to have Rwandan blood and handed them over to officials. Although he would not go into specifics, when asked what happened to those detained, he said *'everything'* happens to them.<sup>84</sup>

The documentary tracked down a returned asylum seeker who had been detained. He was living underground and was too afraid of being found by the government to speak. It also highlighted three other returned asylum seekers detained in the notorious Makala prison in Kinshasa, where a year's sentence is said to be the equivalent of a death sentence, as the risk of death from infection or abuse is so high.<sup>84</sup>

In August 2005, deportations to Zimbabwe were stopped by the courts due to increasing evidence that rejected asylum seekers from Britain with links to opposition party Zanu (PF) were at risk of ill-treatment. Evidence from charities such as **Bail for Immigration Detainees, Asylum Aid** and the **Refugee Legal Centre** helped to precipitate this.<sup>85</sup>

Charities uncovered compelling evidence of beatings of failed asylum seekers during efforts to deport them. The Medical Foundation's work led to security cameras to prevent abuse.

## Summary: An asylum seeker's journey

Just before his death in 1996, Hugo Gryn, a rabbi who survived Auschwitz, said: *'I am desperately concerned that the issue of asylum seeking and the authorities' mean-spirited response to it are part of a process. What is happening is the hardening of the caring arteries of our nation ... it is imperative that we proclaim that asylum issues are an index of our spiritual and moral civilisation.'*<sup>7</sup> One wonders what he would make of the asylum process now. Since his death, the use of detention has expanded significantly; asylum seekers have suffered from dehumanising policies such as section 55, which left many destitute; and there has been little progress despite accumulating evidence of poor decision-making.

The picture is not all one of gloom, however. Charities have brought about significant improvements to the system. Their work has helped to overturn inhumane policies that made asylum seekers destitute or reliant on stigmatising vouchers to buy food. They have the potential to bring about major changes again.

**State inertia over bad policy and indifference to its human impact leaves a clear role for the charitable sector, which can:**

- **highlight the human impact of policies and help develop better solutions; and**
- **offer legal, practical and emotional support to vulnerable asylum seekers.**

The impact of this work cannot be understated. Charities providing legal advice often make the difference between a life of fear and persecution and the chance to start a new life in the UK. They can make the difference between deterioration and despair in detention and enjoyment of the daily freedoms we take for granted. Most importantly of all, the policy work of these charities could make the difference between the failing, inhumane system we have and the just and consistent one we need.

The charities highlighted in this section have a strong track record in improving both the circumstances of individuals and driving improvements in the asylum system. They are often dependent on the support of individuals and grant-making trusts and are eminently worthy of this support.

Charities can make the difference between a life of fear and persecution and the chance to start a new life in the UK. Charities' work and donors' funding for it could make the difference between the failing, inhumane system we have and the just and consistent one we need.

**This section explains what life is like in the UK for refugees and asylum seekers. It explains how they are included in, and integrate into society and outlines the role of charities in aiding this process.**

**Integration is not a one-sided process. Although refugees may need to learn a new language and adjust to different cultural norms, it requires adaptation on both sides. Some communities have made tremendous efforts to fulfil their side of the bargain, for example, by setting up charities offering practical and emotional support. Too often, however, misinformation and lack of contact contribute to racism and hostility, with local services reluctant to adapt to meet refugees' and asylum seekers' needs.**

**This section explains the critical role of charities in improving community receptions, refugee health, housing and employment. It looks at the impacts of specialist charities and small, local community-based organisations addressing all the issues their clients face.**

## What is integration?

Concern for social cohesion with the arrival of new migrants is not new. In Elizabethan times, Sir Nicholas Bacon delivered a speech to parliament during a debate to impose restrictions on immigration. He called for the complete ousting of French immigrants (many of them Huguenot refugees), declaring:

*'... if the ffrenche denizens hart continue naturally ffrenche and loving to his owne Cuntrye then he can not love our Cuntrye nor be meet amongst us.'*<sup>86</sup>

Even those who supported the Huguenots were worried about the practical consequences of integrating large numbers of refugees.<sup>86</sup> But what is integration? Academics and policy-makers often use this definition:

*'Integration is a long-term, complex, two-way process in which refugees take part in all aspects of life, while UK society benefits from the potential of the newcomers: this requires adaptation on both sides. Integration involves the process of acquiring civil, social, political, human and cultural rights for refugees, while maintaining their cultural and ethnic diversity. Integration ... is not synonymous with assimilation that is the loss of the refugee's identity within the host culture.'*<sup>87</sup>

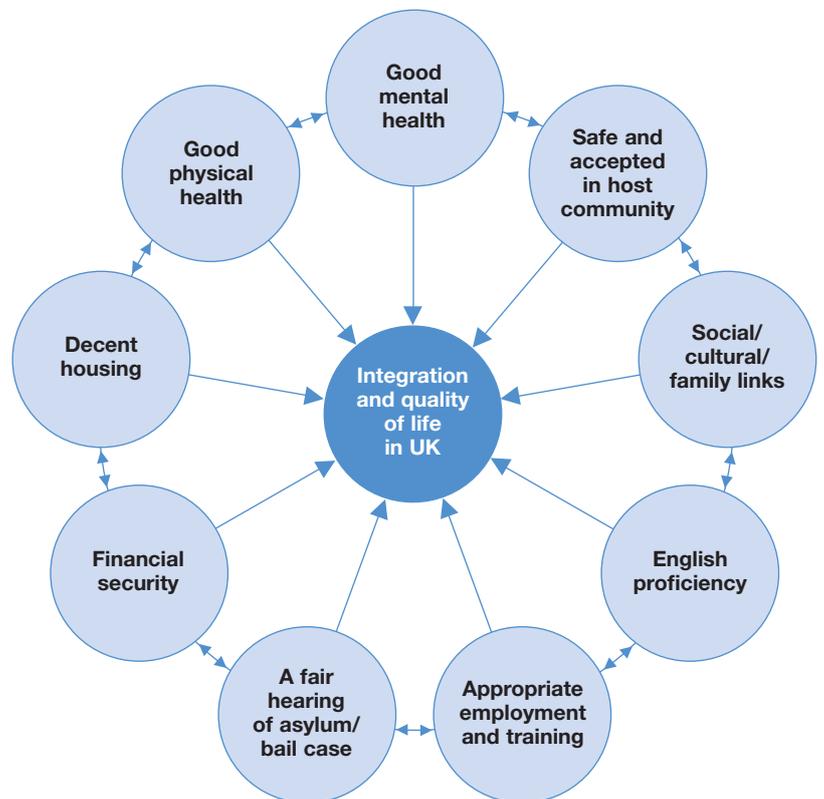
This section shows how charities can facilitate the integration process. Different communities and individuals face different challenges. For example, the Somali community experiences particular exclusion. They are at particular risk of unemployment, ill health and isolation. This is thought to be a consequence of poor English and the circumstances of their flight to the UK.<sup>88</sup> Table 3 outlines the factors that academics and practitioners have identified as influencing refugee integration. Some of these factors, like age and divisions in the country of origin, are inherent.

This section focuses on the factors that charities can address to improve integration, as well as improving quality of life in the UK. In particular, it looks at:

- public attitudes, community relations and media coverage;
- health;
- housing;
- education, employment and training; and
- social and cultural links.

Integration is a complex, two-way process, requiring adaptation on both sides.

**Figure 2: Results at the individual level**



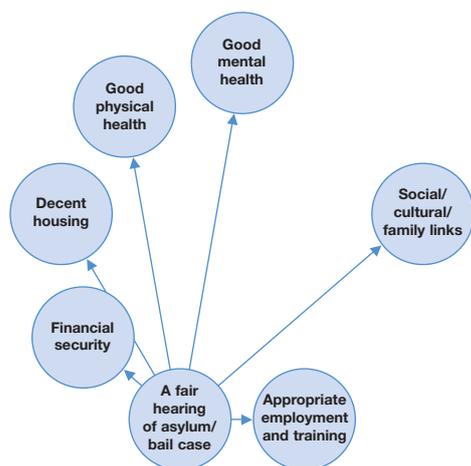
**Table 3: Factors influencing integration**<sup>87, 89, 90</sup>

|                         | Home country conditions  | Characteristics of refugees and asylum seekers   | Characteristics of UK ethnic community                           | Conditions in host country  |
|-------------------------|--|--|--|---|
| <b>Positive factors</b> | Struggle against oppressor/foreign army<br>English widely spoken | Youth<br>Educational background, occupation and skill level<br>English proficiency<br>Financial resources      | Support of community organisations<br>Number in UK<br>Leadership | Access to education and training, including English language<br>Availability of decently paid employment<br>Access to services, including housing and healthcare<br>Availability of quality advice services<br>Support in developing links with other communities |
| <b>Negative factors</b> | Conflict within communities in home countries                    | Older age<br>Poor experience of journey to the UK<br>Poor physical and mental health<br>Separation from family | Segregation<br>Social and political divisions                    | Prejudice in communities<br>Punitive national policies on refugees and asylum seekers   |
| <b>Other influences</b> | Poverty<br>Class structure<br>Political dynamics and repression  | Gender<br>Disability<br>Sexuality  | Geographic distribution<br>Religion                              |   |

Harassment of refugees and asylum seekers is a problem of significant, yet unmeasured, proportions. Refugees are at greatest risk in areas with little experience of multiculturalism.

It also demonstrates the role of charities in improving the situations of host communities. This is important in its own right and can build bridges between new and existing communities.

**Figure 13: Impact of the asylum process on other results**



This section touches on most of the factors influencing integration and quality of life, as outlined in Figure 2. Positive decisions on asylum and bail cases affect many of the results discussed in this section. A positive asylum decision allows a person to work or claim benefits, creating financial security. It prevents destitution and the denial of health services. It reduces anxiety and depression and may help some people to be joined by their families in the UK. Release from detention improves mental health and social links.

Charities are critical in achieving these results. They provide a crucial route into state-run services, which refugees may need assistance to access. They also provide alternative services where the state does not have expertise or the desire to meet refugees' and asylum seekers' needs. Furthermore, charities can be better positioned than the state to break down barriers between refugees, asylum seekers and host communities.

Charities addressing several needs, such as **Refugee Community Organisations (RCOs)**, are often particularly trusted. They are often refugees' and asylum seekers' first point of contact in a crisis or for advice.

**Public attitudes and community relations**

In the 1590s, concern about the economic impact of Huguenot asylum seekers led to rioting on the streets of London. In Shakespeare's dramatisation of the situation, the leader of the insurrection cries out:<sup>91</sup>

*'Shall these enjoy more privilege than we  
In our own country? Let's then become their slaves  
Since justice keeps them not in greater awe  
We'll be ourselves rough ministers at law.'*

Attitudes have not changed significantly, with negative consequences, not just for individuals who are attacked and abused, but for society as a whole. Racism, suspicion and abuse can make refugees reluctant to engage with host communities, having a negative impact on integration. A lack of acceptance can also affect an individual's mental health and prejudice can affect refugee employment prospects.

Host communities are often concerned about the arrival of refugees and asylum seekers, and may give them a hostile reception. Local people are affected by their arrival and have concerns about the impact on overstretched local services, the potential for preferential treatment of newcomers, the impact on the local job market and the erosion of their cultural identity.<sup>6, 92</sup> Charities may be able to help local people to:

- gain information about new arrivals and the likely impact on the local area;
- understand the circumstances of asylum seekers in their areas; and
- form better relationships with new arrivals, regardless of their views on asylum policy as a whole.

Increasing numbers of asylum seekers over the last decade may play a role in increasing public anxiety. In dispersal areas, it is likely that there has been an impact on availability of housing stock, additional pressure on health services and greater economic competition. However, perhaps perceptions play as much as a role as the reality of a situation. History is instructive: during the Peasants' Revolt of 1381, largely catalysed by resentment of the ruling classes after the devastation of the Black Death, the peasants turned on the Flanders natives, known as Flemings. They could not tell the Flemings apart from themselves, except on the basis of their pronunciation of the words 'bread' and 'cheese'.<sup>86</sup>

Indeed, public perceptions on the scale of asylum and its impacts are disproportionate. The general public believes that 23% of the world's refugees are in Britain, when the true figure is less than 1%. Forty eight per cent of the UK population believe that '*few asylum seekers in the UK are genuine*,'<sup>93</sup> a belief belied by the official statistics. People from all social classes mistakenly believe that asylum seekers receive grossly inflated benefits, priority access to social housing, better healthcare and even free driving lessons.<sup>93</sup>

Harassment and abuse of refugees and asylum seekers is a persistent problem of significant but unmeasured proportions.<sup>94</sup> Although NASS and the police record incidents, anecdotal

evidence suggests that fear and lack of confidence in the system prevent reporting. In Portsmouth, one in two of Refugee Action's clients have experienced abuse.<sup>75</sup> In Wrexham, local concerns about asylum seekers sparked an attack on a Kurdish man in 2003, leading to clashes between Kurds and the settled community.<sup>95</sup> In Hull, refugees and asylum seekers have been among the victims of a range of horrifying incidents, including a rotting pig's head being placed on a Muslim man's car bonnet and a burning cross being left in an African woman's back garden.<sup>12</sup> Women are particularly likely to feel at risk, with 83% living under self-imposed curfew to avoid attack. Almost one third of women have direct experience of abuse.<sup>96</sup> Asylum seekers who have experienced racism and a poor reception from a host community may find it more difficult to integrate if they are recognised as refugees.<sup>97</sup>

Refugees and asylum seekers are at particular risk of attacks and abuse in host communities with little experience of multiculturalism and refugee issues.<sup>87</sup> A sense of injustice rooted in deprivation often contributes to abusive behaviour.<sup>94</sup> Because of the location of empty housing stock, asylum seekers are often placed in hard-to-let housing in the poorest areas.<sup>87</sup> Although hostility runs deepest in these areas, recent research shows that the middle classes and the most educated show the greatest rise in anxiety, with worries about the impact on local house prices.<sup>92</sup>



Photograph supplied by Education Action International

Negative attitudes to asylum seekers impede refugee integration.

Changing public attitudes is key, but charities listening to local concerns may be more successful than myth-busting campaigns.

Photograph supplied by Scottish Refugee Council



Racism may contribute to hostility. In his book *'Bloody Foreigners'*, charting the history of migration to the UK, Robert Winder contrasts the public sympathy towards Hungarian and Czech refugees in 1956 and 1968 with the attempts to limit arrivals of British passport-holding East African Asians in 1967 and 1972. As both groups were predominantly middle class professionals fleeing tyranny, Winder concludes race was the differentiating factor.<sup>98</sup>

However, negative attitudes towards asylum seekers are not limited to settled populations and white people. Other immigrants and ethnic minority groups may also resent their presence, as illustrated by these comments from a Malawian immigrant living in West London: *'The neighbourhood is getting worse ... When I came here in 1973, it was safe and enjoyable. Now it has become a dumping ground for asylum seekers. War criminals, murderers—*

#### Box 9: Encouraging integration by working with refugees, asylum seekers and host communities.

When asylum seekers were first sent outside of London in 2000, some charities working with local communities began operating services for the new arrivals. These charities have found that refugees and asylum seekers have built up relationships with volunteers and staff, encouraging integration. Research has found that charities providing services to the whole local community may attract less resentment than services specifically directed at refugees and asylum seekers.<sup>6</sup>

For example, the Community Regeneration Trust North East is a small charity based in South Shields, offering healthy living initiatives, a youth group and accredited training programmes. Each Tuesday, 50–60 refugees and asylum seekers come to the centre to socialise and meet representatives from local services, including GPs and housing providers. Volunteers from the charity's large team have become friendly with regular clients.

The Windsor Women's Centre in Belfast provides education and training opportunities for women, offering qualifications as diverse as GCSE English and diplomas in aromatherapy. Between 10 and 20 of their 200 clients are refugees or asylum seekers, though few of the other clients or staff are aware of their status or origins. Many begin by taking English classes and progress onto other classes once they have legal status. As well as building confidence and skills, women make friends with other centre users. Refugee and asylum-seeking women also benefit from the centre's crèche and advice centre.

*they are all coming to Southall.*<sup>99</sup> This man's concerns have some basis in fact—some asylum seekers do have shady pasts. Yet others have a track record of human rights campaigning and have much to contribute to the UK.

There is a pragmatic case for addressing both the needs of refugees and host communities. Integration is not about meeting the needs of refugees and asylum seekers at the expense of the local community, or vice-versa. It is a two-way process.

#### Charities changing attitudes

Changing public attitudes is rising up the agenda of refugee charities, with most major organisations putting on or planning public campaigns or series of talks. Although people are concerned about the issues at a national level, particularly about numbers, people in host communities are overwhelmingly concerned about the impact on their local area. People do not always take on board the facts presented to them, particularly if they are presented by an agency perceived to be biased towards the concerns of refugees and asylum seekers.<sup>6</sup> This may limit their role. However, charities working with both local people and refugees and asylum seekers, such as those highlighted in Box 9, may have a better chance of success, particularly if they help individuals of all communities to move towards common goals.

The **Information Centre about Asylum and Refugees in the UK (ICAR)** is an organisation providing resources and research on asylum issues, to provide an impartial counterbalance to a debate often dominated by emotion and interest groups. ICAR is part of London's City University and is not a refugee advocacy charity. It takes an impartial stance on refugee issues.

ICAR's research has outlined principles of good practice for changing attitudes. It is essential to:<sup>6</sup>

- **Listen and respond to the concerns of local people:** These may not reflect preconceptions of their concerns. In one local area, people were alienated by supposedly poor asylum seekers wearing leather jackets – until they learnt that they were the cheapest warm coats in a local charity shop.<sup>100</sup>
- **Use people who have a responsibility to the community and are respected by them** to convey even-handed information. Doctors, teachers and local authority representatives can be suitable.
- **Use individual stories to humanise the statistics and processes:** Meeting individual asylum seekers can do much to change attitudes.

Figure 14 illustrates a hierarchy of the social aspects of integration, based on qualitative research with refugees and asylum seekers and the settled communities they live alongside. Refugees and asylum seekers are particularly keen to emphasise the absence of discrimination, equality of rights and opportunities to do the same things as other people, like using local leisure facilities and going to college to improve their prospects.

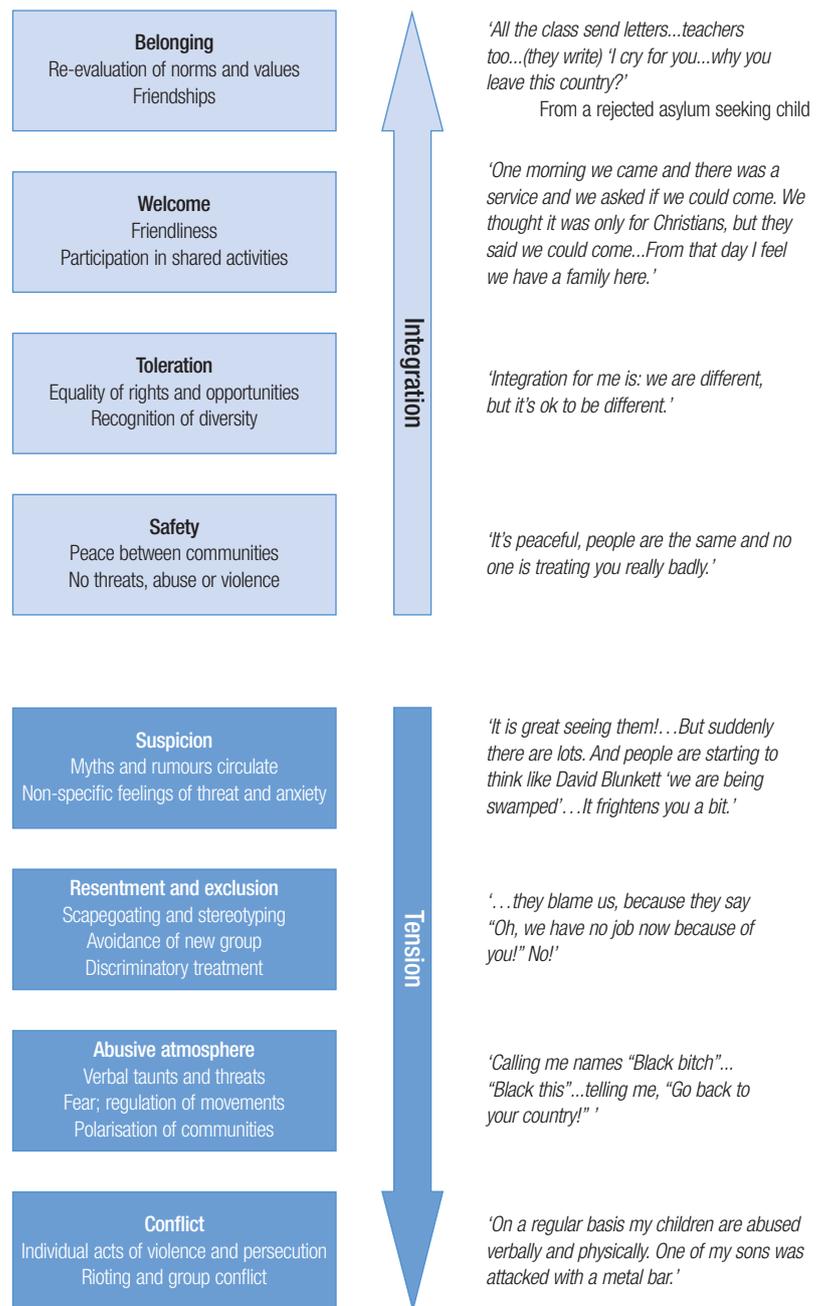
However, people expect more than this of an integrated community. They want to see an acceptance of difference and diversity, friendliness and participation in shared activities. Beyond this, refugees seek a sense of belonging, involving friendships and shared values. Refugees, asylum seekers and host communities alike recognise that the language barrier and lack of familiarity with their surroundings mean that additional effort is needed to achieve good relations between communities. English language skills are particularly important in supporting integration.<sup>101</sup> Provision to support English language development is explored later in this section.

Charities can help move communities from the bottom of the framework in Figure 14 towards the top. There are clear examples of charities following the above principles achieving this.

For example, **Scottish Refugee Council's Framework for Dialogue Project** works to build communication between refugee and host communities in Glasgow and organise practical responses to the issues both communities face. When asylum seekers first arrived in the city, the situation was tense. Public anxiety was high and Glasgow's Sighthill area became the focus of national attention with a suspected racist murder. Racist attacks still occur and communities can still be hostile, but the Scottish Refugee Council has helped to bring about extraordinary turnarounds in some areas of the city. Regular meetings of community representatives in seven areas have led to several successes, including refugees and Sighthill residents working together to create a new community centre and a joint community safety day. Incidents of conflict and abuse in one area are down by 50%. Many local community groups now have refugee representatives, who are at the centre of myth-busting work. The project has also empowered refugees to represent their concerns to policy-makers and local agencies, helping them feel that their voices are heard.

The new Communities R Us project from the **Housing Associations' Charitable Trust (HACT)** aims to use ICAR's guidelines to facilitate action on matters of common concern in three communities, probably in Sunderland, Bolton and Northampton. Although the charity is providing small amounts of funding to the communities to enact their plans, their main investment is in providing skilled facilitation.

**Figure 14: A framework for community receptions** <sup>6, 44, 101</sup>



In order to understand media coverage about refugees and asylum seekers, **ICAR** has conducted extensive national and London-based media monitoring. To address unbalanced media coverage, its media officer produces independent digests and analysis explaining the issues. Her own prior work in the media means she has good relationships with a number of journalists and can act as a resource for them. ICAR's website also provides a gateway to a wealth of information and reports, from academic research to charity advocacy materials, to think tank research. It also provides links to a number of organisations spreading good practice about refugees in the media, including a joint guide by the **Scottish Refugee Council, Oxfam** and the National Union of Journalists.

People mistakenly believe that asylum seekers receive grossly inflated benefits, better healthcare and priority access to social housing.

Charities can reduce racism and hostility by creating contact between refugees, asylum seekers and host communities. They can address concerns, build understanding and help people to improve their communities for everyone's benefit.

Another way that charities can improve relationships between refugees, asylum seekers and host communities is by running services that cater for the whole community, as the examples in Box 9 illustrate. These can be effective in creating contact and friendships between individuals from new and settled communities.

Although the contact local charities can facilitate is important, it may be between people predisposed to be sympathetic to one another. However, friendships can lead to a re-evaluation of norms and values, the pinnacle of integration as defined in this section and in Figure 14.

Yet as NPC's report *'Side by side: young people in divided communities'* highlighted, friendships can occur between people who have underlying concerns about people from the other person's community. People may look upon their friend as the exception to the rule. Deep-seated anxieties sometimes need to be voiced and attitudes addressed before communities can move on.

Contact and friendships in which underlying anxieties remain can provide fertile ground for further misunderstandings, and can be exploited by far-right groups if a flashpoint occurs. Allowing people to voice their concerns about another community, however unpalatable, and responding to them respectfully and carefully, is sometimes necessary.

The **Hull Asylum Seekers' Support Group** does this and has had success in transforming the attitudes and behaviour of abusive young people. Community wardens identify potential troublemakers and the charity's workers use their anti-racist training to help them build understanding through time spent at their office and with clients. Katie, aged ten, wrote after a session: *'My opinion of their lives is sad and painful as some of their people have had to leave their families behind. I feel really sorry for them. Before I found out about how they used to live I thought they were bad people. I now know a bit more and think different.'*



Photograph supplied by Positive Action in Housing

Projects like these, however, have rarely been evaluated. **ICAR** is running and evaluating a project called **FocUS** bringing together young people from refugee and local communities in Birmingham to make video diaries documenting their experiences. This work is picking up some interesting issues, such as the unwillingness of some young people to identify themselves as refugees. This may raise ethical issues for future initiatives designed to improve local relationships.

### Media coverage

Media coverage plays a major part in shaping people's perceptions of asylum seekers. Although media monitoring shows an increase in responsible coverage over the last few years,<sup>102</sup> unbalanced and inaccurate media images are still frequent and powerful.<sup>94, 103</sup> Polls show that many associate the terms "bogus", "illegal immigrant", "foreigners", "scroungers" and "desperate" with press coverage of asylum claims.<sup>93</sup> Incidents of asylum seekers and refugees involved in criminal activity, benefit fraud and illegal employment achieve prominence in newspaper stories.

Local people, asylum seekers and those who work with them generally consider media coverage to be inflammatory and unhelpful. In spite of these views, it can still contribute toward a climate where myth and rumour take root. Research shows that scepticism alone is not enough to correct impressions given about events, statistics or individuals.<sup>94</sup>

There is evidence that refugees and asylum seekers are directly affected by the predominantly unbalanced and inaccurate newspaper reports. They feel unwelcome, fearful and isolated. Some see press misrepresentation as a form of abuse and harassment.<sup>94</sup> Indeed, negative media coverage is soaked up by people with negative or even hateful views. Research shows that language used in harassment reflects themes in press reporting.<sup>94</sup> Projects including the **Scottish Refugee Council's Framework for Dialogue** and the **Refugee Education and Training Advisory Service (RETAS)** are helping refugees and asylum seekers get positive coverage of their contribution to local communities into the media.

Although the Press Complaints Commission produces good practice guidance, this is limited to drawing editors' attention to the inappropriateness of terminology such as "illegal asylum seekers."



Photograph supplied by Education Action International (Simon Davies)

## Government and community tensions

Local authorities have a duty under the Race Relations Amendment Act (2000) to promote good relations between people of different racial groups. The government has produced an action guide to help them do this, which makes a number of useful suggestions on managing the arrival of asylum seekers and refugees.<sup>104</sup>

The extent to which local authorities implement these guidelines varies. Although good practice in local areas exists, as yet the Commission for Racial Equality has not made any prosecutions under the Race Relations Amendment Act to deal with inattention to community relations.

NASS is currently renegotiating dispersal contracts with local authorities and accommodation providers. Their strategy aims to take into account local factors such as social deprivation when making decisions, and to improve community relations by partnering with local agencies.<sup>35</sup> However, some observers are concerned that areas with new NASS contracts will suffer from the problems that affected the first dispersal areas in 2000. For example, in Hull, there were not enough interpreters to help new arrivals access services. One positive development, however, is the introduction of a requirement for local authorities to address community relations in their contract bids. The **Housing Associations' Charitable Trust's** lobbying was influential in bringing about this change.

## Health

Health is a fundamental aspect of human well-being. As well as being important in itself, it affects employment, financial status and social links (mental health and isolation are closely linked).

People awaiting a final decision on their asylum claim and recognised refugees have full rights to NHS treatment.<sup>105</sup> Yet virtually all refugees and asylum seekers need some help to contact and use the healthcare services to which they are entitled.<sup>106</sup>

Going to the doctor is not always easy for asylum seekers. General Practitioners (GPs) may refuse to register them (a 1998 study showed that nearly 40% had been turned away by a GP practice). Many practices ask to see documentation before registration, although refugee charities say they neither need nor have the right to do so. Asylum seekers turned away from a GP need to contact the local Primary Care Trust, which has to help any patient turned away from a practice find an alternative. Other GP practices register asylum seekers as temporary patients only (although a small number will be living in the area for a year or more), thus removing financial incentives to immunise and provide health screening.<sup>107</sup>

Those with limited English may require translators, but availability is a problem.

The language barrier can inhibit communication on sensitive issues, such as mental health difficulties, sexual health and prior experience of torture. Family members, including children, with better spoken English may be used in situations where they may have to communicate bad news.<sup>107</sup>

In recent years, press and politicians have raised concerns about health tourism, whereby asylum seekers and other migrants come to the UK specifically for health treatment.

However, there is little evidence that this is a problem,<sup>108</sup> and some evidence to refute it. For example, 70% of asylum seekers with HIV are unaware of their status before coming to the UK.<sup>109</sup> The president of the Medical Practitioners' Union points out that underinvestment in the NHS over the last 25 years amounted to £237 billion. He argues that this is a much more likely reason for long waiting lists than an Afghan asylum seeker or Somali refugee being on the waiting list too.<sup>21</sup>

## Physical health



Sixteen per cent of asylum seekers have a physical health problem. These include injuries from war, beating, torture and rape, which we discuss later in this section. Asylum seekers who have spent time in a refugee camp may be at particular risk of communicable diseases and the effects of malnutrition. Pre-existing problems may not have received adequate attention in the country of origin.<sup>105</sup> Medical provision in countries of origin means that children have not always been immunised. Women have rarely had prior access to screening for breast and cervical cancer, and may need encouragement to make use of such programmes in the UK.<sup>110</sup>

In recent years, politicians and the press have raised concerns about refugees and asylum seekers carrying communicable diseases, particularly tuberculosis and HIV. Eighty two per cent of the public would like to see compulsory

Turning down asylum applications on the basis of health status would violate the 1951 Refugee Convention.



Refugees and asylum seekers find it hard to go to the doctors and get information on common health conditions. Charities can spread health, information, help people understand how the NHS works and provide translators.

screening and treatment for immigrants,<sup>111</sup> even though turning down asylum applications on the basis of health status would violate the Refugee Convention.<sup>109</sup>

Tuberculosis (TB), hepatitis and HIV are more prevalent in some asylum seekers' home countries than in the UK. In the case of TB, five of UK asylum seekers' top ten countries of origin in 2003—India, China, Pakistan, the Democratic Republic of Congo and Afghanistan—are in the top 20 highest incidence countries worldwide. Although asylum seekers coming to the UK are more likely to have TB than the general population, they account for a very small proportion of new UK cases of the disease. Furthermore, cases of transmission from refugee, asylum-seeking and other immigrant populations to other residents are rare. Problems with false positive and negative tests mean that there is little evidence to suggest that the compulsory screening for new arrivals would reduce these risks. Additionally, public health research suggests that improving access to primary care for all refugees and asylum seekers would be a more cost-effective use of resources.<sup>109</sup>

HIV infection rates are high in some countries from which asylum seekers flee: assuming that asylum seekers are as likely to have HIV as an average citizen from their home country, 4.25% are HIV positive<sup>112</sup> (compared to less than 0.1% of the UK population).<sup>113</sup> However, compulsory screening could drive HIV positive

asylum seekers underground, away from treatment. Although screening would increase the number of people aware of their HIV status (70% are not aware of it), it would not necessarily lead to a reduction in behaviour carrying a risk of transmission.<sup>109</sup>

Instead of compulsory screening, asylum seekers are offered health assessments at induction centres and are given a hand-held record with the results to pass on to other healthcare professionals.<sup>51</sup>

#### Charities improving health

Charities help to increase uptake of health services and raise awareness of common conditions.

The **Kurdish Information and Advocacy Centre** found that young people coming to the UK were becoming sexually active but had little idea of the risks. They have translated information on sexually-transmitted infections into community languages to increase awareness and reduce risk-taking behaviour. In the future the charity hopes to run single-sex workshops for young people aged 18–25.

The **Iraqi Community Association's** health promotion projects reach 3,000 people per year. Health promotion information in community languages and regular articles in the charity's community newsletter build knowledge that research found the community was lacking. A health promotion club for

women involving 30 people meets every two weeks, playing an important social as well as a health promotion function. This addresses pregnancy and female-specific conditions.

Volunteers make home visits to housebound older people, offering carers some respite. They can also accompany people to GP and hospital appointments, both to provide translation and to offer moral support. The charity wants to build networks with mainstream healthcare providers, so that they understand the needs of Iraqi communities.

Before funding ran out, the **Refugee Women's Association** ran a health course that trained women to become health advocates for their community, informing people about the services available and encouraging usage—from emergency GP appointments to breast screening and inoculations. Advocates were given language classes so that they were proficient enough to act as translators at appointments. They were also given help to encourage GP practices to be more welcoming to refugee and asylum-seeking patients.

## Disability

Estimates of the proportion of refugees and asylum seekers with a disability range from 3–10%. As well as living with existing conditions, refugees and asylum seekers may have become disabled due to injuries sustained in conflict or from torture. Recognised refugees are entitled to disability living allowance. Asylum seekers are not, although they can ask for a social services assessment, which may lead to service provision. In practice, refugees, asylum seekers, support charities and social services are unfamiliar with entitlements. As a result, many disabled people live in isolation with unmet personal care needs.<sup>114</sup> The **Medical Foundation for the Care of Victims of Torture's** welfare officers are expert in getting appropriate support for refugees and asylum seekers whose torture injuries resulted in disabilities.

## Mental health



Two thirds of refugees and asylum seekers report feelings of anxiety and depression and most experience problems sleeping.<sup>110</sup> However, smaller numbers are found to have a medically diagnosable condition, with around 5% having serious depression. One in ten suffers from post-traumatic stress disorder (PTSD), making refugees and asylum seekers ten times more likely to have the condition than a member of the general population. Refugees and asylum seekers may also suffer from stress-related physical conditions such as heart disease.<sup>105</sup>

Mental health is important not only for its debilitating effects on individuals. It affects employment and financial security, creating costs for society, and the socially isolating effects of poor mental health impede integration.

The following factors may contribute to poor mental health in refugees and asylum seekers:<sup>105, 115 116, 117</sup>

- trauma, particularly torture, in home country;
- a long and dangerous journey to the UK;
- bereavement, or enforced separation from loved ones;
- homesickness;
- uncertainty in the asylum process and fear of deportation;
- harassment due to refugee/asylum-seeking status;
- poor housing;
- isolation;
- unemployment;
- reduced socio-economic status; and
- stress of adjusting to new cultural and social conditions.

As Figure 15 illustrates, by tackling other factors in NPC's results framework, mental health can be improved. Doctors think that reducing refugees' and asylum seekers' isolation and dependence, and encouraging them to spend time constructively in education and work can have a positive effect on mental health. Family reunion and gradual adjustments to life in the UK often bring improvements.

Interestingly, research shows that worries about adapting to new conditions and poor social support are stronger predictors of psychological distress than previous exposure to violence or torture.<sup>105</sup>

**Figure 15: Factors affecting mental health**



The Medical Foundation for the Care of Victims of Torture helps more than 2,000 people each year to live a better quality of life in the aftermath of torture.

Some people find counselling useful, but this is not universal. Refugees and asylum seekers may not be accustomed to recounting intimate feelings to a stranger, and find the experience more distressing than therapeutic. Different cultures have different ways of dealing with crises and distress. For example, many Ethiopians and Mozambicans prefer to work to forget negative experiences. Some refugee communities find informal groups helpful for sharing past experiences in a culturally familiar context.<sup>110</sup>

Some refugees and asylum seekers will benefit from specialist intervention for mental health problems. For example, research shows that cognitive and behavioural approaches, working towards exposing the patient to reminders of traumatic experiences, are effective for PTSD.<sup>118</sup> In most cases, however, doctors believe medication for refugees' and asylum seekers' mental health issues is inappropriate.<sup>110</sup>

#### Charities relieving distress

As the NHS lacks the expertise, and sometimes the willingness, to address refugees' mental health, charities are key to helping people rebuild their lives.

The **Haven project** in Hull supports refugee and asylum-seeking families with mental health needs. Taking referrals from five primary schools and two secondary schools, the project takes a holistic approach, working with each member of the family, either together or on a one-to-one basis. As well as traditional counselling approaches, the project makes use of the arts as part of therapy. Since the needs of families are often great, the project works with them for periods of a year or more. Some families are supported intensively and others when particular issues arise. Box 10 illustrates how Haven helped one family.

The **Haven project's** work may terminate due to difficulties at the parent charity, but refugee and mental health specialists, including Hull Haven's coordinator, are involved in the governance of a new charity planning to address these issues across Yorkshire and Humberside, called **Solace**.

**Solace** will begin operating in Leeds. It plans to employ a therapist who can provide counselling him/herself and also supervise several qualified volunteers to work with clients. These therapists, together with trained interpreters, would aim to see 19 clients per week. Clients will be offered short-term, long-term or ten-week group counselling sessions, according to need.

In the longer term, **Solace** hopes to open offices in Hull and Sheffield, with outreach services offered in other areas of Yorkshire where asylum seekers are clustered. It also hopes to make use of the arts-based approaches to therapy that the Haven project has used.

#### The Refugee Education and Training Advisory Service (RETAS)

is planning to integrate mental health provision into its work. Helping refugees come to terms with trauma and cope with poor treatment in the UK is already a major part of the charity's work. However, the charity would like to do more, as suitable employment can improve mental health enormously, but poor mental health can make seeking work more challenging. A member of staff, who has a PhD in refugee mental health, wants to start a project offering individual or group therapy, delivered in a culturally sensitive way. The project would also train RETAS staff to respond better to the needs of people with mental health problems when offering career guidance. This could have a positive impact on employment rates and time taken to find employment, as well as on mental health.

#### The health impacts of torture

Ten per cent of asylum applicants say they have experienced torture. These experiences can have significant impact on physical and mental health.<sup>14</sup>

Providing evidence of torture to Home Office decision-makers is crucial for asylum seekers, yet physical evidence is not always available, as most lesions from torture heal within six weeks. Some torturers use methods designed not to leave a mark. In Sri Lanka, for example, the army uses a technique in which a plastic bag containing a small amount of petrol is wrapped around the victim's head. The smell of the petrol partially asphyxiates the victim, making them feel sick and faint.<sup>14</sup> In Turkey, the authorities use "falaka", beating on the soles of the feet, which causes exquisite tenderness, but leaves no physical marks.<sup>119</sup>

Torturers may use sexual violence, including rape, electrical shocks to the genitals, and objects inserted into the urethra. Such attacks rarely leave long-term physical signs, although victims may have contracted HIV. Many victims feel great shame and most experience sexual difficulties. Women, in particular, may be shunned by their own communities and families following sexual violence.<sup>119</sup>

Other methods of torture can create long-lasting physical health problems. “Palestinian hanging”, in which the torturer ties a victim’s hands behind his back, then suspends the victim by his arms, leads to nervous and muscular problems, and sometimes permanent disability. Head injuries can lead to fits and concentration problems.<sup>119</sup>

Survivors of torture often report stress-related symptoms, including weakness, lethargy, headaches, abdominal, head and back pains. Many experience sleeplessness and nightmares. For most, these will be normal reactions to grief and distress of abnormal proportions, compounded by difficulties in experiences in the UK. Some, however, will need specialist help, including those who are markedly withdrawn or angry, neglect to care for themselves, or are contemplating suicide. Those who are unable to make sense of their experiences are generally at greatest risk.<sup>119</sup>

There is only one organisation concentrating on torture survivors. **The Medical Foundation for the Care of Victims of Torture** deals with over 2,000 new referrals each year, providing holistic care to torture survivors. It offers several types of counselling, facilitating referrals to psychiatrists, and providing massage, gardening and art therapy. Clients access help until they have a reduction in symptoms—such as recurring dreams or flashbacks—and have the option to come back for further support if they need it.

The charity also provides 800 reports each year outlining evidence to support asylum seekers’ cases. Put together by expert doctors and lawyers, these reports are well respected. The Home Office requires that, if an asylum applicant submits a Medical Foundation report documenting torture, then a senior official must be able to account for the decision to reject the application. This is funded through legal aid. Costs are low since most doctors are expert volunteers.

The charity’s public affairs department campaigns on the use of torture and issues affecting torture survivors. For example, it produces publications outlining the use of torture in various countries as a resource for lawyers and human rights activists.

#### Box 10: Positive results from mental health work

Mira came to the UK from Kosovo four years ago when she was 15. Her mother, who had been through a lot during the conflict in the former Yugoslavia and before the family’s escape, suffered from post-traumatic stress disorder. Mira was fulfilling a parental role within the family. Haven’s worker helped the mother to get specialist mental health support and found a young befriender to spend time with the children when she needed some space. She also found an agency to take day-to-day housekeeping off Mira’s hands. Haven supported the family at times of particular crisis, for example, when their claim was refused and Mira took an overdose.

Haven helped Mira get into a good sixth form college, which had a very positive impact on her mental health. Her younger sister wanted to learn to play the violin, so the worker organised free lessons, which helped her to cope.

The family now have exceptional leave to remain in the UK, and Mira and her mother are now significantly better. Despite having very little English on arrival, Mira is now studying English at Cambridge University.

#### Rejected asylum seekers’ health

Asylum seekers who have had their claims rejected and have exhausted their rights of appeal have limited rights to healthcare in the UK. They are not entitled to free hospital or specialist care, except in emergencies or if they are suffering from particular infectious diseases. HIV/AIDS care is not provided for free. Though primary care is currently free, there are proposals to withdraw access.<sup>108</sup>

Some doctors are uneasy about enforcing these restrictions, as their professional code requires them to put the needs of their patients before other considerations. They point out that some non-urgent conditions, like asthma and diabetes, need to be managed to prevent serious emergencies arising. Rejected asylum seekers are sometimes unable to return home for lengthy periods, and they are unlikely to have the financial resources to pay for the care they may need in the interim.<sup>108</sup>

In its Brixton drop-in centre in South London, the **Refugee Council** says it sees two to three pregnant women each week who have received a hospital bill or are being chased by a debt collection agency for up to £3,000.

A spokesman for the charity **Medact** told reporters: ‘There is a lot of confusion among health professionals about eligibility for services and how to implement the charges. This leads to failed asylum seekers being denied access to vital NHS treatment.’<sup>120</sup>

#### The Joint Council for the Welfare of

**Immigrants**, a charity employing a team of lawyers to advocate for the rights of migrants, are hoping to raise a test case challenging this policy on human rights grounds.

Two thirds of refugees and asylum seekers suffer from depression. Charities like Solace have expertise in helping refugees to come to terms with their experiences and begin to move on.

Employer attitudes, lack of UK work experience and problems converting qualifications obtained overseas all contribute to refugee unemployment.

## Housing and financial support for refugees



Bad housing is distressing and dangerous to health. It is linked with depression and TB.<sup>116</sup> Furthermore, housing is crucial for securing employment. Bad housing is not just about physical conditions: it can also be about racial harassment from neighbours. This section describes the housing situation for people making the transition from asylum seeker to recognised refugee and the financial support to which they are entitled. The situation for asylum seekers is covered in Section 2.

New refugees face many new practical considerations. NASS benefits and housing support terminates 28 days after a positive decision, leaving little time to secure new housing and employment or mainstream benefits. In practice, refugees can have fewer than 28 days to make new arrangements. Sometimes, NASS takes longer than this to issue a form giving official confirmation of the decision. Without this, it can be harder to apply for mainstream benefits and housing.<sup>121</sup> Refugees, particularly those with little English, are likely to need help and advice on navigating housing and benefits systems.

Until recently, refugees were given backdated benefits to make up for the period they were given reduced support through NASS. This payment was often crucial in helping refugees put down a deposit on private rented accommodation and for furnishing their new home. This has now been replaced by a £500 refugee integration loan, only available to those granted asylum, not to those with Humanitarian or Discretionary Protection.<sup>106</sup> Having to pay back a loan, or having no extra resources to cover new costs, undoubtedly puts extra pressure on refugees.

Councils only have a legal obligation to provide emergency housing for those who meet national criteria for being in "priority need". Newly recognised refugees do not automatically fall into this category, but older people, those with

physical and mental illnesses, pregnant women and people with dependent children do. Councils in areas where there is available housing stock may also offer emergency accommodation to other people who are legally homeless.<sup>122</sup> The council will attempt to find more permanent accommodation for refugees in priority need, but the shortage of social housing in many areas of the country means that some people may be waiting for months or even years. Those who do not fit the criteria for being in priority need will be given a list of temporary accommodation such as bed and breakfast lodgings. Without the funds to pay for a deposit, refugees have little chance to move out of this type of accommodation.

## Charities improve housing

Charities play a role both in helping refugees to understand their options and in strategic initiatives helping to improve refugee housing.

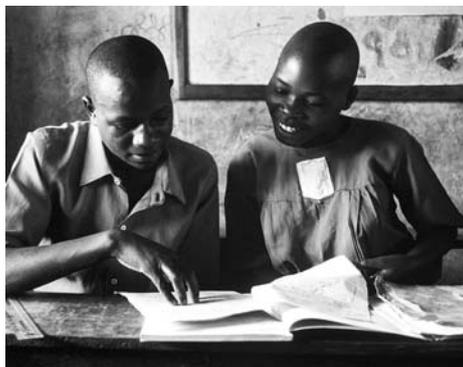
**Positive Action in Housing**, a black and minority ethnic (BME) housing charity based in Glasgow, offers refugees and asylum seekers independent advice on racial harassment, destitution, poor quality housing and securing housing after the asylum decision. This increases people's awareness of their options and can help them to be housed in better physical circumstances, away from abuse and attack. Partly staffed by volunteers, who often go on to education or employment as a result, the charity plans to run an outreach service on deprived estates. It currently reaches 800 people per year and its work directly leads to a successful outcome in 30% of cases.

The Accommodate project run by the **Housing Associations' Charitable Trust (HACT)** is funding five local partnerships to the tune of £50,000 each over two years to help address the housing needs of refugees more effectively. Projects include one in Beeston, Leeds, where local young volunteers are helping get 10 derelict properties ready for use by refugee families following a positive decision on their status. In Bradford, the Manningham Housing Association (a BME housing provider with a record of work on desegregation) is helping other local agencies to provide better, culturally sensitive advice to newly recognised refugees, including on moving out to non-traditional areas for BME groups. Other projects involve getting housing providers to offer better support to vulnerable refugee tenants with mental health needs and ensuring refugee voices are heard in a major government consultation on redeveloping local housing. The project is being externally evaluated and there will be a number of seminars to disseminate the findings.

**Box 11: Employment and Ugandan Asians**

The Ugandan Asian community are often seen as one of the most “successful” examples of refugee integration into the UK, even though they too experienced racism and homesickness when they first arrived in the UK. Commentators attribute this success to their skills in setting up businesses and capitalising on prior qualifications. The following quote illustrates one family’s entrepreneurial skills:

*‘When we arrived in 1980 we saw that many of the shops were doing what we had been doing in Uganda. That was the skill and trade that was in our blood... nobody was catering specifically for vegetarians serving Indo-African food, which is (what we) cooked in our family. So we thought there is a niche in the market for our traditional food and we decided to open up a restaurant in Tooting in 1987. It’s proved very successful.’<sup>7</sup>*



Photograph supplied by Education Action International (Pippa Ranger)

Refugees’ skills and employment status prior to coming to Britain vary considerably. Nearly two fifths of refugees were skilled professionals in their home country.<sup>126</sup> At the other end of the scale, one quarter have had no secondary education.<sup>81</sup> This has implications for activities to help them find work. Although there are some common barriers, such as English language proficiency, there are also specific ones, such as the need to get overseas qualifications recognised in the UK. Figure 17 illustrates the variance in qualification by nationality, using Iraqi and Somali refugees as examples. Literacy levels in their first languages also varies between refugee communities, with fewer than three out of four Somalis able to read and write fluently in their own language, compared to almost all Arabic speakers who are able to do so. Overall, just under one fifth of refugees are illiterate in their own language, which clearly makes learning English, training and employment more challenging.<sup>81</sup>

Figure 17 shows that the proportions of refugees and UK nationals with a post-secondary qualification are about the same, although about a quarter of refugees have had no secondary education at all.

Good English language skills are crucial for refugees’ and asylum seekers’ inclusion and participation in society. Refugee charities often provide classes to help them communicate in English.

**Education, employment and training**



The UK needs migration for economic reasons.<sup>106</sup> Recent research by an independent think tank shows that immigrants have made a greater net annual fiscal contribution to the UK economy than people born in the UK, and that this difference in contribution is getting more pronounced.<sup>123</sup>

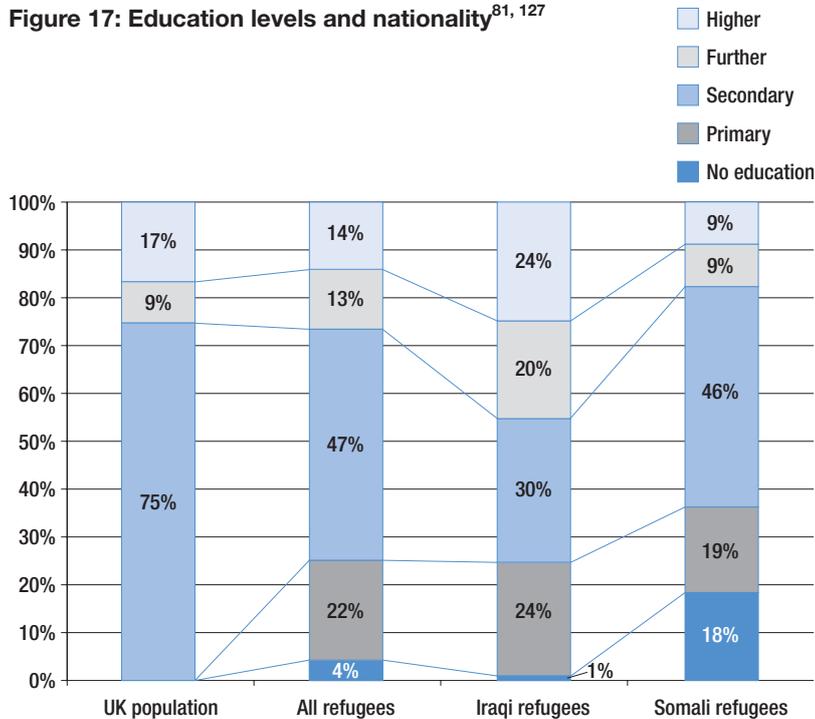
This section will show that, although refugees bring valuable skills to the UK, they need support and advice to overcome barriers to using them. Refugees particularly want to get into employment and some experts see this as the key to social integration,<sup>124, 125</sup> as Figure 16 illustrates. Regardless of attitudes to government asylum policy as a whole, it is imperative that recognised refugees are helped to improve their economic contribution to society.

Employment is also the key to financial security and thus better housing. It improves mental health,<sup>117</sup> builds social links and improves acceptance of refugees by host communities.

**Figure 16: The impact of employment**



**Figure 17: Education levels and nationality**<sup>81, 127</sup>



**Situation in the UK**

Only recognised refugees are allowed to work. They are one of the most disadvantaged groups in the UK labour market, with a 36% unemployment rate and only 30% in work,<sup>128</sup> compared to 5% and 75% respectively in the UK population.<sup>129</sup> NPC estimates that refugee unemployment costs the government at least £122 million each year in Jobseeker’s Allowance alone.<sup>130</sup> NPC’s analysis estimates that the benefits of helping unemployed refugees into the labour market would far outweigh this figure. For example, if only 50% of the unemployed refugees qualified as doctors were to enter the NHS, £120 million would be saved relative to the cost of training new doctors. A deficit in government expertise means that charities can play an important part in capitalising on this potential.

For example, **RETAS** offers holistic support to doctors, nurses and engineers, providing mentoring, brokering work placements and offering grants for professional exams to up to 60 people at any one time. A year after a course for 30 medics, half had requalified, five were working and half were still in the requalification process.

Refugees are mostly employed in catering, interpreting and translating, shop work, administration and clerical work. There is evidence that their skills are underused. Few are in professional jobs, despite prior employment history.<sup>81</sup>

Refugees generally have poor terms of employment. One quarter are in temporary jobs, mostly because they could not find permanent posts. Only 42% are entitled to holiday pay, compared to 92% of British people from BME

Following a structured job search programme run by RETAS, 17 out of 33 participants found a job. One year on from a business start-up course, 18 out of 30 participants are self-employed.

groups, and 33% have been offered training, compared to 52% from UK BME groups. Furthermore, refugees’ average pay is 79% of UK BME groups’ pay, and 11% earn less than the minimum wage.<sup>81</sup>

Refugee participation in training is low, with only 4% involved, compared to 11% of UK ethnic minorities. However, 60% were interested in doing training, particularly in English, information technology and dress-making. The most commonly cited reasons for not doing training, amongst those who wanted to do it, were lack of English language skills, lack of childcare, uncertainty about entitlements to participate, and family commitments.<sup>81</sup>

The government has recently published a strategy to increase refugee employment, influenced significantly by a charity called **The Employability Forum**. This outlines plans to get more refugees using Jobcentre Plus to help them find work. In 2002, only 54% of refugees seeking work were making use of its provision.<sup>106</sup> The organisation is working to make its services more accessible for refugee communities by providing guidance for frontline staff working with refugees, for example, on helping them to understand the UK employment market.<sup>131</sup> The SUNRISE programme, described more fully later, aims to provide holistic support for newly recognised refugees and also provides some help with routes to employment.<sup>106</sup>

Although the NHS has invested £2m in retraining refugee doctors, and Jobcentre Plus can provide specialist support for nurses, the government largely plans to leave support for refugee professionals to the charitable sector. There is government funding available for these programmes through the European Social Fund, but this funding stream requires matched funding from other donors and funders.

Refugees’ aspirations for employment are often low and not commensurate with their skills and qualifications. Employment prospects vary within and between refugee communities, with the following factors playing an influential role:<sup>81</sup>

- **Employer attitudes:** One in five refugees seeking work perceives employer discrimination as a barrier to getting a job.
- **Age:** In the UK population as a whole, young adults and people over 50 are less likely to be in work. This pattern is more marked for BME groups. As discussed in Section 1, most asylum applicants are young, and their education may have been disrupted by the situation in their home country and flight. Older refugees can have more problems because they are more established in their careers, and may be reluctant to convert their qualifications, retrain and adapt to a different working culture.

- **Gender:** Fewer refugee women than men are in employment. This is thought to be due to three factors: lower levels of education and proficiency in English among women from some countries; childcare issues and the perpetuation of traditional gender roles. For example, only 59% of Somali women in the UK are literate in their own language, compared to 90% of men. Women also experience greater problems accessing relevant training in the UK, with providers failing to cater for childcare needs and some cultures' preference for gender seclusion.
- **Language proficiency:** Those without good English language skills are less likely to access statutory provision or use formal routes into employment, like responding to job adverts. They are limited to jobs that require little command of the language, which in turn offer few opportunities for improving English.
- **UK work history:** Refugees have no work history in the UK and are rarely able to supply references.
- **Aspirations for migration:** Some refugees see their time in the UK as a temporary sojourn and others as a more permanent move. A higher proportion of those who are working in the UK see the country as their home. Whether this attitude makes labour market participation more likely, or whether work helps refugees see the country as their home is not known.
- **Social networks and community:** Some refugees lack information about where to seek work and are therefore more dependent on informal contacts than job adverts and statutory provision for seeking work. Charities can offer opportunities for volunteering, which may turn into more permanent employment.

### Charities increasing employment

Each year, **RETAS**, a project of the charity **Education Action International**, helps more than 2,500 people who have gained refugee status to seek fulfilling work. RETAS can help their clients convert their qualifications, or gain an education in the UK, thus increasing their chances of finding suitable work. Although in theory Jobcentre Plus can offer these services, in practice, it is not used to dealing with the specific needs of the refugee client group.

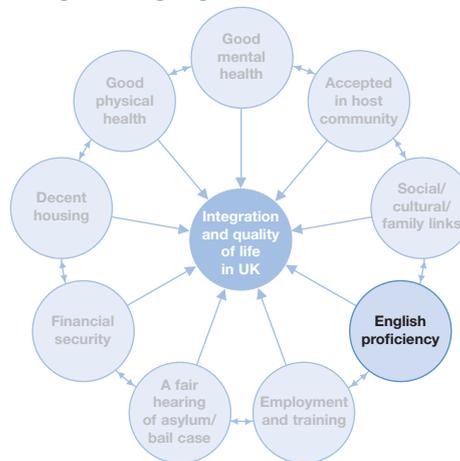
RETAS staff provide training on applications, offering mock interviews, CV writing workshops and feedback on body language. RETAS also offers business start-up courses for refugees who want to become self-employed. These five-day programmes, which reach 60 people a year, include training on writing a business plan, seeking loan finance and employment legislation.

RETAS' programmes have good success rates. Following a structured programme on job applications last year, 17 out of 33 refugees are now in employment. One year on from a business development course, 18 out of 30 participants are running their own businesses. Furthermore, these figures significantly underplay RETAS' results, as it does not have the funds to keep in touch with all former clients.

Volunteering opportunities can improve employment prospects. The **Leo Schultz project**, a branch of **Hull Citizens Advice Bureau** offering advice to refugees and asylum seekers, offers opportunities to go through a rigorous national training programme to become volunteer advisers, either for refugees or host communities. This has helped several refugee volunteers move on to employment and build relationships with local people.

The **Refugee Council** is making the case to the government for the restoration of the work concession, that up until 2002, allowed asylum seekers to work if they had been waiting for an initial decision on their claim for more than six months. The government believes that this was a pull factor for asylum seekers coming to the UK. The charity argues that being out of the labour market for prolonged periods while legal cases are decided is damaging to long-term employment prospects.

### English language



Good English language skills are crucial for refugees' and asylum seekers' inclusion and participation in society. It affects their access to services, their interaction with host communities and their employment prospects.

On arrival in Britain, fewer than one in five refugees speaks English fluently or fairly well.<sup>106</sup> Although refugees and asylum seekers have the right to free tuition, in 2001, research showed that provision was not sufficient to meet demand.<sup>132</sup> However, the government claims provision has more than doubled since then.<sup>106</sup> Whether this means provision is now sufficient is unclear. Anecdotally, it is not.

The Employability Forum had a significant influence on government policy on refugee employment. Jobcentres are now working to make their services more accessible to refugees.

Photograph supplied by Evelyn Oldfield Unit



In Glasgow, there are at least 500 people on waiting lists for classes at one college alone.<sup>133</sup> There are concerns about the availability of more advanced courses to meet the needs of refugee professionals seeking work.<sup>132</sup>

Further education colleges are the main providers of English as a Second Language (ESOL) courses. Charities may offer their own provision, or work in partnership with providers to make sure refugees and asylum seekers access classes.<sup>132</sup> Recognised refugees may also access full-time provision through Jobcentre Plus and get a £10 weekly training allowance, and £100 on completing the course.<sup>134</sup>

Women often find it harder to attend English courses because of their childcare commitments, and some may not want to attend mixed gender classes. Not all refugees and asylum seekers are literate in their own language. Bilingual language teachers often help in these situations, but there are few ESOL teachers with these skills. Refugees on low incomes and asylum seekers can find it difficult to afford travel costs for getting to classes.<sup>132</sup>

Refugee Community Organisations are key to bringing about change, addressing refugees' needs, giving them the chance to confer about local norms and bringing them together with local people.

Many **Refugee Community Organisations** (RCOs) and churches put on informal English classes to make up for the lack of formal provision. These are often run by untrained teachers but are a valuable, accessible first step in gaining English proficiency.

The **Somali Women's Support and Development Group (SWSDG)** in West London offers language classes that reach 16–20 women a week and provide childcare, allowing mothers to attend. These courses build confidence and help women move on to local college classes. Women can also take a vocational childcare course or an IT certificate through SWSDG, opening up routes to employment. In the last year, 11 out of the 15 women who started the childcare course qualified and six are now in work. A further six have gained an IT qualification.

The Glasgow **ESOL Forum** helps train up to 60 teachers a year to teach informal English classes. It gears teachers up to deal with the additional needs asylum seekers often have, such as illiteracy in their first language. The courses are run by teacher trainers and cover the asylum process and dealing with difficult situations, as well as teaching English. The course is followed by a placement as a classroom assistant. The training means that hundreds of asylum seekers get better quality tuition and can improve their skills at a faster pace. The charity also offers additional courses geared towards a qualification in teaching people with additional literacy needs.

## Social and cultural links

Most refugees and asylum seekers find adjusting to a different culture challenging. Those who had experienced close family ties in their own culture can find isolation and the lack of a strong community alienating and depressing.<sup>101</sup>

Women are particularly prone to isolation, yet their role in refugee communities is vital. In their home countries, women may have had less status than men, yet they have held families together as the main providers of care and income.<sup>135</sup> When considering refugee community groups, donors and funders should explore the degree to which women are involved in and central to the organisation.

**The Evelyn Oldfield Unit** is running a new pilot programme on leadership in partnership with the London Business School and the Civil Service college. This programme will help to equip 12 Refugee Community Organisation (RCO) coordinators each year with the skills they need to lead their communities both in maintaining their culture and navigating the integration process. Practical sessions will help participants put their communication and decision-making skills into practice, and time spent in government offices and with public service leaders will help them form valuable contacts.

Older refugees are at particular risk of loneliness and isolation. They tend to have limited knowledge about entitlements to services and are more dependent on family members. Families can expect them to take on care for children and a household, and they can be vulnerable to abuse. They are not expected to get jobs and so find it harder to integrate, while limited English can prevent older refugees from communicating their views effectively.<sup>105</sup>

Research shows that refugees and asylum seekers prefer to live in areas where there are others from the same background.<sup>101</sup> The government now aims to try to cluster people who speak the same languages in the same cities and regions, to facilitate social support networks.<sup>106</sup> Prior to this policy, there were over 40 languages spoken by asylum seekers in Hull alone.<sup>136</sup>

The **Iraqi Community Association's** volunteers operate two clubs for older people in Camden and Hammersmith in London. The clubs open once a week for four hours. Between 25 and 40 older Iraqis come to enjoy each others' company and to take English classes, keep fit and attend health promotion talks. A part-time welfare adviser can help address any problems members of the group may be facing. This service helps older people become less isolated and to cope with the difficulties of adjusting to life in exile.

## Refugee Community Organisations (RCOs)

### Refugee Community Organisations (RCOs)

are locally-based charities that cater to many of refugees' and asylum seekers' needs, from providing social and cultural networks, to improving English language skills and access to public services. Figure 18 shows the impact of RCOs on results for individuals, using solid lines to indicate where they may run projects directly achieving these results, and dashed lines to show where they provide help to access other services leading to these results.

There are thought to be over 400 RCOs in London, from newly-formed to mature groups. As dispersal is a relatively new policy, there are fewer groups in regions outside London. Where groups do exist, these tend to be less well developed.<sup>87</sup> Around 70% of all refugees and asylum seekers are connected with an RCO.<sup>81</sup> Many refugees and asylum seekers find out about these groups by word of mouth.

The presence of a strong community group can help to reduce the sense of loss that many refugees feel on fleeing their home country. Sharing experiences and supporting other refugees met through RCOs can make people feel stronger within a very short period of time. RCOs also give refugees and asylum seekers a chance to confer about local cultural norms.<sup>87</sup>

Although many funders considering supporting refugees wish to see evidence that charities are helping them become part of British society, nationality-based RCOs do not necessarily prevent this and may facilitate cross-cultural contact. While friendships within nationality or ethnicity-based communities often flourish, so too do friendships with other groups: a survey showed that, while 60% of refugees had made friends mainly within their own community, 35% had also made friends with British people.<sup>81</sup>

**Figure 18: Impact of Refugee Community Organisations**



## The Evelyn Oldfield Unit helps Refugee Community Organisations to become more sustainable and to provide more effective services.

RCOs can also provide a point of contact for host community groups and local service providers. Mainstream organisations are rarely geared up to deal with refugee communities, and partnerships with RCOs can be a good way of improving their skills. Ultimately, such partnerships can lead to better services for refugees and asylum seekers.

Most RCOs have drop-in advice surgeries where asylum seekers and refugees can get advice on NASS support, seeking legal representation, and accessing health and education services. These advice services often reach several thousand people a year and form a route into an RCO's numerous projects. For example, **Bridging the Gap** in Glasgow offers English classes, a homework club for children and a cookery club. The **Kurdish Information and Advocacy Service** in North London runs a family conflict resolution project, which helps parents understand the culture in which their children are growing up. It also runs a project to help asylum seekers illegally selling tobacco or drugs get out of the trade.

These examples illustrate the potential contribution of RCOs. Yet research shows that many groups' potential is unrealised. There are under-developed organisations with limited knowledge of the British system, little money and few assets, dependent on a few committed individuals. Responding reactively to the issues users bring to them tends to take precedence over planning projects that could have a longer-term impact. To be able to perform a transformative function, helping new arrivals to integrate, RCOs need resources, good networks, skilled staff and good management and governance practices.<sup>87</sup> RCOs set up in dispersal areas have faced a steep learning curve over the last five years. They are particularly in need of development support to reach their potential.

**The Evelyn Oldfield Unit** helps established RCOs develop their skills, networks and strategies. Serving RCOs in London, and running an outreach service in Manchester, it offers advice and consultancy on organisational development, training and networking opportunities for RCO staff. Between 40–70 organisations make use of its advice service, and up to 30 organisations get consultancy support to address an issue they are facing, for example, resolving internal conflicts, developing a strategic plan, or building partnerships with other organisations.

A small-scale evaluation of the charity's consultancy work showed that most organisations picked up fundraising skills, gained a greater sense of direction and developed high quality strategies and procedures. Some organisations gained additional funding using

the skills and materials the consultants had helped to develop. However, a poor response to the evaluation may indicate that some clients have not been as sustainable post-consultancy as one might hope. Box 12 gives an example of successful support for an RCO.

Three to four hundred RCO staff benefit from the Unit's training courses on subjects as diverse as governance, youth work, counselling for refugees and fundraising. The Unit also connects key players to address issues of concern in the RCO sector, such as mental health. This forum has provided a valuable network for those addressing the issue, and has trained ten people in counselling skills.

Other charities help less established RCOs develop themselves, including the **Scottish Refugee Council** and **Refugee Action**. They tend to provide help for emerging organisations in the regions, for example, on drawing up a constitution and seeking seed funding. As these organisations mature, new issues will call for a different approach to capacity building. Having built the trust of local organisations, the existing providers may be the most appropriate. On the other hand, those more experienced with dealing with organisations at this stage of development may be best. Although support for capacity building can be valuable, some grant-makers question whether all organisations want or need this support. No consultancy can change the quality of leadership that an organisation relies on.

In addition to looking at capacities for delivering services, funders should consider the extent to which organisations are integration-focused; whether they collaborate with other organisations; how they deal with diversity, including women and gay clients; the extent to which they encourage empowerment rather than dependence on services; and whether they could adapt if the numbers of asylum seekers arriving were to rise or fall, perhaps dramatically. Funders should also check that RCOs providing advice on the asylum process are doing so legally. They must be registered by the Office of the Immigration Services Commission in order to do this.

Funders' expectations of RCOs should be in line with their capacities. Young organisations with limited funding and significant demand from the community they serve may not prioritise detailed reporting on progress to funders.

RCOs may cater to a particular cultural group or to all refugees and asylum seekers in a local area. NPC does not believe that one type of RCO is superior to another. The loss of efficiency that comes from having several organisations fulfilling the same role for different communities may be compensated for by what users gain from having more culturally sensitive services.

Nationality-based organisations may cater better to their community, as they understand the life stories and experiences of their users, as well as their language and customs.<sup>137</sup>

The best model depends largely on local circumstances. Having fewer culturally-based groups makes sense in areas where there are fewer asylum seekers or only recent migration to that area. Bharat Mehta, of the City Parochial Foundation, comments that it usually takes three to four years from the arrival of a community for the foundation to start getting applications from nationality- or ethnicity-based RCOs, as it takes communities this long to start organising themselves.

Yet the proliferation of RCOs goes beyond what would seem reasonable to guarantee cultural sensitivity. A West London refugee handbook lists 34 Somali RCOs in just six boroughs.<sup>138</sup> The dilemma for funders is how to tackle this proliferation. Pushing for mergers or a single representative organisation may exacerbate divisions and encourage greater competition. Encouraging a group of organisations to collaborate to deliver services, each playing to its strengths, is a less risky approach and one in which funders can play a catalytic role. A more bottom-up approach, though with less certain results, is supporting organisations that develop links between RCOs. For example, the **Evelyn Oldfield Unit** runs a Somali forum in London to encourage collaboration, and has helped to set up a partnership between Somali organisations in Manchester.

Many funders prefer to give project funding for RCOs. This is understandable in light of the difficulties of understanding and monitoring all of an organisation's diverse projects. Furthermore, an organisation that runs an excellent advice service, education programme or youth service may not be the best organisation to run a domestic violence project, for example. However, when an organisation knows its strengths and has a clear strategy, unrestricted funding can be appropriate. RCOs can be crippled when funders do not agree to pay the full costs associated with a project— that is to say, their share of overheads, fundraising and management costs, as well as the direct costs of a project. Full cost recovery is increasingly an issue as funders prioritising refugees and asylum seekers move away from general to project funding.

### Box 12: An example of successful consultancy support

The Evelyn Oldfield Unit was approached by a newly formed RCO that was providing excellent support for its local community but needed help to become more sustainable. The Evelyn Oldfield Unit identified several issues: the need to adapt its objectives to qualify for charitable registration, the lack of a business plan, the need to develop better fundraising and budgeting skills, and a difficult working relationship between the coordinator and the chair of the management committee. The Evelyn Oldfield Unit's consultant worked with the charity on the business plan, organised for the staff and management committee to receive training on fundraising and conflict resolution, and referred the charity to a pro bono solicitor to help it gain charitable status.

Six months after the end of the consultancy the organisation had:

- Registered as a charity
- Received two years' funding for a youth worker
- Received positive media coverage through the Evelyn Oldfield Unit putting the charity in touch with a charity PR organisation.

The coordinator commented:

*'For the first time the organisation was able to develop its own business plan and clear objectives. We have developed confidence in putting together funding bids and approaching funders... The consultancy support has helped us to review our work and, though it is going to be a long process, to accept and let go what we cannot offer or deliver. We feel our capacity to run the organisation has improved, we have acquired more fundraising skills, we are able to plan and we are more committed and motivated.'*

### The role of government

The government has recently drawn up a refugee integration strategy, *Integration matters*. This strategy sets out the goals of helping refugees to achieve their full potential, contribute towards their communities and access services. It sets out sources of government funding to help charities achieve these goals:<sup>106</sup>

- The £3m per annum Challenge Fund makes year-long grants of up to £50,000 to 'innovative projects that tackle specific social needs among refugee communities'. It is open to local authorities and healthcare trusts as well as charities and commercial organisations that apply as part of a partnership.<sup>106</sup>
- The European Refugee Fund, administered in the UK by the Home Office, has recently awarded grants to the value of £6.7m per annum.
- The Refugee Community Development Fund provides small grants of up to £10,000 for up to 200 small organisations.
- The Strategic Upgrade of National Refugee Integration Services (SUNRISE) is a new pilot programme. The funding is for caseworkers to help people manage the transition from asylum seeker to refugee. The government has not publicised the amount of funding it is making available for this programme.

Government has invested a significant amount in refugee integration prospects. However, this does not pay for all successful or innovative work. Donors and funders can help charities achieve more.

Photograph supplied by Education Action International



The Home Office also funds eight large refugee charities to the tune of £6m per annum. Additionally, a new £3.6m mentoring project funded by the Treasury and the Home Office, called Time Together, is setting up 24 local mentoring schemes to help recognised refugees achieve goals such as improving their English, getting into work, and making friends from their local community.

These funding streams contribute a great deal to charities working to improve refugees' quality of life and integration into British society. However, this funding alone is not enough to support all effective charities working in this field. Furthermore, many charities want to maintain their independence from government, as refugees and asylum seekers understandably do not trust an institution that may have contributed to their problems in the past.

The government's strategy focuses on recognised refugees and does not address the way that experiences as an asylum seeker affect integration as a refugee.

### Summary: Life in the UK

Refugees and asylum seekers face significant challenges to leading a good quality of life in the UK. Difficulties accessing services, tensions and resentment in local communities and low participation in the labour market all contribute to these difficulties. Charities are key to bringing about change—giving refugees and asylum seekers the chance to confer about cultural norms, bringing them together with local people to build understanding, providing counselling and creating pathways to employment. In doing so, they improve integration, help refugees and asylum seekers fulfil their potential and lead a decent quality of life in the UK. This can benefit refugees, asylum seekers and host communities in equal measure.

Local communities' priorities can be addressed too. Charities can help local people and new arrivals come together and act together to improve their local area.

Although central, local and European government funding streams to support work with refugees and asylum seekers exist, the charities NPC visited were by no means able to rely on these sources alone. Private funding is crucial to ensuring that charities continue to perform a transformative function.

# Funding priorities

# 4

**This report has highlighted how charities work to improve the asylum system, address new arrivals' needs and support their integration. This concluding section summarises the arguments for supporting charities working in this area, and identifies priorities for funders. It gives concrete examples of charities that are achieving excellent results.**

## The case for supporting charities

Conflict and human rights abuses make refugee movements inevitable. The UK is a committed signatory to the UN Refugee Convention. Safety, fairness and practicality considerations have seen arguments for alternatives crumble and the Government and Conservative Party restate their commitment to the Convention. Once they are here, the UK has a duty to consider asylum seekers' cases carefully and treat them humanely and fairly. In order to fulfil their potential, improve their quality of life and maximise their contribution to society, their needs, from mental health to housing, from employment to social links, need to be addressed.

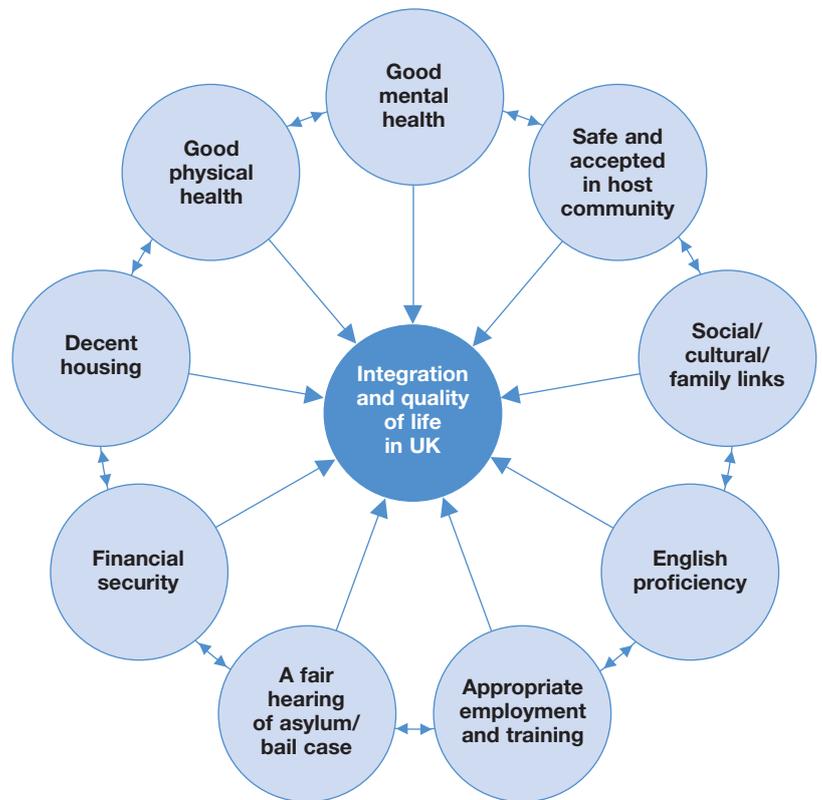
In particular, the economic contribution of refugees could be improved. Although many are skilled, their unemployment rate is seven times higher than in the UK population as a whole. Getting more refugees into work could fill labour market shortages, reduce benefit payments and increase tax and National Insurance contributions. Furthermore, it would dramatically improve refugee integration.

Funders should also pay careful attention to the impact of new arrivals on local communities. The consequences of polarised communities and excluded minorities can be serious, as the recent disturbances in Paris illustrate. Charities can help to reduce suspicion and support new arrivals to become an active and valued part of the community. Communities also need help to integrate with new arrivals and manage the impact on their local area.

Government policy and procedures are problematic and its funding alone will not lift refugees out of deprivation. Charities are necessary to create change.

Yet funders need to pay careful attention to the results charities achieve in order to maximise the impact of their giving. Although NPC was hugely impressed with many of the refugee charities it visited, as with any part of the charitable sector, there were organisations that were well-meaning but ineffective at present. This section outlines the results funders should be seeking and gives concrete examples of excellent work donors and funders could support.

Figure 2: Results at the individual level



## Prioritising action

All of the issues outlined in this report deserve attention. Yet with scarce resources to allocate, donors and funders must draw some distinctions. Are some of the results from Figure 2 more important than others? Are others equally important, but some of them under-addressed? Are certain issues particularly large in scale?

NPC has drawn up an assessment framework summarised in Table 4. This looks at whether results:

- **Are a priority for refugees and asylum seekers themselves.** Research shows that asylum seekers and refugees are particularly concerned about the outcome of their asylum cases, training and employment, health, harassment in their local areas and housing.<sup>101</sup>
- **Impact on 30,000 or more refugees and asylum seekers each year,** ie, the approximate number of new asylum seekers (although in some cases, there is not sufficient data to determine the number of people affected by a particular issue).
- **Have a direct impact on three or more other results for individuals.**

The UK has a duty to consider asylum seekers' cases carefully and treat them humanely and fairly.

NPC has identified as priorities: improving the quality of asylum and detention decisions; addressing community tensions; improving mental health and increasing employment.

- **Cannot be achieved through current charitable provision.** During the course of this research, charities and grant-makers have highlighted mental ill-health and community tensions as areas of particular concern.

On this basis, NPC has identified the following priorities for funders:

- facilitating fair hearings of asylum and bail cases;
- improving relationships between refugees and host communities;
- improving mental health; and
- helping find appropriate education, employment and training.

In brief, the case for funding each of these areas is as follows. All asylum seekers are concerned about the **outcome of their application for long-term protection**. This often means the difference between safety and persecution. No asylum seeker can work; those who are turned down can be left destitute and have no right to proper healthcare. The uncertainty causes significant anxiety and the wrong decision creates huge distress. Furthermore, 25,000 asylum seekers are detained each year,

influencing their mental health, access to education and perceptions of this country as a fair and welcoming host. Charities can provide legal help to help asylum seekers get the right decision on their claims and advocate for a better system. Unlike the other priorities identified, advocacy work to improve the asylum process can only be supported by private funders. For this reason, NPC believes it should receive particular attention.

**Tensions** run high in many places where refugees and asylum seekers live; harassment and abuse are problems of 'significant but unmeasured proportions.' Yet government spending to address anti-racism and improve community relations in England and Wales only amounts to £6m per annum. Improving relationships takes long-term, intensive, grass-roots work and, as NPC's report *Side by side: young people in divided communities* found, the type of agencies and individuals undertaking this are rarely formal or established enough to access government funding streams.

**Mental ill-health** affects people's ability to work and to access services, as well as their ability to integrate and enjoy family life. Two thirds of refugees and asylum seekers have experienced anxiety and depression since

**Table 4: Determinants of priorities for private funding**

| Result   | Priority for refugees and asylum seekers | Affects more than 30,000 people per annum | Direct impact on three or more other results for individuals | Under- addressed by current charitable provision |
|--|--|---|--|--|
| A fair hearing of asylum/ bail case            | ✓  | ✓   | ✓  |  |
| Good social/cultural/ familial links           |  |   |  |  |
| Safe and accepted in host community            | ✓  | ✓   |  | ✓  |
| Good mental health                             | ✓  | ✓   | ✓  | ✓  |
| Good physical health                           | ✓  |   |  |  |
| Decent housing                                 | ✓  |   | ✓  |  |
| Financial security                             |  |   |  |  |
| Good English language skills                   |  | ✓   | ✓  |  |
| Appropriate education, training and employment | ✓  | ✓   | ✓  |  |

arriving in Britain. NHS services are generally not suitable for refugees with less severe mental health problems, and hard to access for the severely affected. Refugees face language barriers, misdiagnosis and a lack of experience of cross-cultural counselling. Stigma for mental health problems is a widespread issue. However, refugee experts believe some communities particularly struggle to deal with it.

Refugees and experts believe **employment** is the key to social integration. It can create financial security and open up housing choices. It can improve mental health and affect family prospects. Yet at least one third of refugees (more than 70,000 people) are unemployed, leaving society with significant economic costs, as well as individuals unfulfilled and dependant.

### Tackling problems at the appropriate level

At what level of society, as illustrated in Figure 19, can these issues be tackled efficiently and effectively? How can donors and funders get the balance right between addressing causes and symptoms?

Clearly, **poor decision-making on asylum cases**, excessive legal aid restrictions and lack of opportunities to challenge detention decision-making are policy issues and must be tackled at a policy and services level. While these challenges remain, many individuals will struggle to get justice and solicitors will stay out of the field. Yet with the consequences of bad outcomes for individuals so dire, there is also a case for charities to provide asylum seekers with direct legal help.

**Community tensions** require community attention. But with negative attitudes so widespread, it is tempting to think that public campaigns could be worthwhile. Yet the evidence points towards a tailored approach addressing local concerns.

**Mental health** needs attention at individual, community and service levels to improve both the situation for individuals and the quality of services offered by RCOs and the NHS.

The barriers to **education, employment and training** exist primarily at an individual level — lack of knowledge of UK working culture, the need for references and English language proficiency.

### Improving the quality of asylum and bail decisions

Donors and funders should support organisations that draw on the evidence base in their campaigns for change, have a track record of influencing change, and have a mature relationship with government. As the legal issues are technical, organisations who undertake expert legal work are particularly well-placed to comment on this.



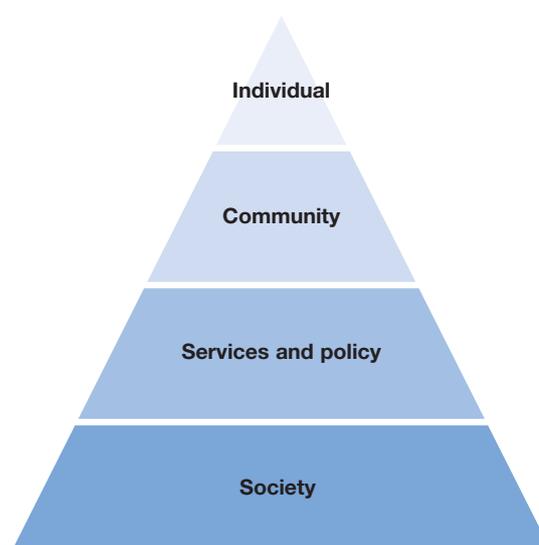
Photograph supplied by Gatwick Detainees Welfare Group

**Asylum Aid** is an impressive example of this approach. Its work on policy and research is grounded in its direct advice and representation. Nine legally-trained advocates provide advice to 2,200 clients in London each year. They seek out vulnerable people unlikely to get help elsewhere through outreach sessions at mental health and HIV clinics. Most work is basic signposting, but they also give in-depth advice on more complex cases, with full representation at appeal for 120 people a year. Seventy per cent of cases taken on by Asylum Aid are successful at appeal, compared to 20% of cases overall. In 2004, the charity helped over 80 people gain protection at a cost of around £2,700 per case.

On the policy side, in 2005, Asylum Aid published *'Justice Denied'*, a dossier on the impact of the legal aid cuts with the aim of changing policy. It was the first charity to highlight poor Home Office decision-making, and Asylum Aid has secured numerous improvements to policy. Most notably, it helped

Funders should support organisations that provide direct help to individuals or communities and use their expertise to bring about change in public services or government policy.

Figure 19: Levels of society



Refugee Community Organisations are often the first point of contact in a crisis. They need support to meet their clients' needs and become sustainable.

to get housing and financial support for asylum seekers who are victims of domestic violence in the UK and produced Home Office guidelines on interviewing women. In partnership with another charity, it secured the right for trafficked women to seek asylum. Civil servants take the charity seriously; they have submitted the charity's paper to an international governmental group on asylum policy. Recently, Asylum Aid has made its case against legal aid restrictions to ministers and it has been successful in getting the Home Office to pilot legal advice to recently arrived asylum seekers.

Other impressive charities operating in this area include the **Refugee Council** and **Bail for Immigration Detainees**. **Refugee Action's** research on destitute asylum seekers' cases and the legal assistance they received could produce some very powerful findings and is worthy of support. **Gatwick Detainees Welfare Group** is providing crucial emotional support as well as providing basic legal help and finding lawyers for detainees.

## Improving public attitudes and community relations

Funders should support approaches following good practice principles identified by ICAR's research, described in Section 3. Supporting evaluative work alongside this would improve the evidence base for this work and encourage more funders to support this approach. Sharing findings could encourage other organisations to address community tensions.

Although NPC came across some good examples of charities working in this field, including the **Housing Associations' Charitable Trust** and **ICAR**, they had funding from other sources for this work.

Although **Scottish Refugee Council's Framework for Dialogue Project** is funded by the Scottish Executive at present, it would benefit from further funding to disseminate its good practice to other organisations.

The project works to build communication between refugee and host communities and to encourage practical responses to the issues both communities face. When asylum seekers first arrived in the city, the situation was often tense. Public anxiety was high and the Sighthill area became the focus of national attention with a suspected racist murder. Racist attacks still occur and communities can still be hostile, but Scottish Refugee Council's work has bought about extraordinary turnarounds in some areas of the city. Regular meetings of community representatives in seven areas have led to several successes, including refugees and Sighthill residents working together to create a new community centre and a joint community safety day. Incidents of conflict and abuse in one area are down by 50%.

## Improving mental health

Funders should help the most seriously distressed to recover by supporting charities offering culturally sensitive counselling. Funders should also support charities working with refugee communities and NHS services to create new and more effective avenues of support.

The **Medical Foundation for the Care of Victims of Torture** is an example of a charity undertaking direct work and helping NHS services to deal with the aftermath of torture. It offers a range of treatments—from physiotherapy to reflexology for physical injuries to psychotherapy, art therapy and group work to improve mental health, helping thousands of torture survivors each year come to terms with the past and see hope in their futures. Innovative projects such as music therapy, an allotment project and befriending for young torture survivors help clients to find something that fits with their needs. The charity



Photograph supplied by Scottish Refugee Council

offers its support to clients until there is a marked improvement in their symptoms, which often include nightmares and flashbacks, and they feel able to cope independently.

Anglavi's story in the introduction illustrates the Medical Foundation's impact. NPC estimates that support for 2–3 months costs around £2,500 per individual. The Medical Foundation also helps other clinicians to recognise and treat the aftermath of torture, giving more people the opportunity to access the help they need to rebuild their lives.

### Increasing employment

Donors and funders should support charities that offer high-quality advice to help refugees discover the best use of their skills and can help acclimatise them to the UK job-seeking culture. Charities that also broker volunteering opportunities, training and work placements are of particular benefit to refugees. Other barriers—like employer attitudes and the prohibition against working as an asylum seeker (which could otherwise be a valuable opportunity to build up work experience) need higher-level responses.

Such charities can achieve impressive results. For example the **Refugee Education and Training Advisory Service (RETAS)** offers approximately half of the 900 clients it serves in-depth support—including business start-up courses and mentoring and work placements for professionals to gain employment, at a cost of around £4,000 per user. This compares favourably to the costs of supporting people on benefits. Furthermore, NPC has identified that for this £4,000 cost, RETAS' work helping refugee doctors to requalify saves society £240,000 in training a school leaver from scratch. This is a return of 6,000%.

Another charity working with refugees directly to improve their employment prospects is the **Somali Women's Support and Development Group (SWSDG)** in West London. Language classes, reaching 16–20 women a week, build confidence and help women move on to college classes as they progress. Women can also take a vocational childcare course or an IT certificate through SWSDG, opening up routes to employment. In the last year, 11 out of the 15 women who started the childcare course qualified and six are now in work. A further six have gained an IT qualification. In order to improve prospects for the next generation, SWSDG also runs a supplementary school for children and teenagers aged 7–18. Forty two young people regularly spend their weekend mornings in SWSDG's offices receiving extra teaching in English, maths and IT.

On the policy side, the **Refugee Council** is campaigning for the small numbers of asylum seekers who have been waiting for a decision for over six months. The **Employability Forum** has made a significant impact on the government's recent refugee employment strategy. This includes a commitment to improving the quality of Jobcentre services for refugee clients.

### Other areas of concern

The need to build capacity of RCOs cannot be expressed through our assessment framework alone, for RCOs try to address almost all needs. Also, the relatively recent policy of dispersing refugees from London to the regions has created geographical inequalities in provision. Organisations outside London are not as well developed to meet their clients' needs or respond to the challenges of running a charity. Similarly, some communities seem to have been more successful at tackling the problems they face than others. To transform their clients' prospects, RCOs need resources, good networks, skilled staff and good management and governance practices. Capacity-building work can help organisations with this. Funders should support charities that are able to help RCOs build a strategy, improve key skills such as fundraising, and support continuous development of the staff through training. Capacity-building organisations that have networks for members could also be partners for funders seeking to encourage more RCOs to work together.

Similarly, NPC's framework does not take into account the needs of specific groups, like women and older asylum seekers. There is a role for work addressing their specific needs, from isolation to overcoming the aftermath of sexual abuse or domestic violence. However, core needs and individual priorities, for housing, for health, for a fair hearing, and so on, are the same.

### Other considerations – costs and risks

Supporting expensive or risky approaches reduces the funding available for cheaper programmes or programmes with better evidence. As economists would say, there is an *opportunity cost*. Table 5 gives some indicative costs of activities and results. These costs are based on particular examples and may not be reflective of organisations operating in different locations or circumstances.

It is clear that tailored capacity-building work, for example, is significantly more expensive per organisation than employment advice is per individual. Similarly, the impact of a year's mental health support is much more certain than the impact of a year's funding for policy work. Should donors and funders thus never support policy work or work to tackle community attitudes? NPC would argue that this work should be funded. These considerations should be factors, but not the only ones. Two additional points require consideration:

- If there are no funders supporting capacity building, refugees outside London and certain communities will be significantly disadvantaged. If no one supports policy work, then systemic change is unlikely to occur.

- Certain types of support are mutually reinforcing, for example, mental health and employment advice, or housing and physical health work. £100,000 spent on employment work and £100,000 spent on mental health work in the same community are likely to be more effective than £200,000 spent on employment work alone. This means that there is also a case for supporting work on less high-priority issues.

### Last word

Charities play a critical role in improving integration and addressing refugees' and asylum seekers' needs. Their role ranges from direct work addressing basic needs, to policy work designed to change the asylum system and situation for refugees. Funding is particularly needed to address failures in the asylum process, poor mental health, unemployment, community tensions and underdeveloped services outside of London.

**Table 5: Indicative costs of activities**

| Activity   | Potential results   | Cost   |
|--|---|--|
| Refugee Community Organisation (RCO) support for an individual per annum (based on data from several RCOs)                                 | Housing/financial situations resolved, better access to health and education services.                      | £80–180 per user   |
| Employment guidance, mentoring and support for an individual per annum<br><b>(Refugee Education and Training Advisory Service (RETAS))</b> | Employment or further education/training.   | £680 per user<br>£4,000 per user into a job  |
| Consultancy support for a Refugee Community Organisation per 10 day period of support<br><b>(Evelyn Oldfield Unit)</b>                     | Charity better able to cope with challenges; more sustainable or better service for refugees.               | £4,500 per charity<br>£1.50 per user of the charity's services   |
| Policy research and advocacy for one year<br><b>(Refugee Council)</b>  | Policy change, perhaps resulting in better asylum decision-making or a restoration of the work concession.  | £35,000–£45,000 per post   |
| Support for a torture survivor for an average of 2–3 months<br><b>(Medical Foundation for the Care of Victims of Torture)</b>              | Reduction in symptoms of post-traumatic stress disorder (PTSD), eg, bad dreams, flashbacks, sleep problems. | £2,500 per user  |
| Legal advice provided by a charity<br><b>(Asylum Aid)</b>  | Fairer hearing of asylum case.  | £300 per user<br>£2,700 per successful outcome at appeal, of which £800 paid by government through Legal Aid |

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# Calculations and explanations

- i *or who, not having a nationality and being outside the country of his/her former habitual residence is unable, or owing to such fear, is unwilling to return to it.'*
- ii The Family Budget Unit quotes £141.66 as a 'low cost but acceptable' level of expenditure for an unemployed single man, aged 20-30, living in Local Authority accommodation, with no car. NPC has stripped out housing costs of £49.84 as asylum seekers have housing provided by the state.<sup>55</sup> This reduces the 'low cost but acceptable level of expenditure' to £91.83, over double the level of NASS benefits an asylum seeker in this situation gets.
- iii This number is the marginal cost of refugee unemployment in the UK, ie, the cost of refugee unemployment above and beyond the cost of unemployment of a population of similar size drawn from all UK communities. The calculation assumes that unemployed refugees claim Jobseekers' Allowance for seven months, ie, the same average period as the general unemployed population.<sup>130</sup> The unemployment rate for refugees over 18 is 36%;<sup>81</sup> thus the marginal unemployment rate for refugees is 33%. The calculation assumes that all unemployed refugees over 18 claim Jobseekers Allowance of £55 per week. NPC estimates the number of refugees over 18 to be 220,000, based on UNHCR figures on the refugee population, and Home Office data on the age profile of asylum seekers.<sup>20, 32</sup>

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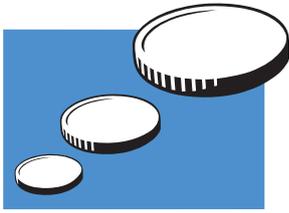
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