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## Equality, Local Government and Communities Committee Inquiry on Refugees and Asylum Seekers

### Response from the British Red Cross in Wales

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#### About us:

The British Red Cross helps millions of people in the UK and around the world to prepare for, respond to and recover from emergencies, disasters and conflicts. We are part of the global Red Cross and Red Crescent humanitarian network and we refuse to ignore people in crisis. We support more than 90.000 people every year in Wales.

We welcome the opportunity to submit evidence to the Equality, Local Government and Communities Committee Inquiry on Refugees and Asylum Seekers.

### The effectiveness of the Refugee and Asylum Seeker Delivery Plan

#### General comment about the plan:

Overall the plan lacks SMART actions. Many of the actions are activities which have already been delivered and are coming to an end or are very geographically specific and not available in all dispersal areas.

**Recommendation:** The intended outcomes of the plan, priorities and actions need to be clearly linked with specific, target driven and timed activities, with clear accountability and evaluation.

#### Housing and Advice Services

**1) Context:** The plan fails to address destitution amongst asylum seekers. The British Red Cross defines someone who is destitute as:

*“ A person who is not accessing public funds, is living in extreme poverty and is unable to meet basic needs, e.g. income, food, shelter, healthcare, and who is forced to rely on irregular support from family, friends, charities or illegal working to survive.”*

The Immigration Act 1999 further applies to future scenarios whereby an individual is also considered destitute if they are likely to become destitute within the next 14 days (or 56 days if they are already receiving support).

We provide support to asylum seekers in Wales, many of whom are families, who find themselves destitute for a range of reasons and often experience multiple complex issues including physical and mental ill health, trafficking, domestic servitude, and exploitative relationships. Destitution can occur at any stage in the asylum process. Asylum seekers do not have permission to work and although they are entitled to limited state support this amounts to only 50 per cent of standard income support and is subject to frequent delays due to administrative errors or changes of address. This also affects those who have made a successful asylum claim and whose asylum support is withdrawn while they transfer to mainstream welfare support. They are often left waiting weeks or months for benefits such as child tax credit. Even when a refugee is successfully accessing welfare support, they and their families can face destitution at the point at which they exercise their legal right to be reunited with their children and spouse due to delays in receiving further support, forced to live on one person's entitlement and in overcrowded accommodation.

Even those who are considered refused and appeals rights exhausted can then go on to get some form of leave to remain in the UK.

Many of those who have had their claim rejected and are eligible for Section 4 support experience delays in receiving it or difficulty accessing it leaving them with nothing (see British Red Cross Report<sup>1</sup>). Others feel unable to apply for Section 4 support as they fear for their safety if they return to their country of origin. There are then those who have had their asylum claim rejected and have not returned home or are too frightened to return home. Many failed asylum seekers choose to remain in the UK living a life of destitution over returning to their home country, living with no or very limited access to support from the UK Government.

Refused destitute asylum seekers have nowhere to live and no right to public housing; no money but no access to public funds or benefits and no legal right to work.

This destitution is the result of a failure of UK asylum and immigration policy to provide a safety net for some of the most vulnerable people in our society, including for those who have an entitlement to state support as well as those who are at the end of the asylum process

Destitution has a disproportionate effect on refused asylum seekers, newly granted refugees and women with insecure immigration status experiencing domestic violence. The enforced destitution of vulnerable displaced people has no place in Wales and the Welsh Government must prioritise the prevention of destitution.

We operate four destitution clinics in the dispersal areas of Wrexham, Newport, Swansea and Cardiff, where we provide small amounts of money and clothing to asylum seekers and refused asylum seekers who are destitute, a maximum of £10 a week per individual for a maximum of 12 weeks. The number of people referred to us for destitution support in Newport and Cardiff alone since 2013 has doubled (564 cases in 2013, 1027 in 2015). We fear these numbers will increase further as a result of Home Office intentions to broaden dispersal areas and the impact of the Immigration Act 2016 which introduces changes to financial support for asylum seekers and criminalises illegal working.

In Northern Ireland the Executive Office has established a crisis fund for migrants, refugees, and asylum seekers. The fund provides a small amount of money for those who have issues with benefits, unemployment, have suffered family breakdown or domestic violence. The fund follows the success of a short pilot project, which supported 1,252 people, in 2012 and looked at whether small amounts of money could provide a significant bridge to allow people to get back on their feet. The fund also provides detailed evidence on the scale and cause of destitution to facilitate policy discussion.

The eligibility criteria include those who currently have no recourse to public funds, such as asylum seekers and refused asylum seekers, and other vulnerable migrants including destitute refugees. The Executive Office has continued to provide a further £100,000 until March 2017 which is being managed and administered by the British Red Cross.

***Recent key findings of the OFMDFM destitution fund are:***

- That benefit issues, domestic violence and outstanding and refused asylum claims are the most common causes of destitution amongst the 'client' group.
- Additional checks, administrative errors and a lack of understanding of benefit entitlements within statutory agencies are some of the primary reasons for delays in people receiving state support, (including section 95 and section 4 support) they are entitled to
- Statutory agencies such as Social Services, require support and guidance on what their duties are towards families and children in need and in particular their human rights duties.
- There is a tangible cost of not helping people in destitution.

***The key recommendations following the recent evaluation of the Crisis Fund are:***

- The Northern Ireland (NI) Executive should address the cause of destitution by introducing a range of policy and practical initiatives such as a dedicated point of expertise on the benefit entitlements of non-UK nationals within the Department for Communities.
- The NI Executive should plan for the impacts of the Immigration Act 2016 and UK's exit from the European Union.
- There should be a permanent commitment to making the Crisis Fund available.

**Recommendation:** Welsh Government expands the eligibility criteria for the Discretionary Assistance Fund (DAF) to include those who currently have no recourse to public funds, such as refused asylum seekers and other vulnerable migrants including temporarily destitute refugees. This should include clear guidelines for the administration and monitoring of funds and expectations of the short-term impact on individuals.

**Recommendation:** The administration and monitoring of the expanded Discretionary Assistance Fund (as recommended above) to support the gathering of evidence on the scale and cause of destitution to facilitate policy discussion.

**Recommendation:** The delivery plan fails to consider the impact of the Home Office intention to broaden dispersal areas and the Immigration Act 2016 in Wales and the consequential risk to an increasing number of individuals and families left homeless and destitute. The Welsh Government should commit to exploring the impact of changes to dispersal areas and the Immigration Act 2016 on individuals in Wales, on devolved public service in Wales and on local authorities in Wales, commissioning additional research where necessary and plan to mitigate any negative impacts.

**Recommendation:** The Welsh Government should limit the impact of destitution by introducing a range of policy and practical initiatives such as a dedicated point of expertise on the benefit entitlements of non-UK nationals within the Department for People and Communities.

**Recommendation:** The Welsh Government should share the knowledge and expertise harnessed in Wales by the Wales Migration Partnership to feed into the future of COMPASS contracts.

**2) Context:** Our Supported People funded refugee tenancy support service in Swansea works with refugees during the move-on period after they have been granted refugee status by the Home Office. Once a person seeking asylum is given refugee status their National Asylum Support Service support will cease after 28 days, 21 days if they were in receipt of Section 4 support. This includes the cash allowance (usually £36.95 per week) and they will need to leave their asylum accommodation. Within this time a refugee needs to secure alternative accommodation and access mainstream support. In England and Wales, asylum accommodation is counted as a local connection. This limits the rights of refugees should they choose to move to another local authority and also places greater pressure on dispersal areas where consequently people choose to remain. Refugees who do move may become homeless because of the requirement that they have a 'local connection' with the area in which they are living in order to be entitled to homelessness services.

Refugees, particularly those with limited to no English language find it very difficult to navigate the associated systems and processes to establish their new lives during the 'move-on' period. This is exasperated by inadequate translation support which is only provided at the initial appointment at Job Centre Plus. Many refugees experience delays receiving their national insurance number (NINO) which impedes their ability to access mainstream benefits, despite there being no need to have a NINO to apply for benefits.

At the end of the move-on period many young refugee men become homeless as a result of not being considered a priority case by local authorities and are unable to afford private accommodation. Local authorities are encouraged to provide housing and support to refugees under the Welsh Government Code of Guidance on the Allocation of Accommodation and Homelessness. However, the approaches across Wales are inconsistent as to the classification of certain groups of refugees, particularly young male refugees, as non-priority which subsequently leads to homelessness. Despite the Welsh Government's

action within the delivery plan to promote access to the private rented sector to reduce homelessness if local authority housing is not available, the Immigration Act 2016 is likely to undermine this.

The Act empowers the UK government to extend the 'right to rent' scheme to Wales. Private landlords will be required to carry out 'right to rent' checks on potential tenants and introduces a financial penalty if they rent to anyone excluded from renting as a result of their immigration status. Despite the Welsh Government's action within the delivery plan to promote access to the private rented sector to reduce homelessness, the Immigration Act will likely result in an increase of homelessness amongst refused asylum seekers and those with status as landlords may be deterred from renting to ethnic minority tenants for fear of inadvertently renting to someone who does not have the correct status.

The varying application of the guidance by local authorities and the lack of actions to mitigate the negative impact of the Immigration Act will likely impede the achievement of the intended outcome of the plan to ensure refugees do not experience homelessness.

**Recommendation:** Welsh Government undertakes an Equality Impact Assessment (EIA) of Right to Rent Checks in Wales and monitors the impact of this legislation.

**Recommendation:** Welsh Government works with private landlords to raise awareness of different types of migration status to mitigate any impacts of Right to Rent Checks in Wales.

### ***Health, well-being and social care***

**3) Context:** Frequently our service users report that they are not offered interpretation support whilst accessing primary healthcare services which has impeded their ability to communicate their symptoms and understand the medical advice.

The delivery plan recognises the need to work with Public Health Wales to revise current guidance on language provision but despite sector advice that this action be incorporated under the section of physical health for all refugees and asylum seekers it was retained within the section for maternity and children. It is therefore confusing as to who exactly will be offered translation and who will not. All asylum seekers and refugees should be able to communicate their symptoms and medical history which, due to the nature of their arrival in the UK, is often inaccessible or missing. This would support diagnosis and treatment and reduce anxiety.

**Recommendation:** The Welsh Government to strengthen the guidance for health services to ensure that the availability of quality interpreting services is effectively communicated to target groups and consistently provided wherever required.

### ***Education***

**4) Context:** Supported by Welsh Government funding, we provide contextualised basic to improver ESOL classes for refugee and asylum seeker women living in Newport alongside a free crèche facility to develop language skills and an understanding of living in Wales to improve integration. The demand for this type of tailored ESOL provision outstrips the availability, with classes constantly operating at capacity and waiting list a common occurrence.

Transport costs are a big barrier, especially for asylum seekers on very limited funds, impeding access to necessary ESOL classes, which, unlike many other community services, are often not available locally and require significant travel costs, especially for those on such a limited budget.

**Recommendation:** More formal provision at different levels (accredited and appropriate to qualifications and access to employment), starting at different times throughout the academic year, so that no asylum seeker need wait longer than a month for ESOL.

**Recommendation:** For the Welsh Government to increase the availability of provision which caters for gender based needs (e.g. childcare provision) and where necessary single-sex provision. This needs to include very low level community based provision with opportunities to practise in a social context.

Community based provision would allow for a more flexible and responsive approach to the needs of the learners.

**Recommendation:** The Welsh Government to work with local authorities to address barriers to access especially for those living outside urban areas, e.g. subsidised transport and more community based outreach courses in neighbourhoods where asylum seekers are dispersed.

### **Community Cohesion**

**5) Context:** Community cohesion can be severely hampered by forced family separation which reduces the coping mechanisms of the individuals affected and is compounded by a lack of social connectedness. We offer a means tested travel assistance programme, in partnership with the International Organisation for Migration, that can help pay the travel costs for the family members of refugees who remain overseas but have been granted a refugee family reunion visa to come to the UK.

Adult refugees have a legal right, under UK and international law, to be reunited with their children and spouse if they are still overseas, but since April 2013 legal aid funding has not been available for family reunion in England and Wales. Many refugees cannot afford to exercise their right to family reunion because they can't afford the legal representation needed. The UK Government withdrew legal aid for family reunification as it deemed it a straightforward process. However, our research report<sup>2</sup> shows that family reunion can be very complex and people face huge difficulties obtaining essential documentation, such as marriage certificates and birth certificates, when they have fled their home country. Without expert advice, difficult issues can stop or delay the reunion from progressing. This lack of legal support also leaves women and children, who are commonly the family members remaining overseas, extremely vulnerable, stranded in dangerous situations and at risk of exploitation and harm.

For many refugees, family reunion is another crisis point – when refugees are at a higher risk of destitution, homelessness or severe overcrowding at home<sup>iii</sup>. These risks place extra strain on families at a critical time, as they attempt to build a home together after what may be years of separation and disrupted family life.

#### **Case study:**

Mousa Al Sharki, his wife Rajaa and their four children lived in Aleppo, Syria. As fighting escalated they realised it was no longer safe and decided to leave. Aleppo has seen some of the conflict's most devastating bombing and fighting – often in residential areas.

Earlier this year, Mousa travelled to the UK, while a heavily pregnant Rajaa and their children went to Lebanon. It was here that she gave birth to baby Omar. Mousa sought refuge in the UK and managed to get a family reunion visa to bring his wife and children to Cardiff. But an error on baby Omar's passport meant it didn't match his birth certificate. He wasn't allowed to board the flight and Rajaa felt she was given no option by authorities but to go on ahead without him.

Distraught, Rajaa boarded the flight, leaving her eight-month-old son with her sister-in-law.

Omar's passport stated he was born in Damascus, rather than in Lebanon. That meant he couldn't re-join his family until the passport was changed. But the family couldn't afford to pay for the change. They turned to the British Red Cross for help.

We asked our colleagues in the International Committee of the Red Cross (ICRC) tracing unit in Beirut to help. They made sure baby Omar got the exit visa he needed to come to the UK.

The Al Sharki family is now happily reunited and living in Wales.

**Recommendation:** The Welsh Government to look at ways to mitigate the adverse impacts of UK policy in Wales by enabling refugees to access the legal advice required for complex family reunion cases.

**Recommendation:** Often support focusses on the individual and the time between claiming asylum to receiving status. The Welsh Government Delivery Plan also needs to incorporate outcomes across departments, such as health, education and housing, that go beyond the 28 day move-on period with a wider focus on the well-being of the whole family by creating an integration pathway which adopts an early intervention and prevention response to family reunion.

**The Reunited Family Support Service** in Scotland is a service delivered by the British Red Cross. It is part of a wider refugee project that is run in partnership with Scottish Refugee Council and other organisations. It helps the families of refugees settle into Scotland after they have been reunited with their loved ones following the complex process of family reunion.

The service helps support and orientate people by providing practical help and assistance. It assists with applications for benefits, enrolling in English classes, accessing education, health and social care, and building social connections through lifeskills classes and group work activities.

It addresses social isolation, and provides people with opportunities to become active members of their communities and meet other families.

## **The pace and effectiveness of the Welsh Government approach to resettling refugees through the UK Government's Syrian Vulnerable Persons Relocation Scheme (SVPRS)**

**6) Context:** By the end of June 2016, Local Authorities in Wales had resettled 112 refugees from Syria through the SVPRS. By the end October 2016, 17 out of 22 Local Authorities had welcomed Syrian refugees through the scheme, with all others preparing to do so by December 2016.

The Red Cross is working alongside local authorities and partners to support the families who have been and are being resettled in Wales. This has involved preparing for their arrival, welcoming the families and working with them individually to rebuild their lives and facilitate integration into their new homes and communities.

We have welcomed the proactive approach of local authorities to prepare for and support families from the point at which they arrive in the UK to ensure they are familiarised and settled into their new home and community.

However, this does contrast to the experience of people who have travelled independently of managed migration routes to seek sanctuary. They also face trauma which is compounded by the asylum system in the UK which is often subject to delays in decision-making, negative decisions resulting in prolonged appeals, and adverse implications of the 28 day move-on period once they receive their refugee status.

The bespoke support available to Syrian refugees arriving under SRVPS combined with the fast-tracking of administrative support is contributing to an emerging two-tier system of support for people in Wales at a vulnerable point in their lives. This has the potential to lead to tensions amongst Syrians and the wider asylum seeking and refugee communities.

**Recommendation:** Those areas taking part in the SVPRS provide an opportunity to explore best practice and learning from the first year of the project across Wales.

**Recommendation:** The Welsh Government to address the two-tier system by evaluating and replicating elements of the good practice delivered via SVPRS and extend to all people seeking asylum to ensure integrated, end-to-end support.

**Recommendation:** The Welsh Government should apply aspects of the support provided under the SRVPS to help refugee families integrate and get to know their new communities. Refugees need to

understand their rights, entitlements and responsibilities. They also need advocacy support to access complex services such as housing, benefits systems and schools.

**Recommendation:** Seek a commitment from Welsh Government to fund the refugee move on service on a long-term basis.

**Recommendation:** Requiring Welsh Government to extend the remit of the Taskforce and Operations Board to include all asylum seekers and refugees.

**Recommendation:** Ensuring Jobcentre Plus staff in Wales are required to increase their understanding, possibly through dedicated training, of the particular barriers faced by refugees in job seeking and supported on an ongoing basis to give specialist assistance to them.

**Recommendation:** Urging Welsh Government to vocalise the impacts of UK policy on people in Wales and actively seek to influence Home Office policy and practice:

- The Home Office should ensure that relevant documentation is received by refugees at the same time as they are informed of their status.
- Where an application has been made for welfare benefits within the 28 days move on period, the Home Office should not cease asylum support until the first payment has been made, including where that payment is a short-term benefit advance.
- The target time for processing an application for an Integration Loan must be less than the length of the move on period. When a newly recognised refugee has applied for an Integration Loan and has not yet received it, they should be allowed to remain in their asylum accommodation.
- UK Government guidance to banks should advise them what documents are issued to refugees and others with leave to remain in the country so that they are encouraged to recognise them as evidence of identity. Bank staff should also be familiarised with the types of ID refugees will carry.

**7) Context:** Welsh Government have been vocal about their support for the SVPRS in Wales. In line with our concerns about the development of a two-tier system for refugee welcome and support, we also have concerns that poor public understanding of the need for international refugee protection is being further eroded with an almost exclusive emphasis on SVPRS.

**Recommendation:** We would like to see Welsh Government demonstrate leadership and proactively promote positive public messages about all refugees being welcome in Wales, as well as the benefits of migration.

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<http://www.redcross.org.uk/~media/BritishRedCross/Documents/What%20we%20do/UK%20services/Greater%20Manchester%20destitution%20report.pdf>

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<http://www.redcross.org.uk/~media/BritishRedCross/Documents/About%20us/Not%20so%20straightforward%20refugee%20family%20reunion%20report%202015.pdf>

iii <http://www.redcross.org.uk/~media/BritishRedCross/Documents/About%20us/British%20Red%20Cross%20-%20Integration%20Experiences%20Report.pdf>