



# Immigration

## Can we welcome you with open arms?

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Many of us wish to offer support to vulnerable migrants. We have seen the harrowing pictures fronting the national papers, and watched the reports of families fleeing their homes, risking their lives, to travel to the UK to live in peace.

11 million Syrian refugees have fled their homes, which amounts to half the country's pre-war population. The International Organisation for Migration (IOM) confirm that in 2015, over 1 ¼ million people claimed asylum in Europe, 30,390 of those applicants claimed in the UK. In 2016, of the 600,000 migrants entering the UK, 39,000 claimed asylum.

In order to offer support, it is important that we understand who we can help, and their position in the UK – whether they have a legal right to be here, or possibly not.

### **What is an Asylum Seeker?**

An asylum seeker is a person who has left their country of origin and made a claim for asylum in another country but whose application has not yet been concluded. An asylum seeker is not to be confused with an economic migrant, who has moved country for work purposes, to earn money. Economic migrants may or may not have permission to be in the UK.

### **What is a refugee?**

A refugee, however, is a person who has officially had their claim for asylum accepted by the government. The definition of a refugee is found in the 1951 United Nations Convention Relating to the Status of Refugees, which states that:

“A person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.”

### **What is a Refused Asylum Seeker?**

An asylum seeker who claims asylum, but is refused on the basis that they have been unable to prove that they would be at risk if returned to their country of origin is a refused asylum seeker. This means that the authorities do not accept that the refused asylum seeker needs protection in the UK. Also known as ‘failed’ asylum seekers, illegal migrants or undocumented migrants. Refused asylum seekers may choose to pursue a fresh claim for asylum (known as a further submission), if they can obtain information or evidence that was not considered in their initial claim. Alternatively, they may choose to return to their country of origin or be removed by the authorities.

You'll be asked to leave the UK if you don't qualify for asylum and your caseworker decides there's no other reason for you to stay. If a refused asylum seeker is forced to leave the UK, they will receive a letter beforehand and then will be detained without warning at an immigration removal centre before removal.

### **What support is available?**

Asylum seekers will often be destitute, and require accommodation and food. Asylum seekers are not allowed to work, but may get housing and a small amount of money to support themselves and their dependents (known as NASS – National Asylum Support Service).

The Refugee Council states: "Asylum seekers have to wait months or years for the outcome of their asylum claim, during which they are prohibited from working and only receive minimal or no financial support. They are entitled to just £35 a week of cash or card support, that is £5 a day. This has to cover everything - food, toiletries, clothes etc. - as well as travel costs to get to crucial legal appointments or asylum meetings. As a result, asylum seekers are reliant on charities and their limited social networks to make ends meet."

When an asylum seeker has a serious health problem or disability, it may be possible to ask the department of social services at the local council to provide accommodation and financial support instead.

Once an asylum seeker is granted refugee status, NASS support will usually stop and the refugee will need to move from the NASS accommodation. The refugee will be granted permission to work in the UK. If the refugee is unable to work, and is eligible, they may apply for welfare benefits.

Asylum seekers and refugees may therefore have interim periods where they are unable to obtain support. Offering support and assistance during these times could be invaluable. It is common for asylum seekers, once granted refugee status, to be left destitute for months whilst they work through the necessary paperwork and administrative processes, for example renting a home or opening a bank account.

A group in Hampshire, Southampton and Winchester Visitors Group (SWVG) described the experience of one of their members:

*"Sarah, a refugee from Uganda got a letter saying she had been granted refugee status and could stay for five years, she was overjoyed. Although she was penniless and had to leave her asylum accommodation within 28 days, the letter said she was entitled to a loan and she knew that at last she could use her nursing qualifications to get a job. But there was a catch. First she needed a bank account and a National Insurance number. Not so easy! She couldn't get a bank account without proof of identity such as a utility bill, but the immigration office had taken her passport and, as an asylum seeker, she hadn't been receiving any bills. Weeks went by and her NI number still hadn't arrived so she could not apply for jobs. She had no source of income and nowhere to live.*

*It took three months for Sarah to set up a bank account and she says that during that time she could not have survived without the help of SWVG who gave her weekly payments for basic necessities, while a friend gave her shelter. Now, a year later and working for the NHS, Sarah says: "That letter from the Home Office makes you think you have everything but what happens next just breaks you down".*

Refused asylum seekers are able to apply for a basic support package known as "hard case" or "Section 4" support if their circumstances meet the narrow eligibility criteria. This support is limited to accommodation and board in the form of an 'Azure card' which can only be used in specific supermarkets. In order to receive this support the applicant must agree to return to their country of origin.

### **Detained Asylum Seekers**

Asylum seekers may often be detained whilst their case is outstanding. Asylum seekers and refused asylum seekers in detention cannot leave and have very limited freedom of movement within the centres. Security levels are similar to prisons and detainees may be held indefinitely.

Often vulnerable adults are detained and may need support. The Home Office found from their own sampling that 226 cases between September and December 2016 who, as survivors of torture, should not have been detained.

In September 2017 the detention of victims of torture was ordered as unlawful. However, this highlights the need for support and care to be given to all asylum seekers detained in detention centres. Offering to visit could make the difference to many of these people.

### **Who can work?**

Refugees, once granted status, are eligible to undertake paid work. Asylum seekers and refused asylum seekers will not be entitled to work, unless specifically granted permission to do so (which is unusual).

Some newly granted refugees may want to work but cannot – they may have been victims of torture and have physical and mental health conditions. They may have limited English language skills, which creates a barrier to entering the workplace, or they may have dependents they need to care for.

### **Can we help?**

Many of us are unsure as to whether we can help any of these categories of vulnerable migrants.

Support can be offered in various forms, such as accommodation, food, clothing, employment – both paid and voluntary - or simply a 'listening ear'.

Groups wishing to provide such support in their area should contact their local authority to register the available support and accommodation. Groups may also wish to contact local refugee community organisations, who will have direct contact with refugees and asylum seekers.

In some cases, providing basic assistance like a hot meal, food parcels or clothing for those who have no means of support could be invaluable.

It is worth noting that many asylum seekers are not granted refugee status. Refused asylum seekers may return home voluntarily, some may be forcibly returned and for others, returning is simply not safe or practical until the conditions in their country of origin change.

Refused asylum seekers may also need your support and assistance. If you do accommodate a refused asylum seeker you must ensure that the person has updated their contact details with their Home Office case owner. This is a requirement for all Refused Asylum Seekers.

*Should you need more advice or support in relation to refugees, or any aspect of immigration law, please do not hesitate to contact our Immigration Team.*

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