

# MORE HUMANITY NEEDED



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This booklet illuminates the government's treatment of refugees, firstly through written questions submitted by Lord Roger Roberts and then through the government's official answers.

The four themes explored in this booklet are:

- The Legal System
- Homelessness, housing & benefits
- Children
- The Right to work

We have subsequently included some critiques of the government's answers.

If one thing is clear, it is that in too many areas of UK refugee policy, the law is not fit for purpose. This dire situation is crying out for more humane solutions.

More written questions relating to refugee matters and many other topics can be found online at [www.theyworkforyou.com/peer/13477/lord\\_roberts\\_of\\_llandudno](http://www.theyworkforyou.com/peer/13477/lord_roberts_of_llandudno).

# The Legal System

**Question 1:** What was the average number of months that immigration staff stayed in their roles in 2017? (HL5752) (Hansard Reference) (26/02/2018) (Date Asked)

**Question 2:** How many immigration interview staff are there in total in the UK, and does the government intend on recruiting additional staff for this purpose? (HL5755) (26/02/18)

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**Answer:** *Decisions on asylum (refugee) claims are made by Decision Makers within the Asylum Intake and Casework Unit and*

*the Home Office has rolling recruitment campaigns to ensure the number of Decision Makers are maintained at a level that allows the Home Office to progress cases in line with service standards.*

*We are committed to delivering an asylum process that is sensitive to the needs of the claimants so that sufficient information can be obtained to facilitate fair and sustainable decisions on asylum claims.*

*All interviewing personnel receive extensive training on interviewing and considering asylum claims, and must follow published Home Office policy guidance when conducting screening and substantive asylum interviews and considering asylum claims.*

*We do not hold information on the time staff spend in the role of Decision Maker however we have a staff retention plan to identify the factors leading to staff attrition. We are aware that the role of asylum decision maker results in staff hearing, often distressing accounts and managers are aware of the need to support staff.*

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**Criticism:** Retention rates are not provided, which are likely to be in the public interest.

No effort was taken to answer the question of the number of immigration interview staff or whether the government believes more staff is needed.

**Question:** What financial and other assistance do the government give to those due to be removed on immigration grounds during the seven-day period when those individuals are allowed to appeal? (HL4702)  
(24/01/18)

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**Answer:** *The Home Office provides accommodation and support to migrants only in specific circumstances during the appeal period. These are for asylum seekers under section 95 of the Immigration and Asylum Act 1999 if they do not have adequate accommodation or the means of obtaining it, and some persons*

*granted immigration bail if they are subject to a residence condition, are unable to support themselves at the specified address and exceptional circumstances apply. The Home Office also provides assistance and advice to facilitate voluntary returns.*

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**Criticism:** Considering the numerous criteria needed to be fulfilled under Section 95 of the Immigration and Asylum Act 1999, one would question how many asylum-seekers this policy helps. If this number is low, the government could introduce broader criteria (rather than these specific circumstances) to help more of the asylum-seekers that need it the most.

**Question:** What steps are the government taking to ensure that there is a sufficient number of qualified immigration lawyers to meet present demands? (HL4951) (05/02/18)

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**Answer:** *Whilst the Government recognises that it is important that there are enough immigration lawyers to meet demand, the legal services sector is rightly independent of government and the training of new lawyers is a matter for the legal services regulators and profession itself. I can confirm the Solicitors' Regulation Authority has indicated that there are currently 1,885 out of some 10,400 recognised law firms that have a proportion of their work in immigration.*

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**Criticism:** This does not address the number of lawyers dealing with immigration, nor does it indicate whether present demand is being met.

**Question:** What percentage of asylum appeals were successful in each of the years 2005 to 2015? (HL6263) (26/03/18)

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**Answer:** *The government provided this data in table format: 2005 (17%), 2006 (22%), 2007 (22%), 2008 (23%), 2009 (29%), 2010 (27%), 2011 (26%), 2012 (27%), 2013 (25%), 2014 (28%), 2015 (35%), 2016 (40%), 2017 (35%).*

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**Criticism:** Just what actions have the government taken in attempting to halt an ever-increasing number of appeals? Over the past decade, these appeals must have caused around a quarter of a million applicants much heartache, not to mention those who could not afford to appeal. Just how many were deported because they could not afford to appeal their case, and does such a record not destroy our faith that the government will treat us fairly?



**Question:** What support is the government giving to places of worship that provide sanctuary for asylum seekers regardless of their immigration status? (HL8185)  
(05/06/18)

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***Answer:** We welcome the important contribution that voluntary, charitable and non-governmental organisations make to the UK asylum system and believe the best way to support those who have been refused asylum and who have no lawful basis to remain in the UK is in helping them to leave the UK voluntarily and reintegrate into their communities in their country of origin. The Home Office does not fund or take action against churches or other places of worship that offer support to failed asylum seekers.*

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**Criticism:** Does this hands-off approach not imply that the government are not prepared to support asylum-seekers in the way that these non-governmental organisations often do. It is these organisations that fill the gap vacated by the government.

**Question:** How many asylum seekers were removed from the UK while their applications were still being processed in each of the last three years for which figures are available? (HL8190)  
(06/06/18)

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***Answer:*** *Other than in certified cases, the Home Office does not intentionally remove individuals whose claim for protection is still being processed. The Home Office does not routinely publish statistics on the number of individuals wrongfully removed or deported, or keep central records of people who have been wrongfully removed or deported. [emphasis added]*

*However, as was noted in a letter provided to the Home Affairs Select Committee on 14 May 2018, the department identified 17 cases since 2015 in which a person was returned to the UK after being removed,*

*i. in five cases, the Department or the Court found no legal basis for their remaining here; the Department has subsequently removed or is seeking to remove that person again from the UK;*

*ii. in nine cases, proceedings are ongoing;  
and*

*iii. in three cases, the Department or the Court has found those people to have a legal basis to remain in the UK. (It is not necessarily the case that the legal reason which led to those people being brought back to the UK is the same grounds on which they have acquired a legal basis to remain).*

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**Criticism:** The rule of law demands a record to be kept of wrongful deportation cases. Is it not in the public interest to have this information available so the government can be held to account?

**Question:** Does Her Majesty's Government intend to ensure that two decision-makers are involved in each Home Office immigration interview? (HL7072)  
(27/04/18)

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**Answer:** *There are no current plans to ensure two decision makers are involved in interviews for all application routes.*

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**Question:** *What consideration has the government given to adopting the McKenzie friend role during immigration interviews?  
(HL8569) (25/06/2018)*

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**Answer:** *There are no plans to adopt the McKenzie friend role during immigration interviews. An applicant will normally be interviewed alone or in the presence of a legal representative or regulated adviser, unless there are exceptional circumstances.*

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**Criticism:** For many attending immigration interviews, particularly those whose first language is not English, a second attendee would ensure that the process is both fair and transparent. All too often, questions and procedures are misunderstood by those being interviewed, leading to valid cases being dismissed, perhaps reflected in the significant successful appeal rate of Home Office decisions.

**Question:** Does the government have any plans to engage an outside agency to deliver a restructuring of the Home Office?  
(HL8571) (25/06/18)

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**Answer:** *Her Majesty's Government has no such plans.*

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**Question:** What steps are the government taking to improve the assessment of immigration applications by UK Visas and Immigration, given that 40% of immigration appeals heard by the Immigration and Asylum Tribunals in 2016 were granted?

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**Answer:** *My Lords, UKVI is focused on improving the quality of all decision-making. While appeals are allowed for a variety of reasons, and many of the appeals being heard are now fairly historic, we recognise that continued improvement is necessary. That is why investment is being made via a stronger assurance regime, better and more frequent training, strengthened feedback loops, and creating new governance and structures. Additionally, we are working with Her Majesty's Courts and Tribunals Service on reducing the number of outstanding appeals and the time taken through the appeals system.*

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**Question:** What is the average annual cost per person held in immigration detention centres?  
(10/05/2018) (HL7291)

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**Answer:** *The average cost to detain an individual in immigration detention is provided on a per day basis. The current daily cost per detainee is £85.97 (£31,378 annually).*

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**Criticism:** Given that often people are held in immigration detention centres indefinitely, would, at the very least, transparent release dates ensure that taxpayers' money is more efficiently spent?

# Homelessness, housing & benefits

**Question:** What assessment has the government made concerning the role of homeless charities regarding upholding the rights of vulnerable people? (HL6132)  
(20/03/18)

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**Answer:** *Charities, and the thousands of people who work for them and volunteer with them, make a real difference to the lives of vulnerable people. Working in close partnership with established and statutory homelessness services, they are part of vital work to provide consistent, high quality support for vulnerable people.*



*We all need to work together to break the homelessness cycle, and we are committed to drawing on as much expertise and experience as we can. We have established a Rough Sleeping Advisory Panel, made up of key representatives from local government, central government and homelessness charities. Together, they provide a depth of expertise on rough sleeping and will work closely with the Rough Sleeping and Homelessness Reduction Taskforce, to develop the strategy to achieve the Government's commitment to halve rough sleeping by 2022.*

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**Criticism:** This answer does not address the rights of vulnerable people.

**Question:** Does the government intend to publish a typical list of foodstuffs and other items that can be purchased for the £35.95 weekly Azure Card? (HL5043)  
(29/01/18)

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**Answer:** *There are no plans to publish such a list.*

*The Azure card is no longer provided to failed asylum seekers supported under section 4(2) of the Immigration and Asylum Act 1999.*

*People receiving this support are instead issued with an “Aspen card”, which they can use to buy food and other essentials to the value of £35.39 per week. The Aspen card is a pre-paid debit card bearing the visa logo and can be used at any retail outlets that accept visa payments.*

*There are no restrictions on the types of food that can be purchased with the card.*

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**Background:** *The Aspen Card is a pre-paid debit card that is “chip and pin”. It should make life easier for asylum seekers and be an improvement on old systems. Aspen Card features include, allowing money in the account to be carried over if not needed in one week; can be used for those who used to get cash to draw it anywhere with a cashpoint and not have to travel to a designated post office. It can be used*

*anywhere that has a “VISA” sign at the cash desk so any balance remaining after cash has been withdrawn can be used in any retail outlet where VISA debit cards are accepted.*

*In 2014, I gave the following speech in a debate concerning the Azure Card:*

*“The Azure card and Section 4 support do not allow asylum seekers to meet their basic needs and live in dignity. It creates unnecessary suffering for people who are already in desperate situations. Research found that 85% of the refugee support organisations felt that their clients were left hungry because Section 4 support is insufficient. Ninety per cent of those on Section 4 regularly miss a meal. Ninety-two per cent of the organisations surveyed felt that their clients on Section 4 support were unable to maintain good health. Just as worryingly, the organisations find that the card makes users a target for discrimination: 72% of Azure card users reported having their card refused during the past six months. Seventy per cent of clients have experienced poor treatment from shop staff, and users experience feelings of embarrassment and anxiety when using the card.*

*The reality is that the Azure card had solved none of the problems it was designed to address. As with the voucher system it replaced, the Azure card stigmatises refused asylum seekers and does not provide adequately for their basic living needs. It led to the very people we are trying to protect going hungry, and it was singling them out for discrimination. This system need not exist."*

**Criticism:** The Azure card does not provide a credit facility, but asylum-seekers under Section 4 will not be able to withdraw cash and can only use their card where there is a Visa terminal, which does not include many street markets, charity shops, buses, church collections etc. So, the whilst the Aspen card is an improvement, for those under Section 4 it is still different to others under Section 95. The Aspen card has been criticised as being practically the same as the Azure card, with the government simply rebranding the scheme.

For many years, we have fought hard for this change – one that allows asylum-seekers to be able to buy food and other

essentials without restriction, in any retail outlet that accepts VISA payments.

It should be mentioned that the current cash support given by the Aspen card has increased from £36.95 in 2009 to £37.75 today. All people seeking asylum in the UK should be provided with sufficient support to meet their essential living needs while they remain in the country. To do this, support rates should be increased to at least 70% of the rate of mainstream income support.

What are the arguments for reform?

-Forcing people to live below the poverty line and pushing them to destitution while they fight for safety from persecution is inhumane.

-Low support rates impact negatively on children.

- Raising support rates will not increase asylum applications in the UK.

- Raising support rates will help people seeking asylum fully engage with the legal process. Plus, the cost would be small.

# Children

**Question 1:** Within what period does the government aim to process asylum applications from children in Calais; and what steps they are taking to ensure such applications are processed within that period? (HL8076) (04/06/18)

**Question 2:** What provisions will the government make to ensure that child asylum seekers in Calais who have had their applications successfully processed are brought over to the UK? (HL8077) (04/06/18)

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**Answer:** *Those transferred from France, whether it is under the Dublin III Regulation or section 67 of the Immigration Act 2016, are transferred as quickly as possible, and on arrival to the UK, will immediately enter the asylum system in the UK. Their asylum claim will be processed in line with our published guidance. We are under no*

*obligation to consider asylum claims lodged outside UK territory, and we do not transfer those granted refugee status in another Member State to the UK.*

*The Home Office currently has a service standard to make a decision on straight forward asylum claims within 6 months of the date of claim. The Home Office has clear internal guidance on the management of asylum claims and the factors that can lead to a case being designated as 'non-straight forward'.*

*These cases are proactively managed to ensure barriers are cleared and decisions are made as soon as possible. Where a case is designated as 'non-straight forward' the claimant will be informed of the delay to the decision.*

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**Criticism:** Few asylum claims are 'straight forward', and so a waiting time of over 6 months for these cases is simply too long to wait. Furthermore, does the government acknowledge that by not transferring vulnerable children granted asylum to the UK, a dangerous and illegal trade in human trafficking threatens to emerge?

**Question:** What measures do the government intend to put in place better to track displaced children across Europe? (HL4847)  
(24/01/18)

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**Answer:** *Unless they are on UK territory, migrant children remain the responsibility and under the jurisdiction of the European Member State in which they are present.*

*The Government notes the European Commission's proposal from 2016 on a new Eurodac Regulation. Eurodac is the EU fingerprint database of asylum seekers and certain illegal migrants. This is entirely subject to negotiations, but it is interesting to see the Commission's proposal to reduce the age of stored fingerprints for children from 14 years, to six years of age. As noted in the Government's Explanatory Memorandum in 2016 on this proposal, we welcome this proposed change as it may help improve monitoring migrant children on the move.*

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**Criticism:** Don't we have the moral obligation, regardless of which territory migrant children are in, to ensure that across Europe displaced children remain safe and accounted for?

**Question:** What assessment have the government made regarding the sufficiency of the legal aid budget for legal representation for unaccompanied asylum-seeking children? (HL5142)  
(06/02/18)

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**Answer:** *The Government is committed to the protection of vulnerable children, especially in cases where children lack adequate parental support.*

*Legal aid remains available for unaccompanied asylum-seeking children for both legal help with interviews and legal representation during the asylum appeals process, subject to a means and*

*merits assessment. The majority of unaccompanied refugee children applying for permission to remain in the UK will be seeking asylum, and legal aid will therefore be available.*

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**Criticism:** This answer does not tell us what assessment the government has made or is planning to make regarding the sufficiency of the legal aid budget for unaccompanied asylum-seeking children. It simply outlines a commitment to providing aid and describes what aid is available.

# Right to Work

**Question:** Does the government plan to extend the right of asylum-seekers to work beyond the jobs listed in the Shortage Occupation list? (HL1908)  
(24/10/17)

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**Answer:** *We have no plans to extend asylum seekers' right to work beyond the jobs listed in the Shortage Occupation List for those whose claim has been outstanding for at least 12 months through no fault of their own. This policy is designed to prioritise access to employment for British Citizens and those lawfully resident here, including refugees.*

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**Criticism:** In the fourth Sanctuary in Parliament Event, 'Dignity not Destitution', it was highlighted that the primary policy priority should be:

"That permission to work is granted to any person seeking asylum that has been waiting for longer than six months – the Home Office's standard target for asylum decisions – and that permission should no longer be restricted to jobs on the Government's Shortage Occupation List.

Currently, more than 10,000 people seeking asylum whose claims are over six months old are struggling on asylum support payments of little more than £5 per day. This forced inactivity is detrimental to individual's self-esteem and mental health, increases the difficulty of integration for those who are eventually permitted to stay, and places an entirely unnecessary cost on the public purse.

The EU Reception Directive, which the UK has opted out of, places an obligation on member states to provide access to the labour market no later than 9 months from the date of the initial application to asylum seekers. Eleven EU countries not only abide by this but have gone further by

allowing asylum seekers to work after six months or less from making their asylum application.

The proposed change would help to avoid the negative impact on people seeking sanctuary to a prolonged impoverishment, allow them to contribute to the economy and would bring the UK into line with the approaches taken across Europe.

# The battle continues...

It's 2018, yet still the UK government operates with the same contempt towards those fleeing war and persecution and who seek refuge in the UK.

Just take the practice of indefinite detention. A publication released on March 1<sup>st</sup>, 2016 by the Chief Inspector of Prisons delved further into this abhorrent phenomenon. After conducting an unannounced inspection of Harmondsworth, a Heathrow Immigration Removal Centre (Europe's largest centre), many of the 661 detainees were found to have been held for an unreasonably long time. One person was held for five years, and 18 others for over one year.

These are not isolated incidents, and clearly UK immigration and settlement policy is just not fit for purpose.

Efforts to rectify this situation could have achieved great results. The government could have provided the right to work after six months instead of after 12 months, or, it could have promised an end to the deportation of 18-year-olds who may have come to the UK as unaccompanied children. But it did neither of these things. This is a system built upon prejudice, heartlessness and fear. Over the past year, around 225 deportations of young people have been carried out, and in more than half of them there was violence in the deportation process due to the person being panicked and afraid.

**To address the issue of vulnerable children, I am in the process of introducing the Unaccompanied Asylum Seeking Children (legal Advice and Appeals) Bill.**

Thank you for reading this booklet, and let's strive to continue holding this heartless government to account.