



## Problems for People Seeking Asylum Our Response

The legal and welfare provisions which apply to people seeking asylum in Britain are complex. They are also evolving rapidly as government seeks to improve the quality and speed of decisions.

The difficulties which our clients experience in coming to terms with these provisions are heightened by cultural differences.

### Law

It is estimated that around 600 destitute people seeking asylum whose application has been refused are living in the Tees Valley today. Contact with most is intermittent or lacking.

While absconding from the asylum system can never be condoned, such disappearances are inevitable under a process which operates as inflexibly and insensitively as the current UK provision. The immediate triggers are:

First, the withdrawal of shelter and allowances. This impels people seeking asylum to fend for themselves.

Second, the continuing fear of persecution if forcible repatriation occurs. Though this fear will not have been demonstrated to the standard of proof required by the law, it will still remain undiminished in the mind of the applicant.

There are also longer term reasons why people seeking asylum withdraw from the system:

With his or her Legal Aid allocation already exhausted at an early point in the appeal process, a person seeking asylum simply lacks the resources to collect the documentary evidence on which a successful appeal will depend. People seeking asylum often have good reason to assert that the system has abandoned them, not they the system.

In the eyes of many people - applicants and officials alike - a rejected appeal marks the end of the road for the asylum application and the start of truancy. In reality, however, the position is far from clear. Relatively few attempts have been made to re-open the process by means of new applications, judicial review or statutory review since people seeking asylum lack the funds to pursue their claims further. However, two examples where leave for new applications has been granted are provided in the case histories quoted in this brochure.

## Welfare and Cultural problems

It is against this background that Justice First has declared a primary objective on the legal front of encouraging applicants to stay connected, or to re-connect, with the system. For individual people seeking asylum we can then:

Assist with the collation of medical, personal and other evidence which will advance their legal case.

Recommend dependable solicitors when professional advice is needed, while undertaking basic research ourselves to reduce the speed at which Legal Aid allocations are eroded.

Where practicable, help individuals to pursue their claims beyond the appeal stage, especially where new evidence has emerged or where there is good reason to question an appeal tribunal's conclusion.

At the same time, on the humanitarian level, some asylum seekers will need practical help with the business of life together with dependable advice and a sympathetic friend with whom to share their worries. And of course, if they are required to return to their country of origin, they may need help in obtaining the necessary funds to do so.

On wider asylum issues, Justice First intends to play its full part in recommending improvements in the asylum system to legislators and to ministers. While we fully understand the need for prompt responses to applications, we believe that relatively modest adjustments to the Legal Aid, welfare and procedural provisions can do much to reduce the harshness with which the system currently operates. The same adjustment will, in our view, reduce the incidence of absconding significantly.

On these wider issues we will work in collaboration with voluntary and community sector groups, faith groups, and local and national government agencies to propose changes to the system and to develop models of good practice for those who work within the existing system today.

At the point where accommodation and support are withdrawn most people seeking asylum are destitute. That indeed is the logic of the existing system, if strictly observed, since wages cannot legally be earned.

Women are more vulnerable than men, especially mothers with children. However, every British citizen has seen sufficient poverty on our streets to recognise that men are not immune from a decline into destitution.

In a small number of cases 'Section 4 Support' is provided by the National Asylum Support Service, (NASS). This normally takes the form of full-board accommodation with no cash payments. It can be claimed by people seeking asylum whose application has been refused and who can demonstrate their eligibility under tightly defined rules, including ill health, pregnancy or the lack of a safe return route.

Many others live a life of evasion, typically sleeping in empty buildings and depending for food on compatriots within the migrant community.

Others again are cared for by charities, churches and community organisations which have stepped into the void to provide basic accommodation, food, and welfare and to restore some degree of human dignity to bewildered and unhappy people. The numbers touched by these measures are still relatively small - between 50 and 100 people seeking asylum in Teesside at present.

Justice First does not seek to replicate or compete with existing humanitarian projects which our members already support. Our intention is to encourage our clients to use these facilities to the full by advising them how, where and when such facilities may be found. We will therefore help our clients to connect with:

Free health care for our asylum seeker clients. These will be provided by medical practitioners sympathetic to our work.

Accommodation, wherever practicable, through the good will of Justice First's supporters.

Food, clothing and money provided from collections made by other charities.

Other forms of humanitarian help which may be available from time to time from church groups and other voluntary agencies. These may include modest contributions of food, clothing and money; cultural facilities, laundry and kitchen facilities and the companionship of local befrienders.