Submission to the Independent Asylum Commission

Positive Action for Refugees and Asylum Seekers

October 2007
1 Positive Action for Refugees and Asylum Seekers (PAFRAS)

1.1 PAFRAS is an independent organisation initially set up in 2003 as Positive Action for Refugees (PAR). It is based in the Harehills area of Leeds. By working directly with asylum seekers and refugees it has consistently adapted to best meet and respond to the needs of some of the most marginalised people in society. Consequently, recognising the growing severity of destitution policies, in 2005 PAFRAS opened a ‘drop-in’ providing food parcels, hot meals, clothes, and toiletries. Simultaneously experienced case workers offer one-to-one support and give free information and assistance; primarily to destitute asylum seekers. PAFRAS works to promote social justice through a combination of direct assistance, individual case work, and research based interventions and analysis.
2 Executive Summary

2.1.1 Rendering people destitute has become an integral feature of 21st Century British asylum policy. Withdrawing support from people whose claim has been rejected is justified, in political rhetoric, by their very presence. The submission that follows focuses on this policy – or indeed set of interconnected policies – of enforcing destitution and places it within a wider analysis of the British asylum system. It draws from the work of PAFRAS work as a front-line organisation working primarily both for, and with destitute asylum seekers; and all cases that are referred to stem from the experiences of PAFRAS ‘service-users’ unless otherwise stated. Many are cases that PAFRAS case workers have worked on.

2.1.2 Focusing primarily on destitution, the submission consequently falls into the Independent Asylum Commission category of Material Support and Accommodation for Asylum Seekers. However, it is important to recognise that destitution is not isolated from the asylum ‘system’ more broadly, and beyond that policy making in a wider context. Failing to do so would underpin analyses of destitution which were divorced from political frameworks.

2.1.3 The submission that follows consequently considers destitution as only one interrelated part of the asylum system. In doing so, attention is drawn to other areas and for the sake of clarity separate sub-headings are provided. It begins by focusing on the political context in which destitution occurs and, we propose, is engendered. We suggest that destitution is being utilised as a political tool which on the one hand aims to force people to leave the country, and on the other fits within a wider rationale of deterring entry. There are an increasing number of people being rendered destitute, and in different contexts. As we go on to discuss, exploring this behoves parallels with 19th Century Poor Laws.

2.1.4 Attention next turns to the physical and psychological harm that policies of destitution are inflicting. Drawing extensively from the experiences of PAFRAS ‘service-users’, we attempt to depict the sheer human destruction that is being imposed on those who are forced into destitution. In some ways, this is an impossible task. Yet PAFRAS case workers see first hand, on a regular basis, the impact of such policies and witness, to an extent, the level of damage that is caused.

2.1.5 One of the less noticeable effects of destitution policies is that they underpin (along with the asylum system more generally) the consolidation of a hidden market in goods, services, and potentially people. As well undocumented labour, we discuss increasing trends that we are witnessing whereby individuals are being forced to trade what few items they may be able to procure for temporary food and shelter. We have grave concerns that, for some people, when they have nothing left to ‘trade’ they may be forced to trade their bodies.

2.1.6 Finally, we set out some key objections that we have to government claims that Section 4 Support acts as a ‘safety-net’ against destitution.
3 The political framework of destitution

3.1.1 Rendering asylum seekers who have come to the ‘end of process’ in their asylum claim is a deliberate act of government policy. It is essential to recognise from the outset that destitution is not a political accident, and to do so, or to gloss over this point would be a disservice to those who are made destitute. Further, despite claims that ‘hard case’ or Section 4 support acts as a form of safety net against destitution, there is a growing body of evidence to suggest that this is not the case.

3.1.2 If we are to accept that destitution is being utilised as a political tool, then it is necessary to explore the context in which this occurs. There can be little doubt that destitution is being utilised as a means in which to force ‘end of process’ asylum seekers to leave the country and a growing body of research has explored this in some detail. What has received less attention, however, is the manner in which destitution is engendered in a broader context of deterrence. As stated above, destitution must be recognised as only one part of a much broader asylum process and it is to a philosophy of deterrence that attention first turns.

3.1.3 The New Labour government has made it explicit that deterrence is an integral part of its asylum policy and the 1998 White Paper – ‘Fairer, Faster and Firmer’ – underpinning the first piece of asylum and immigration that the present government introduced, made clear that deterring ‘abusive asylum seekers’ from entering the country was a primary aim. What this indicated was a clear statement of intent that:

a) people seeking asylum were suspected as potentially wanting to economically better themselves (as if that is a negative trait);

b) as such asylum seekers could be split diametrically into ‘genuine’ and ‘abusive’ categories and;

c) policies would be enacted with the specific intent of deterring the latter from entering the country by making conditions for them particularly difficult on arrival.

These deterrent policies were – and continue to be – justified on the basis that if a person is assumed to be entering the country with the aim of accessing economic and welfare services, then withdrawing these will consequently deter entry. Further, despite research for the Home Office which suggests that knowledge of what benefits are available have little effect on the decision making of asylum seekers, these sanctions have increased. Deterrence measures have also extended beyond the withdrawal of welfare provision and it is of paramount importance to acknowledge that this has involved using criminal laws to deter people, and extending the implementation of ‘pre-entry controls’. PAFRAS urges that policies of destitution be recognised in a wider context of deterrence.

3.1.4 Second, as has been acknowledged elsewhere destitution is being used in an attempt to force ‘refused’ asylum seekers to leave the country. This has been incorporated into British asylum policy in a number of ways – not least
through the removal of the right to work in 2002.\(^9\) It is worth emphasising that the brevity of institutionalising destitution is so severe that the New Labour government has been challenged legally. For example, Section 55 of the Nationality, Immigration and Asylum Act 2002 – which ruled that anyone who did not claim for asylum immediately upon arriving the country could be denied access to any support – was challenged in 2003 by the High Court on the basis that it left people with a choice of ‘persecution…or destitution’.\(^{10}\) The latest Quarterly Asylum Statistics nevertheless indicate that in the period April-June 2007 98 people were left without support because they did not claim asylum as soon as ‘reasonably practical after arrival’.\(^{11}\)

3.1.5 Primarily, but by no means the only way through which asylum seekers are rendered destitute is by the withdrawal of Section 95 (NASS) support if their claim is rejected. For families this can be compounded through Section 9 of the Asylum and Immigration Act 2004, which enables local authorities to take children into care whilst their parents are made destitute. Whilst there are no substantiated figures for the numbers of destitute people in this context, it is estimated that there are 280,000 people in this situation across the UK.\(^{12}\) There are further a number of people who claimed asylum from countries which have now joined the EU, and are being left destitute.

3.1.6 Whilst the majority of people who are being made destitute are those who have had their claims rejected, it is essential to place these cases in the wider context of that discussed above. Moreover, dramatic cuts in legal funding have created a framework in which asylum seekers are frequently inadequately represented (if at all) and, as such, are being denied legal justice.

3.1.7 In 2004, through new contract specification, devolved powers to self-authorise legal aid were curtailed; and funding for attendance and representation at Home Office interviews was withdrawn (among other ‘reforms’). As a result many asylum seekers were, and are, ‘unable to access legal representation’.\(^{13}\) This was followed in 2005 by the introduction of a single tier appeals process that altered the way in which legal aid was implemented for asylum cases. Retrospective funding has ensured that lawyers have to assess the likelihood of whether an appeal will ‘succeed’ on the basis of merits test. And if the prospects of this are unlikely then assistance is frequently denied and asylum seekers increasingly have to represent themselves.\(^{14}\) Moreover, the introduction of a New Asylum Model (NAM) – which began implementation in 2005 – has consolidated an asylum model which aims specifically to engender ‘integration or removal’.\(^{15}\) Such moves require reading in the context of what Sivanandan has called ‘enforced assimilation’.\(^{16}\) Through the NAM, cases are segmented at the first instance by case workers – not lawyers – into categories which play a fundamental part in determining whether a claim will be successful or not. In doing so, such case workers have become gatekeepers of ‘justice’; making elementary decision on peoples lives whilst at the same time working to an agenda which specifically seeks to process cases as fast as possible.

3.1.8 Within Leeds, PAFRAS has seen a dramatic increase in visits to our twice-weekly drop-in since opening, and in particular a sharp increase in visits per
month in 2007 (see Appendix 1). Whilst it is not suggested here that Leeds can be taken as an indicator of destitution across the whole country, our own figures suggest unequivocally that the number of people being made destitute is rapidly rising. In 2007, so far, PAFRAS has had over 3,000 visits from ‘service-users’. As Appendix 1 shows, almost all of these people were given free hot meals and many needed to take food parcels. The clothes referred to are often blankets and sleeping bags. PAFRAS has been quite literally sustaining some people, in this way, since opening.

3.1.9 As there are no substantiated figures on the number of destitute ‘refused’ asylum seekers, it is difficult to assess the numbers of, for example, older people or children. The majority of PAFRAS ‘service users’ are males between the ages of 20-40. However, we have also seen elderly people destitute and families with young children coming to PAFRAS. One elderly female who regularly comes to PAFRAS recently told us ‘for 5 years I have been homeless. Nobody asks me if I am ok. Nobody knows where I am living. Nobody knows if I am living’.

3.1.10 Due to escalating levels of destitution charities (not specifically PAFRAS) and NGOs ‘have little choice but to plug the gaping holes in state provision’. Within Leeds, PAFRAS is barely keeping certain people alive and as one service user - who has been destitute for six years – has bluntly stated ‘[w]ithout PAFRAS I would already be dead’. The repercussions of this for those who are rendered destitute are of paramount concern and will be discussed below in Section 4 of this submission. It is also worth mentioning however that charities simply do not have either the human or economic resources to indefinitely sustain such work. PAFRAS, for example, relies entirely on donations for the food, toiletries and clothing that is given out and without this hundreds of people could go without food or clothing. To use just one example, one person who regularly comes to PAFRAS for food found himself in a position where he could not attend the twice weekly drop-in for a short period and, consequently, collapsed into a diabetic coma.

3.1.11 It has been suggested elsewhere that the numbers of destitute people across the UK shows from one perspective that policies which enforce destitution do not ‘work’. In many cases they do not force people to return to their country of origin and, as such, indicate that even destitution is preferable to the conditions from which people have fled. Moreover, by forcing people ‘underground’ people are more likely to lose contact with asylum ‘system’. We wish to add to this point though and raise a more normative question than whether such policies ‘work’ in the terms articulated by those who implement them. First, such policies raise fundamental moral questions about life in present day Britain. As PAFRAS Manager Christine Majid has stated these policies represent a pernicious policy of deterrence reminiscent of ‘the days of the 19th century Poor Laws. Except then there was a workhouse where you could get a bowl of soup…’.
Politicians can argue about statistics all they like; but the cruelty of condemning people to hunger and homelessness in this way should be inconceivable…

3.1.12 Second, in some cases such policies do actually ‘work’ in that they force certain people to return to their country of origin even though they may await violence, torture, or even death. PAFRAS is aware of numerous cases where people have taken up offers of Section 4 support on the basis of the ‘voluntary assisted return and reintegration programme’ (VARRP) purely because the horrors of destitution became too much to cope with. Again, this raises questions which should not be confined to mere policy evaluation on the terms of whether such policies ‘work’ or not.

4. Psychological costs of destitution

4.1.1 Rendered destitute, increasing numbers of refused asylum seekers are being forced to live below that of an underclass. They are denied access to the world around them and exist beyond even the margins of society. ‘Failed’ asylum seekers are not eligible for statutory services, are debarred from working, have no way in which to obtain financial support (except through the goodwill of others, charities, or by undocumented labour), and are denied access to secondary medical care. Their lives are often transient; involving staying at different places for short periods of time. The majority of destitute asylum seekers that PAFRAS sees have slept outside at some point or another.

4.1.2 Many ‘refused’ destitute asylum seekers live in a form of psychological limbo. They are too afraid to return to their country of origin, but denied access to the provisions of British society. Moreover, this state of existence is marred by uncertainty as to how long this mode of existence will last. Unsurprisingly the psychological ramifications of this are severe. In one month alone in 2006 PAFRAS saw eight suicide attempts and it is clear that, for some, their experiences of the British asylum system quite literally erodes their will to live. As one PAFRAS ‘service user’ explained ‘if they want to send me back to die, they can send me back to die. I have no problem with that anymore. Here I have nothing’. Another individual recently came to PAFRAS after he had visited an NHS team telling them that he was considering ending his life. He had been turned away.

4.1.3 With certain exceptions, suicides of such people are tragically rarely considered newsworthy by the mainstream media and, but for the work of principled campaigners, would often pass by cruelly unnoticed. In a harrowing report, Harmit Athwal of the Institute of Race Relations has documented the deaths of 221 asylum seekers or undocumented migrants in the last 17 years and, as she states, ‘[s]ince 1989, there have been 71 suicides of asylum seekers and foreign nationals’. Some, but not all of these deaths were directly related to destitution or the fear of destitution.

4.1.4 Leading from the above, whilst PAFRAS staff are not trained medical professionals, we are aware that many service users are experiencing severe
depression. It is not uncommon for people who come to PAFRAS case workers for assistance to describe their experience as a form of psychological torture. Many are under intense emotional pressure due to the experiences in their country of origin from which they have fled and this is compounded by their experiences of destitution. A number of people have noted the cruel irony of fleeing from authorities in one country through fear of torture, only to hide from authorities in this country for fear of being sent back. One individual, for example who has experienced destitution since 2006 explained:

I am always afraid I will be arrested. I never write my name anywhere. If I see a policeman here I panic they will send me back to die. Nobody wants me. Can you imagine how that feels? All my dreams have been shattered.  

4.1.5 In this context, case workers are frequently drawn into an unofficial ‘counselling’ role and, at times, this is at the most fundamental level of reassuring people that their actual existence ‘matters’. By their very nature, policies which foster destitution are dehumanising and degrading – reducing people to objects of derision and a number of PAFRAS service users have described staff as a surrogate ‘family’. This is further linked to the fact that a number of people who come to the PAFRAS drop-in for sustenance and support also volunteer for the project in a number of ways.

4.1.6 There is little doubt, nevertheless, that whilst providing a certain level of emotional and physical support charities, faith based organisations, and the voluntary sector cannot fully counter a policy climate which continues to enforce penury on an increasing number of people. The individuals who come to PAFRAS do not want sympathy, nor do they want charity, but instead they want some form of access to justice. Indeed, it is ironic that whilst the New Labour government speaks a mantra of ‘no rights without responsibilities’ on the one hand, on the other policies are put in place which ensure that destitute asylum seekers have practically neither.

5 Medical Implications

5.1.1 ‘Refused’ asylum seekers are denied access to secondary medical care and are only granted primary care in the most extreme circumstances. It is worth noting however that PAFRAS is aware of numerous cases where people with severe medical problems – in desperate need of primary care – have nevertheless been refused treatment. These include a person with tuberculosis and an individual with gangrene caused by a shotgun wound. It is also worth noting that the government are in any case considering charging ‘refused’ asylum seekers for primary health care and, in doing so condemning a group of people to a life where they are denied ‘the chance to identify serious and sometimes life-threatening conditions which need immediate treatment’. One destitute woman has explained that she was personally visited by a debt recovery agency because she could not afford medical costs for treatment for herself and her newborn baby.
5.1.2 Reducing medical provisions for ‘refused’ asylum seekers has resulted in a climate where a section of the population is forced to live with unmet medical needs. Moreover, if not directly caused by, these needs are frequently compounded by destitution. Sleeping outside can lead to numerous illnesses and as Kirsten Foster, a community dietician who advises PAFRAS has explained:

Inadequate food intake causes low energy levels, weakness and sleep disturbance, and a depressed immune system leading to increased illness as well as long term physical damage and mental impairment – including decreased concentration, depression, anxiety, personality changes and social withdrawal.33

One PAFRAS service user suffered for months with acute dental pain until funds were raised for him to visit a dentist. The same person was passing blood in his faeces and his pain was so intense that PAFRAS paid for treatment through donations. We have also seen people with pneumonia and hyperthermia consolidated through rough sleeping in winter months; diabetes, heart problems, gastric problems and duodenal ulcers.

5.1.3 Alongside these growing concerns, the climate of fear in which destitute asylum seekers are forced to exist means that, in some cases, urgent medical needs are not reported and go untreated. One man who attended PAFRAS was bleeding from numerous wounds on his head, shoulder, and back where he had been racially attacked and stabbed. However, he was afraid to go to hospital for fear that nurses or doctors would contact the police to report it as a crime.

6 A hidden economy

6.1.1 Enforcing levels of severe poverty has, in turn, underpinned the consolidation of, hidden, undocumented, and exploitative markets. Working ‘without papers’ is the only viable option for many people who have no capital, nor the (legal) means to obtain this through employment. This comes with its own dangers. Undocumented labour is often both dangerous and unprotected. Moreover, it is often fatal. Due to the secretive nature of such employment, information showing the gravity of this danger is sparse and, in particular, there is little research showing the dangers to destitute asylum seekers forced into undocumented work. Nevertheless, reporting on fatalities of undocumented workers more generally does offer insight into dangerous conditions. Due to the sheer number of fatalities the widely publicised death of 23 ‘cockle pickers’ at Morecambe Bay in 2004 brought into focus the squalid conditions and poverty wages in which undocumented people are forced to work. In some industries, wages can be as low as 11p an hour according to Labour MP Jim Sheridan.34 However, this example is one among a much larger – and increasing – number and, as researchers Steve Tombs and Dave Whyte have noted such fatalities require consideration in the context of an increasingly deregulated employment market, and in turn raise a wider set of economic questions regarding the extent to which UK economic success in key sectors is underpinned by a highly exploited migrant labour-force.35
6.1.2 Exploitation in the labour market, however, is only one aspect of what could perhaps be described as a ‘parallel Britain’ in which destitute asylum seekers are forced to exist. Increasingly, we are becoming aware of examples where destitute asylum seekers are being forced to trade what little possessions and items they are able to obtain in order to secure short term shelter. For instance, PAFRAS staff recently gave a destitute woman with 5 children a second-hand mobile phone so she could contact us if necessary. However, she was soon after forced to use it as ‘rent’ for accommodation for her and her children. Similarly, food parcels and toiletries are increasingly being demanded from those who may accommodate people for a night.

6.1.3 Rendering people destitute consequently enforces vulnerability and places people in a position where they are less able to withstand such demands as that above. Moreover, such exploitation is underpinning a ‘market’ of ‘services’ which, potentially, encompasses an increasing fabric of the lives of destitute asylum seekers. Research for The Joseph Rowntree Charitable Trust, for example, earlier this year noted one woman who was forced into doing household chores in exchange for shelter.36 We have grave concerns that the demands made on people in such contexts are underpinning a modern day incarnation of a form of slavery through which people can be forced to act against their will in return for accommodation.

7 Safeguarding against destitution?

7.1.1 Whilst implementing policies which enforce destitution, the New Labour government have introduced ‘Section 4’ support through provisions in the Immigration and Asylum Act 1999. Section 4 (‘hard case’) support is available, in rhetoric, for destitute asylum seekers who cannot be returned to their country of origin for reasons outside of their control.37 A large body of work has subjected Section 4 support to considerable critique, and we do not wish to reiterate these criticisms in full here.38 However, a number of integral concerns require mentioning in the context of this submission.

7.1.2 First, Section 4 support entitles the recipient to £35 per week in food vouchers which can only be used in particular outlets. As these vouchers are not ‘real’ money they cannot be used, for example, to pay for public transport and as such people – including women over seven months pregnant and those deemed too ill to be returned to their country of origin – can be forced to walk for miles in order to spend their vouchers. We are aware, for example, of one man with polio who has to regularly walk around five miles in order to use his vouchers. Notwithstanding such logistical problems, certain outlets which have secured Section 4 contracts will not give change for the vouchers and ensure that the full £35 has to be spent in one visit. Whilst others will only exchange the vouchers for food and not allow the purchase of essential items such as nappies, milk for babies, toiletries, and sanitary items. In any case, the monetary value of Section 4 vouchers is described by many recipients as insufficient to purchase enough food each week and, as we have stated elsewhere:
A combination of such factors has resulted, not surprisingly, in a market of vouchers whereby they are ‘sold’ for cash. This is rarely an equal exchange, however, and £35 worth of vouchers seldom trades for £35 in ‘real’ money.\(^\text{39}\)

Moreover, on more than one occasion we have been asked by individuals receiving Section 4 support to contact their housing providers as vouchers have either not been delivered or not been available when people tried to pick them up.

7.1.3 Second, the standard of Section 4 accommodation is kept purposely ‘basic’, according to government ministers, in order to ‘convey the concept of return’.\(^\text{40}\) Section 4 accommodation has been contracted out in a public/private market which operates on a ‘no-choice’ basis and as such many individuals are too afraid to complain about the standards of their housing. PAFRAS is aware of many examples of squalid housing in which people have been forced to reside, and which are sometimes in areas known for racist violence. One woman who was 7 months pregnant was given a room which had no bed. In another case a man was put in accommodation which was infested with insects and he suffered bites to the extent that they drew blood.\(^\text{31}\) For women who have recently given birth these implications are particularly severe and one woman who had been destitute for months gave birth to a child that was malnourished, and weighed little over 4lb. In another example, a woman with a newly born baby was housed in accommodation which was dilapidated, moulding, and damp; with inadequate cooking equipment and practically no furniture. Nevertheless, she was made to leave hospital only days after giving birth and has been left to raise the child with no support from a midwife and little support from a health worker.

7.1.4 Third, even when taking into account the extremely stringent criteria of eligibility for Section 4 support certain people who should be able to access this support are refused. PAFRAS is aware of a woman with terminal cancer, for example, who was refused support because even when recognising the seriousness of the illness she was assessed as being well enough to be returned to her country of origin.\(^\text{42}\) As such, in rejecting her support she was simultaneously condemned to a destitute existence whilst terminally ill. Moreover, even where Section 4 support is offered the time between granting and actually receiving the support can be, and often is, up to two months.

7.1.5 As discussed in paragraph 3.1.12, where Section 4 support is offered this is often on the basis of the VARRP programme. We have grave concerns about whether such voluntary returns are actually ‘voluntary’ or, in certain contexts, coerced. For example, we have heard anecdotal accounts of people being forced to sign up for VARRP whilst held in detention. More generally, however, VARRP is only likely to be taken up where an asylum seeker has had their claim rejected and the person in question is destitute. As such, the extent to which voluntary returns are actually ‘voluntarily’ are, at best, questionable. One man who recently signed up for VARRP told PAFRAS:

\[
I\text{ had turned to begging but sometimes I was too ashamed to beg. I used to hide from people sometimes as I was that ashamed. I was sleeping in [Leeds]}
\]
train station. Because of the stress I was under I signed [VARRP] to go home in the end. I was starving, cold, nothing. I could not take it anymore. I will be killed when I go back though. I know that. I have signed my own death warrant.43

If he is killed, no one will be accountable. As part of his VARRP application he, along with all other people who agree to VARRP, has signed a disclaimer which states:

I, (full name) ______________ being a citizen of ____________ and desiring to return peacefully and voluntarily to my country of origin, hereby declare that after due consideration and entirely of my own free will, I wish to be assisted by IOM to return to __________________.

8 Recommendations

8.1.1 Based on the above, the following contains a series of recommendations which focus predominantly on the Independent Asylum Commission category of Material Support and Accommodation for Asylum Seekers. It is essential that destitution is understood as one aspect of a much broader asylum system. However, the recommendations do place particular onus upon issues which relate to the category in which this submission broadly falls. As such, certain recommendations which PAFRAS recommends regarding the asylum process are not included here.

8.1.2 PAFRAS urges that destitution is considered not as an isolate, but in the context of the asylum system more broadly. This is of paramount importance for if analyses of destitution are depoliticised and taken out of their wider contexts, then so to will solutions based on these analyses. Leading from the above, we suggest that solutions which focus solely on relieving destitution are treated with caution. There is a growing – and no doubt important – movement based on aiming to end destitution by giving asylum seekers access to support when their claim has been rejected, or the right to take up employment throughout their asylum claim.45 We agree wholeheartedly that allowing asylum seekers the right to take up employment is essential, and it is important to recognise that those seeking asylum have a wide range of skills and abilities. Alone, however, such a policy reform would not necessarily underpin a shift toward the semblance of justice that people seeking asylum both desire, and deserve. As one destitute ‘rejected’ asylum seeker – who was not adequately legally represented – told us:

If I go back home then I will have needles put under my fingernails. I will have my teeth removed. Giving me a job now whilst I’m here would be nice, but it won’t stop that. What I want is a lawyer. I want to have my claim heard properly in a court.46

As the individual made clear relieving the hardships of destitution would be vital. However, such a concern should not take attention away from the fact that he was not represented adequately in his claim. It is worth noting that in 2004 19% of people who were initially refused in their asylum claim went on
to win their case at appeal.\textsuperscript{47} In each of those cases it is fair to assume that were it not for their appeals, the individuals in question would have been returned to either torture or death. Recommendations which aim solely to relieve destitution through support or employment will not counter this.

8.1.3 Leading from the above, whilst we support the right to take up employment at all stages of the asylum process, radical legal reform must take at least equal priority. Decisions regarding people’s cases should be taken out of the hands of case workers and given to lawyers. We consequently urge that adequate legal representation is granted as a right to asylum seekers both in their initial claim, and appeals thereafter. This would involve, at the very least, ensuring that funding is provided for asylum claims regardless of whether or not a case has already been decided as having a realistic chance of success. If a claim for asylum is initially rejected then an appeal can be lodged (within 5 days) of receipt of the decision if there has been an error of law. It is morally unacceptable that asylum seekers are frequently having to try and identify errors of law themselves and in many cases represent themselves at their appeals (if an appeal is accepted).

8.1.4 In the same context, we recommend that where asylum cases fail through errors of law, or through the processes of ‘justice’ (such as inadequate legal representation) these be recognised more widely as miscarriages of justice. One way in which to begin this process would be through the establishment of a body similar to the Criminal Cases Review Commission (CCRC) set up to investigate potential miscarriages of justice. Whilst there are concerns over the effectiveness of the CCRC\textsuperscript{48} it is, in rhetoric at least, an independent body capable of looking into alleged miscarriages and taking remedial action.

8.1.5 Access to primary and secondary health care should be available at no cost to all asylum seekers. There are obvious financial implications for this in that many illnesses and ailments which are easily treatable at the time of diagnosis can develop into complex medical concerns if left untreated. In turn, this can lead to the need for surgery or intensive medical support. Aside from financial concerns though, it is abhorrent that an increasing number of destitute asylum seekers are forced to live with reducing access to medical assistance.

8.1.6 Similarly, English as a Second Language (ESOL) classes should be restored at no cost to all asylum seekers at all stages of the asylum process. The high demand for such classes suggests unequivocally that people are taking as many steps as they can to learn English. Yet for political and economic reasons they are being prevented from doing so.\textsuperscript{49}

8.1.7 Finally, we recommend an urgent, independent, investigation into destitution – and the asylum system more generally – underpinned by a focus on institutional racism. The fact that there are an estimated 280,000 people condemned to penury; that people are inadequately represented legally in cases which literally are matters of ‘life or death’; and that people are being forcibly returned to torture or worse strikes at the very fabric of modern Britain.
Appendix 1

PAFRAS ‘drop-in’ numbers March 2006-August 2007
This is a point that has been reiterated by a number of individuals and representatives from a variety of agencies. Not least at the Independent Asylum Commission ‘Roadshow’ in Manchester, 17 October 2007. See The Independent. (2007) ‘Asylum-seekers are ‘left to starve’ in Britain’, Independent Online, 22 October. http://news.independent.co.uk/uk/this_britain/article3084346.ece

This shall be discussed in more detail in Section 7 of this submission.


Although there is an obligation to support a child, this is not the case for the parents of that child. In one example we are aware of the local authority provides financial support for a young child even though the child’s parents are destitute.


This will be discussed in more detail in Section 7 of this submission.


Interview with PAFRAS, 12 October 2007.


Interview with PAFRAS, 9 October 2007.


Interview with PAFRAS, 12 July 2007.

