



SOUTHWARK DAY CENTRE FOR
ASYLUM SEEKERS



Southwark Refugee and Asylum Seeker Action Plan

2012- 2015



Forum for Equalities and Human Rights in Southwark
facilitated by Southwark Legal Advice Network

1. Executive Summary

This action plan has been developed by a partnership of voluntary and statutory sector agencies in Southwark who provide services for refugees and asylum seekers.

Following a round table discussion during refugee week in June 2011, it was agreed that an action plan be drafted.

The aims of the plan are:

- To raise awareness of the issues facing refugees and asylum seekers
- To map services and identify gaps
- To encourage agencies to improve access to services for refugees and asylum seekers
- To explore how agencies in Southwark can contribute to national policy development around refugee and asylum seeker issues.

A steering group led by Southwark Refugee Project and Southwark Day Centres for Asylum Seekers has developed this plan. Consultation has been carried out with community agencies in the Borough, and focus group meetings held with refugees and asylum seekers. The work has been supported by Southwark Council and by Southwark Forum for Equalities and Human Rights.

Key recommendations

Short Term

- Refugees and asylum seekers have access to all of the information they need to participate fully in their lives in Southwark.
- Staff who work with refugees and asylum seekers communities are informed and sensitive to the needs of these communities.

Medium Term

- Council departments work in partnership with existing refugee service providers to ensure the provision of a qualified service to refugees and asylum seekers.
- Refugees and asylum seekers are able to participate actively in their local Communities.

Long Term

- The long, medium and short term needs of refugees and asylum seekers are recognised and addressed in a corporate level strategy.
- The positive role that refugees and asylum seekers play in our communities is recognised and supported.

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Thank you to the organisations that have participated

2. Status of Refugees and Asylum Seekers; Explanation of Terms

Please also see appendix 1 Glossary of terms

In Britain, there are key differences between the entitlements of refugees who have received a positive decision on their asylum case and of asylum seekers who have not. For accepted refugees Government policy encourages integration into employment as quickly as possible but for asylum seekers support is limited to language, orientation, social and pre-vocational opportunities only, with paid and unpaid work explicitly forbidden in most cases

Asylum Seekers

An asylum seeker is a person exercising their right to seek asylum, and is awaiting a decision by the host nation on their entitlement to protection. This means it is someone who is seeking to be recognised as a refugee. Asylum seekers have no recourse to public funds (NRPF) condition attached to their immigration status in the UK. At no point in the process before a positive asylum decision are asylum seekers able to work. However, asylum seekers are entitled to support through the UKBA. This support covers accommodation, primary and secondary education fees and support, welfare and other principal benefits. Accommodation, however, is in most cases only available in dispersal locations – so some asylum seekers do end up as sofa surfers and sometimes destitute if they have refused to take up this accommodation.

At the end of the asylum process, claims are either accepted – at which point the person becomes a refugee – or rejected, at which point they become a refused asylum seeker

Refugees

A refugee is:

- Someone outside his/her country of origin.
- Someone at genuine risk and in fear of serious harm.
- Someone who can prove that their own government does not want to (or is failing to) protect them from harm.
- Someone who can prove that their fear is linked to their civil, political or social status (i.e. that there is an element of persecution).
- Someone who needs and deserves protection.

Refugees are generally eligible for social housing and benefits on the same basis as UK nationals.

Overstayer

An overstayer is a person who was allowed into the UK for a limited period but who has remained longer than the time allowed without permission from the Home Office or under the immigration rules.

Indefinite leave to remain (ILR)

ILR is a form of immigration status given by the UK Border Agency. Indefinite leave to remain (ILR) is also called 'permanent residence' or 'settled status' as it gives permission to stay in the UK on a permanent basis.

Discretionary leave

Discretionary leave is a form of immigration status granted to a person who the Home Office has decided does not qualify for refugee status or humanitarian protection but where there are other strong reasons why the person needs to stay in the UK temporarily.

Asylum seekers who are destitute may be able to receive

Humanitarian protection (HP)

Humanitarian protection is a form of immigration status. It is granted by the Home Office to a person who it decides has a need for protection but who does not meet the criteria for refugee status accommodation and/or subsistence support from the UK Border Agency (UKBA). This form of support is also referred to as 'UKBA support' if they have additional care needs, due to chronic illness or disability they may also be eligible to support from their local authority.

3. The National Context

Data collection systems for refugees and asylum seekers provide only a very partial picture. The home office is responsible for monitoring the movement of asylum seekers and unaccompanied minors in the UK and produces quarterly statistics on numbers. Those with refugee status are free to move anywhere in the UK and their movements are not monitored.

Official statistics give data on the flows of asylum seekers entering the country who declare themselves principal applicants, but only limited data on the dependants who accompany them.

There is no accurate information on the number of refused asylum seekers in the country at any one time

3.1 Asylum statistics 2011

Applications

	2008	2009	2010	2011
Applications	25,932	24,487	17,916	19,804

% change to previous year	11%	-6%	-27%	+11%
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Applications by nationality:

- In 2011 there was a significant increase in the number of applicants from Libya (721 in the year compared with 90 in 2010). From countries not in the top ten, applications from Syria have also increased significantly (353 in 2011 compared with 127 in 2010) and also from Albania (391 in 2011 compared with 174 in 2010)

Table 3: Top ten asylum applicant producing countries, 2011 (Incl. Dependants)

	2010	2011	% change
Iran	1,866	2,485	+33%
Pakistan	1,416	2,411	+70%
Sri Lanka	1,357	1,758	+30%
Afghanistan	1,596	1,271	-20%
Eritrea	711	810	+14%
China	996	777	-22%
Libya	90	721	+701%
Nigeria	798	714	-11%
Sudan	573	689	+20%
Bangladesh	450	612	+36%

In Q4 2011, 4,073 initial asylum decisions were made, excluding Dependants, a decrease of 17% compared with Q4 2010 (4906). In 2011 as a whole 17,496 initial decisions were made. 68% of initial decisions were refusals, 25% were grants of asylum and 8% were grants of Humanitarian Protection or Discretionary Leave.

28% of initial decisions in Q4 2011 were to grant asylum, compared with 23% in Q4 2010. 7.5% of initial decisions in Q4 2011 were to grant Humanitarian Protection or Discretionary Leave, the same as in Q4 2010 and 65% of initial decisions in Q4 2011 were refusals compared with 72 per cent in Q4 2010.

The countries from which the highest percentages of applicants were given refugee status in 2011 were Eritrea, Sudan, Somalia and Iran, all with recognition rates of 40% or more.

In Q4 2011, a total of 13,661 persons were removed or departed voluntarily from the UK, a 4% decrease from Q4 2010 (14,204).

Of those removed or departing voluntarily in Q4 2011, there were 2,321 persons (including dependants) who had claimed asylum (a 1% increase from Q4 2010) and 11,340 non-asylum cases (a 3% decrease from Q4 2010).

Of those removed or departing voluntarily in Q4 2011 3,653 persons were initially refused entry at port (an 11% decrease from Q4 2010), 5,348 were enforced removals and notified voluntary departures (a 4% increase from Q4 2010), 770 persons left under Assisted Voluntary Return Programmes (a 5% decrease from Q4 2010), and 3,890 were other voluntary departures (a 2% decrease from Q4 2010).

The number of applications from Unaccompanied Children was 26% lower than in 2010. Afghanistan remains the country of origin for the largest number of unaccompanied children (30% of all applications in 2011), but the number of applications from Afghanistan is significantly lower than in 2008 and 2009. The downward trend in total applications since 2008 is continuing. 69% of all applications are from 5 countries. Applications from Albania increased.

An issue highlighted by a Kent University report is that in 2008 70% of asylum claims were refused at first application. That meant a total of 21,300 people were refused at their first application. Only just over 5,000 people were given refugee status at appeal or leave to remain on humanitarian grounds in 2008. Therefore about 15,000 people either went home or disappeared into illegal status and uncertainly and conditions of great personal risk. If that happens every year, then many hundreds of thousands of people who claimed to be refugees are now living “on the edge”.

The government has not released an accurate figure on the number of refused asylum seekers who still live in the UK. In 2009, the London School of Economics estimated there were 500,000 refused asylum seekers in the UK. In 2007, Refugee Action suggested there were 200,000 and the National Audit Office (2005) estimated between 155,000 and 283,500. Refused asylum seekers are entitled to Section 4 support. The British Red Cross found in its recent report *Not gone, but forgotten* (June 2010) that many refused asylum seekers do not submit an application for Section 4 support because they are scared of returning home. This leaves people in a desperate situation, which often results in destitution, of being unable to seek government support or to work legally, yet unable to return to their country of origin.

3.2 The National Policy Framework

The coalition Government stance on migration was outlined in a speech by Damian Green on the 15th September 2011. This largely proposed restrictions on marriages and family reunions. There appears to be a broad absence of coherent discussion about integration in central government although a new Government integration strategy is imminent

Some migrant groups have been badly hit by recession and public sector job cuts. Some groups are disproportionately dependent on public sector employment, which has seen huge cuts in the past year.

Young migrants and the children of migrants are more likely to be NEETs at 18.

Some of the more recent policy features affecting refugees and asylum seekers include:

- Challenges to human rights instruments and discourses. Attempts to reform European Court of Human Rights, so it only deals with matters of principal.
- Changes to Legal Aid such as cuts to the length of time that can be spent on a case, claw backs, and difficulties for voluntary sector agencies managing cash flow issues This has led to the closure already of 2 leading Immigration law providers, Refugee Migrant Justice, and the Immigration Advisory Service. This results in a loss of expertise, difficulty in accessing good quality advice, and more pressure on local advice services. If the proposed further cuts to Legal Aid go ahead most immigration work will go out of scope , probably in 2013
- Threats to Gangmaster Licensing Authority.
- Loss of entitlement to concessionary funding for ESOL classes from September 2011 for migrants who are not on 'job ready' benefits. This has a bigger impact on women. There is some evidence of inflexibility of the Work Programme, and the fact that it isn't tailored to people more recently arrived in the UK
- New NHS charging regulations issued in 2011, alongside changes in Immigration Rules, have been shown to cause confusion about ordinary residence and GPs discretion.

4. Refugees and Asylum Seekers in Southwark

Southwark has been a place of settlement for refugees and asylum seekers for over 400 years. More recent arrivals include people from countries such as Afghanistan, Libya and those in Latin America.

Numbers of Asylum Seekers in Southwark have declined over the last five years, and this is due both to the Home Office's policy of dispersal outside London and an overall decline in the number of people seeking asylum."
(Asylum Seeker Children in Southwark, Version 1)

The 2011 census data is due to be released in June 2012 and is anticipated to include a large number of people from China and Latin American communities but the number of these that are refugees is yet to be confirmed. Some countries, such as Somalia, Colombia, Afghanistan and the Democratic Republic of Congo, continue to experience political turmoil and fighting. Until this situation changes, Southwark is likely to see increases in the size of these communities, as new refugees and asylum seekers join family and friends already resident in the borough. While these new arrivals will have the benefit of established community networks, for the council it means ongoing demand for support and integration services.

Source: Southwark Council Refugee & Asylum Seeker Action Plan June 2006

4.1 Demographics of Asylum Seeker Children and Young People:

Southwark Social Care data tells us that as at July 2009 Southwark was caring for 40 unaccompanied minors aged between 14 and 17 years inclusive. The majority of these unaccompanied minors were aged between 16–17 and there were substantially more males than females in each age group.

Figures published by the London Asylum Seekers Consortium showed that in 2005 Southwark had the 10th highest numbers of Asylum Seeking children out of the 33 London Boroughs, with a rate of 5.5 children per 1,000 (children 0–17 years). Southwark had the 8th highest number but 12th highest rate of unaccompanied children (125, 2.3 children per 1,000).
(*Asylum Seeker Children in Southwark, Version 1*)

In 2006 the unaccompanied minors seeking asylum in Southwark were primarily from Vietnam, Iran, Kosovo and Ethiopia and in terms of gender there were similar numbers of males and females. In recent years the number of children from Asian countries has increased amongst asylum seeking children.

In 2009, the unaccompanied minors in Southwark's care were predominantly from Asian countries (Asian Other accounted for 70% of the cohort) followed by Black African and other ethnic backgrounds (both 10%), and there were also a disproportionate number of males compared to females in each age group.

This is further supported by the information on asylum seeker children who are currently attending Southwark schools, with half of children from either an Asian or Black ethnic background, and where over 3 quarters of the children were male (79%). The data suggests that female asylum seeking children come over at a slightly older age than males and are more likely to be from a Black background. Male asylum seeker children come over at a younger age however male asylum seeker children from an Asian background were more likely to come over in their mid teenage years (15-18 years).” (*Asylum Seeker Children in Southwark, Version 1*)

4.2. Current support services

Within Southwark there are x organisations that involve refugees and asylum seekers in their activities and are members of the Southwark Refugee Communities Forum (SRCF).

SRCF published *ChangingUp Together? The infrastructure support needs of refugee community organisations in Southwark* (April 2006) after consulting with 33 Southwark based Refugee Community Organisations (RCOs). The report documented the developments in service delivery of Southwark RCOs and found that the main types of services delivered were: cultural activities

(73 per cent of groups); adult training and education (61 per cent); and welfare benefits advice (57 per cent).

SRCF also established that Southwark RCOs had shown interest in increasing the provision of health and mental health support – at the time of the consultation only 25 per cent of groups provided health services and just one group (5 per cent) provided mental health services.

Southwark RCOs were found to be committed to delivering a wide range of holistic services and there had been no movement towards the development and delivery of specialist services. There was evidence of limited cross referral to larger member groups and evidence of some service delivery and development being shaped around short-term funding programmes.

Southwark Refugee Communities Forum - supporting the national and local (Southwark's) census campaign.

Case studies showing good practice

Helping refugees and Asylum Seekers to participate: Southwark Refugee Community Forum

SRCF and its members worked tirelessly from August 2010 in, not only, raising census awareness in the community, but also educating them of its significance when securing accurate funding for Southwark from central government and its importance in how the council designs its services. It also made sure that the census key messages were at the forefront of all events, organised and attended by its members.

Working alongside Southwark Council's Census Programme Team and the Office of National Statistics, SRCF members dedicated countless long days and nights in ensuring that the census message resonated in the four corners of the refugee communities.

They organised 15 census awareness and completion workshops. Having members who are fluent in different key languages and being at the heart of the refugee communities, SRCF has proven to be the crucial link in getting them to fill in their census form and assisting residents with issues around language, literacy or disability. At least 600 household census forms were completed at these events.

Partnership working

Southwark CABx and Southwark Day Centre for Asylum Seekers

Blackfriars Advice centre Rights Reach project

Info about weekly outreach

3.3. 2011/12 Community consultation: mapping need

Methodology and sources

3.3.1 Health status, health and social care *To check any data with Southwark PCT*

Only limited data is collected on the use of secondary healthcare by asylum seekers and refugees, and there has been little evaluation of their use of different primary care service models. It is clear that uncertainty and lack of clarity among service providers about asylum seekers' eligibility for secondary healthcare has resulted in concerns about the health of these groups, particularly during pregnancy. Strong evidence does exist to show the difficulties asylum seekers face accessing GP treatment. The consequences of these difficulties can be increased reliance on accident and emergency services and the resulting increased costs and pressure on these.

There are specific concerns around vulnerable groups. For women asylum seekers and refugees there is evidence of poor antenatal care and pregnancy outcomes, and low uptake of preventative healthcare measures concerning breast and cervical cancer. There is little evidence of the commissioning of services for disabled asylum seekers and no clear guidance exists on local authority responsibilities towards asylum seekers with care needs.

Mental health problems including post traumatic stress disorder, depression and anxiety are prevalent among asylum seekers and refugees, and the provision of mental health services for survivors of torture and organised violence is widely regarded as inadequate.

The destitution monitoring work carried out over one month at SDCAS found there to be 122 destitute service users with additional needs, of which 60 were found to be suffering from mental health problems.

Asylum seekers and refugees experience huge levels of trauma and loss after fleeing conflict, political upheaval and persecution. Once in the UK, a number of other major factors contribute to mental distress. These factors were summarised by Mind in its report *A civilised society: mental health provision for refugees and asylum seekers in England and Wales* (November 2009)

The Southwark mental health service that is provided to people who have no access to public funds was evaluated by Jane Williamson of the South London and Maudsley NHS Foundation Trust (September 2009). Four key themes emerged from the research as follows:

Referral/ Access to services

- People with no access to public funds have difficulty accessing mental health services.
- There are problems with the referral and assessment processes.

Knowledge and information

- There are gaps in knowledge and information among service users, refugee and asylum seekers (RAS) workers and Community Mental Health Team (CMHT) staff that lead to frustration and confusion.

Attitudes and values

- The attitudes and values of individual workers are more important than the interventions provided.
- There is a need for a holistic culturally sensitive approach.

Partnership working

- There is a lack of joined up working, although both RAS workers and CMHT staff were keen to work in partnership.
- RAS workers reflected what service users said about feeling excluded and marginalised by mental health services.

There are, of course, still gaps in mental health service provision. These gaps were highlighted by Mind (2009):

A lack of appropriate therapeutic services and psychosocial support services (e.g., befriending or mentoring), to address intermediate mental health needs like depression, anxiety and trauma related psychological distress.

There are few statutory services that specialise in treating those who have experienced torture. The voluntary sector, principally the Medical Foundation for the Victims of Torture, is often relied upon to meet this need. However, many struggle to meet the demand for their services. Also, there are many areas of the country that have no access to this type of specialist service.

The vulnerability and ill health of asylum-seeking and refugee children is an area of particular concern, as are the health needs of older refugees. There are also concerns around the provision of healthcare to asylum seekers in detention with communicable diseases and with HIV/AIDS.

There is a shortage of services for children, young people and families, both in the voluntary and statutory sector. Statutory services such as Child and Adolescent Mental Health Service (CAMHS) are under-resourced and underfunded and in many areas struggle to meet the needs of refugee children.

3.3.2 Education, training and the labour market

The right to education is enshrined in a wide range of international and national conventions and laws. In practice, asylum-seeking and refugee children's right to education in the UK is hindered as a result of dispersal, residential instability, financial difficulties and inadequate support in schools.

Evidence shows that these children can, with suitable measures, overcome the disadvantages they face at school, but initiatives to aid this are patchy and a key ongoing challenge is to identify and collate evidence of good practice

and disseminate this. Access to higher education can be very difficult for asylum seekers due to the demand for overseas fees.

Refugees and asylum seekers face a range of barriers to learning, including problems accessing English for Speakers of Other Languages (ESOL) provision and lack of childcare, information and advice, and college places.

Problems of access are particularly felt by women, older refugees and asylum seekers, those who are carers and those with a disability. English language acquisition is vital in the process of integration and cuts in provision have considerable negative consequences for asylum seekers and refugees. There are low levels of labour market participation among refugees, as well as poor terms and conditions of employment, despite the high proportion of refugees and asylum seekers with prior education, qualifications and work experience. There is evidence of a range of initiatives to help refugee professionals, but barriers to employment are still experienced, particularly around non recognition of qualifications gained outside the UK, lack of technical English language and the expense of registration with professional bodies.

3.3.4 Poverty, destitution and access to accommodation and financial support

Asylum seekers are vulnerable to poverty and destitution (defined as not having adequate accommodation or support for themselves and their dependants for the next 14 days) as a result of a number of factors. These include: the circumstances in which they and their dependants arrive in the UK (often without money or accommodation), the complexity of the rules for entitlement to financial and other support for asylum seekers and those refused asylum, the occurrence of administrative and casework errors, and the fact that the vast majority of asylum seekers do not have permission to work. Evidence indicates that refused asylum seekers are the most disadvantaged group and evidence of destitution appears to run counter to Section 11 of Chapter 42 of the Human Rights Act 1988 and Council Directive 2003/9/EC.

There are many reasons why asylum seekers and refugees become destitute, but refused asylum seekers are at particularly high risk. Two reports, *Not gone, but forgotten* (British Red Cross, June 2010) and *Still destitute* (Joseph Rowntree Charitable Trust, July 2009) exposed the worsening crisis among refused asylum seekers in the UK.

As noted the government does not publish national figures on the exact numbers of refused asylum seekers who are in the UK. Estimates have ranged from a high of 500,000 (London School of Economics, 2009) to a low of 155,000 (National Audit Office, 2005). Considering in March 2010 the Home Office reported that 8,660 refused asylum seekers were in receipt of Section 4 support, this leaves a substantial number of refused asylum seekers, even at the lowest estimate, who are living in the UK without any form of government support and without the right to work legally.

Locally, SDCAS carried out its own destitution monitoring exercise in October 2008. The number of SDCAS day centre service users found to be destitute with additional needs was 122. In comparison, the Joseph Rowntree investigation recorded 273 destitute people in Leeds, 80 per cent were refused asylum seekers; 12 per cent were asylum seekers; 5 per cent were refugees; and 3 per cent had unknown status.

The proportion of refused asylum seekers who had been homeless for a year was a third in the Joseph Rowntree inquiry and 60 per cent of respondents in the British Red Cross study. The Joseph Rowntree report linked destitution to country of origin, as two out of every three homeless asylum seekers came from Iraq, Iran, Eritrea or Zimbabwe – countries where it is difficult to return because of ongoing conflict, violence or human rights abuses.

The three most common reasons for destitution are: long waiting times for decisions on Section 4 support applications; the end of the asylum process following refusal of a claim for Section 4 support; and not applying for Section 4 support in the first place.

Waiting for a decision on the Section application 4 is a worsening cause of destitution – it was the reason for destitution for 19 per cent of individuals in 2006, 27 per cent in 2008 and 33 per cent in 2009. Waiting times can be up to several months.

Though refused asylum seekers are eligible to apply for Section 4 support, they may not be eligible to receive the support. To be eligible, individuals must be destitute and be taking steps to leave the UK, be unable to leave for logistical or health reasons, have an outstanding judicial review or have other outstanding representations.

Many refused asylum seekers do not apply for Section 4 support because they do not meet the eligibility criteria. The British Red Cross note that the fact that refused asylum seekers would rather risk destitution than return to their country of origin shows the magnitude of their fear, and sometimes the lack of knowledge surrounding their available options.

The quality of housing remains problematic and in some instances appears to conflict with the respect for family and home required by Article 8 of the ECHR.

Asylum seekers with care needs are particularly vulnerable to poverty and to falling through the gaps between Home Office and social services support. Other vulnerable groups include single women and those with children. There are concerns about the specific requirements that asylum seekers must meet when lodging a claim in order to be eligible for support. The incompatibility of the Section 55 and 9 provisions with Articles 3 and 8 of the European Convention on Human Rights (ECHR) remains a key concern, as do the conditions that asylum seekers must comply with in order to receive Section 4 support. Complex issues surround the provision of support for

unaccompanied asylum-seeking children, and there are doubts as to whether the UK's responsibilities under domestic legislation and international human rights principles are being fulfilled.

The briefing paper *Destitution amongst refugees and asylum seekers in the UK* (ICAR, May 2006) stated that destitution is exemplified by a number of recurring symptoms, including: a lack of shelter and having to sleep rough, an inability to feed oneself; and a reliance on informal support structures (such as friends or charitable provision) for even basic requirements like food. These, obviously, have a hugely detrimental effect on an individual's well-being. It can result in: physical health problems, mental health problems, social problems, exploitation (including sexual exploitation and forced labour) and can cause further destitution leading to prolonged phases of destitution.

Access to high quality Immigration advice

Community Engagement

Recommendations

Action plan

Monitoring and Review

Appendix 1 Glossary of Terms

Age-disputed child

An age-disputed child is an asylum applicant who's claimed date of birth is not accepted by the UK Border Agency (UKBA) and/or by the local authority who have been approached to provide support. This term is usually used to refer to people who claim to be children, but who are treated as adults by the Home Office and/or the local authority. Whether an individual is treated as an adult or as a child has serious implications for the way in which the person's claim for asylum is treated, and the support received.

Application registration card (ARC)

ARC is a credit card sized document issued to asylum applicants after screening to show that they have applied for asylum. It is also used as evidence of identity, immigration status and entitlements in the UK. It holds identifying information including fingerprints and reporting arrangements in a microchip within the card.

Article 3 (of ECHR)

Article 3 of the European Convention on Human Rights (ECHR) states that 'No one shall be subjected to torture or inhuman or degrading treatment or punishment'. A person can make a claim for protection based directly on Article 3 of ECHR as states are prohibited from returning a person to a country where she/he may suffer a violation of his/her rights under Article 3.

Article 31

Article 31 of the 1951 Refugee Convention prohibits states from penalising a refugee for illegal entry when the purpose of their entry is to claim asylum.

As soon as is reasonably practicable

Section 55 of the Nationality, Immigration and Asylum Act 2002 gives the Home Secretary power to deny support to asylum seekers who have not applied for asylum 'as soon as reasonably practicable'. In December 2003, the Home Secretary provided further clarification by announcing that asylum seekers would be considered to have made their claim 'as soon as reasonably practicable' if they could give 'credible explanation' of how they arrived in the UK within three days of applying for asylum. However, support and accommodation must be provided if the applicant would have to live in inhuman or degrading circumstances otherwise.

Asylum seeker

An asylum seeker is someone who has lodged an application for protection on the basis of the Refugee Convention or Article 3 of the ECHR.

Asylum support

Asylum seekers who are destitute may be able to receive accommodation and/or subsistence support from the UK Border Agency (UKBA). This form of support is also referred to as 'UKBA support', see below. If they have additional care needs, due to chronic illness or disability they may also be eligible to support from their local authority.

Discretionary leave

Discretionary leave is a form of immigration status granted to a person who the Home Office has decided does not qualify for refugee status or humanitarian protection but where there are other strong reasons why the person needs to stay in the UK temporarily.

Dispersal

Dispersal is the process by which the UKBA moves an asylum seeker to accommodation outside London and the South East. They are first moved to initial accommodation while their application for asylum support is processed. Once the application has been processed and approved they are moved to dispersal accommodation elsewhere in the UK.

European Convention on Human Rights (ECHR)

The ECHR is an international legal instrument adopted under the auspices of the Council of Europe. Its provisions are enforceable in UK law courts.

Exceptional leave to remain (ELR)

ELR was a form of immigration status in use before April 2003. It was granted to asylum seekers who the Home Office decided did not meet the definition of a refugee as defined in the Refugee Convention but it decided should be allowed to remain in the UK for other reasons.

Family reunion

Family reunion is the policy enabling people bring their spouse and dependent children join them in the UK.

Fast track procedure

The fast track procedure is used to determine asylum applications from people who the UKBA assesses to be 'suitable'. Applicants in the detained fast track are held at an Immigration Removal Centre and the initial decision on their case and any appeals happen at a faster pace than in the community. A case is considered suitable for the fast track process where it appears to the UKBA that the asylum claim can be decided 'quickly'.

Humanitarian protection (HP)

Humanitarian protection is a form of immigration status. It is granted by the Home Office to a person who it decides has a need for protection but who does not meet the criteria for refugee status.

In-country applicant

An in-country applicant is a person who applies for asylum at the UK Border Agency office in Croydon after passing through immigration control.

Indefinite leave to remain (ILR)

ILR is a form of immigration status given by the UK Border Agency. Indefinite leave to remain (ILR) is also called 'permanent residence' or 'settled status' as it gives permission to stay in the UK on a permanent basis.

NASS 35

A NASS 35 is a UKBA document which states that the holder is no longer entitled to support as they have received a positive decision on their asylum application. It is used to demonstrate that they are eligible for welfare benefits.

National Assistance Act 1948 (NAA)

The National Assistance Act 1948 gives local authorities the responsibility to provide accommodation and services to people with a disability or other care need. It also puts an obligation on local authorities to conduct an assessment of anyone who might require residential care. In practice, the UKBA is responsible for asylum seekers whose need for care and attention arises solely because they are destitute or from the effects of destitution, while local authorities are responsible for asylum seekers whose needs are additional to being destitute.

Naturalisation

Naturalisation is the process of becoming a British national.

Office of the Immigration Services Commissioner

The Commissioner regulates immigration advice in the UK.

Overstayer

An overstayer is a person who was allowed into the UK for a limited period but who has remained longer than the time allowed without permission from the Home Office or under the immigration rules.

Port applicant

A person who applies for asylum to the immigration officer at an airport or seaport when she/he first arrives, i.e. before passing through immigration control.

Refugee

A refugee is 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 to or, owing to such fear, is unwilling to avail himself of the protection of that country...' (Definition quoted from the 1951 Refugee Convention)

Refugee status

Refugee status is awarded to someone the UKBA recognises as a refugee as described in the Refugee Convention.

Removal

Removal is a process whereby immigration officers enforce return from the UK to another country.

Safe country list

A list drawn up by the Home Office of countries where it believes that persecution does not take place. Asylum seekers from these countries are likely to have their asylum application refused and are unlikely to be allowed to stay in the UK for their appeal.

Temporary admission (TA)

Temporary admission is notice of a liability to be detained. It is given to asylum seekers applying for asylum at the port of entry who the UKBA does not put into detention. Those granted temporary admission are issued with an IS96 document.

UK Border Agency (UKBA)

The UK Border Agency (UKBA) is an executive agency of the Home Office. The Agency manages and enforces immigration control in the UK, including applications for permission to stay, citizenship and asylum. It is responsible for policy development in these areas of law.

Unaccompanied children seeking asylum

Unaccompanied children seeking asylum are children who have applied for asylum in their own right, who are outside their country of origin and separated from both parents, or previous/legal customary primary care giver.

Voluntary Assisted Return & Reintegration Programme (VAARP)

Voluntary Assisted Return & Reintegration Programme is a UK scheme to help people return permanently to their home country. The scheme is operated by the International Organization for Migration for the UK Border Agency. See 'International Organization for Migration'.

White list

'White list' was formally abolished in 1999. However, the term continues to be used informally referring to countries whose nationals in general are considered not to be at threat of persecution.