

**SPECIAL AGENDA IV
DIOCESAN SYNOD MOTIONS
JUSTICE AND ASYLUM SEEKERS
A background paper from the Diocese of Southwell and Nottingham**

The last time General Synod debated the issues of asylum was 5 years ago in February 2004 when the synod unanimously voted to call upon Her Majesty's Government to deliver a just and efficient asylum system, ensure no person would be left destitute, reject any negativity towards this vulnerable group and to raise public awareness.¹

The Asylum and Immigration (Treatment of Claimants Act) 2004 and the Immigration, Asylum and Nationality Act 2006 have brought about changes in the law since that date. The Independent Immigration Commission conducted a review of the UK asylum between October 2006 and July 2008. The Commission produced 180 recommendations to safeguard people who seek sanctuary here, while restoring public confidence in the UK's role as a place of sanctuary for those fleeing persecution.²

The Commission highlighted the misconceptions that many hold with regard to the issue of asylum. Our diocesan motion resulted from an individual church's mission and ministry to its parish which discovered how little it knew of the story of asylum. As a result this briefing paper seeks to give helpful background, basic information, alongside personal story.

Who is an Asylum seeker?

An **Asylum seeker**³ is a person who has left their country of origin and formally applied for asylum in another country but *whose application has not yet been decided*. They are not immigrants (legal or illegal), nor economic migrants nor refugees. Under the 1951 Refugee Convention⁴ everybody has the legal right to apply for asylum.

A **Refugee** is someone whose asylum application has been successful and who is allowed to stay in another country having proved they would face persecution back home.

A **refused asylum seeker** is a person whose asylum application has failed and who has no other protection claim awaiting a decision. Some refused asylum seekers voluntarily return home, others are forcibly returned and for some it is not safe or practical for them to return until conditions in their country change.

How many asylum seekers are there in the U.K.?

In 2007 23,430 initial asylum applications were lodged, the lowest number of annual applications since 1993, 25% of the number in 2002⁵. These were the lowest figures for a decade. In 2007 19 out of every 100 people who applied for asylum were recognised as refugees and given asylum. This compares to 30,570 applications granted to people from Bulgaria and Romania registering to work in the UK in the same period. In 2007 12,525 'refused' asylum seekers, excluding dependents, were removed from the UK.

Statistics for 2008 are still being completed but the key findings, up until the end of September 2008, inform us that there were 25,800 applications made during the 12 months to the end of September 2008. In the latter quarter of that year, (hereon known as Q3 2008), only 17% of initial decisions were to grant asylum, 11% were granted Humanitarian Protection or Discretionary Leave, leaving 72% of decisions as refusals. During that same quarter, 25% of appeals against initial refusal were successful. During

the 3 months of Q3 2008 80% of initial applications were from individuals and the other 20% from family groups.

According to Home Office statistics, which include some estimations, the U.K. received the third highest number of applications for asylum, within Europe, in 2007, with only Sweden and France receiving more. However according to the United Nation's figures, only 3% of the world's refugees are hosted by the UK. Most are taken by developing countries, notably Pakistan and Iran, as neighbouring countries to Afghanistan and Iraq.

What support do those seeking asylum receive?

Asylum support is provided from NASS (National Asylum Support Service) with housing and benefits that amount to 70% of regular income support for asylum seekers while they await a decision on their asylum application. This must be applied for by the asylum seeker and can consist of a combination of subsistence and / or accommodation. The total number of those receiving any formal asylum support was 32,170 in Q3 2008, 34% lower than that a year earlier.

In addition there is some provision, under Section 4 of the Immigration and Asylum Act 1999, for those who have been refused asylum but where there are reasons that temporarily prevent them from leaving the U.K. This comprises of accommodation and vouchers. At the end of Q3 2008, 10,220 applicants, excluding dependants, were in receipt of Section 4 support. During the 3 months of Q3 2008, 2,435 decisions to grant Section 4 support were recorded, 65% higher than that of a year earlier.

Asylum seekers do not access council housing. Most accommodation is provided through private rental and housing associations, via NASS. No choice is offered, houses are in areas that are hard to let, single people are expected to share, without regard to gender, religion, country of origin, and people can be moved to other areas with little notice. Registering and regular reporting to an immigration centre is a normal requirement. In addition some asylum seekers have been electronically tagged and restricted to their home for certain periods of time, and the Home Office can detain people, including children, without notice.

This diocesan motion asks the Government to give consideration to three particular issues relating to asylum seekers, whilst recognising that further concerns such as the detention of children are also now coming to public attention:

1. Permission for asylum seekers to work

Manocher's Story ~

Manocher claimed asylum in 2004 and was refused, and has submitted a new claim which is under consideration. His military background in a Muslim country and later conversion to Christianity mean he is afraid to be returned.

'I want to be busy. All the day I am thinking, thinking. Because I am not able to work I feel heavy with worries. It makes me feel sick. I don't want a problem with my brain.'

*He is thankful for a room to live in, warmth and some money (Section 4 support) but he wants to be useful, to pay tax and prove that he is a responsible person. His request for a job permit was turned down. He even said he would be happy to assign his pay to the state. The decision feedback indicated that he had 'come to this country to work'.
'I will not cheat with ID and get work. I don't want to because I respect this country'.*

Until 2002, those seeking asylum were allowed to apply to work 6 months after filing an application for asylum. On July 23rd 2002 this concession was removed by the Government without notice, the reason being given, that applications should be processed within this time. This is not the experience of most asylum seekers. Changing the policy has a major impact on the future integration of those who will subsequently be allowed to stay and who have had to wait more than six months for an initial decision; it particularly affects those with specialist occupations, such as health professionals, who need to keep their skills up to date. More than 1,100 medically qualified refugees are recorded on the British Medical Association's database. The cost of preparing a refugee doctor to work in the UK is £10,000 as opposed to the £250,000 cost of training a doctor from scratch. There are more than 1,500 refugee teachers in England.

John is a refugee from Africa ~

" I fled the war in my home country and came to seek asylum in Britain nearly ten years ago. Back home, I have been teaching Biology at the university for 21 years. My application for asylum took a whole year to be processed. In the mean time, I was not allowed to get into any paid employment. I was living on income support of £4.50 a day. To break up the burden of inactivity, I went out to do voluntary work at a local Oxfam charity shop some days per week while waiting for the decision from the Home Office upon my asylum application....

How did I feel about being jobless in the waiting period and afterwards? Very frustrated and nearly depressed, although the income support provided was and remains most appreciated. Frustrated by feeling so undervalued; depressed by the fact of being turned into a sort of a beggar. Indeed, as physically fit as I was/am, academically highly educated, frustration came from seeing ignored all the skills and experience, unused and wasted when they would have allowed me to look after myself and benefit to the community, especially at a time of acute shortage of teachers across the country. Worse, forced condition of a "beggar" always made me, honestly speaking, feel a deep shame every time I came across a cleaner - in a shop, supermarket, public office - "sweating" to feed her/himself and pay tax to sustain me, who used to be the breadwinner for my family and other large group of people How many asylum seekers out there in similar situation? None knows for sure, but what is certain, they are many with a variety of professional skills and experience, from general workers to medical doctors and university teachers.

On December 11th 2008, a ruling by the High Court opened up the possibility for asylum seekers in the U.K. to be allowed to work, when they said that current laws preventing an Eritrean asylum seeker, Tekle, from taking a job are incompatible with the European Convention on Human Rights. This ruling may be subject to appeal but could lead to an eventual review of current policy.

2. **Amnesty for legacy cases**

In July 2006, the Home Secretary announced that there was an asylum "legacy" of around 450,000 cases, and the Home Office would clear this legacy within 5 years. To deal with these legacy cases, the Home Office have established a separate directorate – the legacy directorate. What is a legacy case? A legacy case is any case where there

has been a claim for asylum, the Home Office records indicate that the case has not been concluded and the case is not being dealt with by the New Asylum Model (NAM)

Patrick's story ~

We were given Indefinite Leave to Remain in the United Kingdom in April 2004 by a court decision in relation to my wife's case. The decision applied to her, plus three dependents - myself and our two children. The Home Office appealed the decision and a pre-hearing date was set for one year later in July 2005, when they withdrew their appeal. Sadly it took one more year for my wife plus three dependents to have their rights to indefinitely remain in the UK recognized in September 2006. During the 2 years and 5 months between the initial decision and its final recognition our third child was born, and so she was counted as the third dependent, while I was left without any NASS support and homeless.

It is only after a long agony that finally in July 2007 the Home Office recognized and granted me my right to indefinitely remain in the UK.

I cannot tell how much I felt that people's right for life and dignity are denied to them, during this longsuffering process. But I thank God for all of you who truly seek justice.

The New Asylum Model was proposed in February 2005 in order to speed up the resolution of asylum applications. In 2007 the Home Office's target was to have 40% of new asylum cases concluded in 6 months and the Border and Immigration Agency is on track to conclude 60% in 6 months by the end of 2008. Under the NAM, if the asylum application is granted, the refugee will only be granted limited leave, initially for five years, after which their case will be reviewed. Those receiving refugee status prior to this are allowed to remain indefinitely.

3. Practical help for destitute asylum seekers

In May 2007 the Archbishops' Council announced that it was joining the Still Human Still Here coalition of church, refugee and asylum organizations, which highlights the plight of tens of thousands of refused asylum seekers in the UK.

The Bishop of Ripon and Leeds, the Rt Revd John Packer, said at the time:

"Refused asylum seekers are forced into abject poverty without permission to work or access to health care and education while they wait either to leave the UK or be granted leave to remain here."

Mary's story ~

A single mother with a young child fails in her claim for asylum. She has no family either in the UK or her home country and is fearful to be returned there. Her only option is to gather further evidence to support a fresh claim. She has nowhere to live and no source of income to pay for food or nappies. The Arimathea Trust was established to offer accommodation to vulnerable women, putting a roof over their heads for 6 months while they submit a fresh claim. 'We are modern day inn keepers providing a place of safety by offering temporary shelter and support.'

This diocesan motion was proposed by Margeurite Howard, someone who gave her life literally to the support of those seeking asylum. She lived in the suburbs of Nottingham, taught English as a second language, and in doing so discovered the stories of those who came to this country to find sanctuary from war, persecution and fear. It led to her working for the Rainbow Project, a programme based at St Stephen with St. Paul's, Hyson Green, which supports and encourages leadership among Black and Asian, works with those of other faiths and fights for issues of racial justice. In more recent years this latter has focussed on the issue of asylum.

It became clear that the stories shared in this paper were only a glimpse into a bigger problem. Like a number of individual Christians, churches and dioceses we have sought to take the injunction of Deuteronomy 10:19 seriously:

"You shall also love the stranger, for you were strangers in the land of Egypt"

The Church Action on Poverty programme 'Living Ghosts' highlighted the plight of destitute asylum seekers. Like many across the country, folk from our diocese engaged in personal identification with them through Lent fasts. The Arimathea Trust was established, with financial support from the Church Urban Fund, housing provided by the diocese, and drawing on the experience of other housing initiatives, such as the Boaz Trust.

Eden's story ~

My asylum claim was refused without me having a chance to tell the Home Office my story, because my solicitor did not do his job. I was evicted from my NASS accommodation and lived in the garage of the house I had been in for some weeks until the landlord insisted on having the building. I stayed in a police cell one night before I was referred to Arimathea through Refugee Action. Living in this house I am preparing a fresh claim with proper legal representation.

On 6 Feb 2008, Liam Byrne, then the Minister of State for Borders and Immigration to the Local Government Association, said:

"We will fail if we do not reform our system so that it is more humane in its nature. So that it is compassionate. So we ensure we honour our traditions of providing humanitarian protection to those who need our help.... And we will be most sensitive to the children in our care and the victims of human trafficking."

This motion seeks to ensure that the Church as well as the Government will not fail in this task.

Bibliography:

Refugee Action website:

<http://www.refugee-action.org.uk>

Refugee Council website:

www.refugeecouncil.org.uk

Home Office Asylum Statistics

<http://www.homeoffice.gov.uk/rds/pdfs08/immig308.pdf>

Footnotes:

1. The full wording of the motion has been paraphrased for want of space!
2. Full archive can be found at www.independentasylumcommission.org.uk
3. Definitions used by the Refugee Council
4. The 1951 UN Convention was created in the aftermath of WW11 in Europe to respond to those people living outside of their country of origin who had a well founded fear of persecution because of their race, religion, political opinion, nationality, or membership of a social group and could not return 'home' for fear of persecution.
5. Source: Home Office, *Control of immigration:statistics*

The Southwell and Nottingham diocesan motion:

'That this Synod, continuing to affirm scriptural teaching about care for the vulnerable, welcome for strangers and foreigners, and the Church's calling to reach out to the marginalized and persecuted, call upon her Majesty's Government:

- (a) **to ensure that the treatment of asylum seekers is just and compassionate, and to that end to consider:**
 - (i) **conferring a right to work on all asylum seekers, and**
 - (ii) **declaring an amnesty for so called 'legacy cases' that predate the Government's New Asylum Model;**
- (b) **to find a practical and humane remedy to the intolerable situation of destitute 'refused' asylum seekers who are unable to return to their country or origin because of personal safety, health or family reasons.'**

Revd Canon Ruth Worsley
GS 226