Imagine you are a single adult living in England, Northern Ireland, Scotland or Wales and you are given £36.62 per week. This is to feed yourself, buy clothes and cover phone credit – keeping in touch with family is the only thing stopping you from sliding into depression. With this money you must also pay for transport across the strange and bewildering city that you have now been forced to call home. This sum of money is your only financial means of survival: you brought very few belongings to your new country when you were forced to flee.

Concerned by the serious impact of poverty on asylum seekers, Refugee Action decided to take legal action. This year, the Home Secretary, Theresa May, refused to increase asylum support rates for the 2013–2014 financial year, even when other types of benefits were increased. Legal action was taken on the view that this was unlawful. Asylum support rates have not been increased since April 2011, meaning that they have fallen well out of sync with the cost of living.

Thousands of asylum seekers are living on just over £5 a day every day in the UK. ‘I am a poor person’, said Z, a torture survivor, ‘...for me when you are poor there is no life for you. It is a kind of prison. It is worse than prison.’

The UK Home Office offers financial support and accommodation to asylum seekers who are destitute while their claim for asylum remains under consideration. During this time, asylum seekers are not allowed to work, except in very limited circumstances and only if the Home Office gives permission. Support is offered until the asylum application has been ‘finally determined’. If the applicant is accepted as a refugee they will then have the ability to work and have access to mainstream welfare benefits.

In 2012, over 30 per cent of those claiming asylum were recognised as being refugees after their interview with the Home Office; of those who were refused at that stage but appealed and had their appeal decided, nearly 28 per cent...
Socialist Lawyer June 2014

Refugee Action together with The Migrants’ Law Project issued the following statement when judgment was handed down on 9th April 2014 by Mr Justice Popplewell in the case of The Queen on the application of Refugee Action v The Secretary of State for the Home Department [2014] EWHC 1033 (Admin):

The decision of 6th June 2013 [not to raise asylum support rates] was quashed and the Secretary of State was ordered to retake the decision as to the level at which asylum support should be set, in accordance with the guidance contained in the judgment.

The judge concluded that it was necessary for him only to consider the first and third of Refugee Action’s grounds for review since this was sufficient to require that the Secretary of State’s decision be quashed. Among the key elements of the judge’s reasoning were the following:

- The Secretary of State had wrongly failed to include the following categories of essential living needs in setting the level of cash support: essential household goods such as washing powder, cleaning materials and disinfectant; nappies, formula milk and other special requirements of new mothers, babies and very young children; non-prescription medication; and the opportunity to maintain interpersonal relationships and a minimum level of participation in social, cultural, and religious life.
- The Secretary of State had also wrongly failed to consider whether the following items were essential living needs: travel by public transport to attend appointments with legal advisors, where this is not covered by legal aid; and telephone calls to maintain contact with families and legal representatives, and for necessary communication to progress their asylum claims.
- In assessing the sums necessary to meet essential living needs the Secretary of State had made the following errors: (a) she had taken into account the proposition that since 2007 the level of cash support for adults and children had increased by 11.5 per cent whereas in fact for most adults it had decreased in absolute terms by 11 per cent; (b) she had failed to take account of the extent of the erosion of rates in real terms over several years given inflationary price pressures; (c) she had misunderstood and misinterpreted Office of National Statistics data on which she relied in support of the decision; (d) she failed to take reasonable steps to gather sufficient information to enable her to make a rational judgment in setting the asylum support rates; and (e) she misdirected herself in law as to her duties towards 16 and 17 year olds, and whether children within this age group are required to attend full-time education.

The Home Secretary must review her decision to freeze asylum support rates by 9th August 2014.

The meagre allowance paid in asylum support does not just affect single adults; it also impacts on families with children. A woman who gave evidence to The Children’s Society supported parliamentary inquiry in 2013 said: ‘My son does not have a writing desk and has to do his homework on the floor…’

This picture of poverty is supported by evidence provided by organisations such as Freedom from Torture.

Giving evidence to the parliamentary inquiry, Dr Elaine Chase, from the University of Oxford, commented: ‘There is increasing evidence of the impact on children’s physical health, their mental health…from not having enough food to eat…not having a warm coat to wear in the winter…’

This unacceptable level of support means that individuals and whole families lack vital nutrients from fresh fruit and vegetables. Asylum seekers surveyed by the charity Refugee Action say they often go hungry. Those asylum seekers who were interviewed by Refugee Action admitted having to choose between transport costs or food. Most said they often forego meals because they simply can not afford food on their allowance.

At around 51 per cent of the amount paid in income support to a single adult, asylum support rates are a far cry from the lavish benefits that certain politicians and the tabloid media would like the public to think asylum seekers claim from the State. These include stories in papers such as The Daily Mail, among others, about “destitute” asylum seekers with luxury TVs and iPads…’

Their abject poverty exacerbates a fraught period in an asylum seeker’s life when they are unsure whether they may be sent back to the very country where they have fled conflict (e.g. in Syria) or persecution, for example, for being gay in Uganda.

The Home Secretary must review her decision to freeze asylum support rates by 9th August 2014.

Picture: Jess Hurd / reportdigital.co.uk
There has been a continuous escalation of hard-line policies against immigrants, argues Pierre Makhlouf, and it must not go unchallenged.

Refugee Action is not the only organisation talking about destitution among asylum seekers. It is a huge problem, long acknowledged by British civil society. Still Human Still Here, a coalition of more than 60 charitable organisations working with people who have sought asylum, believes that the current policy is inhumane and ineffective. It is urging the Government, among other things, to provide asylum seekers with sufficient support so that they can meet their essential living needs while their claims for asylum are in the process of being decided. They also argue that asylum seekers should be allowed to work if their case has not been resolved within six months.

Refugee Action says that it brought the case as a last resort because the Home Office had refused to properly engage with its concerns and those of other charities. Its legal case was based on the premise that the Home Office is unable to properly explain its reasoning for setting the rate of support at the present level and not increasing it.

Dave Garratt, the Chief Executive Officer at Refugee Action said: ‘The level at which Section 95 [asylum] support is provided is too low to enable asylum seekers to meet their essential living needs and live with dignity. The Home Office has chosen not to listen to the concerns expressed by reputable charities with a vast amount of experience in this area. Therefore, there is no choice but to challenge the Home Office position through legal action.’

The claim was heard in the High Court from 11th to 13th February 2014.

It is surely unacceptable that in the 21st century, people seeking refuge in one of the richest countries in the world are going hungry because of Government policy. One would think that all reasonable minded citizens would be, at the least, concerned that people are going hungry in their name. So why is it that there is no chorus of outrage or relentless lobbying of parliamentarians? Perhaps it is a reflection of the political climate that the Government can ignore the concerns of reputable charities, confident in the knowledge that there is no wider political appetite for standing up for the rights of the marginalised. So it is that Refugee Action has turned to the courts to seek justice on behalf of asylum seekers.

The British Government may argue that judges, who are unelected, should be cautious about intervening in what are seen as social policy decisions made by a Government with the mandate to make such decisions on our behalf. However, it is troubling that decisions are made by politicians not only with little public scrutiny but also with no reasonable explanation for them. This is particularly troubling when there is strong evidence to show that the consequence of the decision in respect of asylum support is that refugees are going hungry.

This is an edited version of an article that first appeared on the openDemocracy website on 3rd February 2014 and is reprinted here with their kind permission. The article is part of an ongoing discourse on migration entitled ‘People on the Move – Beyond Borders’ on openDemocracy 50:50 edited by Jennifer Allsop.

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Criminalise and target ‘foreigners’

There has been a continuous