



September 2014

Asylum Support rates

ASYLUM SUPPORT

Amnesty International is disappointed that the level of support paid to asylum seekers will remain unchanged despite a successful Judicial Review which challenged the Home Secretary's decision to freeze levels of asylum support for the third year in a row. The High Court ordered the Home Office to carry out a review of asylum support but in August the Government announced that following the review, support levels will remain the same.

THE HIGH COURT JUDGMENT

In 2013, the Government announced that there would be no increase in asylum support rates to take account of inflation for the second year in succession. This triggered a legal challenge, brought by Refugee Action, which argued that the amount paid to destitute asylum seekers was unlawful because it was insufficient to meet their essential living needs or to provide a dignified standard of living.

On 9 April 2014, the High Court handed down its judgment in a case which the Judge described as considering "what was sufficient to keep about 20,000 people above subsistence level destitution, a significant proportion of whom are vulnerable and have suffered traumatic experiences." The Judge found that the Government's assessment of the amount needed by asylum seekers to avoid destitution was flawed and ordered the decision be taken again.

The ruling states that the Government failed to take account of items that must be considered as essential living needs (e.g. non-prescription medication; nappies, formula milk and other requirements of new mothers; basic household cleaning goods; and the opportunity to maintain relationships and have a minimum level of participation in society).

The Court also found that errors had been made by the Government in calculating what amount is required for asylum seekers to meet their essential living needs (e.g. the Government failed to take into account the extent to which asylum support had decreased in real terms in recent years, misapplied available data and failed to take reasonable steps to gather sufficient information to enable a rational judgment to be taken in setting the rates for 2013-14).

The High Court judgment was silent as to whether the level of Section 95 support should be raised, but did compel the Government to take the decision again. In August 2014, the Government completed its review of support rates and concluded that current support rates were adequate to meet essential living needs and would not be increased. There has now been no increase in asylum support since April 2011.

The Home Office has based its calculation on ONS data of what households on the lowest income in the UK spend on essential items. By their estimation a single adult asylum seeker needs £36.45 to meet their essential living needs - 17 pence less than they are currently provided with. However, in general the calculation does not adequately take account of the vulnerability of asylum seekers compared to the general population and in the specific categories of clothing and communications the Home Office has adjusted the ONS figures down on the basis that they do not consider that asylum seekers would need to spend as much as UK household to meet their essential needs.

In relation to clothing, the Government considers the arrangements for meeting clothing needs requires a different approach, most particularly because some asylum seekers arrive with inadequate clothing and need to purchase garments immediately. However, instead of providing them with a level of support to meet this need they are considering an up-front allowance with subsequent reductions on weekly payments to compensate.

Similarly, while the Home Office accepts that there is no clear rationale for the rate for 16 and 17 year olds being lower than other children it still leaves the level of payment unchanged, although it states that it is considering longer term options to align the rate with the one provided to younger children.

WHY ARE ASYLUM SUPPORT RATES AN ISSUE?

In recent years asylum seekers have seen the value of their asylum support severely reduced. Some asylum seekers, including single adults over 25 and lone parents, now receive around just 50% of Income Support and the majority of asylum seekers have to pay for necessities such as food, clothing, toiletries and transport, on just over £5 a day.

Amnesty International does not believe that this is sufficient to allow asylum seekers to meet their essential living needs and pursue their asylum applications. Previous research by the Still Human Still Here campaign found that 70% of Income Support is the absolute minimum required to meet basic needs. This conclusion was reached by taking the basket of basic goods compiled by the Joseph Rowntree Foundation for its minimum income standards report and then stripping this down so that only items needed to avoid absolute poverty were included.

More recent research has also provided evidence that the current level of asylum support is inadequate. For example, in 2013 Refugee Action interviewed 40 clients who were in receipt of Section 95 support and found that 70% (28/40) of interviewees were unable to buy either enough food to feed themselves; fresh fruit and vegetables; or food that met their dietary, religious or cultural requirements, since being on asylum support. [Refugee Action's research took place in May 2013 with asylum seekers who visited offices in Liverpool, Manchester, Leicester, Bristol, Sheffield or Rotherham for advice sessions and agreed to complete a questionnaire.]

Furthermore, 90% (36/40) of interviewees could not afford to buy sufficient/appropriate food and clothes. Of the four people who said they could meet both these essential needs, three stated that the level of support did not allow them to maintain good mental and physical health. The only individual who did not report difficulties in this respect received food and other essential items from friends.

Similar detailed research by Freedom from Torture found that all 17 respondents on S95 support who responded to detailed questions stated that overall their income was insufficient to meet their essential needs. As with the Refugee Action research, this survey indicated that asylum seekers usually had to sacrifice one essential item in order to meet another one. [Freedom from Torture carried out research into the impact of poverty on torture survivors in July 2013. A total of 117 clients took part in the research across the UK, including 19 individuals who were in receipt of Section 95 support at the time and completed a detailed questionnaire about their experiences.]

In 2013, two parliamentary inquiries reached similar conclusions. A cross-party inquiry into asylum support for children and young people, which received information from more than 150 local authorities, local safeguarding children boards and child protection committees, found that: "the levels of support for asylum seeking families are meeting neither children's essential living needs, nor their wider need to learn and develop. The levels are too low and given that they were not increased in 2012 they should be raised as a matter of urgency and increased annually at the very least in line with income support." It further recommended that the "rates of support should never fall below 70% of income support" and that "asylum seekers should be granted permission to work "if their claim for asylum has not been concluded within six months." [Report of the Parliamentary Inquiry into asylum support for children and young people, Children's Society, January 2013, pages 24-25.]

In October 2013, the Home Affairs Committee issued a report in which it highlighted "concerns about the level of support available to those who seek asylum in the UK" and noted that the "relative poverty" of those on Section 95 "is compounded by the fact that the vast majority of asylum applicants have not legally been allowed to work since 2002." [Home Affairs Committee, Asylum, Seventh report of session 2013-14, paragraph 77 and Press Release 10 October 2013.]

Asylum seekers are often dependent on Section 95 support for considerable periods of time. At the end of March 2014, more than 7,800 asylum seekers had been waiting more than six months for an initial decision on their application. According to the Government, an asylum seeker spends an average of around 18 months on Section 95 support. As indicated above, asylum seekers are effectively prohibited from working to support themselves. [House of Lords Hansard, 5 March 2013, Col. 1457]

WHAT SHOULD THE GOVERNMENT DO NOW?

- Raise asylum support rates to the equivalent of at least 70% of Income Support, with the system recognising the additional needs of children.
- Link annual increments to asylum support rates to inflation or increases to Income Support rates.
- Grant asylum seekers permission to work if they have been waiting for six months or more for an initial decision on their application.

WHAT CAN PARLIAMENTARIANS DO?

1. Sign EDM 99
2. Write to the Home Secretary expressing concern over the current level of asylum support rates and ask the Government to ensure that Section 95 support is at least equal to 70% of Income Support and that rates are subsequently increased in line with inflation each year.
3. Raise these issues with party leaders

AMNESTY INTERNATIONAL UK ADVOCACY OFFICE

For more information on any of the issues contained in this briefing, please contact parliament@amnesty.org.uk or call 020 70331557.