

NACCOM

THE NO ACCOMMODATION NETWORK



REFUSED?

Experiences following
a negative asylum
decision

July 2023



FOREWORD AND ACKNOWLEDGEMENTS



Bridget Young
Director, NACCOM

““ The asylum system as it stands is inefficient, non-person-centred, under-resourced and under attack. For someone looking from the outside in, the process should be simple: A person claims asylum, they are supported while they are doing so, a fair decision is made. If the person is granted asylum they go on to have a safe and fulfilled life. If a person is not granted asylum they are supported to look at other options to stay in the UK or to leave because they are safe. Unfortunately this is far from how the system works in reality.

The trauma and injustice faced by many people who receive a negative decision on an asylum claim goes to the heart of why NACCOM members first came together as a network - wanting to see change for people being failed and left destitute by the asylum system. We believe that no-one should face homelessness and destitution, and that the process of claiming asylum should be fair, compassionate, just and dignified. For too many people this is not their experience, and the powerful voices of lived experience we hear in this report lay bare this reality.

As part of our organisational strategy for 2022 – 2026, we committed to a central strategic goal of ensuring that:

“People with lived experience play a core and equitable role in highlighting the human impact of destitution and creating and sharing the solutions to destitution promoted by NACCOM.”

Working with, and being led by, the Community Researchers on this project has been a huge jump forward for NACCOM as an organisation. We now have a strong and authentic piece of evidence – alongside what we hear from member organisations – to advocate for policy and practice change that will start to design homelessness, destitution, injustice and inhumanity out of the asylum system.

This report is the culmination of a project which has been built over the last few years by the hard work of several people. First and foremost, an enormous thank you to NACCOM’s volunteer Community Researchers: **Anum, Geo, Kas, Nico, Afshan, and previously, J.A.** As well as designing, delivering, analysing, and contributing

to the write-up of this research, and the design and launch of the report, they are integral members of the NACCOM team, harnessing the expertise and determination they have gained through their own lived experience to contribute to and shape our work. Thank you for building a Community Research team that not only produces powerful research such as this, but also offers a space for solidarity and mutual support.

A big thank you to **Jessie Seal** for establishing the Community Research Programme to strengthen the voice and power of lived experience within NACCOM, and to **Martin Burrows** for the continued development of the programme whilst he was working with NACCOM, including coordinating the development and delivery phase of this research project.

Every member of the NACCOM team contributed to this research project in some way, be that through organisation, delivery or review. Particular thanks go to **Finn McKay** for working so thoughtfully and thoroughly with the Community Researchers through the analysis, write-up and launch planning for this work, to **Hannah Gurnham** for leading brilliantly on the design, comms and media work around the project, and to **Leon Elliott** for the huge amount

of work on data analysis, policy context and the more technical parts of the report.

The five NACCOM member organisations who hosted and supported interviews with people they work with – **Abigail Housing, Asylum Link Merseyside, Hope Projects, Jesuit Refugee Service** and **St. Augustine's** – were integral to enabling this research to go ahead. Thanks for supporting this project and for the vital work you do to support people facing the situation explored in this report. Thank you to all the external partners who have offered their expertise and indispensable advice to this project, including **Sonia Lenegan, Brian Dikoff** at Migrants Organise, **Madeleine Kelleher** at Southwark Law Centre, **Anna Lewis** at Open Door North East, **Becky Hewell** at St Augustine's, **Ros Holland** at Boaz Trust and **Phil Davies** at Hope Projects. Thanks also to **Ada Jusic** for her creative insight when turning the report findings into such powerful illustrations.

The research would, of course, have been impossible without the **27 interview participants** who were willing to share their experiences with us. Thank you for participating and for your powerful accounts of often difficult and traumatic situations. Know that we will do our best to use your testimony to change things for the better. ””

CONTENTS

1	Executive Summary	4
	Key findings	6
2	About This Research	12
	Background: NACCOM's Community Research Programme	12
	Methodology	13
3	Impact Of Receiving A Refusal On An Asylum Claim	15
	What happens when someone receives a refusal?	15
	How common are refusals on asylum claims?	17
	Homelessness	18
	How common is homelessness among people who have been refused asylum?	19
	Homelessness and health	20
	Access to healthcare	23
	Summary	24
4	Barriers To Resolving Immigration Status	25
	Introduction	25
	Launching appeals	26
	Submitting evidence for an asylum claim	28
	Summary	35
5	Support From Community	37
	Introduction	37
	Support from friends, family and community	37
	Faith group support	38
	Routes from informal to formal support	39
	Limitations and issues with support from the community	40
	Summary	43
6	Support From Charities Towards Resolving Immigration Status	44
	Introduction	44
	Accommodation and hosting schemes	44
	Summary	50
7	Limitations Of Support From Charities	51
	Introduction	51
	Barriers to accessing formal support	52
	Issues with charity support	53
	Summary	56
8	Conclusion	57

EXECUTIVE SUMMARY

The process for claiming asylum in the UK is more complex and open to injustices than many realise. Although more than half of asylum applications made in the UK in recent years have resulted in the granting of refugee status, not everybody is given the protection they are entitled to on first attempt.¹ In 2022, more than half (53%) of appeals on initial negative decisions on asylum claims were successful and resulted in the Home Office overturning the decision.² Beyond the First-Tier Tribunal, many more are forced to rely on the Upper Tribunal court to be granted refugee status, either as part of further appeals or a judicial review into the way a negative decision on their claim has been made.

Adding to voluntary sector criticism of the quality of asylum decision-making in the UK,³ an inspection of asylum casework carried out by the Independent Chief Inspector of Borders and Immigration (ICIBI) in 2021 revealed concerns stemming from within the Home Office, with many decision-makers sharing the perception that senior management was "most concerned about quantity, rather than the quality of decisions."⁴

Amidst these ongoing concerns over the quality of asylum decision making, and based on research designed, led and delivered by people with lived experience of destitution and

immigration control, this report reveals the devastating impact that receiving a negative decision can have on people seeking sanctuary in the UK. This often includes homelessness and destitution, declining physical and mental health, being locked out of legal services, and struggling to access statutory and voluntary support.

Before receiving a decision on their claim, participants described their experiences of an asylum process which is inefficient, complex, and permeated by a culture of hostility and disbelief. Despite the number of refugees forced to rely on the court to be granted the protection they are entitled to, our report reveals how following an initial negative decision or a refusal on appeal, people seeking asylum are often unaware of their legal options and entitlements, and how best to explore them. Meanwhile, many of those who are aware of their legal options are unable to progress their case due to the shortage of free representation for asylum and immigration matters.⁵

Drawing on 27 in-depth interviews with service-users from organisations across the NACCOM network, our research also reveals the vital role that voluntary services play in empowering people to assess their options post-negative decision, including the available routes out of homelessness and towards settling in the UK.

¹ Georgina Sturge, Asylum Statistics (House Of Commons Library, March 2023) <https://researchbriefings.files.parliament.uk/documents/SN01403/SN01403.pdf>

² Home Office, How many people do we grant protection to? (May 2023), <https://www.gov.uk/government/statistics/immigration-system-statistics-year-ending-march-2023/how-many-people-do-we-grant-protection-to#:~:text=For%20further%20information%20on%20ACRS.permission%20following%20an%20asylum%20application>

³ Freedom from Torture, Lessons not Learned: The failures of asylum decision-making in the UK (2019), https://www.freedomfromtorture.org/sites/default/files/2019-09/FFT_LessonsNotLearned_Report_A4_FINAL_LOWRES_0.pdf

⁴ David Neal, An inspection of asylum casework (August 2020 – May 2021) (November 2021), https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1034012/An_inspection_of_asylum_casework_August_2020_to_May_2021.pdf

⁵ Jo Wilding, No Access to Justice: How Legal Advice Deserts Fail Refugees, Migrants and Our Communities (Refugee Action, 2022), https://assets.website-files.com/5eb86d8dfb1f1e1609be988b/628f50a1917c740a7f1539c1_No%20access%20to%20justice-%20how%20legal%20advice%20deserts%20fail%20refugees%2C%20migrants%20and%20our%20communities.pdf

Reflecting on the support they had received, participants identified the importance of stability, shelter, and access to free legal representation, and emphasised that these are most effective when delivered as part of a holistic support offer.

However, voluntary services delivering this support are already overstretched, and face an increasingly difficult and hostile context to work in. Recent proposals to address the asylum backlog – such as the Streamlined Asylum Process – have raised widespread concern over the Government’s ability to deliver compassionate, quality asylum decision-making at pace. Meanwhile, the Illegal Migration Bill, described by the UN refugee agency (UNHCR) as amounting to an “asylum ban”, will put tens of thousands of people at risk of homelessness and destitution, with unclear routes towards settling in the UK.⁶

The report builds on evidence and experience of service users, and the organisations that support them, to provide recommendations on how the voluntary sector can develop more inclusive and effective services for people with restricted or no recourse to public funds, including those who have received a negative decision on their asylum claim.

Although the current Government’s proposals look set to drastically reform the workings of the asylum system, learnings and reflections from our research will be relevant to meeting the new, additional pressure on statutory and non-statutory services produced by the changes and also give clear indications for what any compassionate and competent asylum system needs.⁷

The report includes recommendations for how Government can prevent and relieve homelessness amongst people leaving the asylum system, as well as others who are

experiencing homelessness and destitution as a result of harmful Home Office policies, whilst better equipping statutory and non-statutory services to meet their needs.

While NACCOM membership covers all four nations in the UK, the research was conducted through English member organisations. However, the evidence from the research chimes with experiences shared by all NACCOM members, particularly around the impacts of the hostile environment, a lack of knowledge and agency that people have to progress their asylum case, and inadequate support available for people facing homelessness and destitution within the asylum and immigration system.

Immigration policy is not devolved, but sits very closely alongside housing and homelessness policy, which is devolved. While some of the contexts might differ, we believe the evidence and principles behind the findings and recommendations in this report will be relevant for all voluntary and statutory organisations across the UK looking to understand how to improve the asylum system, and design out homelessness and destitution.



⁶ UNHCR, UK Asylum and Policy and the Illegal Migration Bill (2023), <https://www.unhcr.org/uk/what-we-do/uk-asylum-and-policy/uk-asylum-and-policy-and-illegal-migration-bill>

⁷ NACCOM and Praxis, Impact of the Illegal Migration Bill on Homelessness and Destitution (2023), <https://nacom.org.uk/wp-content/uploads/2023/05/Joint-Briefing-for-Lords-Destitution-Section-Branded.pdf>

KEY FINDINGS

1. People generally did not understand the system when they first claimed asylum, and did not know what to do after a negative decision.

“ I never really knew what is asylum. I never had, I didn't know anything about it. ”

The lack of accessible and reliable information for people who are seeking asylum in the UK, and the complexity of the asylum system, means that most people have a very limited understanding of the legal process they are going through. This lack of knowledge of the asylum system means that people are unequipped to make informed decisions about their case, and undermines the fairness of the asylum process. The confusion is often compounded by misleading technical language used by the Home Office in communications with people in the asylum system. For example, people are often informed that they are 'appeal rights exhausted' (ARE) after an unsuccessful appeal, when in fact there may be several options for pursuing their claim further through appeals, fresh claims or judicial review. The research found that this lack of understanding of the process was a key factor in pushing people into homelessness or destitution, as they were often unaware of their options after a refusal.

2. People generally did not know that there are charities providing support after a negative decision, and often spent months or years sofa surfing or sleeping rough before finding charity accommodation.

“ At that time, no idea there were organisation in UK who were helping people. ”

The primary barrier to accessing support following a negative decision was a lack of knowledge of services that exist to help people in that situation. While all of our participants eventually accessed formal support from a charity, most were homeless for a significant period following their refusal. During this time, many relied on informal networks of friends, family, and wider community to survive. Such informal support included striking examples of personal generosity, which often offered a vital lifeline to those who had nowhere else to turn. However, relying on informal support comes with significant limitations and risks, including a lack of consistency, feelings of indebtedness or guilt, and vulnerability to exploitation.

3. People generally faced issues having their evidence believed, and faced new challenges when asked to present new evidence for a fresh claim.

“ You know, I saw something in immigration people, they are fault finders, they are not thinking for the people below them. Clearly, they are fault finder. ”

Participants described what they perceived as a widespread culture of disbelief at the Home Office, in which a presumption of dishonesty prevents the fair presentation and assessment of asylum claims. Many participants felt that the Home Office's expectations of their ability to have arrived in the UK with evidence of their experiences in their home countries, or to gather evidence retrospectively, were unrealistic. This frustration was often compounded by a feeling that when they did present evidence, it was disbelieved or dismissed.

4. People generally were locked out of good-quality legal support after an initial negative decision, and many mentioned having bad experiences of free legal aid when launching an appeal or fresh claim.

“ [There should be] more funding for legal aid solicitor, because ... there is massive shortage of solicitors to represent people going through the asylum process. And that's why most of them get refusal. ”

Other research has comprehensively demonstrated the existence of significant legal aid deficits across all regions of the UK.⁸ The impact of this shortfall in legal aid provision is evident in this research, as many participants found themselves locked out of legal support after a refusal. Faced with an insurmountable financial barrier to accessing legal services, many ended up representing themselves without the knowledge or experience to do so effectively, and were rarely successful. People also expressed frustration with legal aid services that are stretched ever more thinly and unable to provide the quality of service that people need. However, when supported by a charity that could advocate for them, participants reported much more positive experiences with lawyers.

5. People generally reported worsening physical and mental health due to long periods of homelessness and having no recourse to public funds (NRPF), which were barriers to making the most of the support available.

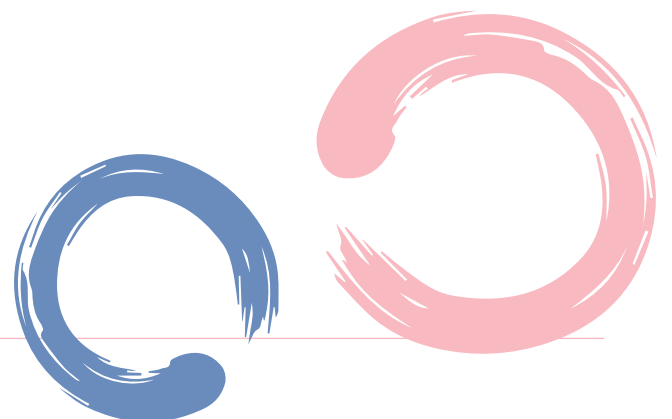
“ Honestly your life is zero. Zero. After a negative decision. You have no future. Every night is nightmare. Every day is bad for you. Because you are still in that dark room. There is no shine, no light. ”

A combination of the practical impacts of a negative decision, such as destitution, homelessness and the threat of deportation, and the feelings of alienation and isolation that result from a deliberately hostile asylum process, can have a devastating impact on the health of people in the asylum system. Ten out of 27 participants – 37% – reported contemplating or attempting suicide following a refusal, with many more reporting other mental or physical health problems, that required medication. This also acted as a barrier to getting help and progressing an asylum case, as people often felt isolated, anxious, and hesitant to access support.

6. People generally accessed accommodation first, but wrap-around services, which also offer legal support and destitution payments, appear to be most effective for helping people to proceed their case.

“ From [the organisation supporting me] the big help is financial support, accommodation support and even legal support. So, all support we have. And this is the first organisation I have seen that not only help you in accommodation, also help you to get out from this situation. ”

Participants emphasised the transformative impact of the support they received from charities. As well as describing the importance of meeting basic needs, such as shelter and food, people explained that services which were able to offer holistic support in one place were particularly effective for helping people to resolve their situation.



⁸ Jo Wilding, No Access to Justice, p. 44.

RECOMMENDATIONS

Recommendations for the Government, policy-makers and the Home Office

- ✓ **Introduce a process to help people understand the asylum system at the point at which they claim asylum.**

Our research shows that a lack of understanding of the asylum system is a fundamental barrier to a fair and just process, as people are not equipped with the knowledge to make informed decisions in their own best interests.

- This process should be developed in collaboration with people with lived experience of claiming asylum in the UK.
- Many good resources providing information about the process for people seeking asylum exist. The Home Office should have a responsibility to make this information accessible to people when they first claim asylum.
- This information must be delivered in the native language of the person claiming asylum.
- It should be delivered in a variety of accessible formats, including a written guide, videos, audio, and an app.

- ✓ **At every stage of the asylum process, clearly spell out in any communication from the Home Office the options available to people as they move through the system.**

- Legal language such as 'appeal rights exhausted' can be misleading and should be changed.

- Where such language is used, there should also be plain language information about options available to the person seeking asylum.

- ✓ **Extend the period following an asylum decision before asylum support is stopped to 56 days.**

- Currently, people are given only 21 or 28 days after receiving a decision on their asylum claim before their asylum support is stopped and they are evicted from their accommodation. This pushes many people into homelessness and destitution.
- This period must be extended to at least 56 days. This would be in line with the Homelessness Reduction Act 2017 in England and would create a central and consistent minimum standard across asylum support in the UK.

- ✓ **Introduce an obligation on the Home Office to refer people who have received a refusal to Local Authority homelessness teams (a duty to refer).**

- The Homelessness Reduction Act 2017 introduced a duty on several public authorities to refer service users at risk of homelessness to Local Authority homelessness teams, but the Home Office was not one of the public authorities included.
- The Home Office and any relevant contractors such as accommodation providers, should have a statutory duty to refer people to homelessness services if they are made to leave their asylum accommodation and are at risk of homelessness.

- > These referrals should be in line with relevant devolved administration processes for preventing and ending homelessness.
- > Home Office accommodation providers must ensure that information given to people seeking asylum on services and support they may need, particularly provided by local voluntary and statutory services, is up-to-date.
- > This should include alternative temporary accommodation, legal advice and advocacy, destitution payments and well-being support.
- > This should be provided both to people who have an ongoing asylum claim and those who have had their claim refused.

✓ Recognise local voluntary and statutory services as key stakeholders in delivering support to people facing homelessness and destitution and looking to regularise their immigration status, and fund them accordingly.

- > Local voluntary organisations are doing vital work to support people who are facing homelessness and destitution, but they are often limited by a lack of capacity and resources.
- > Local services should be sufficiently resourced by central and local government to meet service demand and address support issues and requirements that are not adequately met by Government and contracted agencies.

✓ Ensure that all people seeking asylum in the UK obtain good quality legal help and representation and can uphold their rights and access justice.

- > There should be no advice deserts in the UK. Legal aid should be accessible for all, regardless of where a person is

geographically. Providers must be properly funded so that they are able to meet the capacity needs of each area.

- > The legal aid sector must be financially sustainable. Fees for legal aid work should be increased, to retain expertise and to allow for investment in the development and expansion of the sector.
- > Investment is needed to recruit and train new advisers, particularly in the voluntary sector. Fee waiver or discounts should be introduced for OISC and Law Society accreditations, as well as more accessible information on how to qualify as immigration advisers.
- > People must be aware of their rights to lodge complaints about asylum and immigration advice they have received. Clear and accessible guidance should be published which outlines how and when a complaint can be made, taking into account the barriers – i.e. practical, cultural, and language - that may prevent someone from lodging a complaint.
- > To make lodging complaints simpler, a single complaints pathway should be introduced to allow both those receiving advice and those delivering advice to raise complaints about an adviser or firm (whether regulated by OISC, the Legal Aid Agency, or other).
- > People must be aware of their right to free advice. Lawyers and advisers should be required to advise on the availability of legal aid, and the Tribunal should notify anybody lodging an appeal on the availability of legal aid and how to find providers in their area.
- > There should be more safeguards for unrepresented applicants and appellants, including clearer guidance on the importance of legal representation at the Tribunal and when an adjournment may be appropriate if a person lacks representation.
- > These recommendations support calls by the Legal Aid Crisis Group for reform to the Legal Aid sector.

✓ **Introduce an obligation on Home Office accommodation providers to release regular and timely data about the number of evictions by Local Authority area, on at least a quarterly basis.**

→ This would give support organisations a better sense of the scale of need and enable them to better evaluate their reach and improve their services.

Good practice recommendations for support organisations

✓ **Organisations should aim to support people to understand the asylum process and ensure they are able to make fully informed decisions.**

- Organisations in the same area, city or region should deliver regular introductory sessions, clearly outlining what each local organisation does and how to access their services. Every event should have an interpreter or be delivered in the relevant language. Information should be provided in as many formats as possible (e.g. writing, verbal, video, pictures) to ensure accessibility.
- Where relevant, organisations should ensure that any local statutory service or Home Office contractor also has up-to-date information about their services.
- Taking the time to inform people as comprehensively as possible on the asylum process, where they are in the process, their rights and local services available to them is powerful in counteracting the negative mental health impacts that often result from people not understanding the asylum system. Providing information in a manner that takes into consideration the fact that

some people are likely to be traumatised, distressed or anxious, as well as accounting for power dynamics is more effective and impactful than just signposting or referring to resources. In practice this means sitting down with people and having a one-to-one conversation, being patient and taking the time necessary for the person to understand the information you are providing and showing how to access such information.

- Organisations should make maximum use of existing resources and opportunities to inform people about the asylum process and their options at each stage, such as the Right to Remain toolkit, Asylum Support Appeals Project (ASAP) and Refugee Action's Asylum Guides programme, ensuring that people are supported to understand and use them.

✓ **Organisations should aim to have OISC advisors in-house, have a strong partnership with a legal aid provider, or both.**

- This can be difficult to implement and fund but our research showed that having accommodation and legal support provided by the same organisation is incredibly powerful in enabling people to feel more in control of their own asylum case.
- In the context of increasingly reduced access to legal aid, becoming OISC accredited is the most straightforward way of increasing access to qualified legal advice.
- Ideally, we would like to see a strong and well-funded legal aid sector, as this would have a more significant and far-reaching impact – as outlined in our recommendations for Government, policy-makers, and the Home Office.

✓ **Organisations should build closer ties with 'mainstream' homelessness and anti-poverty charities, community groups and Local Authority outreach teams.**

- > Building closer ties with 'mainstream' homelessness organisations and Local Authority outreach teams will help identify people in need of support and ensure they are referred or signposted to specialist support organisations.
- > Our research shows that many people rely on informal community support for long periods before accessing formal help from charities. Organisations building closer relationships with faith groups, foodbanks, and community groups would help people to access formal support more quickly.
- > Local organisations, including 'mainstream' homelessness and poverty alleviation organisations such as foodbanks, should work together to produce a comprehensive information resource for services that are available to people facing destitution after their asylum claim has been refused. Keeping the resource up-to-date is essential and a regular meeting/forum of local organisations can help to achieve this.

✓ **Organisations should work more closely with each other and share information.**

- > Our research suggests gaps in communication between charities caused problems for people seeking support. In some cases, participants were turned away from charities if they had accessed support from elsewhere, even where they were seeking different help.

- > Charities should work together to ensure that they are collectively meeting need, including accommodation, legal support and training or volunteering opportunities.
- > Such arrangements can be formalised through charters, service level agreements, memorandums of understanding, or through joint funding applications.
- > Where there are gaps in support available to people, e.g. mental health support, organisations should seek to build relationships with specialist organisations such as women's charities and mental health organisations, to widen reach and awareness of need.
- > Partnership building, both between voluntary organisations and with statutory services, takes time but builds more effective and comprehensive support in the long run.
- > In any partnership or joint working, organisations should continue to be aware of their responsibilities around data sharing, including ensuring that people accessing their services understand how their information will be used and in which situations it may be shared with other agencies
- > Organisations should work together to provide up-to-date information on all local services available to Home Office accommodation providers and statutory services. This should be coupled with a duty on Home Office accommodation providers to provide up-to-date information to people seeking asylum, as per our policy recommendations.

ABOUT THIS RESEARCH

BACKGROUND: NACCOM'S COMMUNITY RESEARCH PROGRAMME

NACCOM (The No Accommodation Network) is a national network of over 130 frontline organisations and charities across the UK, working together to end destitution amongst people seeking asylum, refugees and other migrants who are unable to access public funds because of their immigration status.

We do this by campaigning collectively for a fairer, more humane asylum and immigration system that doesn't leave people destitute, and by sharing learning, innovation, and resources across our membership to increase the level of accommodation provision and support the network is able to provide.

NACCOM's Community Research Programme is a space for people with lived experience of destitution and immigration control to research, analyse and present solutions to destitution in our communities.

The programme was established in March 2021, and aims to enable people with lived experience to play a core and equitable role in shaping NACCOM's mission to end destitution, by supporting them to conduct impactful research into the areas of destitution they identify as important. Currently, they are a team of five researchers, supported by a full-time Community Research Facilitator, who meet

every two weeks and work collectively to design and deliver research.

This research project emerged from the desire of the researchers to undertake their own independent research project, shaped and delivered at every stage by people with lived experience, which would explore an important aspect of the experience of people seeking asylum in the UK and could support a campaign for meaningful change to the immigration system.

The project acts on the principle that people who have lived through the hostility of the UK asylum system and the challenges of destitution, are best placed to conduct research into people's experiences of claiming asylum in the UK and the problems the system causes, and to advocate for solutions.

Not only does this enable people with lived experience to take an active role in challenging the injustices they face through highlighting issues, presenting solutions, and campaigning for change, it also results in more impactful research due to the greater trust and understanding between participants and researchers who have shared experiences of the issues being researched.

METHODOLOGY

The methodology for this project is based on a participatory and peer-led approach, meaning that people with lived experience of the issues being studied take part in directing and conducting the research. The Community Researchers were engaged and guided decisions throughout every stage of the process, through shared decision-making on the design and delivery of the research. The process centred on fortnightly workshops where the Community Researchers came together with a facilitator to learn about research practice and design the research project.

Working collectively through a series of workshops supported by a facilitator, NACCOM and the Community Researchers co-produced a research aim, set of objectives, and research questions to guide our research. This process entailed a review of NACCOM's annual member survey data to define a research focus, reviewing literature around the selected topic and then using this to shape a research aim and questions. Research objectives were set and began to form the research design.

Research aim

To understand the experiences of people who have had an unsuccessful asylum claim and explore how support can be best provided by third sector and community groups towards settling their status.

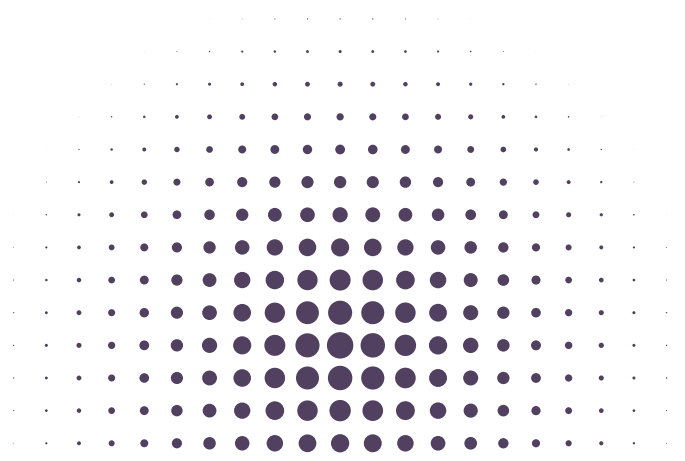
Research objectives

- To unearth and share stories from people who have been subject to a negative response to their asylum claim from the Home Office.
- To provide evidence of the personal and practical impacts of being refused asylum.

- To understand how the personal and practical impacts of being refused asylum can affect engagement with Home Office systems and wider support.
- To highlight good practice and ideas for improvement around how people can best be supported by third sector and voluntary groups towards settling their status.
- To provide recommendations for change to the asylum system and recommendations that can be applied to providers of support.

Research questions

- What are the experiences of people after a negative asylum decision from the Home Office? What are the practical and personal impacts of being subject to this decision?
- What are the practical and personal barriers that people in this situation can face to engaging with and responding to negative decisions from the Home Office (including the appeal process)?
- How can third sector, voluntary and community groups best support people in this situation towards settling their status?



Research delivery

After finalising the research aims, objectives and questions, Community Researchers delivered 27 in-depth, semi-structured interviews with service-users from five NACCOM member organisations, with the support of a member of NACCOM staff.

Twenty-five of these interviews were conducted at the premises of the five member organisations, which were: **Abigail Housing** in Bradford, **Asylum Link Merseyside** in Liverpool, **St Augustine's** in Halifax, **Hope Projects** in Birmingham and **Jesuit Refugee Service** in London. The remaining two interviews were conducted over the phone.

The Community Researchers then collectively identified initial themes, which NACCOM's Policy and Research Coordinator used to undertake a more detailed thematic analysis. This analysed data was then returned to the Community Researchers, who planned the writing of the report through a series of workshops, based on which the Community Research Facilitator wrote up the report.

These draft chapters were returned to the Community Researchers for feedback and editing through a further series of sessions. Recommendations were also developed collectively through two workshops with the Community Researchers and NACCOM staff, then sent to external partners for review and comments before being finalised.

Sampling

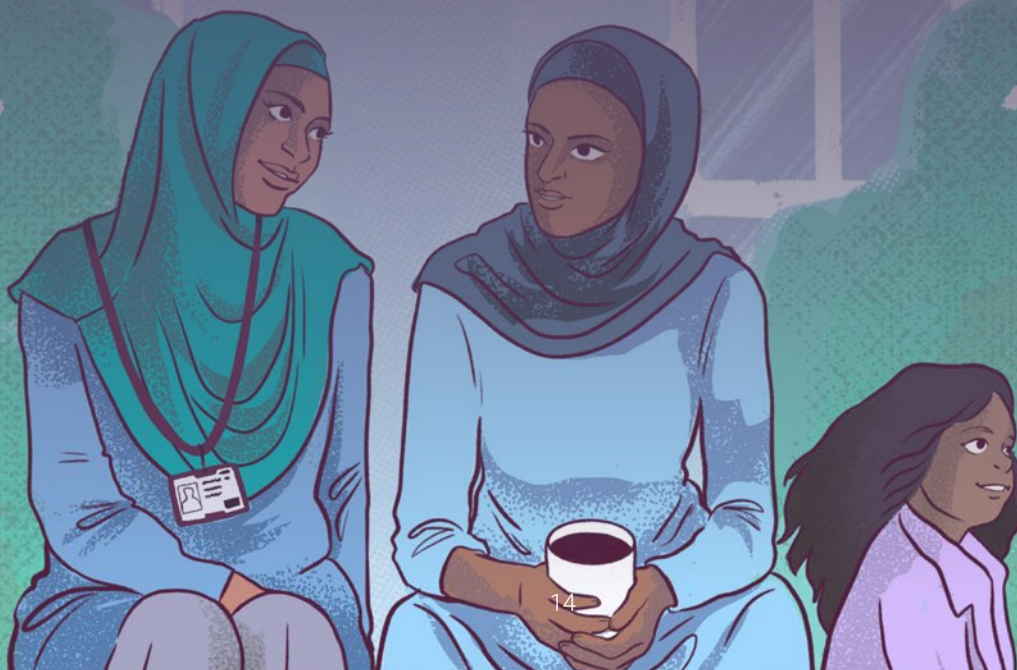
All 27 participants were recruited through the five member organisations who supported the research. The only criteria for participation were:

- that the participant must be over 18; and
- that the participant had received a negative asylum decision in the past.

This gave a broad sample of people in a range of situations and with a diversity of experiences, including people who were still in the asylum process and those who have subsequently received leave to remain.

Of the 23 participants who completed the participant information questionnaire:

- 15 were still seeking asylum;
- 6 had been granted refugee status or other leave to remain;
- 2 were currently undocumented;
- the youngest participant was 24;
- the oldest was 59;
- the length of time they had been in the UK ranged from four years to 22 years;
- all but three participants had experienced homelessness at some point; and
- of those, three participants had been homeless for more than 10 years in total.



IMPACT OF RECEIVING A REFUSAL ON AN ASYLUM CLAIM

WHAT HAPPENS WHEN SOMEONE RECEIVES A REFUSAL?

When an asylum claim is refused by the Home Office, the person will be given the opportunity to submit an appeal, typically within 14 days from the initial decision.¹ This is commonly known as a First-Tier Tribunal appeal. If this First-Tier Tribunal appeal is unsuccessful, the Home Office will typically consider the person to be 'appeal rights exhausted' (ARE), although this term can be misleading as there are often several options to pursue their claim further.

At this point, the person making the asylum claim will typically be given 21 days' notice before their asylum support is stopped.² This means that they will no longer receive any financial support for basic living costs such as food and transport, and will have to leave their asylum accommodation. An ARE asylum seeker will also continue to have no recourse to public funds (NRPF).³

EXPLAINER - WHAT OPTIONS EXIST FOR SOMEBODY WHO IS 'APPEAL RIGHTS EXHAUSTED'?

The term 'appeal rights exhausted' can be misleading as legal options do exist to allow people who have been classified as ARE to re-enter the asylum support system and further pursue their claim. This can involve further appeals on the original claim, or a 'fresh claim' (aka further submissions), whereby a person gives new evidence to the Home Office and asks for a new decision

on their right to stay in the UK based on this new evidence. Data obtained from a Freedom of Information request lodged in April 2021 indicates that between January 2015 and September 2020, 14,151 people who had previously been refused asylum were eventually granted asylum or another form of leave to remain due to a 'fresh claim' being lodged.

¹ Right to Remain, The Right to Remain Toolkit: A guide to the UK immigration and asylum system (2022), <https://righttoremain.org.uk/toolkit/asylum-are/>

² NRPF Network, Section 95 asylum support. <https://www.nrpfnetwork.org.uk/information-and-resources/rights-and-entitlements/support-options-for-people-with-nrpf/home-office-support/section-95-asylum-support>

³ NRPF Network, Who has no recourse to public funds (NRPF)?, <https://www.nrpfnetwork.org.uk/information-and-resources/rights-and-entitlements/immigration-status-and-entitlements/who-has-no-recourse-to-public-funds>



Despite the legal options that do exist for people who have been refused asylum, this research found that the cessation of asylum support often resulted in destitution and homelessness.

For many participants, the period following a refusal also brought about a sharp decline in both physical and mental health, as well as feelings of abandonment, dehumanisation, and isolation in the country where they had hoped to find sanctuary.

This chapter looks at the experiences of participants following a refusal on their asylum claim, the reasons that many became homeless and destitute, and their experiences of being homeless. Most participants in our research had a limited knowledge of the asylum process, their rights, support options, and the legal options that existed following a refusal on an asylum claim, which was often due to a lack of access to reliable information. This pushed many people into destitution and homelessness when their asylum support was stopped.

EXPLAINER - HOW COMMON ARE REFUSALS ON ASYLUM CLAIMS?

Home Office data on initial decisions

In 2004, 88% of asylum applications received a refusal at initial decision. The refusal rate has since been in decline, falling to 48% by 2019.⁴ Since 2015, over 117,000 negative initial decisions have been made on asylum applications.

Asylum appeal success rate

Since 2004, approximately three quarters (76%) of negative initial asylum decisions have been appealed at first tribunal.⁵ In 2022, just over half (51%) of all asylum appeals were successful, and the appeal success rate has steadily increased since 2010, when only 29% of appeals were successful.⁶ Still, a significant proportion of those receiving a negative initial decision

choose not to, or are unable to, explore their right to appeal at the First-Tier Tribunal.

Final outcomes of asylum application

The Home Office publishes annual data on the final outcomes of applications for asylum in the UK, which accounts for any decisions reversed as a result of an appeal. The percentage of asylum applications whose final outcome was 'refused' has fallen steadily in recent years, from 70% in 2004, to its lowest point of 24% in 2019.⁷ Still, according to Home Office figures, more than 54,000 asylum applications have resulted in a refusal since 2015, meaning the number of applicants becoming 'appeal rights exhausted' each year is not insignificant.⁸

⁴ Georgina Sturge, Asylum Statistics (House Of Commons Library, March 2023), <https://researchbriefings.files.parliament.uk/documents/SN01403/SN01403.pdf>

⁵ Sturge, Asylum Statistics

⁶ Home Office, How many people do we grant protection to? (May 2023), [https://www.gov.uk/government/statistics/immigration-system-statistics-year-ending-december-2022/how-many-people-do-we-grant-protection-to#:~:text=In%20the%20year%20ending%20September,\(from%20740%2C875%20to%201%2C127%2C820\)](https://www.gov.uk/government/statistics/immigration-system-statistics-year-ending-december-2022/how-many-people-do-we-grant-protection-to#:~:text=In%20the%20year%20ending%20September,(from%20740%2C875%20to%201%2C127%2C820))

⁷ Home Office, Outcome analysis of asylum applications (2022), https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1098062/outcome-analysis-asylum-applications-datasets-jun-2022.xlsx

⁸ Home Office, Outcome analysis of asylum applications (2022), https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1098062/outcome-analysis-asylum-applications-datasets-jun-2022.xlsx

HOMELESSNESS

Entry into homelessness

“After interview they give me accommodation in Leeds. And then I stay there for a few months - I can't remember. One or two months. I got refused. Then, tell me to leave the house. So, I left... I didn't have nowhere to go.”

Almost all participants in our interviews described becoming homeless following a refusal from the Home Office. Some were able to identify the specific point in the asylum process at which they were made homeless, such as one participant who told us:

“When my further submission was refused, I was evicted from the Home Office accommodation, and I became destitute.”

However, while most participants understood that their support was stopped because their asylum claim had been refused, few were able to pinpoint exactly when in the asylum process they were evicted from their Home Office accommodation.

This highlights the limited understanding that many people seeking asylum have of the asylum process that they are going through, and their rights and options at each stage. People can be considered 'appeal rights exhausted' and face having their asylum support stopped at several points during the asylum process, but in many of these cases the term is misleading as there may be further options to appeal or submit fresh evidence. However, exercising one's right to appeal depends on being able to navigate a hostile and complicated asylum system, in a new country and usually a new language.

A lack of easily accessible information and reliable advice means that many people seeking asylum are not equipped with the knowledge to do this, especially as many reported losing legal aid and the services of their solicitor after they were refused. As one participant told us:

“I never really knew what is asylum. I never had, I didn't know anything about it.”

This lack of knowledge of the system not only reduces people's ability to exercise their appeal rights after a refusal, but also means that people arrive at this point unprepared, heightening the shock and impact of being made homeless, as one participant described:

“21 days. They evict you. You become homeless. And that is another thing. Its most scary thing to be homeless. And I never imagined to get homeless.”

People who have been refused asylum are subject to the no recourse to public funds (NRPF) condition, meaning that they cannot access public funds (benefits and housing assistance), unless an exception applies.

Subsequently, many depend on accommodation projects in the charity and voluntary sector for shelter, stability, and support out of homelessness. However, several participants also described being unaware of support that was available from charities after being made homeless by the Home Office:

“At that time, no idea there were organisation in UK who were helping people.”

Difficulties accessing support from charities is explored further in Chapter 7.

Unlike public authorities such as probation services and hospitals, accommodation providers contracted by the Home Office to deliver asylum housing through the Asylum Accommodation and Support Services Contracts (AASC) have no legal duty to refer service users who are at risk of homelessness to Local Authority homelessness teams.⁹

Consequently, many participants were left with a feeling of total abandonment after a refusal, as they are made to leave their accommodation without any support or guidance about services

that can help them, as these participants illustrate:

“ It’s very hard, because Home Office they don’t care. Once they reject you they don’t care, they don’t bother how you live where you eat, no support. Nothing. ”

“ No charity, nothing. Just kick out. ”

EXPLAINER - HOW COMMON IS HOMELESSNESS AMONG PEOPLE WHO HAVE BEEN REFUSED ASYLUM?

Understanding the extent of homelessness amongst people who have been refused asylum is difficult, because quantitative data often fails to capture hidden homelessness, whereby people are reliant on informal, and potentially more exploitative, arrangements, such as sleeping where they work, or sofa surfing between the houses of friends and family. Research by Crisis suggests that this form of homelessness is particularly common among non-EEA (European Economic Area) migrant populations.¹⁰

However, data collected in the NACCOM Annual Survey can provide some insight into the scale and experiences of destitution and homelessness amongst refugees, people seeking asylum, and migrants with restricted eligibility or no recourse to public funds (NRPF). In our 2021-2022 survey, NACCOM members reported accommodating 2,281 people, of which 748 (33%) who had been

refused asylum and were ‘appeal rights exhausted’.¹¹ Since 2016, the NACCOM network has accommodated more people who have been refused asylum more than any other group, peaking in the year 2019-2020 when 1,270 people refused asylum and experiencing homelessness were supported by our members.¹²

Nearly half (45%) of people who approached members for accommodation in 2021-2022 did so directly from informal or insecure accommodation arrangements such as sofa surfing with friends or family. Nearly one third (30%) came directly from Home Office accommodation. The total number of people approaching members directly from Home Office accommodation was more than three-times higher than the previous year, which is highly concerning. A smaller, but still significant percentage – 16% – were street homeless or sleeping rough when they approached NACCOM members for accommodation.¹³

⁹ The Homelessness Reduction Act 2017 introduced a duty to refer for several public authorities. See Department for Levelling Up, Housing & Communities, A Guide to the Duty to Refer (2018), <https://www.gov.uk/government/publications/homelessness-duty-to-refer/a-guide-to-the-duty-to-refer#public-authorities>; http://data.parliament.uk/DepositedPapers/Files/DEP2018-1112/AASC_-_Schedule_2_-_Statement_of_Requirements.pdf

¹⁰ Sophie Boobis, Ruth Jacob and Ben Sanders, A Home for All: Understanding Migrant Homelessness in Great Britain (Crisis, 2019), https://www.crisis.org.uk/media/241452/a_home_for_all_understanding_migrant_homelessness_in_great_britain_2019.pdf

¹¹ NACCOM, Impact Report 2022 (2022), <https://nacom.org.uk/wp-content/uploads/2022/11/NACCOM-ImpactReport-FINAL-2022.pdf>

¹² NACCOM, Impact Report 2020 (2020), https://nacom.org.uk/wp-content/uploads/2021/02/NACCOM-ImpactReport_2021-02-04_DIGITAL-updated-Feb-2021.pdf

¹³ NACCOM, NACCOM Briefing: Annual Survey Data 2022 (December 2022), <https://nacom.org.uk/wp-content/uploads/2022/12/NACCOM-Briefing-Annual-Survey-Data-UK-Version-.pdf>

Experiences of homelessness

The lack of understanding of legal rights, and support available from charities, meant that many participants were pushed into extremely vulnerable situations in the period following eviction from Home Office accommodation. Many described highly precarious living arrangements during this time, including rough sleeping and sofa surfing. As one participant explained:

“ You are homeless. Then you have to find somewhere to live. I had experience to live in the streets. And you know, that someone who live in UK, all the time is too much cold. And even in the summer or sometimes it is sunny but most of the time not. And I was begging to friends to stay on the sofa or whatever... And even in basement, I was living in basement. And I was living in the park. And under bridge. You don't believe it, but it happened. ”

This participant's experience captures the challenges that many interviewees faced, from the hazards of sleeping rough, to the

dependence on the goodwill of acquaintances, friends or family.

Sleeping rough carries obvious risks, and many reported unsafe situations, suffering from the cold, as well as violence and crime. One participant described how he was attacked multiple times while rough sleeping, including one occasion when he was hospitalised.

Whilst sofa surfing and relying on informal networks of friends, family and acquaintances is preferable to sleeping on the streets, it also creates different problems. Many participants described the precarity of such arrangements:

“ So, you have nothing to do. If you have friend, they support one day, two days but not all the time. So, sometime you have to be in street. ”

Informal arrangements like these can provide a vital lifeline and were often the only thing keeping people from street homelessness. However, they often came with further issues, such as feelings of guilt or indebtedness, a lack of comfort and consistency, and vulnerability to exploitation, which are explored further in Chapter 6.

EXPLAINER - HOMELESSNESS AND HEALTH

Evidence tells us that the health of people experiencing homelessness is significantly worse than that of the general population, and that both homelessness and the fear of becoming homeless, can exacerbate existing health conditions.¹⁴

A recent audit found that 41% of people experiencing homelessness reported a long-term physical health problem and 45% had a diagnosed mental health problem,

compared with 28% and 25%, respectively, in the general population.¹⁵ Meanwhile, mortality amongst people experiencing homelessness is around ten times higher than the rest of the population and life expectancy is around 30 years younger.¹⁶

Despite facing a higher incidence of physical and mental health issues, people experiencing homelessness often also face barriers to accessing health and

¹⁴ Gill Leng, The Impact of Homelessness on Health: A Guide for Local Authorities (Local Government Association) https://www.local.gov.uk/sites/default/files/documents/22.7%20HEALTH%20AND%20HOMELESSNESS_v08_WEB_0.PDF

¹⁵ Leng, The Impact of Homelessness on Health

¹⁶ National Institute for Health and Care Excellence, New draft guideline to help reduce health inequalities in people experiencing homelessness (2021), <https://www.nice.org.uk/news/article/new-draft-guideline-to-help-reduce-health-inequalities-in-people-experiencing-homelessness>

social care services, including stigma and discrimination, a lack of trusted contacts, and rigid eligibility criteria for accessing services.¹⁷

The Equality and Human Rights Commission has revealed that people seeking asylum, including people refused asylum, often face unique barriers to accessing health services directly or indirectly related to their immigration status.¹⁸ Their research identified NHS charging regulations, and data sharing agreements between the Home Office and NHS Digital, as barriers to accessing

healthcare at a systemic policy level, with people refused asylum living in England citing fears over accruing unexpected bills that could not be paid, or of being deported and detained.

More practical barriers faced by this cohort include: a lack of money; limited support for people struggling to communicate because of language barriers; a general lack of information about entitlements and the healthcare system; and individuals being wrongly denied healthcare due to a lack of understanding from healthcare providers, including non-clinical staff.¹⁹

Physical health

Unsurprisingly, the hazards of rough sleeping and precarious sofa surfing, and the stress caused by a negative asylum decision, are reflected in the large number of participants who reported a deterioration in their physical health during this time. Participants reported a range of physical health problems during the period following a refusal, including problems with blood pressure, diabetes, and heart, kidney and lung conditions, which either developed for the first time or deteriorated in this period.

Participants commonly attributed these issues to the lack of sleep, the cold, and not eating enough while they were homeless, but also to the stress and isolation that follows receiving a negative decision:

““ They destroy your soul and you physically. It affects you really terrible, your physical health as well ... you don't eat properly. You have psychological impact, destroy like your physical health as well. ””

One participant described that he felt at the time like *"the body is fighting itself."*

Mental health

““ When I have been homeless, I get more problem in my head because when you are living street you see too many things bad. It's very bad for mind and for heads. ””

Participants reported the devastating impact that the negative decision had on their mental health. Concerns ranging from practicalities of where to sleep and where to get food, to uncertainty about the future, to anxiety about deportation, led many to describe a sense of all-consuming hopelessness:

““ Honestly your life is zero. Zero. After a negative decision. ... Your life is zero. You have no future. Every night is nightmare. Every day is bad for you. Because you are still in that dark room. There is no shine, no light. ””

¹⁷ National Institute for Health and Care Excellence, New draft guideline to help reduce health inequalities in people experiencing homelessness (2021), <https://www.nice.org.uk/news/article/new-draft-guideline-to-help-reduce-health-inequalities-in-people-experiencing-homelessness>

¹⁸ Laura B Nellums et al., The lived experiences of access to healthcare for people seeking and refused asylum (Equality and Human Rights Commission research report 122, November 2018), <https://www.equalityhumanrights.com/sites/default/files/research-report-122-people-seeking-asylum-access-to-healthcare-lived-experiences.pdf>

¹⁹ Laura B Nellums et al., The lived experiences of access to healthcare for people seeking and refused asylum



or attempting suicide following a refusal, with many more reporting mental health problems such as depression and anxiety, which required medication.

The impact on people's mental health was often compounded by the sense of abandonment by the Home Office when they have come to the UK as a place of safety to escape violence and persecution, and often traumatic past experiences. As previously explained, many participants expressed a feeling that once your asylum case has been refused, the Home Office don't care about a person's wellbeing at all. Participants described this sense of abandonment as dehumanising:

“ I still didn't see any positive thing, because everything is not good, because my case is refused. So, not any positive thing. I don't think any positive things. ”

People also described a sense of shame, low self-esteem and self-confidence, especially while homeless. One woman, describing how she suffered from depression while she was homeless after her refusal, mentioned that **“people knew me as the street lady,”** and she felt **“miserable.”** Many participants mentioned that this loss of self-esteem is often compounded by other punitive elements of the hostile environment, such as the denial of the right to work:

“ You see all you friend working. You want to work, but you can't work. ”

“ If you don't have a job and some stuff, meet with people, the chances rise to have mental health issues. ”

When asked how they felt at this time, ten out of 27 participants – 37% – reported contemplating

“ If you don't have document, you are not human being. You are not animal, you are nothing. ”

This was often made worse by the shock of facing this treatment in a country they have come to in search of sanctuary:

“ When I can come to UK, I thought that it was a country with human rights. But they didn't care about human rights. They didn't give me anything here. They didn't even care about me. And so... it's had effect on my health and mental health. ”

People seeking asylum have often fled deeply traumatic experiences in their home countries, and many participants found that their treatment following a refusal brought up trauma from past experiences too:

“ It was like I am in Iran again ... I just felt I am just being tortured in this country as well. I think I am in Iran now because they just refuse me and I feel being tortured in this country. ”

ACCESS TO HEALTHCARE

Issues accessing healthcare after a negative decision

As well as experiencing a decline in their physical and mental health following a refusal, many participants also described challenges accessing healthcare when they sought help for their health issues. Interviewees reported how both their immigration status and their homelessness created barriers to accessing healthcare.

When people who have been refused asylum lose their asylum support, they also lose their right to free secondary (specialist) healthcare, and several participants identified their immigration status as an issue when trying to access healthcare:

““ Because I remember going to A&E and I had to be admitted. When I mentioned I was asylum seeker, the care just changed.””

Although primary healthcare should still be available for free even after asylum support has been stopped, several participants reported problems when trying to register with a GP to get help or treatment:

““ Health? That time? You are going to get... more sick. You are going to get ill more. Because you don't have any protection. Even GP they don't register you, they don't help you.””

““ When I got refused from Home Office, it had effect on my mental health and I go to the doctor but they didn't accept me, they didn't do anything for me.””

Homelessness often created a further barrier to registering with a GP, as people would not be settled in one place or have a fixed address:

““ When you change the area, so you have to look for another GP. When you look for another GP he asks you for proof of address, to register. Its difficult.””

The hostile environment and trust in healthcare professionals

Since 2017, NHS England has required ID checks for most secondary healthcare to prove eligibility, as part of the hostile environment promoted by the 2014 and 2016 Immigration Acts.²⁰ This has created an additional barrier for people refused asylum in need of healthcare, who may be fearful of accessing health services. A striking number of participants reported hesitancy to access healthcare due to fears that healthcare professionals would collaborate with the Home Office, and this would affect their asylum claim, or lead to detention or removal:

““ I didn't have any trust. Why? Because even my doctor told me, I promise we don't share this is confidential. We don't share. But I have seen in the Home Office, they brought me and they said yeah, the doctor said like... trust people!””

““ I heard stories the doctor can turn to a judge. Trust – I didn't trust after the decision, with people.””

²⁰ BMA, Health Implications of the Hostile Environment, <https://www.bma.org.uk/media/4927/bma-health-implications-of-the-hostile-environment-dec-2021.pdf>, <http://www.docsnoteops.co.uk/about/>

SUMMARY

- ➔ Many people are pushed into homelessness following a refusal on an asylum claim.
- ➔ A key factor that led to participants becoming homeless was a lack of knowledge about their rights, options and support available for them after receiving a negative decision and having their asylum support stopped.
- ➔ This problem is compounded by confusing legal language used by the Home Office such as the term 'appeal rights exhausted', which implies that there are no further options when in many cases there are.
- ➔ Participants reported a range of experiences of homelessness, including rough sleeping, but most commonly described relying on informal arrangements such as sofa surfing with friends or family.
- ➔ Many participants described a decline in their physical and mental health during the period following a negative decision, especially while experiencing homelessness.
- ➔ Participants also reported difficulty accessing healthcare services, and a lack of trust in healthcare providers in the context of the hostile environment.





4

BARRIERS TO RESOLVING IMMIGRATION STATUS

INTRODUCTION

Following a refusal on an asylum application, in most cases there are further opportunities to challenge the decision. Yet despite the existence of these legal rights, people who have had their asylum claim refused face a multitude of barriers to progressing their asylum case.

This chapter explores the many challenges that participants faced in working towards resolving their immigration status, including patchy and insufficient legal aid provision, difficulties gathering and presenting evidence and the impossibility of navigating the system whilst also facing destitution and homelessness.

LAUNCHING APPEALS

If an asylum claim is rejected by the Home Office, the applicant has 14 days to submit an application to appeal.²¹ If they miss this deadline, it is possible to submit an 'out-of-time' appeal, but justification must be given and may not be accepted. As this 14-day deadline applies from the date that the decision was sent rather than received, often the timeframe in which the appeal must be submitted is even shorter, and this can be compounded by delays on the part of the Home Office or solicitors. One participant explained how the Home Office informed them of their refusal via their solicitor, rather than sending them the decision directly. However, by the time their solicitor passed on this information;

“ I had only five days left. Because when my solicitor got my refusal they never told me. ”

The participant explained further:

“ So, they were like oh we're so sorry to let you know that you got a refusal and I have just checked... I was going to call you today, you have five days to put your appeal in. And I gone for a project in London. So, I had to travel from London back to Leeds the same day to sign the paperwork so he could submit it in court that I was going to ... appeal. ”

Submitting an application to appeal is not straightforward, requiring the person appealing to complete a complex form in which they must give as much detail as possible and raise all grounds of appeal they wish to rely on.

As previously discussed, many people seeking asylum are unfamiliar with UK law and trying to navigate a complex legal system in a new language. Given this, people seeking asylum typically require expert immigration advice, which they may be able to access via an organisation or individual regulated by the Office of the Immigration Services Commissioner (OISC), or from a solicitor. Some people are able to get legal advice and representation from a solicitor for free. This is known as legal aid.

However, the lack of consistent legal aid provision for asylum cases across the UK means that access to legal representation is often denied to people seeking asylum, especially following a refusal on their initial asylum claim. Research by Dr Jo Wilding comprehensively demonstrated the existence of a substantial legal aid deficit across all regions of the UK, in which demand for legal aid for asylum cases far outstrips supply, meaning that many are left without legal representation.²²

This shortfall in legal aid provision exists even in relation to first-time asylum applications. Nearly half of the main applicants who claimed asylum in the year ending June 2022 did not have a legal aid representative. The deficit between the number of new asylum applications and the number of new immigration and asylum legal aid cases opened, grew rapidly between 2019 (6,000) and 2022 (25,000), with as many as 43% of people seeking asylum unable to access legal aid for their initial asylum application.²³

As Dr Wilding highlights, however, it is even more common to lose legal aid, and therefore access to legal services, following a refusal on an initial application or an appeal. The fact

²¹ Right to Remain, The Right to Remain Toolkit: A guide to the UK immigration and asylum system (2022), <https://righttoremain.org.uk/toolkit/appeals/>

²² Jo Wilding, No Access to Justice: How Legal Advice Deserts Fail Refugees, Migrants and Our Communities (Refugee Action, 2022), p. 44. https://assets.website-files.com/5eb86d8dfb1f1e1609be988b/628f50a1917c740a7f1539c1_No%20access%20to%20justice-%20how%20legal%20advice%20deserts%20fail%20refugees%2C%20migrants%20and%20our%20communities.pdf

²³ Wilding, No Access to Justice, p. 44; Jo Wilding, 'New Freedom of Information data indicates half of asylum applicants are unable to access legal aid representation' (Refugee Law Initiative, 2022) <https://rli.blogs.sas.ac.uk/2022/11/04/new-freedom-of-information-data-indicates-half-of-asylum-applicants-are-unable-to-access-legal-aid-representation/>

that some major firms have stopped taking on appeal cases altogether, and a combination of the 'merits test', under which cases must be deemed by solicitors to have at least a 50% chance of success to be eligible for legal aid, and a lack of capacity, means that many cases are 'dropped' following a refusal.²⁴

Our interviews reflect this, with many participants describing how they were dropped by their legal aid solicitors after a refusal on their initial claim or appeal, as these participants illustrate:

““ They gave me one appeal, but the second one never going to let me appeal the second time. And even my solicitor rejected me. He said if you want to go to second appeal you have pay for that. ””

““ After I appeal the solicitor wrote me a letter that saying...they are not going to support my case anymore, that they are dropping the case. ””

The loss of legal aid presents an insurmountable financial barrier for many people seeking asylum, who may be facing destitution and do not have the right to work, as expressed by these participants:

““ There is no lawyer. There is no solicitor for you. So, no one can – me, I don't have money for pay solicitor. ””

““ The solicitor said...for the court you have to pay. And this is the big problem – like asylum we can't... You can't work. How can you give money to solicitors. That is big issue. ””

This lack of access to legal services, due to insufficient legal aid provision and the unaffordability of private legal representation, combined with the imperative to appeal quickly to avoid destitution, detention or deportation, means that many participants ended up launching appeals with no legal representation at all. Given the complexity of immigration law and most people's lack of familiarity with the legal process, this has obvious consequences for people's chances of success. In these situations, many participants turned to informal community networks for advice, meaning the possibility of having a fair hearing is dependent on the knowledge and expertise of who participants happened to know. In some cases, people might be fortunate. One participant's right to appeal was initially refused as they had not submitted their application in time, but they met a friend of a friend who was a lawyer, who **"helped me write to the Home Office"** to apply for more time, which **"carr[ied] me through for ... the time I was able to get more evidences to submit."** They were then able to ask their MP for support and eventually access legal support from a charity.

However, this account was unusual, and most participants had less success launching appeals on their own or with the support of friends. One participant described how, after their initial asylum application was refused, they lost their legal aid and their solicitor **"dropped my case."** They were detained and **"had to learn in detention to do some of the things."** They launched their appeal **"on my own, with the help of some other detainees."** Despite the support from fellow detainees, this participant highlighted the limitations of trying to navigate the appeal process without proper legal representation:

²⁴ Electronic Immigration Network, 'Jo Wilding finds continuing crisis in legal aid provision for asylum seekers is leaving half of main applicants without a legal representative', <https://www.ein.org.uk/news/jo-wilding-finds-continuing-crisis-legal-aid-provision-asylum-seekers-leaving-nearly-half-main>

““ *There weren't any legal support. So, everything you do the Home Office ... find fault, because there are no legal representations. So maybe the language you use or you couldn't... quote the law very well or something like that.* ””

Their appeal was unsuccessful and they were only able to access further legal support on their asylum case after they were released from detention along with many others due to legal challenges brought by a migrants' rights charity.

EXPLAINER – SUBMITTING EVIDENCE FOR AN ASYLUM CLAIM

There are several points in the legal process where you can give evidence to the Home Office. Evidence used by a claimant may come in the form of testimony; documentary evidence, such as official documents that establish aspects of a claimant's account; evidence of medical or psychological problems; or objective evidence, such as general information about the situation in their country, from reliable sources such as human rights organisations or trusted media sources.

If a first-time asylum application or First-Tier appeal has been unsuccessful, claimants will often need to submit new evidence ('further submissions') to have a reasonable chance of success at claiming asylum. Claimants will only be able to lodge a fresh claim if the new evidence presented to the Home Office is deemed to be significantly different from the material that has previously been considered.

Gathering and presenting evidence was a further barrier for many participants to making progress with their asylum application. Participants were often expected to be able to provide evidence from their home countries. But the nature of having fled persecution or danger means that many were not able to, or did not think to, gather evidence of their situation before coming to the UK. As one participant explained:

““ *When we came ... we didn't bring the evidence – this is the big issue. Because when you have any problem, you just run. At that time, you don't think oh I have to bring this thing with me to show them.* ””

Another participant expressed their frustration at the Home Office's expectations of people's ability to provide evidence of persecution or danger:

““ *Home Office expects you to get the evidence from ... your country of origin. ... And what you don't have, Home Office say it's your fault, why didn't you bring it? I am fleeing! You expect me to bring A, B, C, D. How would I even think of it? Because when I come here, I have got no clue of asylum process ... I am fleeing here to come and get safety. Don't expect me to bring my bank statements, my work address and my mother's what and my father's this... This, that. How am I to know?* ””

Moreover, participants were often expected to provide evidence of specific incidents that are inherently difficult to prove. One participant explained how the Home Office had required evidence of an attempt to kidnap her, during which she had suffered a head injury:

“ I was just asking the Home Office like if at that time, I got head injury, shall I ask [the perpetrator] could you please stand there, and take a picture with a smile and then I will take this proof to the UK. ”

Where people are unable to provide evidence collected at the time, they're often expected to gather this evidence retrospectively. Yet this poses further challenges, as it depends on maintaining contact with people in the country of origin, when this might not be possible or safe. As one participant explained:

“ Because the problem is ... I was not in contact with anyone in [my home country] ... only one friend. ”

This friend initially tried to help, but it put him in an unsafe position, and eventually he cut off contact:

“ My friend was trying to help me but in the end of the day they want to put in trouble ... His life was very risk and then he told I am not going to continue to do this. And then until one time he changes his number, and I couldn't get him. ”

Several other participants described similar issues, and the dilemma of asking friends or family in their home country for something which might put them at risk:

“ How do you go back and say to the family or relatives or friends can you get me this, can you get me that? It puts them in danger as well. ”

The culture of disbelief

In the context of increasingly restrictive immigration and asylum policies, various human rights advocates and researchers have described a 'culture of disbelief' which permeates the UK asylum system.²⁵ The idea was acknowledged in a report published by the Home Affairs Committee in 2013, which described the approach as "the tendency of those evaluating applications to start from the assumption that the applicant is not telling the truth".²⁶

In our research, even when participants were able to gather and present evidence, they often found it was not accepted as reliable by the Home Office. Several interviewees recounted presenting evidence and simply being told they were not believed, without any substantive justification or explanation:

“ You have evidence. You know, when they don't have anything to say, they say fake. That's it. No justification. No justification. ”

One participant explained how his father and brother had been killed in his home country, and he provided evidence of this including photographs, video footage, and ID cards:

“ I show the proof ... my life is dangers, look at my brother die. They kill him. So, I bring all the proof, everything, to show them. The Home Office still not believe. ”

Such experiences led to a common perception among participants that the Home Office's decision-making is either arbitrary or biased against applicants, and that they are largely unconcerned with the actual reliability of evidence. This was perhaps best expressed by a participant who told us:

²⁵ Jessica Anderson, Jeannine Hollaus and Annalisa Lindsay, 'The culture of disbelief: An ethnographic approach to understanding an under-theorised concept in the UK asylum system' Refugee Studies Centre Working Paper Series, 102 (2014), p. 4

²⁶ House of Commons Home Affairs Committee, Asylum: House of Commons Home Affairs Committee, vol. 1 (October 2013), <https://publications.parliament.uk/pa/cm201314/cmselect/cmhaff/71/71.pdf>



“ *The Home Office do what they want to do. If they want to believe it, they will believe it. If they want to punish you... Even they believe you, they will punish you.* ”

These experiences appear to reflect the ‘culture of disbelief’ within the UK asylum system, in which a widespread presumption of dishonesty prevents the fair presentation and assessment of asylum claims and therefore denies protection to many who need it.²⁷ As one participant put it:

“ *I saw something in immigration people, they are fault finder. They are not thinking for the people below them. Clearly, they are fault finder.* ”

There was a perception amongst some participants that in this ‘fault finder’ role, the Home Office would use perceived inconsistencies between what someone seeking asylum has said at different stages of the asylum process against them. In particular, the Home Office may pick up on differences between what someone says in their initial ‘screening’ interview, and what they say in their later ‘substantive’ interview or at an appeal hearing. The screening interview is conducted very shortly after someone has claimed asylum in the UK, often within five days of them arriving in the UK.²⁸ People therefore often go into this interview with almost no English, and very little understanding of the process they are entering. No lawyer is present at this interview and no audio recording is made.²⁹ As a result, many participants described confusion and a lack

²⁷ Jessica Anderson, Jeannine Hollaus and Annalisa Lindsay, ‘The culture of disbelief: An ethnographic approach to understanding an under-theorised concept in the UK asylum system’ Refugee Studies Centre Working Paper Series, 102 (2014), p. 4

²⁸ Right to Remain, The Right to Remain Toolkit: A guide to the UK immigration and asylum system (2022), <https://righttoremain.org.uk/toolkit/screening/>

²⁹ Right to Remain, The Right to Remain Toolkit: A guide to the UK immigration and asylum system (2022), <https://righttoremain.org.uk/toolkit/screening/>

of understanding of what was happening at this stage of the process, which often led to mistakes and miscommunications. Although an interpreter is provided if requested, many participants felt the interpreting was not reliable and led to mistakes and inaccuracies, which could be crucial further on in the asylum process. As one interviewee explained:

“ The translator did not explain correctly. He say some words that I say I don't need asylum. So, that caused me a little bit problem many places on file. They say well...what is the reason why I come in UK first time? I said I don't want asylum. I say I never said...I only ask what is asylum? So, after that they explained that to me, I understand and then I say yes. But for some reason it was on my paper that I said I don't want asylum. ”

Despite the obvious pitfalls of evidence obtained in an interview conducted so soon after arrival in the UK, with someone who may not even know what asylum is, many participants explained that things they had said in their screening interview were later held against them:

“ Because the Home Office will say... if you say anything different, they will say you are a liar, you change your story. And that could cause another problem. ”

Such examples highlight the role of Home Office officials as 'fault finders', looking for any mistakes or inconsistencies that can be used against people seeking asylum, rather than seeking to make an impartial decision on their need for protection. Not only does this culture of disbelief impact people's ability to get a fair hearing for their asylum claim, but participants also described the dehumanising and alienating effect it can have on people who come to the UK seeking sanctuary.

One participant described feeling “**very devastated, honestly, when you are telling the truth and they say no, you are liar.**” They came to the UK seeking sanctuary as they thought of it as a country with a reputation for human rights protections, “**but now I am here being human, they are insulting me, they are saying me liar. They are refusing me.**”

Issues with solicitors

Participants described a range of experiences with solicitors during the asylum process, including several examples of positive experiences, which are looked at in the next chapter. However, discussion of solicitors in our interviews were more commonly characterised by frustration and even anger.

It is important to emphasise the pressure that solicitors providing legal aid services for people seeking asylum are under. The dramatically declining provision of legal aid across the UK is stretching those who continue to do legal aid work ever more thinly. A strict auditing regime in England and Wales places a huge unpaid administrative burden on legal aid firms, who can face devastating financial consequences for seemingly minor errors. Dr Jo Wilding's research gives examples of firms facing bankruptcy, or being unable to pay staff, due to the Legal Aid Agency (LAA) seeking to recoup legal aid payments for mistakes as minor as a solicitor's DBS certificate being kept at their home rather than at the office.³⁰ The auditing regime is forcing many firms to withdraw from offering legal aid services, and putting huge pressure on those who remain, and this is undoubtedly impacting the quality of service provided to legal aid clients.

In some cases, frustration with solicitors was based on clear-cut examples of errors or poor service. As well as the previously mentioned participant whose solicitor failed to inform them of their negative asylum decision until five days before the deadline to appeal, other participants

³⁰ Wilding, No Access to Justice, p. 69

described issues with solicitors losing or failing to submit evidence that their client had given them. One participant described how their solicitor failed to submit some of the evidence they had provided to court and failed to get some other evidence verified by a third-party, which led to it being thrown out by a judge. Then, when they changed solicitor, they **“found out later, I gave [the first solicitor] much proof and he lost it. And he didn’t able to contact with my new solicitor. She tried to talk two times, letter, email, whatever. But he didn’t respond.”** The effort that people seeking asylum put into gathering evidence makes such incidents even more frustrating. As another participant put it: **“You prepare, you bring your evidences, and solicitor just destroys it, honestly.”**

More generally, many participants expressed exasperation with delays and poor communication, as this quote illustrates:

““ And as my solicitor was not giving me any hope. And sometime he was even – I tried to call him twice, email, but he didn’t reply. He replied ten days later. And said I am preparing, you need to come next week. So, we will sign and made again statement. But when I go there, he said I am busy. And before that... 4 or 5 days ago.”

Much of the frustration seemed to stem from a sense that the success or failure of an asylum case could depend largely on the performance of a lawyer. The actions of solicitors, therefore, had huge consequences for the lives of our participants. As will be explored in the next chapter, this could lead to very positive experiences with solicitors, but more often it led to anger at mistakes or poor practice that could have a devastating impact on participants’ lives. As one put it:

““ I am very, very frustrated for the solicitor in this country. Every single thing happens to me because one part it was for solicitor. Because ... they say yeah, we are going to help you. But they don’t. It’s like... playing with you.”

Resentment towards solicitors also often seemed to be based on a lack of understanding of the asylum system, and the limitations placed on solicitors within that framework. One manifestation of this was that participants often perceived solicitors to be choosing to drop their cases following a negative asylum decision, as reflected in the number of participants who said things like, or; **“even my solicitor rejected me”, “they dropped my case”** and **“my solicitor didn’t want to help me further.”** In reality, the previously mentioned merits test and auditing regime means that it can be very difficult for solicitors to get legal aid for their clients after a refusal, and in many cases it’s therefore impossible for them to continue representing those clients. But the perception among some participants that their solicitors had dropped them out of choice led to a belief in some cases that solicitors were motivated only by money and did not care about their clients:

““ He is not helpful at all. No. Just money money. When the solicitor look at your case, at first they said oh there is some positive things. But when they take away the case and it’s totally... like they are just delay delay. And they said... They asked for the money... If you want to continue, we need money to do this application, do this, this.”

““ Honestly solicitors, legal aid, just useless. Most of them they do nothing. They just take... They want to make money, get some money from legal aid.”



In some cases, it appears that this perception may in part be due to the processes by which legal aid is administered. Several participants complained about solicitors wasting time 'writing letters' and 'applying for legal aid' rather than focussing on the details of their case, and this drove a perception that solicitors were just motivated by money rather than helping their clients. But solicitors providing legal aid are required to log 'billable hours' doing specific tasks as part of their legal work, in order to receive legal aid payments, and therefore time spent 'writing letters' is often essential to be able to represent clients. It is possible that the perceived greediness on the part of solicitors is based on a misunderstanding of the work necessary to be able to represent their legal aid clients.

The interviews present a complicated picture of people's experiences dealing with solicitors after a refusal. Clearly, solicitors doing legal aid immigration work are facing extremely difficult circumstances, and in most cases, assertions that they are 'useless' and only motivated by money are undoubtedly unfair. However, it seems that often these perceptions are driven by a misunderstanding of the asylum system, how legal aid is administered and the role and limitations of solicitors in that process. This suggests that while many solicitors are undoubtedly doing their best by clients, there are issues in communication about the asylum process and support that solicitors can offer. Participants often felt that their solicitor did not help them to understand and have control over the process:

“ I never had that support whereby you sit down with solicitor and explain, and then the solicitor will guide you. I never got that. ”

Such responses suggest that in the context of such a challenging environment for legal aid immigration solicitors, they are often unable to deliver the quality of service and communication they should. The fundamental limitations on what they can offer can only be addressed on a systemic level by reform to legal aid, but our research suggests that if immigration solicitors were able to communicate more effectively with clients about their situation, this would have a big impact on people's ability to take control and make decisions about their case.

Progressing an asylum case whilst homeless

As an unsuccessful appeal often results in the applicant being informed that they are 'appeal rights exhausted' and therefore losing their asylum support, many participants found themselves attempting to progress their asylum case while also facing homelessness and destitution. Unsurprisingly, this created many further barriers to advancing their asylum claim and resolving their status.

Often, these barriers were practical. One participant described how they had not found out about the Home Office's decision on their application because they did not have a fixed address at which the Home Office could write to them. By the time they found out, they had missed the deadline to appeal:

“ They told me... They say that they tried to contact you. But I had no address ... So, that time they made a decision but I didn't know. So, I made another application. So, when I got all my file from the Home Office so they say that oh we tried to contact you, you haven't made any appeal so... that's how it is. ”

Reliance on temporary accommodation often meant that participants would have to move frequently. One interviewee described their accommodation arrangements while they were in the asylum process:

““ Here one year, here one month, here six month, here two month... two year. Like it's not one place. One place was longer time, I think six years one place. Another place two year, one year. One month, two weeks. ””

This precarity and transience made it harder for people to make progress with their case. Several participants reported difficulties keeping evidence safe whilst moving between places, and several described having to repeatedly start over when they were accommodated in a new area. One participant explained:

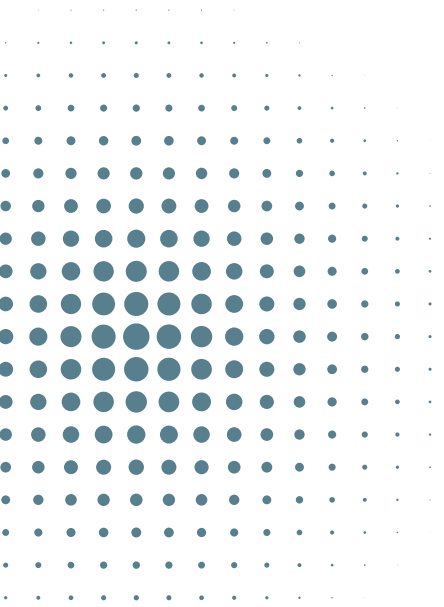
““ **Participant:** “Well, it was OK. You have a roof over your head. But then I have to start again with The refusal and stuff like that.”
Interviewer: “So, in each place that you went to, did you have to look for different legal aid?”
Participant: “Yes, I had to. It was the same ... situation.”
Interviewer: “But different people in different cities?”
Participant: “Yeah.” ””

As well as these practical barriers that homelessness causes, many participants described how the stress, fatigue and anxiety brought on by homelessness reduced their capacity to focus on progressing their asylum claim:

““ Because imagine if you don't know where to sleep. So, you keep thinking every night where are you going to sleep. And then even when you sleep and you thinking next day where are going to sleep. ... You don't even know, sometime things happen you have to keep an eye on yourself, the safety. You have to choose proper place. You can't just go anywhere and sleep. It's difficult. ””

The all-consuming challenge of worrying about necessities like food and shelter simply left many participants without the capacity to focus on their case. One participant, discussing barriers they faced to launching an appeal, told us:

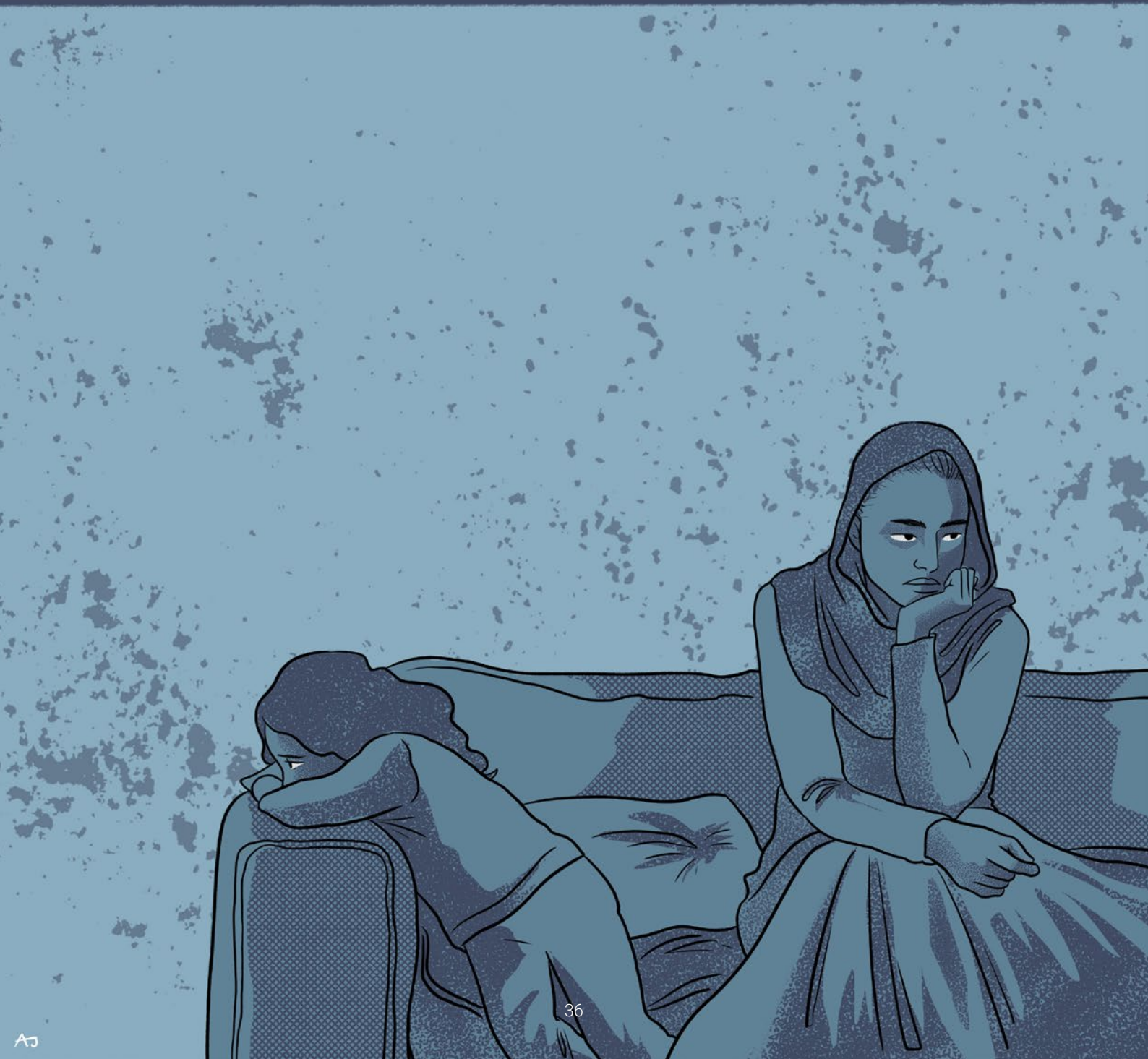
““ That time I don't have energy. Weak. When even one day you can't check yourself. If you sleep ... Outside, all night ... Tomorrow you will be weak. ””



SUMMARY

- ➔ In most cases, there are further options to appeal or submit a fresh claim following a negative decision. However, people face multiple barriers to exercising these basic legal rights.
- ➔ The decline in legal aid provision leaves many without essential legal representation, damaging the fairness of the process and their chances of success. It also leaves the remaining legal aid solicitors massively overstretched and unable to provide the quality of service their clients deserve.
- ➔ It can be extremely difficult, and even dangerous, for people seeking asylum to gather the evidence required to progress their asylum case. Participants also felt that there is a culture of disbelief in the Home Office which leads to good evidence being disregarded, and has a dehumanising and alienating impact on people in the asylum system.
- ➔ Homelessness presents a further barrier to progressing an asylum claim, limiting people's ability to focus on their claim, and presenting practical problems such as keeping track of evidence and frequently having to find new legal and support services when moving between temporary accommodation in different areas.
- ➔ While support is available from charities to help people with accommodation and legal support after a negative decision, participants experienced multiple barriers to accessing it, due to a lack of awareness, isolation and hesitancy, and being turned away due to their immigration status.
- ➔ A widespread lack of understanding of the asylum process, the rights of people seeking asylum, and support that is available is a fundamental issue across all areas discussed in this chapter. Not understanding the asylum process prevents people from being able to take control of their case, and also drives frustration, which is often directed at solicitors, while a lack of awareness of available charity support has a huge impact on people's experiences following a negative decision. Primary responsibility for ensuring that people understand the asylum process, their rights, options and support available to them should lie with the Home Office, but improvements could be made by solicitors regarding how they help clients to understand the process and take control over their own case.
- ➔ Participants recognised that the biggest problem with support from charities is that they are limited by insufficient funding, resources, and power. Many participants felt that charities were doing the best they could, but faced constant issues of capacity, and limited power to effect change. Well-funded services are essential to address the issues highlighted in this report.





SUPPORT FROM COMMUNITY

INTRODUCTION

In the absence of statutory protections to prevent people whose asylum claims have been refused from becoming destitute, and given the barriers to accessing support from charities which are discussed in Chapter 7, most participants reported relying on informal community networks for help to survive following a negative decision. This included being accommodated or financially supported by friends or family, or relying on the emotional support and sense of community among faith groups, churches and mosques. These accounts often described striking examples of generosity and sacrifice from people who themselves

have relatively little, and help from friends and family often provided a vital lifeline for people who found themselves without the protection of the state or charities. However, such support comes with significant limitations and risks. Participants often relied on people who were facing challenges of their own, and therefore were severely limited in the support they could offer. Moreover, the total dependence on the goodwill of others for necessities such as food and shelter, and the lack of oversight of such informal support, makes people vulnerable to exploitation by those acting in bad faith.

SUPPORT FROM FRIENDS, FAMILY AND COMMUNITY

As discussed, many participants were completely unaware of the existence of charity support at the point at which they were made destitute after a refusal on their asylum claim. People often therefore turned to networks of friends, family and community for help. As one participant told us:

“ I have a friend which I met when I came to UK. She is the one that is very close to me and she is the one that is helping me. When I got pregnant. I stayed with her for a long time when I had my baby. ”

In many cases, the people offering such support themselves had very little, and made considerable sacrifices to support participants at this time of need. One participant described his friend's situation when he invited him to stay:

“ He was living in the one room. But he gave me one week to stay there and he was very good. Because I said look, his room is going to be 2 metres x 2 metres, but he shared with me. And it was very nice. ”

Others explained how friends or acquaintances from their communities might offer food or financial support. One participant explained that while they were living on the streets, they would go to the library during the day. They got to know people there who would offer them food, some money and offer to wash their clothes for them:

““ *I was ... feeling shame to tell them I was homeless. But they knew somehow. So, they didn't want to shame me as well. Sometime make food for me. Sometime give me 10 or 20 pounds as well.* **””**

Another participant described how he would go to an area with lots of restaurants run by people from his home country:

““ *Some good people, they can buy you food every day. Some people they give you money. Some people are good positive people. They help.* **””**

Such informal help offered a vital lifeline to most participants, who would otherwise have been without any support. Often this support was the only thing keeping people from street homelessness, or not being able to eat. As one participant summarised:

““ *Yeah, many friend help me. And family as well. So, give me money, give me accommodation. That is why we survive. Otherwise, you can't survive here.* **””**

FAITH GROUP SUPPORT

Churches, mosques and other faith groups were frequently cited by participants as vital sources of community and support before they accessed charity services. In some cases, people described more formal support run by faith groups, such as hostels or night shelters. Often, however, support was more informal, but offered critical help such as food, shelter and emotional support for people facing destitution. For participants who were unfamiliar with the UK and lacked a support network of friends or family, faith groups often offered the only source of support after an asylum refusal:

““ *I came from a very sheltered background, and all this in a foreign country, no family – the only family I had was church. I am a Christian and I hold on to my faith.* **””**

Faith groups in many cases offered material support, but also an entry point to wider networks of support:

““ *The church gave me food. Or ticket. Or they introduced me somewhere to get the help like pillow, duvet. Yes.* **””**

Others went to English conversation classes at a church, or described the emotional support they received:

““ *The church I was worshiping the Catholic church. They had a chat and they ministered, they counselled to me, ministered to me. Because I was on the verge of committing suicide.* **””**

Several participants described how the social space and sense of community that a faith group offered was crucial in combatting the sense of isolation and alienation that they experienced during the asylum process:

““ This time, is when I feel really lonely. I mean charity is with church ... they adopted me. I am like daughter. It's very helping me. I mean going to hospital, going anywhere, they take me. Any problem I tell ... He pray for me ... I am really appreciate, everyone is really helping me. ””

The community around a place of worship could also offer practical benefits, a support network to tap into at times of particular need:

““ That time I was lucky to receive some ... donations. Like food bank or somewhere and people ... When they heard from the church, they help some food. Or pillow or whatever. ””

Churches, mosques and faith groups, then, offer a vital source of support before people are able to access more formal charity services, and can provide an informal support network for those who do not have friends or family to help them.

EXPLAINER - ROUTES FROM INFORMAL TO FORMAL SUPPORT

Data from NACCOM's annual survey of members suggests that the experiences described above of relying on informal community support are common amongst people who have had their asylum claims refused. Almost half (45%) the people approaching members for accommodation in 2021-2022 did so directly from informal or insecure accommodation arrangements (e.g.: 'sofa surfing' with family, friends or contacts). Such support can be vital to keep people from having to sleep rough, but evidence from our network also tells us that these informal and insecure arrangements are often fragile and liable to breaking down, which in turn presents a risk of further, or other forms of, homelessness.

The quantitative and qualitative data implies that a dependency on community support, potentially in the form of 'sofa surfing', is

prominent amongst people who have been refused asylum. Crisis has identified a particularly high incidence of 'sofa surfing' through friend and family networks amongst non-EEA migrants, as opposed to amongst EEA migrant populations.³¹ It has been suggested that the prominence of 'sofa surfing' and 'hidden homelessness' amongst populations subject to immigration control, and particularly those from outside of the EEA, is closely linked to fears of immigration enforcement and the hostile environment.³²

Whilst many turn to more formal support from charities after informal arrangements break down, these informal support networks often provided a bridge to accessing charity services, as many participants reported being signposted to charities by friends or family who were helping them. As Chapter 7 explores, the

³¹ Sophie Boobis, Ruth Jacob and Ben Sanders, A Home for All: Understanding Migrant Homelessness in Great Britain (Crisis, 2019), https://www.crisis.org.uk/media/241452/a_home_for_all_understanding_migrant_homelessness_in_great_britain_2019.pdf

³² Simon Stewart et al., Everyone In and migrants' experiences of homelessness during the COVID-19 pandemic (2023), https://pure.port.ac.uk/ws/portalfiles/portal/71555784/Everyone_In_and_migrants_experiences_of_homelessness_during_the_COVID_19_pandemic_final_version.pdf

primary barrier participants reported to accessing formal support was a lack of awareness of available services, as the Home Office has no duty to refer to statutory or charity support after evicting people from their asylum accommodation. People often therefore relied on word of mouth, with many participants explaining that they found accommodation with a NACCOM member after a friend took them to a drop-in or supported them to contact a member.

Another striking finding from our research was the importance of the British Red

Cross as a point of first contact with more formal services. More than half – 15 – of our participants reported accessing support from the British Red Cross at some point, nine of whom explicitly stated it was through the British Red Cross that they were referred to a NACCOM member to be accommodated. As an organisation with services across the UK, and a global, widely-trusted profile, the British Red Cross plays a critical role in pathways to support for people who have had their asylum claim refused.

LIMITATIONS AND ISSUES WITH SUPPORT FROM THE COMMUNITY

As illustrated by the accounts above, informal networks of friends, family and community were often indispensable sources of support for people who have had an unsuccessful asylum claim, and represent striking acts of kindness and generosity. However, the informality and lack of oversight of such support meant that it often came with issues or limitations.

Lack of comfort

As discussed previously, informal community networks are a vital source of support following a negative decision and were often the only thing keeping participants off the streets during this period, and participants emphasised their gratitude towards people who helped them at that time. However, such support rarely provides an adequate level of comfort and stability to enable people to take control of their situation and focus on their asylum case. As one participant who stayed with a friend after being made homeless explained:

“ Most difficult is about house, not eating. Not eat about this house. Where you are sleeping at friend house, you cannot comfortable, you cannot sleep well. I know it's too much difficult. ”



Several interviewees expressed the difficulties with being in a space that is not their own, the lack of privacy and the feeling that they were intruding in someone else's home. Mostly, participants were relying on people who had limited resources themselves, and would typically be sleeping in a communal space, on a sofa, rather than having a private room of their own in the house. Such arrangements can go on for a significant period due to difficulties accessing more formal help, and this can lead to discomfort and tensions which intensify over time:

““ For example, if you go there at the beginning, it's OK. One week, two weeks, one month, two months. After a longer period of time, even you don't have ...feel comfortable. Because you think you are extra. You are something extra in their life. Because they want their own life. They want to for example, lay down, they want to talk loudly, they want to watch TV. But you are sleeping... Because they are respectful of you, they are turning it off and go in the bed. But how long they can do that? You know what I mean? And you can feel it. After... at the beginning they are nice to you, they are helping supporting, they like to help. But when they see it's going to be long time... that's hard. ””

Feeling indebted and guilty

Descriptions of feeling indebted and guilty were common in interviews when staying with friends was discussed. The position that people are forced into following an asylum refusal – with no income, no home, and no right to work – means that they can usually offer very little in return. This is problematic for several reasons: as well as feeling indebted, it is damaging for people's confidence and self-esteem, it discourages people from asking for further help they need, and leaves them vulnerable to exploitation.

One participant explained how they relied on friends and community networks for years. The support they received was rarely sufficient, but they didn't feel they could ask for what they needed, because they were grateful to have any support at all:

““ If you go to people... if they have anything, they give you, can't complain. Can't ask them to give you more. So, anything they give you, you take that and then... that was the thing. So, it was a really really hard for me for so many years. ””

Another participant, mentioned in Chapter 3, felt so uncomfortable relying on their friend for accommodation, that on occasion they opted to sleep in the park:

““ I don't have nowhere to sleep. Stay with place for sleep. No home. I did sleep in park sometime, because I did not [want] to bug him every time when I don't have place. So, it was very hard for me. ””

Others described the stress caused by having to constantly ask people for help:

““ You can't just tell people every day give me money, give me money. Some people they would, some people they say no. So, it's very stressful. ””

Inconsistent and limited support

A further issue with relying on friends and family for support is that, without any organised structures in place, help is inherently limited and inconsistent, and fails to provide a reliable or stable situation for people to begin to deal with their situation. One participant captured this when they told us:

“ If you have friend, they support one day, two days but not all the time. So, sometime you have to be in street. ”

This inconsistency is compounded by the fact that many people providing a place to stay for friends in a difficult situation are often facing their own challenges and instability. One of the participants quoted earlier in this chapter, who relied on her friend for somewhere to stay when she had a young baby, told us that eventually **“she lose her job so she couldn't help me anymore.”**

Moreover, whilst people may be able to prevent the worst consequences of a refusal such as street homelessness and lack of food by offering, for example, a sofa to sleep on and some meals, they do not have the knowledge or capacity to provide the structured support that organisations may offer to help people progress their case, such as legal support:

“ Because when I living with somebody, not helping, even the legal advice. You can't ask them I have to submit the case. Could you give me the money? Here we have big difference. More freedom with the [charity]. ”

Organisations, although often under-resourced and overstretched, are at least able to design services in a way that can try to give people stability and the agency to take action to address the challenges that they are facing, for example through regular financial support and legal support or referral to legal services. Informal support in the community is far less likely to be equipped to offer such help:

“ But here if I compare the [charity], monthly basis they give us money which is in the card. So, we can buy anything, we can buy food for us, we

we can buy clothes for us. Bus pass, it is free. Otherwise, you can buy mobile data. Voucher. And if I compare this with somebody in community, they can't. They are only restricted. You can cook then eat, you can clean, you can live like this. ”

Vulnerability to mistreatment and exploitation

Undocumented migrants, including many people with unsuccessful asylum claims, face especially high rates of exploitation and harm. Research by the Joint Council on the Welfare of Immigrants (JCWI) in 2021 found that the hostile environment policy makes it impossible for undocumented migrants to report exploitation or crime due to fears of immigration enforcement or deportation, leaving them vulnerable to domestic abuse, exploitative employers, modern slavery and other crime.³³

Many participants were forced into total dependence on the goodwill of others following a negative asylum decision. Without the structured and regulated support provided by an organisation, and without meaningful recourse to the law to protect them if they have dropped out of the asylum system, this sometimes left them vulnerable to mistreatment and exploitation by those acting in bad faith.

In some cases, this involved specific, one-off acts of mistreatment, such as one participant whose possessions were stolen by the people they were staying with after being evicted from Home Office accommodation.

Other cases, however, highlight the potential for people in such vulnerable situations to be drawn into exploitative arrangements. This account from one of our participants captures this:

³³ Zoe Gardner and Chai Patel, We Are Here: Routes to Regularisation for the UK's Undocumented Population (JCWI, 2021). <https://www.jcwi.org.uk/Handlers/Download.ashx?DMF=5467543a-6e30-4e28-a39f-db48ffad6d3a>

“ I remember one time going to report at Loughborough and there is a man who came and approached me. Very rich, wealthy looking ... And he say to me ... looking at you, I like you and I can look after you. And if you have got family, I can take care of your family ... I am thinking maybe he can help. I don't know who he is. And then I realise no... He is saying to me I can pack my bags for ever and he can take me ... Trafficking and all that, our lives can be in danger. ”

Other participants were less specific about their experiences, but many referred to experiences of, or the potential for, “**abuse**” while they were relying on informal support arrangements in the community, without the more formal support of an organisation:

“ I am thankful to the organisations who helped us otherwise if they were not there for us, then we would be totally ... like... Loneliness, and more abused by the communities, and harassment. ”

“ And then when I came outside, I have to leave that hostel and live with someone else. Which is again is more problem, because when people find out that you have problems you are asylum, they are starting more abusing you. Which I have experienced a lot in this country. Like from your community, a lot of discrimination. ”

“ But then in the process I lived with people who would say initially come and stay with us we will support you. Who ended up abusing me. ”

SUMMARY

- ➔ The lack of statutory protections for people who have received a negative decision on their asylum claim, and the barriers to accessing support from charities, mean that many people rely on informal networks of friends, family and the wider community in the period after a negative decision.
- ➔ Such informal support was often offered at considerable personal sacrifice from people who themselves have very little.
- ➔ Often, this type of support was the only thing keeping people from street homelessness and rough sleeping.
- ➔ Faith groups were often a vital source of support and community, and also sometimes offered a route into accessing more formal support from a charity.
- ➔ While informal community support provided a vital lifeline to many participants at a desperate time in their lives, it also often came with significant limitations and risks. Many participants reported a lack of comfort and consistency, strong feelings of guilt and indebtedness, and vulnerability to mistreatment and exploitation.

SUPPORT FROM CHARITIES TOWARDS RESOLVING IMMIGRATION STATUS

INTRODUCTION

Organisations in the NACCOM network across the UK provide support to people through the challenges that follow an unsuccessful asylum claim, and empower them to overcome the multiple barriers they face to progressing their case and resolving their status. Although it can be difficult to access this support, as discussed in Chapter 7, the interviews demonstrated the transformative impact that

legal support, accommodation and other practical and emotional support can have on people's wellbeing and their ability and agency to progress their asylum claim. This chapter explores participants' experiences of support received following a negative decision, and discusses what types of support were most effective.

ACCOMMODATION AND HOSTING SCHEMES

All our interviewees were residents or former residents of accommodation or hosting schemes provided or managed by a NACCOM member organisation. Unsurprisingly, meeting the basic need for shelter had a profound impact on participants, and is a vital first step in supporting people who have been pushed into destitution following a negative decision:

““ The biggest difference firstly is getting accommodation. Where to sleep ... what they do is they provide you house. ””

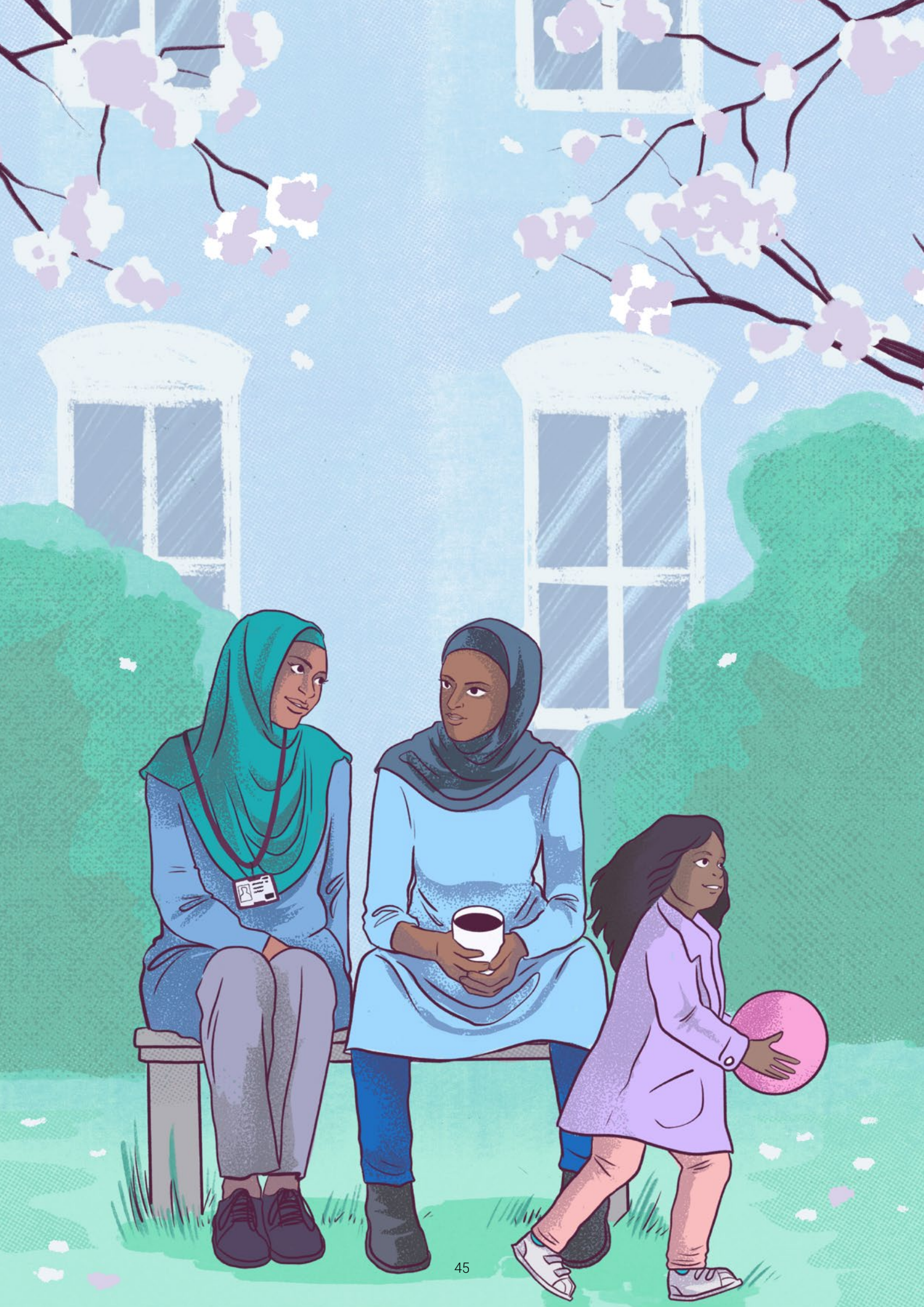
Participants described how being accommodated by a charity or host relieved the all-consuming stress of wondering where to sleep from night to night, and this gave them

the mental capacity to take action to address other issues they were facing, and focus on progressing their asylum claim:

““ It's much better because at least you have roof. Your mind is clear now, you know where to sleep. ””

““ When you have room, you can take shower. Your brain working. ””

Living in charity accommodation or staying with a host not only addresses practical issues of safety and somewhere to sleep; participants also described the humanising effect of having a comfortable place to stay, compared



to the isolation and alienation experienced while destitute or even in Home Office accommodation. As this participant explained:

I have shelter. I have a little amount to eat. So, there is no one coming in my bedroom without knock. And I am allowed to go outside and I am allowed to ask friend to come at my home. And there is no restriction, kind of how much time they can sit with you, eat with you. I was not getting these things at Home Office residency.

I am loving it. It's very good. And I have the best internet in my house. Internet is life. They provided a laptop. And good house, good lawn. People are good when we need anything help, we call them and they try to provide but they have less financial support. But they are good. They provide toiletries every month or two. So, this was very helpful so we can save money and buy more food.

These accounts highlight the importance of basics such as use of the internet, freedom to see friends and socialise, easy access to outdoor space and necessities such as toiletries, which are often denied to people in the asylum system, whether due to destitution or the poor quality of Home Office accommodation. Services which provide these essentials can have a profound impact on the wellbeing of people who have received a negative asylum decision:

It's good for me to stay, because I was starving. So, I ... Give me a room to stay. I think better my heart.

It's good experience. At least you have a roof on your head. ... Charities ... without them you can't survive here, impossible. People who are ... like homeless people who can't survive, impossible. You might die as I said, on the streets.

This accommodation that I have now ... if not ... I tell you I am going to die. So, I feel blessed. Now I live this place here.

Legal and casework support

Once accommodated by a NACCOM member, many participants were able to access legal support for their case for the first time since their refusal. Some NACCOM members are able to offer legal support in-house, alongside accommodation. Other participants were referred or signposted to external legal services by the charity providing their accommodation. Many participants described how receiving legal support from a charity – for example being allocated a caseworker who could help them with things such as gathering evidence and guide them through the process – enabled them to better understand the asylum process and make more progress with their case:

And here thankfully we find [my caseworker], she is a very nice person and she helps us. She gives us advice, what to do next. How to sort out these things. And then thankfully we are now with her.

Even where participants were accommodated by organisations who were not able to offer legal support, many gave a much more positive account of pursuing their asylum claim after they were accommodated and supported by a NACCOM member. For some, simply the moral support that organisations were able to offer made a big difference, giving participants a sense of hope and optimism, after the initial feeling of hopelessness following a negative decision:

[They] give me courage, don't worry, to negative decision. ... the lawyer will appeal. Because the situation right now, you are... You cannot sent home. They give me courage until I feel OK.

In other cases, having the support of an organisation helped participants to overcome some of the challenges with solicitors described in the previous chapter, and descriptions of experiences with solicitors were generally much more positive after participants were accommodated by a charity. Some participants felt that having the weight of an organisation advocating for them pushed their solicitors to be more attentive to their case: ***“When I tell the charity, they are helping me, they say okay what happened? ... The lawyer will quick respond to them then.”*** In other cases, participants were introduced, referred, or signposted to solicitors by their accommodation provider. One participant told us that a NACCOM member “helped me find a lawyer” and their experience with this new lawyer contrasted with the difficulties they had previously had with solicitors:

““ They communicated. They kept you informed, they advise you about your options, the strength of your case or the weaknesses of the case ... And I found them very transparent. They were always there when needed. And they took the case very seriously, they cared. And they treated me like... a human being who has an issue. Not just ... the talking for them to get paid. ””

Experiences like this one illustrate both how solicitors can play a crucial role in equipping people seeking asylum with the knowledge of the process to enable them to take control over their own case, and also the profound humanising impact of having a representative who genuinely cares and acts in the interests of their client. Given the isolation and alienation that the hostile asylum process inflicts on people in the immigration system, such person-centred services are invaluable. One participant, who experienced a mental health crisis when they were threatened with deportation following their refusal, said:

““ Then I spoke to my lawyer - we can get you out of this, we can make more appeals, you’ve got opportunities to appeal further. This is not the end of it. And that encouraged me. ””

The participant further explained the transformative impact that having a good solicitor had on them during this time:

““ I thank God for my lawyer then, who said to me hold on, we will get you out of this. I don’t know how long it will take, but at least you’ve got people who are supporting you. ””

The contrast between descriptions of experiences with solicitors explored in Chapter 4, usually before participants had accessed support from a charity, compared to the more positive experiences discussed here, highlights the role that NACCOM member organisations can play in enabling people who have received a negative decision to progress their claim. Whether through referring to legal services, offering legal support, or just providing accommodation in a settled and supportive environment to give people the capacity to focus on their claim, charities have a critical role to play in helping people take control over their asylum case.

Social opportunities and sense of community

As well as the practical impact of being provided with accommodation and legal support, several participants described how having the support of an organisation could combat the isolation that often accompanies the experience of leaving your country and seeking asylum in the UK:

“ I feel better exactly. When I get this support from anywhere, even from friend, organisation I feel better. Because in this time I have nothing. When you have nothing, when you have no family, when you have no country ... I feel alone. I don't know any friend. I don't know any organisation, I don't know anybody. So, when I get here in this time, I feel happy. ”

“ I am able to meet with different friend, people. And then maybe some people that are in the same category. Rather than stay in the house and be thinking oh when is your life... when you go out, it helps. To release the stress if it... the stress and not thinking that ... thinking about when you stay lonely in the house. ”

Participants expressed how simply having people who care and look out for them met a fundamental human need for community and solidarity:

“ Because you are human, you are not like a mountain. You are human and you need someone who look after you. Or someone who see you even see you. To hear you. ”

Some organisations are able to dedicate resources to providing specific social activities, which can foster a sense of community and offer opportunities usually denied to people experiencing destitution:

“ Every Tuesday ... they take us out, just to make us happy, during summer, we go places, they pay for coaches, they give us food, they give us clothes. When we go out, they spend a lot of money, they pay for the kids' ride. They are doing a lot. They make us happy, they organise some things. For us and the kids. ”

For people experiencing a hostile system which isolates and marginalises them, the positive impact of such initiatives can be significant:



Training and volunteering opportunities

Several organisations also provide or refer to volunteering or training opportunities, which can offer a much-needed sense of purpose and community to people in the asylum process:

“ [The charity] ... giving me the chance to volunteer. Happy days. For coming out and helping to do the cycling classes. I lead it. Which was really good, meeting other women. And being out there in an open space with an open mind. So, yes that was really good. ”

Especially as people seeking asylum are denied the right to work in the vast majority of cases, volunteering can help people to develop skills, build confidence and regain a sense of self. As one participant explained:

“ So, when I started I used to volunteer five days with different organisation. So, it helped me mentally, but I kind of felt like...I need to have a sense of belonging to show my daughter.” ”

It's important to emphasise that such opportunities are no replacement for being able to work and earn an income, and the participant told us that her daughter “kept saying oh you just go to work but you don't buy me anything because you don't always have money.” Nonetheless, volunteering opportunities can offer a sense of purpose when the ability to work is denied; **“She sees me like I am going to work. So, the volunteering did help me a lot, personally. Especially mental health.”**

Another participant explained the importance of such opportunities to rebuild their self-esteem:

“ I gained back my confidence, I began to write again. I began to do advocacy using my ... I sew, I make quilts. I use all my skills that have lied dormant all these years. And that helped me to find myself. ”

The value of holistic support

Although providing accommodation alone can make a huge difference to people's ability to focus on and progress their asylum case, several participants emphasised the benefits of having holistic, wrap-around support provided by a single organisation. Participants felt that organisations that offer accommodation, legal support and financial support to people experiencing destitution are the most effective in enabling them to stabilise their situation and make progress with their asylum claim:

“ From [the charity] the big help is financial support, accommodation support and even legal support. So, all support we have. And this is the first organisation I have seen that not only help you in accommodation, also help you to get out form this situation. Like other hostels are also very good, but... not helping to get out from this situation. ”

Another participant explained the value of person-centred services that take an interest in their situation beyond their basic need and the technicalities of their case:

“ Their approach is holistic. It's not just to help you put in a fresh claim or get a good lawyer, or give you accommodation. They want to know where would you have been? They... Had you got your settlement then. They give you opportunities. And opportunities came to me and I took advantage of them. ”



SUMMARY

- ➔ Accessing formal support services from a charity was often a pivotal point in the journey of participants following a negative decision, when they began to be able to take more control over their case.
- ➔ Meeting the fundamental need for accommodation often had a profound impact on participants' wellbeing, mental health, and their ability to focus on their case.
- ➔ Participants reported that services that offer legal and casework support, whether through in-house legal services or through supporting clients to work with external legal services, often led to more positive experiences with solicitors.
- ➔ Support from organisations often came with a sense of community and social opportunities, which could be hugely restorative in the face of a hostile, alienating and dehumanising asylum process.
- ➔ Participants spoke positively of organisations that offered training and volunteering opportunities, which provided a sense of purpose and optimism in a context where people do not have the right to work.
- ➔ Services that are able to offer holistic, wrap-around support, with accommodation, legal support, social and volunteering opportunities all offered by the same provider, are particularly powerful in helping people to not only address their immediate needs, but take more control over their situation and progress their asylum case.



7

LIMITATIONS OF SUPPORT FROM CHARITIES

INTRODUCTION

In a policy context that allows those who have received negative asylum decisions to fall into destitution, organisations and communities are doing their best to support people and prevent them from facing the worst consequences of receiving a refusal. However, they are fighting an uphill battle, with insufficient resources and capacity, and limited power in a system which offers inadequate statutory protections to prevent people from falling into destitution.

People also face numerous barriers to accessing formal support from charities, and often rely in the meantime on support from informal networks of friends, family and community. This chapter outlines learning from the interviews about challenges accessing formal support; the limitations and problems of informal support from the community, and limitations of support offered by charities, once accessed.

BARRIERS TO ACCESSING FORMAL SUPPORT

As the previous chapter discussed, support provided by charities – including NACCOM members – that offer accommodation, legal support and more, can have a transformative impact on the lives of people who have had received a negative asylum decision, and their ability to successfully navigate the asylum system. However, many participants faced barriers that prevented them from accessing this support.

The primary reason given for not immediately accessing support from charities was not being aware of services that exist to support people who have been refused asylum. As discussed previously, the Home Office has no statutory duty to refer or signpost people to services that can support them, and this resulted in many participants not knowing about support that was available. Asked if they knew about charities that support people after a negative decision, typical replies from participants included:

““ *Not at that time. I wasn't aware that there were some charities. ... at that time I didn't know ... Nobody tell me.* ””

““ *No, I didn't know any organisation.* ””

““ *At that time, no idea there were organisation in UK who were helping people.* ””

““ *No, I don't know. And nobody told me that.* ””

The number of participants who told us that they were completely unaware of support available to them highlights the extent to which this lack of knowledge creates a barrier to many people progressing their asylum case. Given the tight appeal deadline, and the possibility of asylum support being stopped and people being made

destitute, not knowing about services that offer support can have huge consequences for someone's asylum case and therefore their life. As one participant told us: ***“After my refusal? If I had known about [the charity] ... Before then, I think I would have been supported better.”***

As well as a lack of awareness of available services, the sense of alienation and isolation that often accompanied receiving a negative decision served as a further barrier to support, as people often felt more hesitant and less confident to ask for help. This can be especially true following traumatic experiences, which may have led people to seek asylum in the first place:

““ *I was facing mental health issues, so I wasn't able to trust anyone. First time I got difficulties. Because I wasn't able to tell them my story.* ””

The impact of having to repeat traumatic stories also deterred some people from accessing help:

““ *I feel shy and shame sometimes. To talk with people. And when they are talking about their problems, so I was remembering my problem as well, so it gave me more pain. So, when I stay quiet inside... sometime ... calmness, you can say.* ””

More generally, others described the feeling of isolation and how it made it harder to find support:

““ *So, I spend most time at home. And suffering with mental health issues as well and this decision as well. So, all these things making me to stay quiet.* ””

Even where people were aware of support and took action to get help, some found that they would be turned away. While charities in the NACCOM network are experienced at working

with people in the asylum system, some participants described difficulty accessing 'mainstream' homelessness services due to their immigration status. One participant recounted how they had sought help from a large homelessness organisation, but found that:

““ *If you have a papers, they can help you find accommodation. And [Universal Credit]. They can move you on quickly. But if you don't have papers then it's a problem.* ””

Another said that they were referred to a mental health charity for counselling, "**but when they ran through my immigration status, I never heard back from that.**"

ISSUES WITH CHARITY SUPPORT

Charities provide crucial accommodation and services which, once accessed, can offer a level of stability and support that informal help from the community rarely can. However, while the support offered is often safer, more reliable, and more holistic, charities face numerous challenges such as a lack of resources and capacity, and limitations in the power they have to support people to progress their asylum claim and improve their situation.

Inadequacy of financial support and destitution payments

As discussed in the previous chapter, the financial support that some charities provide to people who do not receive any state support is vital, and can offer a level of independence that accommodation and food alone do not. However, many participants emphasised that destitution payments from many organisations were well below what they would require to meet their basic needs and live in dignity.

In several cases, participants would be accommodated and perhaps provided with food parcels, but not given any financial support at all. Many participants expressed that while accommodation and food may offer the absolute basic means to survive, they had very little meaningful freedom without any independent money or source of income:

““ *I was asking them before even two days, grant money. I want to buy something. But they said no your money, you are okay. Now you get room, you survive. I said okay okay. I need more helping, because I am not working.* ””

““ *But sometimes some organisation can't help you with money and they can't help you with accommodation. Not all organisation can help you with accommodation and money.* ””

Even where people could access some form of financial support – whether from their accommodation provider or from an external organisation such as the British Red Cross – this was often felt to be inadequate to meet anything other than the most basic needs, and sometimes not even that. Participants conveyed a feeling that payments seem to be pitched at a level that can offer survival but nothing more, and many expressed a sense that important human needs were not met. For example, one participant who has diabetes described the effect that living on this amount of money had on her diet, and the consequence for her health:

““ *£10 from [charity] is not helping ... I still need more for my healthy food. because I can't eat normal food. Everywhere food is cheapest carbs. So, when I eat carbs, my diabetes go up.* ””

Others explained that while they may be just about able to feed themselves on the money and food they received, they had no money to spend on other essentials such as transport to get to health appointments:

“ They give you ... £15. Every two weeks. And they help you with top up phone. But the problem is if ... they can increase it little bit for transport, because that is what main thing. If maybe they give you £7.50 a week, can't do nothing with £7.50 a week. Because if you have appointment to go and see the doctor then it's difficult. But it's better than nothing. ”

Issues with shared housing

People accommodated by a charity will often get a room in a shared house, with other people supported by the same organisation. People will usually be accommodated with those they do not know and with whom they may not share a language, and there may be a high turnover of residents as people's circumstances change. Unsurprisingly, several participants described tensions arising between housemates, which made the experience of living there less comfortable:

“ They give house, it's okay ... Sharing. That is the most problem. Because ... every time you live with new people, different people. And people are different. So, it is the big problem. You live with someone, sometimes they smoke, they take things you don't take. And then just like that... so... that's the only problem I found ... it depended the people you are sharing with. Whether they are good people ... People are different. ”

While many of these issues are perhaps to be expected in shared living arrangements and not confined to those in the asylum system, it's important to recognise the wider challenges that residents are facing as people experiencing destitution, and the additional stress that otherwise relatively minor difficulties might cause in this context:

“ In charity accommodation? I had more stress there. But now when I am living on my own, I am more relaxed. It's much more better here. ”



Issues with hosting

Many participants were also supported by hosting schemes run by charities, including NACCOM members. Hosting schemes can provide vital temporary relief to those facing destitution while there is not adequate capacity in other charity accommodation, and many participants described positive experiences of being hosted. However, such arrangements can also give rise to similar problems to those which people encountered when staying with friends, such as feeling like an intruder in someone else's home, and difficulties negotiating the dynamics of shared spaces.

One participant powerfully described some of the challenges they faced whilst living with host families. While they emphasised their gratitude to those who hosted them, they also explained how the temporary and transient nature of hosting arrangements places an emotional burden on people who have to recount experiences repeatedly to new hosts. They also highlighted the importance of hosts themselves being supported and trained to understand the challenges that people in the asylum system face, to ensure that the experience is made as supportive as possible:

“ The very people who are offering accommodation need the support of the different agencies to know what an asylum seeker is. What challenges they are going through. What the system entails. Because there is nothing as painful to then live with and so and so, I have got to go through my entire asylum story over and over again. I go to the next person, the host family. I have got to explain my entire asylum story over and over again. That's mentally destroying. And then at the same time I respect the individuals who take people into their houses. They are very brave and very generous. But they are looking at somebody's mental health state, somebody's fears, somebody's challenges. ”

Limited capacity and lack of resources

For charities who provide accommodation in particular, capacity is a huge issue: they have limited accommodation available, and invariably cannot build the capacity to meet demand. This is reflected in participants' experiences of trying to access charity accommodation, and sometimes finding that whether they could be accommodated depended on how severe their need was:

“ You have to fight your case. There is limited accommodation. ”

Generally, there was recognition among participants that organisations are overstretched and lack the resources to provide the level of service that they would like to across a range of areas, such as accommodation, financial support, legal support and mental health and wellbeing services. The pressure on organisations supporting people facing destitution, and the impact on services across a wide range of areas, was powerfully captured by one participant:

“ They are underfunded. If they had more resources, they would do much more. Like accommodation and more one-to-one. And help with ... legal fees, the times when there is no legal aid. And a few charities were offering legal aid ... they had to choose which client they would take. They [shouldn't] have to do that. And charities who are offering housing are forced to offer the most vulnerable over others. They shouldn't have to do that. And charities that offer like food bank ... the amount ... the nutritional value ... And the destitution struggle with their finances getting lower and the amount of cash they are able to give to individuals has been reduced. ”

The participant also recognised the strain that this puts on services and people who work for them:

“ And find that the staff used to get tired – I saw that ... They are forced to do the same job for two other people. And you find that when one goes on leave, there is a backlog when they come back, you know. Because there is only one or two people doing it. ”

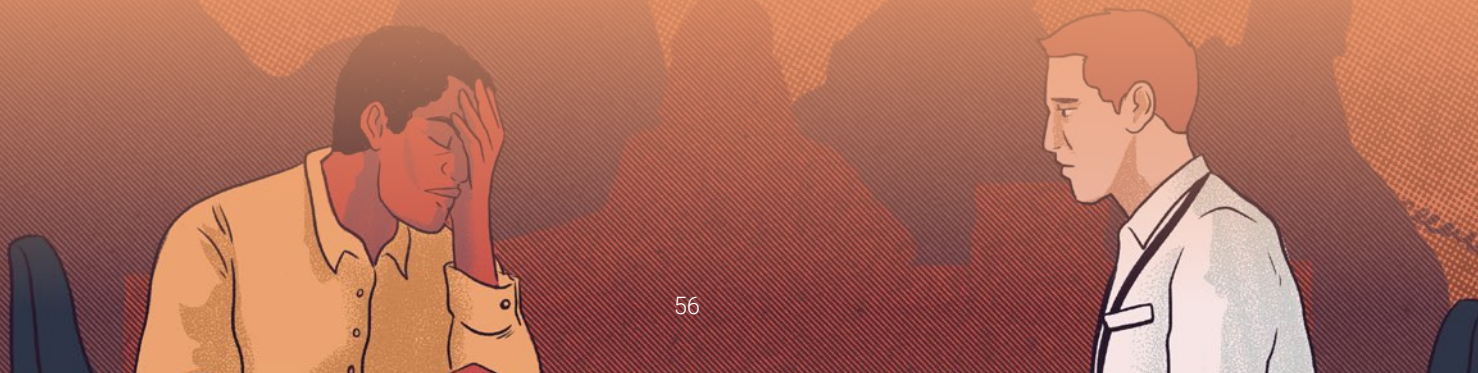
Another issue highlighted by participants was that whilst charities often did everything they

could to support people who have received a negative decision, the success or failure of their asylum claim, and therefore their ability to build a life and future for themselves, is ultimately in the hands of the Home Office, and charities are therefore always limited in what they can do:

“ Charity can't do anything Home Office. Sometime when I come here to help me with my case, it's problem for Home Office not charity. Charity do all the best... But the problem is Home Office. ”

SUMMARY

- ➔ Charities are doing vital work in very difficult circumstances to support and empower people who have received a refusal on their asylum claim.
- ➔ Participants reported a number of barriers to accessing support from charities, including a lack of awareness that services are available, hesitancy to seek support due to isolation, mental health problems, and a lack of trust.
- ➔ The financial support that some charities offer was felt by several participants to be insufficient.
- ➔ Although accommodation provided by charities can have a transformative and positive impact for people who have been experiencing homelessness and destitution, participants reported some difficulties, discomfort and tensions in shared housing.
- ➔ Hosting schemes are also vital for providing urgent accommodation, and many participants reported positive experiences of staying with hosts. However, living with a host also presented difficulties for some participants, such as feeling like an intruder in someone else's home and negotiating the dynamics of shared spaces. These arrangements were also often very temporary and moving regularly between them can present further difficulties.
- ➔ Participants recognised that the biggest problem with support from charities is that they are limited by insufficient funding, resources and power. Many participants felt that charities were doing the best they could, but faced constant issues of capacity, and limited power to effect change. Well-funded services are essential to address the issues highlighted in this report.



CONCLUSION

In a hostile and complex asylum and immigration system, having an asylum claim refused can be the beginning of a particularly confusing, traumatic and even dangerous ordeal for someone in the process of seeking asylum in the UK. A lack of safeguards, resources and reliable, accessible information for those who have their asylum claim refused means that people are often pushed into destitution and homelessness, unaware of their legal options or the support that is available to them.

A legal aid system in crisis routinely denies people access to the representation they need to get a fair and just hearing, meaning that those who do get legal aid are served by solicitors who are severely under-resourced, and who struggle to deliver the quality of legal service that they should.

The convoluted and inefficient UK asylum process traps people in the asylum system for years or even decades, during which time they are denied the right to work and will go through periods of having restricted or no eligibility to public funds, unable to move forward with their lives. This takes a devastating toll on the physical and mental wellbeing of people

seeking sanctuary in the UK, who are often left feeling anxious, isolated and dehumanised.

Community networks of friends, family and faith groups play a vital role by stepping in to support people when there are gaps in support, providing informal help with accommodation and food, often at great personal sacrifice, before people are able to access more formal support from charities. Organisations such as those in the NACCOM network do vital work to provide people with accommodation and access to legal, financial, emotional and social support, which can have a transformational impact on the experiences of people in the asylum system. Frontline support providers are overstretched however, and face an increasingly challenging and hostile context to work in.

No-one deserves to face the trauma and indignity of homelessness and destitution. By listening to and working alongside people with lived experience of claiming asylum, and working collectively to provide the support that's needed, we have the knowledge, expertise and tools to end homelessness and destitution in the asylum system - we just need the political will to do so.





With thanks to Ada Jusic for
the original illustrations
www.adajusic.com

0161 706 0185 / office@naccom.org.uk / www.naccom.org.uk

f @naccomnetwork  @NACCOMNetwork

NACCOM, Youth Resource Centre, Oxford Street, Whitley Bay, NE26 1AD.
NACCOM is a registered charity in England and Wales Registration No.1162434