

New threat to remove support to refused asylum seeker families: Government proposal

What is being proposed

The UK Government is proposing to remove support for refused asylum seeker families. Until now these families have been supported by the standard asylum support rate (known as S95, of the Immigration and Asylum Act 1999). (Government documents always refer to 'failed' asylum seekers: once the claim has 'failed', the logic is that there is no right to remain). According to the Government briefing, as at 31 March this year, *'about 10,100 such people (around 2,900 families) were supported under S95. In 2014-15, such support cost an estimated £45 million'* (see next paragraph for reference).

This proposal was put out for consultation at the beginning of August, with a closing date of 9 September. Refugee organisations are meeting on 28 August to work on a coordinated response. The 10 page consultation can be found at www.gov.uk/government/consultations/reform-of-support-for-failed-asylum-seekers-and-other-illegal-migrants

The reasoning and the consequences

The Government's argument is based on the fact that the same 1999 Act which provides financial support for destitute asylum seekers also includes those whose claims have been rejected - on account of a child being involved. The Government argues that this undermines its international obligations of meeting *'minimum standards for asylum seekers who would otherwise be destitute'*. Once the claim has been refused (and appeals have been 'exhausted'*), the Government argues, asylum seekers, whether alone or with a child, have no legal basis in the UK. For them to continue to receive support *'...is wrong in principle and sends entirely the wrong message'*. Removing support is intended to prompt families to return to their home country. *(As long as a family has a form of appeal, or makes a fresh claim, they retain support).

This is the second time this policy has been tried. In December 2004, a pilot was carried out on a specific group of 116 families, and Barnardo's produced a report on its impact, The End of the Road (August 2005). This highlighted the conflict that local authorities had to deal with between the needs of the child according to the principles of the Children's Act 1989, and immigration law.

The report found that *'(C)rucially, no families have returned to their country of origin as a direct result of the implementation ... and 35 families have disappeared, losing all contact with services, and leaving themselves and their children acutely vulnerable'*.

Probable impact of this proposal today

This same anxiety is illustrated in a report in The Guardian about the effect of this proposal (19 August, 'We can't go back', Society, p.35). Families say that they can't return home. It pinpoints the primary concern, that 'failed' asylum seekers may not have won legal clearance for protection here, but they do stick to their belief that they are at risk of harm if they return home. With good legal representation severely reduced – even if legal aid remains for asylum claims, quality legal services have shrunk – it can be anticipated that more families will disappear, if proposal goes through, and so become more vulnerable. Tragically, we can expect more families who are destitute to arrive at the doors of the organisations that the London Churches Refugee Fund is set up to support.