



**'Living Ghosts'\_  
Briefing Paper on  
Destitute Asylum Seekers**

**April 2006**

## **Introduction\_**

This revised paper from the Churches Regional Commission for Yorkshire and the Humber focuses on the plight of asylum seekers who have become destitute through the loss of entitlement to the most basic level of services. Its purpose is to provide factual information and resources, together with suggestions for ways in which Christian communities can share something of the love of God for these destitute neighbours.

Since the first CRC paper on this issue, published in March 2004, there has been a huge rise in the incidence of destitution among asylum seekers. These adults and children, who have reached the end of the application process for refugee status, are not only prohibited from seeking work, but also lose entitlement to benefit payments and accommodation.

Many would rather live on the streets of the UK than be returned to their countries of origin, where they fear discrimination, persecution, imprisonment, torture and even death. And so they seem to vanish, often dropping off the official records, becoming 'Living Ghosts'.

According to the Refugee Council, there are now more than 100,000 destitute asylum seekers in the UK. The Yorkshire and Humber region has the highest proportion of these adults and children, who are now dependent on charity for food and shelter.

Although individual Christians may hold a range of different opinions about these issues, no fewer than fifty Church leaders, including the Archbishop of Canterbury and the Moderator of the Churches Commission for Racial Justice have signed up to the Living Ghosts campaign calling for an end to the policies that lead to destitution among asylum seekers. Many organisations and individuals question the wisdom – even

the morality – of certain aspects of Government policies with regard to asylum seekers. Some are concerned that asylum seekers may be 'dumped' on communities already experiencing social and economic disadvantages. Others fear that failure to meet the needs of asylum seekers may lead them into anti-social behaviour or crime.

More detailed information is available from the many national, regional and local organisations and other sources whose contact details are given at the end of this paper. These include a number of Church initiatives and responses that make a very significant contribution to the care of these vulnerable adults and children.

The Bible urges us to come to the aid of people in need, not least those who are strangers in the land. In St Matthew's Gospel, Joseph, Mary and the infant Jesus himself are portrayed as fleeing from the murderous persecution of Herod (Matthew 2.13-18), and Jesus is recorded as saying, "Just as you did it to one of the least of these who are members of my family, you did it to me" (Matthew 25.40). It should not therefore require much imagination to see, in our region's destitute asylum seekers, the face of Jesus himself.

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**Please keep CRC informed of corrections and additions to this briefing paper by contacting the Policy Officer, Robert Beard, details above**

## Who is an Asylum Seeker?\_

Asylum Seekers are people who apply for Refugee status in a country other than their own. Refugees, according to the UN Refugee Convention 1951 are people who:

- have a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion, or
- are outside the country of their nationality and are unable or, owing to such fear, are unwilling to avail themselves of the protection of that country, or
- not having a nationality and being outside the country of their former residence are unable or, owing to such fear, are unwilling to return to it.

Under the Convention, anyone who is being persecuted or who fears persecution may seek asylum in another country. Only persons who have committed crimes outside the country of refuge are excluded from refugee status. To be an asylum seeker is to have a legal status, therefore there is no such thing as an 'illegal asylum seeker'.

## Asylum Seekers in Yorkshire and the Humber\_

At the end of the 1990s, almost all asylum seekers were concentrated in London and the South East. The Immigration and Asylum Act 1999 introduced a policy of dispersal around the country, and our region found itself facing a new issue as asylum seekers and refugees began to arrive.

To address this issue, in November 2003, the local authorities in Barnsley, Bradford, Calderdale, Doncaster, Hull, Kirklees, Leeds, Rotherham, Sheffield and Wakefield set up the Yorkshire and Humberside Regional Consortium for Asylum Seekers and Refugees. The Consortium's aims were to support and find homes for asylum seekers who had been dispersed to the region, and to support refugees who wanted to build their new lives here.

The Local Authorities made an agreement with the Government that the total number should never exceed 0.5% of the total population, or 17,000 persons in a population of 3.5 million. At the time it was estimated that between 10,000 and 11,000 asylum seekers could be housed in the region at any one time, but this number has now fallen to under 10,000.

Together with the Yorkshire and Humber Assembly, the Consortium developed the Regional Integration Strategy 2003-2006, with the following aims to:

- encourage refugees to choose to stay in the region and contribute culturally and economically
- ensure that their needs are integrated into strategic planning
- ensure equal access to services for refugees
- ensure that public agencies fulfil the requirements of the Race Relations (Amendment) Act 2000 in dealing with refugees.

Legislation currently before parliament is intended to provide that even asylum seekers who are granted Indefinite Leave to Remain (ILR) will be subject to a five-yearly review of their cases. This would seem to militate against their integration into UK society and leave them dependent on repeated positive decisions by the Home Office.

## What are Asylum Seekers entitled to?\_

The National Asylum Support Service (NASS) is part of the Immigration and Nationality Directorate of the Home Office. On 8 January 2003, the Government implemented Section 55 of the Nationality, Immigration and Asylum Act 2002, under which NAAS will provide basic support for asylum seekers who can show that

- they applied for asylum 'as soon as reasonably practicable' after arrival in the UK, and
- they have no access to alternative support.

In December 2003, the period 'as soon as reasonably practicable' was defined as 'within three days', but subsequent Court cases have resulted in its not always being enforced.

A single adult asylum seeker receives £38.96 per week, or about 70% of the basic level of Income Support. Asylum seekers are not permitted to do paid work until they have been in the UK for a full year without receiving a Home Office decision, or claim benefits while their applications are being processed; they are allowed to do voluntary work, and many do. Those with special health or support needs may be entitled to additional help.

Any suggestion that asylum seekers normally receive more financial support, benefits or services than UK citizens is mistaken. They cannot jump the queue for Council housing, and there are no free televisions or mobile phones, although some manage to save up for phones as their only means of communication with family, lawyers or immigration officials.

*"There is no way I can find money. In this country I'm not allowed to beg and I'm not allowed to work. I don't even have accommodation to live in."*  
Asylum seeker and mother, Leeds

## How do Asylum Seekers become destitute?\_

Article 25 of the UN Declaration of Human Rights 1948 asserts the right of everyone to 'food, clothing, housing and medical care and necessary social services.' Article 3 of the European Convention on Human Rights 1950 (ECHR) states that 'No one shall be subjected to... inhuman or degrading treatment'.

How is it, then, that so many asylum seekers in the UK and in our region end up as Living Ghosts?

Simply put, it is because they have been denied leave to remain in the UK, but still fear persecution, and therefore refuse to co-operate in their own repatriation.

The criteria outlined above, on which NASS assesses entitlement to support, effectively deny it to those who cannot show that they applied for asylum at the port of entry, and to those who are simply delivered 'off the back of a lorry' to UK towns and cities, although their means of entry to the UK has no legal bearing on their status as asylum seekers.

In addition, many asylum seekers have a well-founded fear of the authorities in their countries of origin, and may initially find it hard to trust UK immigration officials, the police and people in similar roles. There is often little, if any, provision of expert guidance or even simply moral support for asylum seekers going through the legal system, who may have little or no English.

In February 2003, the Refugee Council took the Government to court, and an Appeal Court judgement found that denial of support was a breach of Article 3 of the ECHR. The Government appealed against the ruling, but lost their appeal. No action was taken on Section 55.

In July 2004 the Council brought another case and obtained a ruling that *'sleeping rough, begging for food or money with which to buy it, and the fear, humiliation and physical and mental suffering which soon ensue, particularly when the asylum seeker may be driven to crime or prostitution in order to survive'* constituted inhuman and degrading treatment under Article 3 of the ECHR. This time, however, the Court of Appeal overturned the ruling.

There is no formal appeal mechanism against negative decisions under Section 55, although asylum seekers may apply to be reassessed in circumstances of extreme poverty, or where a doctor or hospital can testify to physical or mental health problems, particularly when these can be shown to arise from their living conditions.

Asylum Seekers become destitute when

- their applications for support under Section 55 are rejected
- they reach the end of the appeal process and negative decisions are upheld
- they are given notice to return to a country designated as 'safe' by the Government, but where they fear persecution and refuse to sign a declaration that they will co-operate in their repatriation, e.g. Christian asylum seekers told to return to Afghanistan. Some of these would rather 'disappear' in the UK than sign a declaration of willingness to return.
- their applications for support under Section 55 are rejected and benefits are withdrawn, but the Government recognises that their country of origin is not 'safe', e.g. Zimbabwe, and therefore makes no attempt to deport them.

In cases such as these, failed asylum seekers are left completely destitute and become Living Ghosts.

There are no official figures for the number of destitute asylum seekers in the UK or in our region, but estimates made by ASSIST suggest that there may be as many as 1000 in Sheffield, and this figure may be replicated in major cities across our region.

## **What is 'Section 9'?**

On 1 December 2004, the Government implemented Section 9 of the Asylum and Immigration (Treatment of Claimants) Act 2004.

Before this date, failed asylum seekers who had minor dependant children continued to be eligible to apply for NASS support until their removal from the UK, even when they had reached the end of the appeal process and negative decisions had been upheld.

Section 9, however, permits NASS to withdraw support, including accommodation, within 14 days from any asylum seeker, including those with families, who has failed 'without reasonable excuse to take reasonable steps to leave the UK voluntarily or place himself in a position where he is able to leave the UK voluntarily.'

Under Section 9, NASS is required to inform the relevant Local Authority of those in their area who fall into this category, so that the Authority may continue to provide support and accommodation for the children, but there is no requirement for support and accommodation to be provided for the parents.

The implication of Section 9 is that Social Workers could be asked to separate children from their families simply because NASS has ended the lawful accommodation of the adult members of the family and left them with nowhere to

live, rather than because there is any danger to the children in remaining with their parents. Many Social Workers are unwilling to do this, and UNISON has stated its opposition to this provision.

On 31 January 2006, the Refugee Council and Refugee Action published a report, *Inhumane and Ineffective – Section 9 in practice*, based on work in the three pilot areas of Leeds, London and Manchester. The report showed that

- only one family (out of 116 in the pilot) had left the UK as a result of Section 9
- at most, three families had signed up for voluntary return
- 32 families had gone ‘underground’
- 80% of parents in the pilot areas had mental health problems exacerbated by Section 9.

These findings are supported by the experience of the Central Health Clinic in Sheffield and other practitioners who report asylum seekers having serious mental health problems caused or exacerbated by their experiences since they arrived in the UK. About one-third of asylum seekers are educated to university level, and the inability of these and others to take suitable employment adds to their frustration and anguish.

In February 2006, recognising the unpopularity of Section 9, the Government made provision for allowing it to be repealed without further debate. Although this has not yet been done, it perhaps suggests that this provision will not be further implemented.

## **The latest legal news\_**

A new Immigration, Asylum and Nationality Bill is currently before parliament. The Churches Commission for Racial Justice (CCRJ) is campaigning on a number of points in this Bill.

Failed asylum seekers who cannot be removed, because the Home Office acknowledges that their countries of origin are unsafe, are currently eligible for emergency support under Section 4 of the 1999 Act until they can be removed safely. A Lords amendment to the current Bill requires that support be given in vouchers, not cash. CCRJ argues that the use of vouchers has the effect of identifying and stigmatising asylum seekers and has led to serious problems in the past.

People refused an entry visa currently have the right of appeal against this decision, and many refusals are overturned on appeal, indicating that initial decision-making is unreliable. The Bill abolishes this right of appeal in most cases.

The Bill allows immigration staff to share information on people travelling with ‘any other foreign law enforcement agency.’ CCRJ argues that this may put in jeopardy the lives and well-being of people fleeing persecution, and should only be allowed where matters of public safety are concerned.

Clauses 39 and 40 of the Bill allow the contracting out to private companies of the power to search and detain travellers for up to 3 hours, by force if necessary. There are documented cases of violence and abuse in these circumstances, and CCRJ argues that the clauses should be dropped.

## What can Churches do?\_

- Include the needs of asylum seekers and those working with and supporting them in your public and private prayers.
- Offer opportunities for those working with asylum seekers to speak in Sunday services and other meetings.
- Write to the Prime Minister or email him via the website [www.number-10.gov.uk/output/Page869.asp](http://www.number-10.gov.uk/output/Page869.asp) expressing any concerns you may have, particularly about the current Immigration, Asylum and Nationality Bill.
- Write to or email your MP and ask him/her to raise the issues with the Home Secretary. It is helpful if you can cite specific examples from local constituencies. You can find your MP's name at [www.locata.co.uk/commons](http://www.locata.co.uk/commons) or phone 020 7219 4272. The address to write to is House of Commons, Westminster, LONDON SW1A 0AA.
- Sign up to the Living Ghosts campaign organised by Church Action on Poverty, which is endorsed by more than fifty Church leaders. Visit [www.church-poverty.org.uk](http://www.church-poverty.org.uk)
- Support national and local agencies by asking about volunteering opportunities, making donations and organising fundraising, publicity or prayer events. See Organisations section for details.
- Use the Church Action on Poverty presentation on Living Ghosts which can be downloaded free at <http://www.church-poverty.org.uk/Pas%202006/Living%20Ghosts%20presentation.ppt>
- Consider offering Sanctuary in your church building. For guidelines see the Churches' Commission for Racial Justice booklet Sanctuary, available at £4.99 from CTBU publications on 01733 325002 or [sales@mph.org.uk](mailto:sales@mph.org.uk)
- Challenge inaccurate or misleading statements and stories in the media and elsewhere, particularly where you can offer accurate information or real-life examples.
- If appropriate, consider hosting a destitute asylum seeker for a few days. ASSIST and The Boaz Trust can give further information – see Organisations section for contact details.
- The Diocese of Wakefield has produced a booklet, *Strangers into Friends*, designed as a resource to help Churches offer support to asylum seekers and refugees. It contains a variety of local and regional information, and may be downloaded from the diocesan website [www.wakefield.anglican.org](http://www.wakefield.anglican.org) or obtained from Ian Gaskell at [ian.gaskell@wakefield.anglican.org](mailto:ian.gaskell@wakefield.anglican.org) or on 01924 371 1802.

## **Organisations\_**

### **Refugee Council**

240-250 Ferndale Road

LONDON

SW9 8BB.

0113 244 9404

[www.refugeecouncil.org.uk](http://www.refugeecouncil.org.uk)

### **The National Asylum Support Service (NASS)**

The government body having overall responsibility for supporting asylum seekers.

[info@asylumsupport.info](mailto:info@asylumsupport.info)

[www.asylumsupport.info](http://www.asylumsupport.info)

### **Churches' Commission for Racial Justice**

Bastille Court, 2 Paris Gardens, LONDON SE1 8ND

020 7654 7240

[arlington.trotman@ctbi.org.uk](mailto:arlington.trotman@ctbi.org.uk)

[www.ctbi.org.uk](http://www.ctbi.org.uk)

### **Church Action on Poverty**

Organises the Living Ghosts campaign

National – 0161 236 9321 ()

Bradford (Chris Howson) – 01274 727 034

Ripon and Leeds (Kathryn Fitzsimons) –

0113 248 5011

Sheffield (David Price) – 0114 255 2226

[www.church-poverty.org.uk](http://www.church-poverty.org.uk)

### **The Children's Society**

Information and advice on young asylum seekers and refugees

**Edward Rudolf House**

**Margery Street**

**London**

**WC1X 0JL**

020 7841 4400

[supporteraction@childrenssociety.org.uk](mailto:supporteraction@childrenssociety.org.uk)

[www.childrenssociety.org.uk](http://www.childrenssociety.org.uk)

### **Local Authorities Asylum Seekers**

**Teams:**

Sheffield: [www.sheffield.gov.uk/in-your-area/housing-services/asylum-seekers-team](http://www.sheffield.gov.uk/in-your-area/housing-services/asylum-seekers-team)

Leeds:

[www.leeds.gov.uk/Leeds%20Refugee%20and%20Asylum%20Service%20/page.aspx?style=](http://www.leeds.gov.uk/Leeds%20Refugee%20and%20Asylum%20Service%20/page.aspx?style=)

Wakefield:

<http://www.leeds.gov.uk/Leeds%20Refugee%20and%20Asylum%20Service%20/page.aspx?style=>

### **Northern Refugee Centre**

Resources are available including ideas for prayers and church activities

0114 275 3114

[info@nrcentre.org.uk](mailto:info@nrcentre.org.uk)

[www.northernrefugeecentre.org.uk](http://www.northernrefugeecentre.org.uk)

### **Yorkshire and Humberside Regional Consortium for Asylum Seekers and Refugees**

0113 247 5876

[www.leeds.gov.uk/asylum](http://www.leeds.gov.uk/asylum)

### **Bradford Action for Refugees**

Drop in centre at the YMCA, Bradford 5 and welcome group at Frontline Initiative Bradford 8.

Mel or Jade

01274 223240

### **St Augustine's Centre, Halifax**

Drop in every Tuesday 12 – 3 with immediate needs store.

Denise Keenan

01422 352492

### **International Christian Fellowship, Hull**

Provide English language classes in partnership ICF Centre with Hull College, practical assistance, support, training etc.

Revd John Ogada

01482 228181

[www.icfcentre.org.uk](http://www.icfcentre.org.uk)

### **Princes Avenue Methodist Church, Hull**

Work mainly with mothers and families.

Offer a drop in session on Thursday afternoons. Practical assistance and support.

Revd Sue Sowden

01482 343556

**Africa Forum, Hull**

Promotes the welfare of African residents. Advice re. employment, education, welfare rights, legal rights, immigration, health and housing. Provide support, counselling and training.

Tina Oraka  
01482 859423

**Bosnia-Herzegovina Association, Hull and East Riding**

Aim to connect people from Bosnia Herzegovina and make links with local community.

Faruk Tivic  
01482 580482

**Global Friends**

Provide social activities and befriending. Work in partnership with Health, Social Services, local immigration reps. and housing advisors.

Vanessa Roe  
01482 715612

**The Abigail Project**

Set up in West Yorkshire to support destitute asylum seekers. Contact Peter McHale 0113 388 5400

**The Boaz Trust**

Organises accommodation in volunteers' homes. Based in Manchester.

David Smith  
The Boaz Trust, Kingsburn Hall, 814 Burnage Lane, MANCHESTER M19 1RS  
0161 442 1869  
[boaztrust@aol.com](mailto:boaztrust@aol.com)

**Hull Asylum Seekers Support Group**

Provide help and support to asylum seekers and refugees. Also seek to raise awareness about issues around asylum and Hull immigration. Involved in campaigning for a fairer system. Run drop-in sessions and day sessions.

Gerald Fox  
0796 7257289

**Refugee Lifeline, Hull**

Provides accommodation and support to asylum seekers referred via local

authorities, including access to primary healthcare, ESL classes, education for children and legal representation, and other services according to need.

Barry Brown  
01482 606549

**The Haven Project, Hull**

(Action for Children in Conflict) Provide a 'listening' service for asylum seeker/refugee children and young people

Gill Martin and Rosemary Palmeira  
01482 325422

**ASSIST, Sheffield**

Offers emergency financial assistance and accommodation  
0114 258 7616

**ShortStop, Leeds**

Offers emergency accommodation  
John McLaughlin  
0113 293 2746.

**The Hope Valley and Sheffield Group,**

The Medical Foundation, Caring for Victims of Torture. Supporters group that raises awareness and actively fundraises.  
Sarah Eldridge

01433 670338  
[saraheldridge@aol.com](mailto:saraheldridge@aol.com)

**Leeds Asylum Seekers Support Network (LASSN)**

Includes Befriending and English at Home schemes  
0113 380 5690

**City of Sanctuary**

Initiative to build a culture of hospitality and welcome for asylum seekers and refugees in Sheffield.

Craig Barnett  
[sanctuarysheffield@fastmail.org.uk](mailto:sanctuarysheffield@fastmail.org.uk)  
[www.cityofsanctuary.com](http://www.cityofsanctuary.com)

**New North Road Baptist Church**

New North Parade, Huddersfield, HD1 5JU