

**The Helen Bamber Foundation's response to the Work and Pensions Committee's inquiry into *Universal Credit: the wait for a first payment***

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1. The Helen Bamber Foundation ('HBF') is a UK charity that provides expert care and support for refugees and asylum seekers who have suffered human cruelty. The individuals we work with have been subjected to atrocities including state-sponsored torture, human trafficking, religious / political persecution, forced labour, sexual exploitation, and gender-based, including 'honour-based' violence. Many of our clients have been repeatedly victimised and suffered multiple traumas. We offer survivors access to an individually tailored programme of specialist psychological care and physical rehabilitation activities alongside an advisory medical clinic, expert medico-legal assessment and documentation, welfare and housing support and a creative arts and employability skills programme. Our work helps survivors to gain stability, to address and overcome their trauma and to integrate into the community, resulting in sustained recovery.
2. We have extensive experience in assisting our clients to apply for Universal Credit (UC), as the vast majority of our clients who are granted leave to remain are required to apply for UC in order to have any kind of basic income. The people we work with are rarely able to work when they receive refugee status, and so need to apply for UC to have income and usually simultaneously submit medical certificates in order to be assessed for their capability for work.
3. At the point of making an application for UC, most of our clients still have severe mental health issues, and possibly physical health issues, and often have no or limited English. They are vulnerable as people who have survived torture, modern slavery or other human rights abuses. They are additionally vulnerable as they are usually applying for UC having experienced abject poverty in the UK; most apply for UC having been in asylum support provided by the Home Office under Section 95, 98 or 4(2) of the Immigration and Asylum Act 1999. These forms of support are destitution-based subsistence money with weekly rates of £36.95 - £37.75 and require the applicant to receive no other forms of financial support and to have no savings. Our client group therefore have multiple, complex and intersecting vulnerabilities, which are relevant to their experiences of applying for UC.
4. In response to the Committee's call for evidence on the five-week wait for a first payment of Universal Credit, we have outlined our response below, focusing specifically on UC claimants who have recently been granted leave to remain having sought asylum in the UK. All case studies, including dates, are anonymised.

## **To what extent have the mitigations the Government has introduced so far (e.g. Advance payments) helped to reduce the negative impact of the five-week wait for UC claimants?**

5. The Advance Payment is an insufficient strategy to mitigate the adverse impact of the five-week wait period for UC. Many of our clients are reluctant to accept an Advance Payment given their experience of destitution, and oftentimes exploitation and bondage, as they are aware that whatever money they receive in advance from UC will be paid back. The UC standard element is £317.82 per month, equating to £73.10 per week (and £10.44 per day). Thus, even a small reduction of the standard element of UC has the real potential to affect claimants' ability to meet their other needs, including food, travel, rent and service charges, council tax and utility bills. Other clients who do accept the Advance Payment are often not fully aware that the amount will be repaid out of their ongoing monthly payments nor how much they will receive in their first payment (and thus how little they are likely to receive after deductions are applied).
6. We do not think that non-repayable Advance Payments should be provided only to those who may be identified as vulnerable, as there are significant gaps in the way that potentially vulnerable claimants are identified and survivors of human rights abuses (and other vulnerable people) submitting the claim independently may not be able to convey this to the DWP in time.
7. The situation the majority of our clients find that their only form of income (from the Home Office) is terminated whilst waiting for their first payment of UC. They are not in employment nor do they usually have familial support to tide them over during this time. This means that they are acutely vulnerable to destitution and homelessness during the five-week wait period. An Advance Payment which is re-payable, leaving them with debt to the DWP and less financial support than they should receive in future payments, is wholly inadequate to mitigate this risk.

## **What problems do claimants still experience during the five-week wait?**

8. The vast majority of our clients have experienced periods of homelessness and extreme destitution – sometimes for multiple and prolonged periods – at which point many have been at risk of (further) exploitation. The majority have no savings or other income, and therefore have no other financial support to rely on, during the five-week waiting period for UC.
9. Furthermore, accommodation and/or financial support provided under Section 95, 98 or 4(2) of the Immigration and Asylum Act 1999 is normally terminated 28 days after receipt of the person's Biometric Residence Permit – the point at which they become able to apply for UC and other benefits, and a NINo (National Insurance No) if required. Recent British Red Cross research shows that the 'baked-in' five-week wait for a first payment of UC is incompatible with the 28 days refugees are given to leave the asylum support system.<sup>1</sup>
10. The majority of our clients claiming UC become destitute in the period between their asylum support and first UC payment, unless there is a delay on the Home Office's part in the discontinuation of the UC claimant's asylum support. As above, Home Office financial support is destitution-based, and requires the applicant to have no other income, and therefore there is no safety net for newly granted refugees in these

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<sup>1</sup> British Red Cross, 2020: ['The Costs of Destitution: a cost-benefit analysis of extending the move-on period for new refugees'](#)

circumstances, save for charitable support, foodbank vouchers, and friends to help them meet their basic needs. This situation continues to cause distress among an increasing number of people within our client group of people with complex mental health issues who have been recently granted legal protection following a history of trauma.

11. Due to the ongoing COVID-19 pandemic, on 27/03/2020 the Home Office suspended for three months their discontinuation of asylum support for people recently granted leave to remain thus reducing the likelihood that newly granted refugees will become destitute in the gap between asylum support and UC payments, however if this situation is not rectified in the long term, destitution will continue unabated after the Home Office begin again to discontinue people's asylum support after they have been granted leave to remain.
12. Other clients of ours are required to claim UC in other circumstances (for example, where they have been claiming ESA and have been found fit for work and thus claim UC, or where they have been working and are unable to do so due to ill health, thus claiming UC). They have also reported great distress at the five-week wait period. Our clients in this situation usually have no other income other than their ESA claim (though some may receive child benefit, child tax credit and some amount of PIP) and thus in the absence of any (adequate) payment, in our experience they struggle to meet their basic costs including food, travel, utility bills, rent payments and service charges. This increases their use of foodbanks, their anxiety and distress, and the likelihood they will resort to borrowing money from friends and others (which is a particular risk for people who have already experienced slavery and exploitation).

### **What is the best way of offsetting the impact of the five-week wait?**

13. We would recommend that the five week-wait be eliminated from UC with immediate effect, especially in light of the COVID-19 pandemic Claimants must be able to obtain payments within the first week of their claim, not in the form of an advance payment, but as their first payment. This is particularly acute for people recently granted leave to remain and leaving the asylum support system, as they will have no savings or alternative support with which to rely on and are highly unlikely to be in work at this point.

### **Is it possible to estimate any costs or savings to third parties (for example, support organisations)?**

14. Charities across the migrant and refugee sector provide a significant amount of support to their clients who would otherwise be destitute and unable to feed themselves, including clients who are awaiting their first payment of UC. Our Foundation gives out food bank vouchers and limited financial emergency relief in order to assist vulnerable people during this period. It is likely (and backed up by the British Red Cross' recent cost-benefit analysis regarding the 'move on' period for new refugees) that "local authorities, the NHS, charities and other public bodies are picking up on the considerable social and economic costs of new refugees becoming destitute." Measures the DWP could take to prevent destitution for new UC claimants would provide considerable savings to third parties and communities in the UK who support new claimants in the absence of the support they are led to expect from the state.

## Are different mitigating options needed for different groups of claimants?

15. There are other modifications required to make UC more accessible to new refugees and other migrants recently granted leave to remain, which are expanded upon below. Though they are not explicitly related to the five-week wait on which this Committee requests evidence, our organisation's experience in this area shows us that there are several 'pressure points' in the process of our clients claiming UC in which it is very easy for the five-week wait period to become much longer, due to UC's inaccessibility to survivors of extreme human cruelty with severe mental health issues.

## Making the application for Universal Credit

### Online:

16. The necessity to claim UC online makes the claim process difficult for people who have no or very limited English, no access to a smart phone or computer literacy, and who struggle to use a local library for mental and/or physical health reasons. For most of our clients, English is not their first language, literacy is often limited, and they have therefore struggled to complete the UC claim itself, particularly while managing mental health issues.

### Case study:

17. *Our client is a survivor of torture from Afganistan and recently received notification from the Home Office that he has been recognised as a refugee. He cannot communicate in English, cannot use a computer and does not have a smart phone nor an email address. He will soon receive his BRP indicating his proof of identity in the UK and ability to claim mainstream benefits, and as he is not medically fit for work due to his mental health (and his complete lack of English), he will have to apply for Universal Credit in order to have any income when his Home Office support stops. He is terrified that he will not be able to do this properly, and that he will become both homeless and destitute on continuation of his asylum support. Made worse by the coronavirus pandemic in terms of our organisation's ability to assist him in these matters (i.e. by helping him with an in-person interpreter to create and start using an email address and UC account), the UC application process – entirely online and without interpreter access – is entirely inaccessible for this young refugee who is disabled due to the impact of his mental health conditions.*

### Case study:

18. *Our client is a survivor of torture from Russia with severe mental health issues, exacerbated by immigration detention, and such that she requires adult social service visits and was previously detained under the Mental Health for an extended period. She was granted refugee status and on receipt of her BRP, the community mental health team assisted her to apply for UC and PIP in August 2019. When making a joint claim for UC, the claimants are required to re-confirm their details several times to ensure that they are correct, and unfortunately our client and her husband assumed that, after they had done this several times with the community mental health team, that their UC claim was submitted. We later discovered that their claim had not been fully submitted and spent several hours ensuring that the claim was fully submitted on*

*27/10/2019. They subsequently had their first JobCentre appointment on 09/11/2019 and received their first payment on 12/12/2020.*

19. *We are concerned that the application process for new claimants is not always clear and that in this situation led to a two month delay in completion of the UC claim (and thus a two month delay in receipt of their first payment and six weeks of destitution for our client and her husband, as the Home Office discontinued their support at the end of October 2019. There was also no communication from the DWP to our client and her husband regarding an incomplete application for financial support, meaning that picking up on this issue fell to the charity sector, to ensure that our client with very severe mental health issues had a pending UC claim.*

#### Identity verification:

20. In our experience, the online verification process necessary to complete a claim for UC does not work for people recently granted leave to remain in the UK, either via an international protection-based claim or otherwise. The vast majority of our clients, due to the often-prolonged period of seeking asylum and safety in the UK, have not been able to apply for and use a bank account, nor to work and thus make National Insurance contributions. It is therefore very often not possible for our clients to verify their identity online via the various companies the Department for Work and Pensions offers, and thus we are always required to assist clients to state that they cannot verify their ID online and to instead book an appointment at the JCP.
21. This appointment at the JCP precedes future appointments arranged as work search reviews and other regular appointments at the JCP, and in our experience exacerbates people's anxiety. Our clients have just finally been granted leave to remain in the UK and are safe from persecution in their country of origin, an often lengthy and difficult process which involves appointments and interviews at the Home Office as to the veracity of their asylum claim; a further appointment at the JCP to verify their identity is reminiscent of this process. We are aware that this requirement has now been eased and people are able to have their identity verified during a phone call with the DWP, a practice we hope will continue after the Covid-19 crisis for those who need it.
22. More practically, our clients have often only just received their Biometric Residence Permit, constituting their photographic proof of identity in the UK, but this information is not sufficient to verify their identity at the JCP, who require additional information. We often assist clients to open a bank account concurrently to applying for UC, and thus they rarely have a bank account, card or statements in their name at the time of applying. If a person is living in accommodation provided by the Home Office, they will not be liable for utility or council tax payments, and thus do not have this proof of identity also. Though a tenancy agreement is an accepted form of identity, it seems that the licence agreement for accommodation provided by the Home Office is not accepted by the JCP, nor is the Aspen card on which an asylum seeker receives their weekly subsistence payments, despite this being akin to a bank card.

#### Case study:

23. *Our client M and her young child were recently received refugee status after she won her appeal at the immigration tribunal – she is also a recognised victim of modern slavery. She has just received her BRP and therefore must apply for Universal Credit as soon as possible in order to hopefully receive her first payment before her Home*

*Office support (including financial and accommodation) was scheduled to be terminated at the end of April. She received her BRP on in mid-March, and we then advised her on applying for UC and opening a bank account.*

- 24. F was able to begin her UC claim the day after receiving her BRP, and after two days of attempting to open a bank account in local branches, she was able to open a bank account, after which we completed her UC claim. As it was not possible to verify her identity online via DWP providers, she was required to arrange an appointment at the JobCentre in order to verify her identity. F spent around 3 hours on hold to the UC helpline in order to try and arrange this appointment (which could then only be arranged over the phone). Our organisation spent 6 hours on hold to the UC helpline several days later and were eventually able to get through in order to arrange this appointment (which itself is to be held over the phone).*
- 25. It was not clear what evidence will be accepted over this telephone appointment which would normally have to take place in person. We are concerned that any delay in this process may contribute towards F and her son not receiving UC by the time their Home Office support is stopped and they have no other income. Pending clarification from the Home Office as to whether their recent announcement that new refugees would have not their accommodation terminated for 3 months during the coronavirus pandemic, it is clear that should the current procedures return post-lockdown, newly recognised refugees will continue to become destitute whilst waiting 5 weeks for UC.*

#### Habitual Residence Test:

- 26. Persons granted refugee status, humanitarian protection or discretionary leave to remain outside of the Immigration Rules are automatically exempt from the Habitual Residence Test (HRT) (DMG 073183 and DMG 073187). However, it can take some time for a person to receive a decision on the HRT via their UC journal, despite having provided evidence of their immigration status indicating they are exempt from the HRT, creating an unnecessary delay. The impact of this extra hurdle and consequent added delay is significant; people feel frustrated and anxious that their claim will not be processed.*

#### Case study:

- 27. F and O are married and have a one-year old baby. They are both clients of the Helen Bamber Foundation and survivors of torture from Sri Lanka. F and their daughter were granted refugee status on 28/07/2019 and applied for Universal Credit as a joint claim with O on 10/09/2019, after receiving her BRP. O was granted refugee status a few days after submitting their claim but did not receive their BRP until 17/12/2019. O had previously been failed the Habitual Residence Test, as – despite a letter from the HO confirming his refugee status, he did not have his BRP or NINo.*
- 28. After receiving his BRP, O immediately alerted to the JobCentre to this, and attended appointments on 22/12/2019 and 27/12/2019 in order to provide proof of his identity; on 27/12/2019, he was notified via their journal that he had passed the Habitual Residence Test is entitled to Universal Credit. On 04/01/2020, we asked via their journal when they would receive the correct payment for a couple (as F had received the single person allowance and child element since October 2019), and O attended yet another JobCentre appointment on 05/01/2020 to accept his claimant commitments and provide a medical certificate.*

29. On 06/01/2020, UC wrote on their journal to ask if O has been granted leave to remain advising that he would need to come in for a HRT interview. O responded a day later, stating: *““Yes I attend hrt appointment with officer on dated 5th! I have granted leave to remain. How many appointments more do I have to attend? When will you issue my application? Because I did not get any financial support from any government offices since when I did application with my partner also I am ill I can not get my medication unless you have not decided or do payment on my application, also I have difficulties to attend appointment on job center because my illnesses I hope you will consider my situation. Kind regards.”*
30. He wrote again on 09/01/2020: *“Hi, my English is not very well but when I check next appointment saying : Attend your work search review? I have already explained my self and give sick note to, why did they asking me to search or look for work appointment with my unhealthy condition? If I search or found a job how I will got work?.”* He received the following response on 10/01/2020 from the work coach he had seen at his nearest JobCenter: *“Hi [O], Your current Fit Note runs out before this appointment. This is to give you time to get another Fit Note, upload to your Universal credit account and bring it to [their local] JCP for verification. Depending on how long the next Fit Note is some interviews can be carried out over the phone. We can discuss this when you attend.”*
31. The Helen Bamber Foundation wrote on his journal on 11/01/2020: *“Dear Universal Credit, [O] has already undertaken the HRT and is confirmed as habitually resident in the UK as of the letter from UC (below on his journal) on 27/12/2019. There should therefore be no delay in processing the increased payment for this family, and ensure that they are paid the couple's rate of UC rather than the single rate by their next payment date on 16/01/2020. Could you please confirm this will be actioned as soon as possible? ”*No response was received, and thus – due to the unlawful delay and inadequate UC amount received by this vulnerable family, one week later, we sent a letter before claim to the DWP. Three days later, they finally received the correct amount of UC.

#### National Insurance number

32. People granted refugee status and humanitarian protection are now automatically issued their NINo on the back of their Biometric Residence Permit (BRP). This is not the case for people granted other types of leave to remain and we therefore are required to advise clients certain types of leave to remain to apply for a NINo concurrently with applying for mainstream benefits. The types of leave affected by this include Limited Leave to Remain on the basis of Article 8 ECHR rights (family/private life in the UK).
33. However, a NINo is mandatory in order to release a UC payment, and therefore the benefits claim cannot be completed or paid without a NINo. This is out of keeping with Subsection 1B of Chapter 5 Part I of the Social Security Administration Act 1992, which states that a claimant can receive benefits if the person makes an application for a NINo to be allocated to him which is accompanied by information or evidence enabling such a number to be so allocated. Section 1 (1B) (b) of the Social Security Administration Act 1992; Section 1 (4) (za) makes clear that Universal Credit is included in the benefits to which this Section applies, and therefore claims should be able to be made and processed before a NINo has been allocated if they satisfy the subsection

34. In our experience, processing of UC claims and receipt of much-needed first payments is delayed if the person does not have a NINo at the time of applying. Despite existing UC guidance on this, UC enquiry line staff are ill-equipped to manage this, particularly in ensuring that the claimant is processed swiftly for NINo allocation.

*Case study:*

35. *Our client I and her two children were granted discretionary leave to remain with recourse to public funds, having claimed asylum and sought recognition as a victim of trafficking from Vietnam, and thus became eligible for Universal Credit. Our client did not receive a NINo on her BRP, and thus contacted the NINo appointments office – she was told that because she wanted to claim UC and CB, she could not arrange an appointment through them and must do this via UC. We helped her submit her claim for UC on 16/10/2019, and we wrote on her journal that day to say that she “does not yet have a National Insurance number and will require your assistance in obtaining one ASAP.”*
36. *She attended her first appointment at the JobCentre (the next available) to verify her ID on 26/10/2019 and an appointment on 01/11/2019 ‘to check if [she has] certain legal rights to live in the UK’ [presumably the habitual residence test]. On 09/11/2019, she received via her journal confirmation that her entitlement to Universal Credit had been approved, and that a letter confirming that she has a right to reside and is habitually resident in the UK. Her UC journal stated throughout this time: “Your statement will be ready on 18 November 2019. Check again then. Your statement tells you how much you will get and how we worked it out. On 22 November 2019 you will be paid any money you are entitled to.”*
37. *On 09/11/2019 also, she wrote on her journal, stating: “I’m writing in regards to the NINo application for me and my children. Please let me know if you have already submitted the application if not please book an appointment asap. Tomorrow would be a very good day as my daughter is available too [in order to interpret on her behalf]. Kind regards.” No response was received to this message, and on 18/11/2019, she received a letter following her child benefit claim submitted on 16/10/2019, stating she “also needs an allocation of a National Insurance and we are taking steps to arrange the allocation of her number as soon as possible.”*
38. *On 22/11/2019, the date on which she was supposed to receive her first payment, we wrote on her journal asking that her payment be authorised by the next day, as she and her children have no income as a result of the delayed payment of UC, and therefore do not have any money to meet their basic needs including food and travel costs. On 23/11/2019, she received a response to our message of the previous day on her UC journal, stating “Universal Credit are unable to make any payments until you provide a valid National Insurance number. When you receive a NINO please call 0800 328 5644 to arrange an appointment to have this verified at the JobCentre. Regards.”*
39. *We immediately challenged this, stating that she was informed that the DWP would fast-track her to receive a NINo, but that this had not happened. We asked for this matter to be escalated to a manager urgently, as it is unlawful to refuse UC on the basis that the person does not have a NINo. On 24/11/2019, we issued a letter before claim to the DWP due to this unlawful delay. On 25/11/2019, she received a part payment.*

40. *Whilst this situation was ongoing, our client and her family's support from the Home Office under Section 95 of the Immigration and Asylum Act 1999 was terminated two weeks after she applied for Universal Credit, at which they point they were also required to seek homelessness assistance from their local authority, and were accommodated in temporary accommodation in a hotel. Throughout this time, they had no income, relying only on charity and foodbank vouchers, and were extremely distressed at the situation.*

## Bank account

41. As mentioned above, few of our clients have bank accounts at the time of applying for Universal Credit, although the claim cannot be fully submitted until bank details are provided, causing unnecessary delay. This is in contrast to legacy benefits, for example, Employment and Support Allowance, for which a claimant could provide their bank details whilst the initial claim had been made and was being processed. If the client has access to a smart phone, we will normally advise and support them to apply for an account with an online bank, as at that point, the client requires a sort code and account number in order to submit the UC claim as soon as possible, and online banks can often open a bank account quickly, without additional appointments at a bank requiring more evidence, which further delays the process.

42. If the client does not have access to a smart phone and thus cannot open an account with an online bank, we provide them with a headed and signed letter from our organisation confirming their current living and financial circumstances, and what evidence they have available, and support them to approach bank branches in the area. HBF has managed to develop good working relationships with banks local to our offices, which we are able to signpost our clients to attend in order to open a bank account as soon as possible. However, without these links we would not be able to assist our clients to submit their UC claims at the time they need to (i.e. as soon as possible, given the five-week waiting period and the fact that their asylum support will soon be terminated, leaving them otherwise homeless and with no income). It should not depend on such specific and local circumstances in order to ensure that a claim for UC is submitted as soon as possible.

## Case study:

43. *Our client P was trafficked to the UK from Albania, and several years later she was eventually recognised as a victim of modern slavery and granted Humanitarian Protection. On 28/11/2018, she was informed her in a letter from the Home Office that her asylum support would cease in one calendar month, but her BRP only arrived almost a month later.*

44. *On 17/12/2018, we helped her to apply for Universal Credit, but she was unable to complete the claim as she had been unable to open a bank account. P does not have a smart phone, as was therefore unable to use the kind of online banks we would normally advise clients to use in order to open a bank account to complete the UC claim as soon as possible. She cannot communicate in English and requires an interpreter for all communication, however has no friends or family in the UK who could assist her to go into a bank and help explain to the clerks her urgent need for a bank account.*

45. *On 18/12/2019 P moved from her asylum support accommodation into accommodation provided by a local domestic violence charity. They also provided P with two food bank vouchers but were not able to provide her with financial support. P thus became responsible for her own utility bills in her new accommodation, which are paid by making top-up pay as you go payments to her electricity and gas cards. It is exceptionally rare that we are able to find move-on accommodation for clients who have to leave their asylum support accommodation in advance. P's asylum support ended on 28/12/2018, and on that date, she had £10 left on her Aspen card (the card on which the Home Office provide financial support), two foodbank vouchers from Solace Women's Aid, a "few pounds" on her electricity key, and none for her gas.*
46. *Throughout this time, P made numerous attempts to open a bank account so that she could progress her Universal Credit claim. Despite providing her BRP and assured shorthold tenancy with the domestic violence charity housing her, she was also asked to provide utility bills which she has not yet received. She was finally able to open an account with Lloyds on 01/01/2019 (as our organisation eventually had to book an interpreter to attend the bank account with their own ID, in order for the account to finally be opened). On the same day, she was finally able to complete her claim for Universal Credit, with help from our organisation.*
47. *Immediately after the UC claim was finally completed on 01/01/2019, a volunteer from the Helen Bamber Foundation helped her to make an entry in her journal, stating: "I am writing from the Helen Bamber Foundation, we support victims of torture and trafficking. We are currently helping her but we are concerned about how long it will take to process her UC claim as she currently has no other income and is therefore destitute. It has taken a while to set up a bank account, which is why the claim has been slower than usual. We would therefore appreciate it if her claim could be looked at promptly, as she currently has no money on which to live."*
48. *P then had to attend an appointment at her local JobCentre on 06/01/2020 (the next available). A letter before claim was sent on 05/01/2019 requesting an advance payment to be made urgently to U to avoid further serious hardship. On 07/01/2019, P received an advance payment, on 08/01/2019, the DWP refused her request for the claim to be backdated to 17/12/2018 (the date she had provided all information other than a bank account) and on 12/01/2019, the DWP confirmed that she is habitually resident and thus entitled to Universal Credit. She continued to struggle to use her UC account, but a few months later was assessed as having Limited Capability for Work and Work-Related Activity and thus the need to use her journal is now less.*

### Keeping up to date with the journal:

49. *Due to the aforementioned issues, it is difficult for vulnerable people to maintain ongoing management of their UC journal, in part due to issues of literacy, competency in written English, and mental health issues. Many of our clients do not use email and have to create an email account in order to apply for UC, and our organisation spends a significant amount of time trying to explain to clients how to use their UC account and the importance of regularly checking the journal as one of the standard claimant commitments.*
50. *We are aware of several claimants who have had their UC claims closed as they had not accepted their claimant commitments – they had not done so due to their very limited understanding of the importance of clicking through and pressing two buttons on the commitments (information which they could not read in English and which had*

not been translated to them in a language they can understand). The clients therefore had their claims closed, despite having otherwise attempted to engage with their UC claim (i.e. attending scheduled JCP appointments), in one case creating a 10 week wait period and in another meaning that a new tenancy was put at risk, due to potential loss of the housing costs element.

#### Case study:

51. *Our client Y is a young man from Eritrea recently granted refugee status and living with his cousin whilst in receipt of financial support from the Home Office, which stopped at the end of January. We assisted him to claim UC on 23/12/2019 shortly after he received his BRP and he was due to receive his first payment on 29/01/2020. Unfortunately his claim was close on 26/01/2020, which was only discovered when our organisation checked his UC journal on his behalf.*
52. *After submitting a new claim as soon as possible on 28/01/2020, we requested information on why the claim had been closed without warning and were informed it was because Y had not accepted his commitments. Y cannot read or speak in English and is not computer literate, and therefore finds it very difficult to navigate his UC journal. Additionally, the commitments were not suitable, since they required him to look for full-time work as a sales assistant, despite his having provided a medical certificate and evidence of his severe PTSD. No interpreter had been provided at the time he attended his JobCentre appointment and the commitments were written without our client's input and with no recognition of his total lack of English.*
53. *When the new claim on 28/01/2020 was submitted, we were informed he would be subjected to a further waiting period before receiving any payment, though he was supposed to receive his first payment on 29/01/2020, meaning that he would be required to wait until early March for UC, leaving him without money from UC for 10 weeks. On 03/02/2020 we requested a written explanation as to the closure of his first claim and submitted a mandatory reconsideration of this decision. On 26/02/2020, this mandatory reconsideration request was upheld by the DWP and he was found to be eligible for UC from 23/12/2019 and thus received two payments, backdated to the first payment he should have received in February. However, without significant expert and trauma-informed casework with this vulnerable person, it is unclear when or if Y would have first received any payment of UC and relieved his destitution.*

#### Interpreters:

54. In our experience, there is varied usage of interpreters at the JCP, which the majority of our clients require. There is the assumption that a claimant will have family or friends who are able to interpret for them before noting the requirement for the work coach to call a telephone interpreter. The majority of our clients do not have a person they can trust who can interpret for them accurately and objectively at such an appointment and are usually separated from their families. The inability for new UC claimants to obtain the interpreting services they need means that, particularly if they are without charitable support to assist them in advocacy, they struggle to ensure that the UC claim is fully completed and is being processed, heightening the chances that they will wait longer than five weeks for their first payment.

## Recommendations:

### Making the application for UC

#### Five-week waiting period and Advance Payment

- 1) Scrap the five-week wait for all claimants and provide payments from the beginning of the claim
- 2) Allow greater flexibility for the start of a claim to be backdated, to allow for delays and issues in completing and submitting the claim.
- 3) In consultation with the Home Office, the period after which a person recently granted leave to remain has their asylum support stopped should be extended from 28 to 56 days, in line with the current waiting period of UC. Please see the British Red Cross' report '[The Costs of Destitution: a cost-benefit analysis of extending the move-on period for new refugees](#)' regarding this.
- 4) Cease recovery of repayments of previous Advance Payments in line with the suspension of other DWP recovery deductions during the coronavirus pandemic.

The above measures are essential in safeguarding vulnerable people against destitution and homelessness during the coronavirus pandemic.

- Online:

- 5) Allow claims for UC to be submitted over the phone, with interpreter facilities available.
  - Identity verification:
- 6) All JobCentre appointments are now cancelled and no future appointments arranged until further advice from the UK Government regarding best measures to protect public health from the spread of coronavirus. New refugees who cannot verify their ID online (which is the vast majority of our clients) should be able to provide their NINo via phone call (as is currently happening) and possibly upload documents to their UC claim for those with internet access– such as their BRP and Home Office decision letter – in order to have their identity verified. For those whom this is not possible, the DWP must consult with the Home Office to verify the person's identity remotely.
- 7) Ensure that a Biometric Residence Permit and letter from the Home Office granting leave to remain is sufficient for identity verification.
- 8) Review – in consultation with charities supporting refugees and migrants – what evidence people are usually in possession of at the time of being granted leave to remain, and consider widening the scope of documents with which it is possible to verify a claimant's identity.
  - Habitual Residence test:
- 9) All JobCentre appointments are now cancelled and no future appointments arranged until further advice from the UK Government regarding best measures to protect public health from the spread of coronavirus. New refugees – and all UC claimants – who are required

to undergo the Habitual Residence test must have this done over the phone (with interpreter access if required) / via the journal, and in liaison with the Home Office if necessary. This part of the UC claim should be combined with identity verification, as the evidence provided by new refugees is the same for identity verification and Habitual Residence test.

10) Where a person has been granted refugee status or humanitarian protection and evidence of this is provided to the JCP (such as submission of a claimant's BRP and Home Office letter), ensure that JCP staff records this on their claim and notes that they are automatically exempt from the Habitual Residence Test.

- National Insurance number

11) All JobCentre appointments are now cancelled and no future appointments arranged until further advice from the UK Government regarding best measures to protect public health from the spread of coronavirus. All people recently granted leave to remain who have not automatically received a NINo should be issued one automatically.

12) Ensure that DWP guidance is regularly circulated to staff regarding current procedure for assisting UC claimants who do not yet have a NINo to ensure there are no unnecessary delays in the completion and submission of the UC claim.

- Bank account

13) Ensure that bank details can be provided after submission of the UC claim. This is essential during the coronavirus pandemic, as many bank branches have closed (meaning people will need assistance to apply online for bank accounts) and we cannot advise clients to try different banks local to them in the hope that one of them will open a bank account with the evidence provided, just in order to submit a timely UC claim.

#### Keeping up to date with the journal and Claimant Commitments

14) Implement safeguarding measures before closing a claim for this purpose, including if the person has identified health issues or dependent children – for example a phone call and/or letter to the claimant.

#### Interpreters

15) Ensure that all claimants who require an interpreter are provided with one at the JCP and over the phone, and that they are advise of possibility of having an interpreter at the time of making the claim. The ability for the claimant to communicate effectively at the JCP should not be dependent on whether the claimant is able to write this request on their journal and for their journal message to be actioned appropriately in time for the appointment.