

# The Effects of UK Immigration, Asylum and Refugee Policy on Poverty: A Joint Inquiry by the APPG on Migration and the APPG on Poverty

## **Helen Bamber Foundation evidence**

October 2023

The Helen Bamber Foundation (HBF) is a specialist clinical and human rights charity that works with survivors of trafficking, torture and other forms of extreme human cruelty and believes that all survivors should have safety, freedom and power. Our work alongside survivors shows us that, with early and appropriate care and support, they build the strength to move on with their lives. Our multidisciplinary and clinical team provides a bespoke Model of Integrated Care for survivors which includes medico-legal documentation of physical and psychological injuries; specialist programmes of therapeutic care; a medical advisory service; a counter-trafficking programme; housing and welfare advice; legal protection advice; and community integration activities and services.

### **From your experience do those in migrant communities struggle with their financial income and what specific policies contribute to this?**

In our experience, the vast majority of our clients, and our wider client group, struggle financially and are forced to live in severe financial hardship – a myriad of policies contributes to this.

#### **Asylum support:**

Many of our clients receive asylum support, including under sections 98, 95 and 4(2) of the Immigration and Asylum Act 1999. For the many tens of thousands of people in full-board accommodation, they receive £9.58 per person per week, and for those in accommodation in which food is not provided, the weekly allowance is £47.39. The low rates of asylum support impacts people in many ways, permeating much of their life in the UK, and with a detrimental effect on their emotional, material and physical wellbeing, as well as that of their children and

families. In our collective clinical experience at HBF, the low rates of financial support issued to our clients via this provision causes considerable distress and exacerbates mental health problems.

Please [see our briefing](#) recently submitted to the Home Office regarding the inadequacies of asylum support.

**The ‘move-on’ period – granted leave to remain after having claimed asylum and been provided with asylum support:**

When a person who has claimed asylum and been provided with asylum support under the 1999 Act is then granted leave to remain, there is a 28-day grace period, after which their asylum support – including financial subsistence payments and accommodation – will be terminated. There is a disconnect between the amount of time in which a person has to try and obtain alternative financial support (which will overwhelmingly be via claiming Universal Credit) and the time in which it takes for the mainstream benefit they have applied for to actually be paid to them.

There is a maximum of 28 days from the Home Office before asylum support payments are stopped, but Universal Credit takes at least 35 days to be paid. In the case of people who are over State Pension Age, their only option is to claim Pension Credit, which takes (in our experience much longer than Universal Credit to be processed and paid, and also does not come with the option of requesting an advance payment. This all but ensures that a person who has recently been granted leave to remain of some kind will be destitute for some period of time shortly after they have been granted leave to remain, at which point they will also have been evicted and have had to try to find alternative accommodation.

**‘No Recourse to Public Funds’ (NRPF) condition:**

The ‘No Recourse to Public Funds’ (NRPF) condition applied to leave to remain for many migrants is a significant source of financial struggle, for those to whom this condition is applied. A number of our clients are granted leave to remain on Article 8 grounds (for example, having reunited with family) but will have an NRPF condition on that leave.

Families in this position, whilst often working, are frequently neither able to work full-time due to childcare responsibilities nor to earn enough to pay for accommodation. Due to not being able to claim public funds, they are excluded from the most basic of statutory support for their families, including Universal Credit, Child Benefit and extended hours of childcare provision, support offered via local authorities including council tax reduction and Discretionary Housing Payments, and even from Healthy Start vouchers meant to ensure that the carers of children under 4, or people who are pregnant, and on a low-income are able to access healthy food and vitamins for their children’s development.

As well as families, we have also known clients who have had the NRPF condition applied to their leave to remain who are many years over State Pension Age, and therefore should not be expected to and cannot work in lieu of the statutory support they are entitled to, and thus have remained destitute.

#### **NHS charges:**

The NHS charging regime causes financial hardship to migrants who are charged, correctly or incorrectly, for secondary healthcare (and at 150% of the rate of its cost). Including care for terminal illness, chronic conditions, and maternity care, these bills can reach astronomical amounts. Many people are unable to arrange an affordable and realistic payment plan with the hospital's Overseas Visitors Team, or the debt collection agency if the hospital have referred the patient's debt to one.

While people seeking asylum (including those refused asylum but on section 4 support), refugees, survivors of trafficking and survivors of torture (if receiving related treatment) should be exempt from NHS charging, we have clients who might not fit in automatically to those categories, and also it can be difficult to argue that the treatment is directly related to their experience of trafficking/torture. Furthermore, we have worked with a number of clients who have been incorrectly charged for healthcare for treatment including abortions and for suicide attempts.

People charged can be chased by the hospital and/or debt collection agency for urgent payment at unaffordable levels, leaving them with amounts of debt which may not be paid off in their lifetimes and causing significant financial hardship along the way. Debt owed to the NHS is also a ground for refusal of subsequent applications for leave to remain from the Home Office. Research has shown that the NHS charging system is extremely costly to administer, delays people receiving treatment and dissuades people who fear they might be charged for seeking urgent medical attention.

### **Is the economic support available from the government adequate for those in migrant communities to support themselves and their families?**

#### **Asylum support:**

As outlined above, the low levels of financial support and the lack of the right to work often mean that survivors who are seeking asylum are unable to meet their essential needs. Housing is provided on a no-choice basis and financial support is currently £47.39 per person per week or £9.58 per person per week if they are in full-board accommodation (for example, in a hotel). In HBF's experience, the low rates of financial support provided to our clients can cause them considerable distress and significantly worsen their physical and mental health

problems.<sup>1</sup> The prolonged inability to work, to provide for themselves or their family, or to start to move on with their lives meant that some people are more likely to be targeted for exploitation, take up work in exploitative conditions and/or get into debt.

HBF believes that the Home Office's methodology for assessing the levels at which to set asylum support (set out in Home Office's reports on the allowances paid to asylum seekers and failed asylum seekers from 2020 and 2021) is flawed for a number of reasons:

- 1) The assessment is based on the needs of able-bodied individuals and appears to make no allowances for those in the asylum system with additional mental or physical health needs but do not reach the threshold required to make them eligible for additional support such as that from a local authority support - under the Care Act 2014. The lack of consideration for those who have additional vulnerabilities is causing considerable difficulties for many of our clients.
- 2) The assessment methodology includes assumptions about additional funding and support that is simply not available in practice.
- 3) The assessment methodology includes assumptions that asylum seekers are housed 'in urban areas' and proximate to essential services – this is not always the case, even more so now that the full dispersal model is rolled out across the UK, engaging less urbanised local authorities.
- 4) The amount of financial support deemed necessary to cover the costs of meeting food needs is taken from Office of National Statistics (ONS) information about the amount of money spent on the items by individuals in the lowest 10% of income group in the UK. However, ONS data does not take account of the additional needs of asylum seekers, such as the fact that they often arrive with no possessions and do not have a support network on which they can rely. There is a significant backlog of asylum cases (in July 2023, there was a backlog of 136,779 cases awaiting an initial decision for asylum claims)<sup>2</sup> and many individuals will be forced to live on crippling low levels of support for years, with an inevitable negative impact on their mental and physical health. We do not believe the lowest 10% in the ONS data is an adequate benchmark for the essential living needs of those in the asylum system.
- 5) In the past few years the Home Office has simply increased asylum support rates in line with the Consumer Price Index (CPI) rate. However, given that the starting rates were woefully insufficient, simply increasing by the CPI rate leaves those seeking asylum significantly worse off than everyone else in the country reliant on state support.

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<sup>1</sup> Helen Bamber Foundation, [Submission to Home Office review of asylum support rates](#), August 2022

<sup>2</sup> [Statistics relating to the Illegal Migration Act](#)

### **NRPF condition:**

People and families in migrant communities who have the NRPF condition applied to their leave to their immigration status do not receive adequate economic support from the government, because they are legally excluded from claiming most types of government support, those which constitute public funds and additional sources of support for which the eligibility criteria is an entitlement to an income-based public fund (e.g. Healthy Start vouchers). This also means that thousands of households who receive a very low income have been excluded from all Cost of Living payments made by the Department for Work and Pensions in 2022 and 2023. This exclusion from claiming public funds leaves many with NRPF in severe financial hardship.

### **Please explain which policies affect those in migrant communities access to public services and how**

#### **Education:**

The acquisition of English language and other basic skills should be seen as a priority with further steps taken to address the structural and financial barriers that often prevent survivors from participating in learning. People seeking asylum who have not been waiting for six months for a decision are currently not eligible for free courses. However, the integration process should begin as soon as they arrive in the UK.

If we are to encourage more opportunities for accessing physical learning settings, then a significant barrier for those in the asylum system is travel. Many clients note their attendance is dependent on the time that it takes to travel to the class and how much that travel costs. Individuals claiming asylum and in receipt of the subsistence allowance provided under asylum support receive only £47.39 a week, £5.62 of which is meant to cover travel. This means budgeting for travel is very difficult. Many clients will simply not be able to afford it or will go without, in order to attend college.

While some clients will be eligible for a Learner Support fund, they are often told by colleges that they are not, as staff do not have a sufficient understanding of the eligibility criteria and assume that those without status or with no recourse to public funds are ineligible. Similarly, in our experience many survivors seeking asylum are not informed of the possibility of obtaining a bursary for travel costs, and it can require significant third-party advocacy in order to ensure a client receives this.

On a further practical level, people seeking asylum often lack the evidence required to enrol at a college, where staff may lack knowledge about the 'Asylum Registration Card' (ARC), and that it is highly likely to be a person seeking asylum's only form of photographic identity. It is also very difficult to obtain a replacement ARC if this document is lost.

Furthermore, some migrants applying for leave to remain, including asylum, may have a bail condition applied to their leave, stating: 'You are not allowed to STUDY'. This cruelly creates

an unnecessary restriction on the person's ability to study and to engage in fulfilling activities, including in most cases the crucial acquisition of the English language and other basic skills.

#### **Healthcare (physical, mental and sexual):**

Survivors commonly experience physical health problems including illnesses, conditions and injuries, and also mental health problems, with anxiety, depression and (complex) post-traumatic disorder being the most prevalent. But there is a widespread failure in the UK to provide appropriate long-term, trauma-informed support and trauma-focused therapeutic care, which means survivors remain psychologically vulnerable to further exploitation and abuse. Access to healthcare remains an ongoing issue, with people seeking asylum and refugees facing ongoing barriers, including problems with registering with GPs and understanding of eligibility for primary and secondary healthcare.

HBF sees cases where survivors are denied access to NHS services or are referred to inappropriate services in order to 'tick a box'. We frequently see primary mental health services state that they cannot offer treatment to survivors of torture, trafficking and other traumas because of the complexity of their trauma and other circumstances (e.g., instability in the UK due to seeking asylum), but who are not able to refer people experiencing severe mental health issues to services which can provide appropriate treatment.

Additionally, the very real possibility of being charged for secondary care – and at the very least being asked to provide evidence of your entitlement to free secondary healthcare – prohibits people from accessing the healthcare they need.

Lastly, please see the Helen Bamber Foundation's aforementioned briefing on the inadequacy of asylum support rates, which details the multiple issues of people seeking asylum receiving HC2 certificates, entitling them to help with healthcare costs including prescriptions and dental treatment. The inefficiencies of the current system means that many survivors seeking asylum do not regularly have proof of their entitlement to help with healthcare costs, meaning they either spend their extremely limited financial support on prescriptions they need, or they go without vital medication and other healthcare, due to the lack of a HC2 certificate.

#### **Child protection / Children's Services:**

In our experience, parents are frequently very anxious to have their families referred to Children's Services, in part because of the risk and fear that engagement with statutory services may mean that they are negatively impacted by information-sharing with the Home Office, and that this will impact their application for protection or other leave to remain in the UK. The Home Office already fails in its duties to safeguard children seeking asylum, and we

anticipate that this situation will be exacerbated with the implementation of the Illegal Migration Act.<sup>3</sup>

#### **Domestic violence:**

For the many people who have NRPF, they experience significant difficulty in finding a space in a safehouse, as safehouses rely on housing benefit (a public fund) in order to house most survivors. Whilst Home Office guidance states that their accommodation providers must consider relocating survivors to safe alternative accommodation (which can include meeting the costs of a safehouse placement) and identifying suitable long-term accommodation without unnecessary delay, many survivors of domestic abuse will still struggle to access suitable support as a result of having NRPF and their lack of secure immigration status in the UK. Additionally, this only applies to people who are seeking asylum and in receipt of asylum support; there are many other people experiencing domestic violence who have NRPF who have no way of obtaining safe alternative accommodation to flee their perpetrator (unless they can be housed by the local authority under Section 17 of the Children Act 1989).

#### **Financial Services (Banking):**

In our experience, it can be very difficult for people, including those recently granted leave to remain, to open a bank account. People who have been in receipt of asylum support – or staying precariously with friends or family whilst seeking leave to remain in the UK – rarely have the types of evidence usually requested by banks as proof of address (e.g., utility bills, council tax bills, tenancy agreements).

#### **Access to services in institutional accommodation:**

HBF clinicians have worked with a number of people seeking asylum placed in institutional accommodation in ex-RAF Wethersfield, Napier Barracks and the (now closed) Penally Camp. The experiences of those placed in barracks accommodation has highlighted the extent to which the provision of community-based private accommodation with access to the necessary services is essential for the health and well-being of those seeking asylum. The government's use of isolated and semi-closed, fenced sites, with limited freedom of movement, leave residents unable to access key services, including healthcare, education and legal advice, and activities as they would in the community.

#### **Other - people applying to renew their leave – Section 3(C) of the Immigration Act 1971:**

In the calendar month prior to the expiry of a person's leave to remain, they are able to apply to extend/renew this leave to remain (including applying for a fee waiver, if they are not able to pay the costs attendant to non-protection-based types of leave to remain). Providing that a person submits an in-time application to extend their stay in the UK (i.e. within that calendar month), the same conditions applied during their previous grant of leave continue to apply

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<sup>3</sup> <https://www.kidsinneedofdefense.org.uk/2023/10/illegal-migration-act-third-sector-statement-local-authorities/>

(e.g. they may continue to have recourse to public funds, have the right to work and rent). However, we find that people who are in this process, and have what is known as ‘Section 3(c) leave’ experience a disruption in their financial security. If they are in receipt of public funds, their eligibility for these benefits will be reviewed, and for Personal Independence Payment, claims are often closed prior to the person’s leave expiring. This then incurs a significant amount of advocacy to have claims reinstated and that payments are not delayed.

### **Please explain which policies affect those in migrant communities ability to afford essentials and how**

#### **Asylum support:**

In our recent submission to the Home Office review of asylum support rates we examined at detail how the current asylum support rates under sections 95, 98 and 4(2) of the Immigration and Asylum Act 1999 do not allow for those in the asylum system to meet their key living needs, including food, medication, travel, communication, personal hygiene and child-related costs. We would urge the APPGs to read that detailed submission for more information: <https://www.helenbamber.org/resources/reportsbriefings/submission-2023-home-office-review-asylum-support-rates>

#### **NRPF condition:**

For the reasons outlined earlier in these submissions, households who have the NRPF condition applied struggle to afford many of these essentials, because they are excluded from almost all forms of mainstream welfare benefits, and thus must try to meet all of their essential needs on usually a low income from employment. Many households with NRPF have young children, and are therefore not able to work full-time, notwithstanding the high costs of rent and other essentials in the UK, which leaves many people who are working also reliant on welfare benefits.

Parents who have NRPF and who have a low income can now apply for 15 hours of childcare from their local authority, subject to the evidence they can provide of their income. This entitlement to 15 hours is extended to all families of children aged 3-4 regardless of their income or immigration status. However, parents who have NRPF and are in employment are excluded from applying for 30 hours of childcare, which parents earning the same amount but who have recourse to public funds can access. This is counter-intuitive; it means that these parents, who are already in work and not able to claim statutory welfare benefits to support their income, are not able to work as much as they need, because they cannot access adequate childcare.

### **Have current immigration policies contributed to migrant communities being unable to find adequate housing? Additionally, have current policies contributed to homelessness among migrant communities?**

### **Move on period from asylum support:**

When our clients are granted refugee status or leave as a survivor of trafficking, they are given just 28 days (known as the 'move on' period) to find ways of meeting all their basic needs before they will be moved out of asylum accommodation. As a result, many find themselves at risk of homelessness and destitution. All parties involved – including the Home Office, Department for Work and Pensions (DWP) and JobCentre Plus - need to work better together to make sure that fewer people are left without support in this 'move-on' period. There is an automatic 35-day wait to receive the first Universal Credit payment and we see an ongoing failure on the part of the DWP to understand the situation of those who have been granted refugee status when dealing with their claims. Under the Homelessness Reduction Act 2017, local authorities are given a 56-day period to work with households at risk of homelessness. The 28-day move-on period doesn't give local councils the same amount of time.

Across London, each borough has a different procedure by which someone can make a homelessness application. Additionally, many of our clients are found to be not in priority need (this then needs to be challenged usually via the assistance of a housing solicitor) and are declined accommodation on the date of their eviction from Home Office accommodation. Local authorities apply a very high threshold when assessing if someone provisionally 'may be' in priority need and it usually requires significant advocacy from third party organisations, even in cases where there is evidence of high medical need, in order for vulnerable people recently recognised as refugees to be offered temporary accommodation.

At the beginning of August, the Home Office informed local authorities and civil society organisations that changes were being made to the move-on period. The 28 days now start from when someone is notified of the decision on their claim rather than when they receive their Biometric Residence Permit (BRP). As previous Home Office policy acknowledged, in practice a BRP is required to open a bank account, find employment, apply for welfare benefits such as Universal Credit, rent accommodation and receive homelessness assistance. Due to delays in BRPs being sent, this change will significantly reduce the move-on period. Many refugees recently granted status have received eviction notices giving them only seven days to find somewhere else to live.

Beyond reversing the recent changes, the government should also commit to working with local authorities, devolved governments and support organisations and those people with lived experience to ensure refugees are able to successfully navigate the move-on process. As a key part of achieving this, the government should extend the move-on period to at least 56 days, in line with the Homelessness Reduction Act 2017 and the application for Universal Credit.

## NRPF:

Households who have NRPF, either because they have no immigration status or have had this condition applied to their grant of leave, are excluded from homelessness assistance, and cannot apply for the welfare benefits which assist with the costs of renting (housing benefit, the housing element of Universal Credit). Some households may in this situation be able to be housed by their local authority under Section 17 of the Children Act 1989 (which in of itself can be difficult to access), and others may have no other options for support to resolve their housing issues. This leaves many people at risk of experiencing homelessness or housed in insecure/unsafe accommodation.

## Do current immigration policies affect those in migrant communities paid and unpaid employment opportunities?

### The right to work whilst seeking asylum:

Coupled with the extremely low rates of asylum support, the prohibition on working for those seeking asylum contributes to the experience of poverty. A lack of a secure immigration status results in not only ongoing instability and fear of forced return, with significant mental health impacts, but also poverty, destitution and isolation as it prevents survivors from working, accessing services and being able to rebuild their lives. This in turn increases their vulnerability to abuse, exploitation and re-trafficking. A more effective system would ensure that decisions on initial asylum claims are made within six months, thus limiting the time that people are dependent on Home Office support and then allowing those granted leave to remain to access employment and/or mainstream benefits as appropriate. For survivors of trafficking, we are calling for an automatic grant of leave to those who have received a positive conclusive grounds decision from the National Referral Mechanism, which would bring with it the right to work and claim benefits.

In lieu of this functioning system, we recommend that people seeking asylum should have the right to work, unconstrained by the Shortage Occupation List, after they have waited six months for a decision on their claim. However, while enabling people seeking asylum to work whilst waiting on a decision on their asylum claim would be beneficial in terms of integration, much more clarity from the government is needed regarding the impact of more people seeking asylum engaging in employment. Accessing employment currently would mean that many people would lose the safety net of asylum support (including accommodation, even if financial support is not required due to income from employment, with knock on effects on someone's eligibility for free secondary healthcare, Free School Meals, etc.) and lose the entitlement to Legal Aid for legal matters, including their asylum claim. This has the deleterious impact of meaning that more people may be pushed into homelessness and legal limbo.

### Employment after being granted refugee status:

When people are granted refugee status and need to claim Universal Credit in order to not be destitute at the termination of their asylum support, they are often pressured into finding work straightaway. Many of the survivors we work with are not in the right place to access fulfilling employment when they are granted status, in part as a result of their competency in English, but also their mental and physical health. It needs to be recognised that survivors need continued access to education and training opportunities, as well as safety, so that they are not pushed into potentially exploitative work in order to fulfil Jobcentre requirements.

People applying to renew their leave – Section 3(C) of the Immigration Act 1971:

We are aware that – where someone has submitted an in-time application to extend their leave to remain, and therefore continues to have the right to work as well as the other conditions applied to their previous grant of leave to remain, that accessing employment can be difficult to the complex system of ‘right to work checks’, and their often lack of a physical BRP card to prove their identity.<sup>4</sup>

### What specific changes would you recommend for current immigration policies to mitigate the adverse effects of poverty amongst migrant communities?

#### Asylum support and accommodation:

- An alternative approach to assessing appropriate levels of support should be taken, with the starting point that it is essential to assess what rate would be necessary for an acceptable standard of living, not just what must be covered as a bare minimum. We recommend the Home Office considers the Joseph Rowntree Foundation’s work on the Minimum Income Standard (MIS).<sup>5</sup> This presents a vision of the living standards that we as a society consider everyone in the UK should be able to achieve, whether they are in work or reliant on state support.
- In the interim, the rate of asylum support should be the equivalent of mainstream benefits minus a proportion of that figure (up to 30%) to allow for utilities, rent and other costs covered separately by the Home Office. The Home Office has previously rejected aligning asylum support allowances with mainstream social security benefits because the latter “are not set according to the ‘essential living needs’ test and are generally required to cover a broader range of costs, including paying for utilities”.<sup>6</sup> No clear explanation has been given as to why those on asylum support have different “living needs” to those on mainstream benefits (indeed, arguably they

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<sup>4</sup> <https://migrantsrights.org.uk/projects/challenge-the-checks/>

<sup>5</sup> <https://www.jrf.org.uk/report/minimum-income-standard-uk-2021>

<sup>6</sup> [Report on review of weekly allowances paid to asylum seekers and failed asylum seekers: 2021](#), April 2022

have greater needs because of arriving with no possessions; extremely long delays in asylum decision making; and their additional vulnerabilities). If asylum support was set at 70% of Universal Credit levels this would recognise that asylum support covers a reduced range of costs - the 30% difference would account for utilities, council tax, rent etc and would align with current practice where the Department of Work and Pension can deduct up to 25% from Universal Credit payments for certain costs (including utilities, Council Tax, rent and service charges).<sup>7</sup>

- Plans to create institutional ‘accommodation centres’ modelled on Napier Barracks, should be abandoned, and further work undertaken with local authorities to ensure that sufficient accommodation is available in the community with access to healthcare, legal advice and other services. There should be a concerted effort to move people housed in (particularly full-board) hotels into community-based dispersal accommodation as soon as possible, as living long-term in a hotel is not conducive to a person’s ability to integrate within their community.

#### Move on period from asylum support:

- In the short-term, the government should commit to immediately reversing the changes so that all refugees have a minimum of 28 days before they're required to leave their accommodation. They should receive their refugee grant letter, their BRP, the letter containing the date when their asylum support will end, and the notice to quit their accommodation on the same day. In line with recent Home Office policy, the 28 day notice period should never begin before someone has received their BRP.
- In the longer term, the government should extend the move-on period to at least 56 days, in line with the Homelessness Reduction Act 2017 and the application for Universal Credit.
- Clear guidance should be issued to local authorities that a newly recognised refugee is at risk of homelessness from the moment they receive notification of the decision on their asylum claim and so are eligible for homelessness prevention support from that time. Local authorities should not require the notice to quit or the letter stating someone’s entitlement to asylum support will end before providing assistance.

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<sup>7</sup> [Universal Credit: What you'll get - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/universal-credit-what-youll-get) and [Find out about money taken off your Universal Credit payment - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/find-out-about-money-taken-off-your-universal-credit-payment)

#### Education:

- Increased funding should be made available for English as a Second Language (ESOL) and vocational courses for those seeking asylum and survivors of trafficking, with learning providers receiving guidance and training on the eligibility and evidence requirements for those courses.
- People should not be issued the condition of 'not being allowed to study' in their immigration bail conditions.

#### NRPF condition:

- The NRPF condition should not be imposed (or reimposed) for parents with children under 18, pregnant or maternity stage people, disabled people and their dependants, people who have been subject to domestic abuse and people over State Pension Age.

#### NHS charging:

- Charging migrants for healthcare undermines the very foundation of the NHS. All charging regulations in the NHS should be repealed.