

Asylum Seekers

1 SUMMARY

- 1.1 This report outlines the current law and practical arrangements relating to asylum seekers.

2 INTRODUCTION

- 2.1 At Council on 18 April 2000 consideration was given to the following Notice of Motion from Councillor P F A Webster:

“Rochford District Council records its sympathy with the residents of Southend concerning the financial and social burden being imposed on them through the deluge of economic immigrants now in their town.

Rochford District Council instructs its Officers not to provide any Council housing or other financial or social assistance to such persons unless required to do so by law, in which case all Councillors are to be informed as a matter of urgency.”

The Motion was lost and it was resolved that a detailed report be made to this Committee, with a presentation from the Regional Co-ordinator on economic immigrants in order that this Council can consider its policies. (Minute 139/00)

- 2.2 Mr Robin Rennie, Regional Manager of the East of England Consortium for Asylum Seekers will be attending the meeting.

3 LEGAL PROVISIONS

- 3.1 The Immigration and Asylum Act 1999 is the substantive legislation. It was preceded by a Government consultation paper “Fairer, Faster, Firmer – A Modern Approach to Immigration and Asylum” which set out proposals for changing the way asylum seekers are dealt with.
- 3.2 Over recent months, and most notably on 3 April 2000, there have been a number of changes in the responsibilities and processes for dealing with asylum seekers, which form part of a phased introduction of new controls. Further changes still await implementation.
- 3.3 Current, and future, provisions for dealing with asylum seekers need to be considered in relation to two groups:
- “Port” asylum seekers – those who apply for asylum on arrival at their port of entry into the UK.

- In-Country” asylum seekers – who do not apply at the port of entry, but do so later.

3.5 Port Asylum Seekers

- 3.5.1 New port asylum seekers will, if eligible, be supported by the National Asylum Support Service (NASS), which is operated by the Home Office.
- 3.5.2 Following application for asylum, emergency accommodation will be arranged by the voluntary sector whilst the application for support is determined. If eligible, an appropriate support package will be identified by NASS, including free prescriptions and access to health services. Transport will be arranged to a dispersal point, where a provider of accommodation (see paragraph 5.2) will meet the applicant and escort them to the accommodation.
- 3.5.3 Applicants will receive receipt books which will enable them to claim vouchers on a weekly basis from the local main Post Office. The vouchers are exchangeable in designated retail outlets, and also contain a £10 cash back voucher per person which can be redeemed at the Post Office.
- 3.5.4 Support terminates after a grace period of 14 days in the following circumstances:
- If an asylum seeker receives a positive decision, in which case they will transfer to the main benefit system.
 - In the event of a first negative decision, unless the asylum seeker appeals in which case support continues.
 - When a negative decision has been received after the appeal process.

However, support will not be withdrawn where applicants have dependant children. In such cases it will continue until the family is removed from the country or the children reach the age of 18.

- 3.5.5 Existing (i.e. pre 3 April 2000) port asylum seekers will continue to be eligible for social security cash benefits, including income support and housing benefit. They are responsible for finding their own accommodation, although families and vulnerable adults may be eligible to be accommodated by local authorities under homelessness legislation.

If an asylum seeker receives a first negative decision, entitlement to benefit ceases. They would then have to claim support from the Social Services Authority as described at paragraph 3.6.1 below, but they can

only do this if they appeal against the refusal, or have dependants under 18 years of age.

3.6 In – Country Asylum Seekers

- 3.6.1 Until such time as responsibility for in-country asylum seekers is transferred to NASS, they will be supported by Social Services Departments.

A full package of support, including accommodation and essential living needs is provided. In the case of families with children under the age of 18, this is by cash payments. For adults without children, essential living needs are met in kind or in vouchers, with £10 per week in cash being available.

The only exception to this will be in-country asylum seekers who are nationals of a country where the Secretary of State makes an 'upheaval announcement' in respect of their country of nationality, who will be treated as port asylum seekers for benefit purposes.

In September, NASS will assume responsibility for in-country asylum seekers who make their application at NASS headquarters in Croydon. Applicants elsewhere will continue to be supported by Social Services authorities, although eventually NASS is likely to take over responsibility for supporting all asylum seekers.

4 ENFORCEMENT

- 4.1 Enforcement activity by either the Immigration Service or the Police may lead to claims for asylum from illegal entrants or overstayers.
- 4.2 Arrangements have been made on a regional basis with voluntary agencies, such as the Refugee Council, to provide assistance and advice, and to liaise with NASS where appropriate.

5 ACCOMMODATION

- 5.1 The voluntary agencies will provide emergency accommodation whilst applications for support are being considered. This will normally be local to the voluntary agencies, particularly near Dover, Heathrow Airport and in London. However, spot bookings may be made elsewhere. Emergency accommodation is likely to be used for an average of seven nights.
- 5.2 Accommodation is being provided nationally by the public and private sector under contract to the Home Office, and is concentrated in 'cluster areas'.
- 5.3 The Government has recently excluded London and Kent from the dispersal arrangements, on the basis that these two areas have so far

accommodated most asylum seekers and cannot reasonably be expected to receive any more.

- 5.4 Local Authority consortia together with NASS and the Refugee Council have identified cluster areas. The intention is that the local authority consortia will assist asylum seekers to gain access to local services such as schools, and health services. Grant funding is paid for this.
- 5.5 The voluntary sector is being funded to set up one-stop services in each region to co-ordinate community support.

6 CESSATION OF SUPPORT

- 6.1 Where asylum seekers receive a positive decision on their application, NASS and the Benefits Agency will work together to ensure a smooth transition between NASS support and social security benefit.
- 6.2 Where an asylum seeker receives a final negative decision support will be withdrawn and the asylum seeker will be expected to leave the country. This does not apply to families with children under the age of 18 who will continue to receive support until they leave or are removed from the country.

7 OAKINGTON RECEPTION CENTRE

- 7.1 Where asylum seekers are sent to Oakington (Cambridgeshire) it is expected that a decision on their application will be made in about seven days. If they appeal against a negative decision, they will be moved to a dispersal area whilst the appeal is considered. Such appeals are likely to be accelerated, with swift removal if the final decision is negative.

8 UNACCOMPANIED MINORS

- 8.1 Unaccompanied children under 18 will not receive NASS support, but will continue to be the responsibility of Social Services Departments under the provisions of the Children Act 1989. Expenditure incurred in this way can be reclaimed from the Government.

9 THE LOCAL SITUATION

- 9.1 The Head of Revenue and Housing Management has previously advised the East of England Consortium for Asylum Seekers that the Council only has a small stock and high demand, so is unable to offer any accommodation for asylum seekers.
- 9.2 Officers are not aware that any asylum seekers have been accommodated in the district through contractual arrangements.

10 RESOURCE IMPLICATIONS

- 10.1 At present none, other than Officer time in keeping up to date with legal and operational developments.

If the Council was requested to provide accommodation for asylum seekers it is likely that resources would be expended, but it is difficult to quantify these, and the reimbursement which may be available.

11 LEGAL IMPLICATIONS

- 11.1 The main provisions of the Immigration and Asylum Act are the responsibility of the Home Office.
- 11.2 The Act contains provision for the Secretary of State to direct that local authorities make accommodation available.
- 11.3 In cases where an asylum seeker receives a favourable decision, they may be eligible for advice, assistance and accommodation under the housing legislation, dependant on their personal circumstances.

12 RECOMMENDATION

- 12.1 It is proposed that the Committee **RESOLVES**
- (1) That Officers continue to monitor changes in the law and operational practice and report further should there be significant implications for the district. (HHHCC)

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