

ASYLUM SEEKERS

1 SUMMARY

- 1.1 From 1 April 2000, the Immigration and Nationality Directorate (part of the Home Office) assumes responsibilities for supporting asylum seekers, although local authorities will be expected to work with the Home Office through contractual or agency agreements to assist in providing accommodation and services.
- 1.2 The detailed arrangements in the Eastern Region are still being discussed and will be the subject of further progress reports.
- 1.3 The Immigration and Asylum Act 1999 (the 1999 Act) introduced interim support arrangements by local authorities for asylum seekers at the end of 1999 which operate until 1st April, 2000.
- 1.4 This report only outlines what is a complex and changing situation and does not attempt to provide a comprehensive analysis of the law.

2 BACKGROUND

- 2.1 The Immigration and Asylum Act 1999 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.
- 2.2 Earlier legislation essentially created two groups of asylum seekers:
 - Port of entry asylum seekers who apply immediately on arrival in this country, and who were entitled to claim Income Support and Housing Benefit and were eligible for assistance under homelessness legislation
 - Post port of entry – those who seek asylum after arrival in the country. They could not claim Income Support or Housing Benefit and were not eligible for assistance under homelessness legislation. Court judgements decided adults were entitled under the National Assistance Act 1948 to accommodation and food from the Social Services department. As a result of the Children Act 1989, families and children also had an entitlement to assistance and in addition, they could receive cash payments.
- 2.3 The 1999 Act removes the responsibility under the National Assistance Act from Social Services Department from 1 April 2000 where post port of entry asylum seekers need care and attention solely because they are destitute, or because of the physical effects, actual or anticipated of their being destitute.

The responsibility passes on 1 April 2000 to the new National Asylum Support Service (NASS) which is part of the Immigration and Nationality Directorate within the Home Office.

2.4 Authorities in London and the south-east, particularly Kent, have been facing very considerable pressures from the large numbers of asylum seekers they have been dealing with. The Government has recognised this strain and the 1999 Act introduced "Interim Arrangements" which are operating between 6 December 1999 and 31 March 2000. These interim arrangements:

- provide a specific legislative basis for the support of asylum seekers by local authorities, removing reliance on Social Services legislation, which was never intended for that purpose.
- provide a statutory basis for arrangements for the disposal of asylum seekers away from London and the South-east
- bring local authorities support arrangements more into line with the new Home Office led support arrangements that will come into effect on 1 April 2000.

3 REGIONAL CONSORTIA AND DISPOSAL OF ASYLUM SEEKERS

3.1 The Government expect local authorities to form consortia to:

- Strategically plan for the needs of an asylum seeker population, at a level set by the Home Office, over a 3-5 year time frame
- ensure the provision of adequate housing and other services that would meet identified needs
- develop effective joint working by formal arrangements between authorities and the independent, voluntary and private sectors.

3.2 The Local Government Association has been proactive in encouraging and facilitating regional consortia and in developing and sharing best practice in systems and protocols. The Government is providing grants to help establish Regional Consortia.

3.3 It is anticipated that each region will have several "cluster areas" which will act as focal points for the development of accommodation and services. These are likely to be where:

- there is spare accommodation (public or private sector)
- there is already a multi-cultural population
- there is scope to develop voluntary and community support

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- 3.4 Under the Interim Arrangements, it is hoped that dispersal of asylum seekers away from the South-east and London will be by voluntary agreement between the regional consortia.
- 3.5 After 1 April 2000, incoming asylum seekers will be directed to reception centres operated by the Immigration and Nationality Directorate and then resettled through contractual arrangements with housing providers, including local authorities, housing associations, voluntary bodies and the private sector.
- 3.6 The Home Office anticipates that about 60% of the accommodation which is needed will be secured by contracts with the private sector. Local Authority consortia will be expected to provide the balance.
- 3.7 Under the 1999 Act, the Home Office will be able to direct local authorities/regional consortia to take asylum seekers. Asylum seekers will not have a choice about where they go.
- 3.8 The principle of cluster areas remains, but the Home Office have recognised that there will be a limit on how many asylum seekers an area can absorb. It has suggested that no community should exceed 1 asylum seeker per 200 of local population.

4. THE LOCAL POSITION

- 4.1 The Eastern region was not originally asked to form a regional consortium, but that position has now changed and one is being formed with Essex County Council taking the lead.
- 4.2 Essex currently supports about 500 asylum seekers some of whom have been placed in accommodation by local authorities outside Essex, principally London Boroughs.
- 4.3 There is uncertainty about the number of asylum seekers the Eastern Region (and other Regions) can expect. Home Office figures suggest this could be up to 300 "cases" a month until March and then 260 "cases" a month thereafter. A "case" includes families (with an average size of 4, including children) so the total number of people may be around 650 per month.

5 CONCLUSIONS

- 5.1 Every Region will be expected by the Government to play a role in implementing the arrangements for asylum seekers both during the interim period and after 1 April.
- 5.2 The Local Government Association believes it is proper, and far better, for local government to work voluntarily in partnership with the

Government on this issue, rather than have duties and quotas imposed.

- 5.3 Essex is already accommodating significant numbers of asylum seekers, but it is not yet clear what the future requirements on both Social Services and local housing authorities such as Rochford will be.
- 5.4 The Council has a very small housing stock and few vacancies occur each year, especially with multi-bedroom homes. There is also strong demand from the Housing Needs Register and Transfer List for most types of accommodation.
- 5.5 Officers will continue to monitor developments with the County Council and the Registered Social Landlords who have property in the District. Further reports will be brought forward when information is available.

6 LEGAL IMPLICATIONS

- 6.1 The 1999 Act contains powers for the Home Secretary to require local authorities to accommodate asylum seekers.

7 RESOURCE IMPLICATIONS

- 7.1 Officer time will necessarily be spent on participation in the discussions and evaluating Local Government Association and Home Office circulars.
- 7.2 So far it is estimated that 10 man-days have been spent on this, principally myself and the Residential Services Unit Manager. It is not possible to accurately estimate future workload, which could be considerable if it is proposed that any significant numbers of asylum seekers are accommodated in the District.
- 7.3 The potential implications on use of the Council's housing stock cannot be identified until further information is available.
- 7.4 The Government provides a funding package towards Asylum seekers but commentary from other Authorities suggest that it does not meet the costs of Housing and the essential support services required.

8 RECOMMENDATION

- 8.1 It is proposed that the Committee **RECOMMENDS:**

that further reports be made when the implications of the Immigration and Asylum Act 1999 for this district can be better identified.

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Background Papers:

- Report to Essex Social Services Committee 13 October 1999 and 19 January 2000
- Guidance note to Local Authorities – Interim Arrangements for Asylum seeker support – Local Government Association
- Letters from the Immigration and Nationality Directorate 25 October 1999, 19 November 1999 and 1 December 1999.

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