

DESTITUTE ASYLUM SEEKERS

Briefing on Available Resources

This leaflet provides information about crisis level resources for asylum seekers made destitute under government policy.

It is intended for use by those involved in assisting and supporting individuals facing destitution.

This paper brings together the resources known to us that are currently available in Glasgow. If you are aware of any other resources that become available, which are not included here, please contact us with details.

At the end of this briefing there is a list of Useful Contacts.

Should you have any questions, comments or if you know of any additional resources please email home@paih.org or call 0141 353 2220.

Thanks to Michael Collins for assistance in preparing this information

INTRODUCTION

Housing providers are undertaking a programme of evictions of asylum seekers from their homes. These evictions are being carried out in response to Home Office instructions.

When a person's asylum application has been refused and all appeal rights exhausted the National Asylum Support Service (NASS) may move to stop their support after 28 days. In addition NASS may instruct the accommodation provider to begin eviction proceedings. Depending on the landlord this eviction may happen very quickly or there may be a lengthy gap before eviction proceedings begin and are carried out.

Most commonly, the first stage of eviction proceedings is the delivery of a 'Notice of Removal'. If the property is not vacated by the date on this letter, court proceedings will commence. After this a **Decree** will be served by a Sheriffs Officer after which an eviction will take place.

Definition of Destitution

Destitution: 'lacking resources or the means of subsistence; completely impoverished'. In legal terms, a person is destitute if they do not have and cannot obtain both adequate accommodation, and food and other essential items.

Recently the government has taken the step of stopping all benefits and evicting from accommodation an asylum seeker whose asylum case has been rejected and whose rights to appeal have been exhausted; regardless of whether they are able to return home. Destitute clients are sometimes termed 'appeal rights exhausted' or have been referred to as 'failed asylum seekers'. Once someone is "appeal rights exhausted" and made destitute they have **no recourse to public funds, public housing, council homelessness**

services or financial support and no right to work (Immigration & Asylum Act 2002).

Destitution can occur whilst clients are pursuing judicial review of their original decision or while in the process of submitting a fresh claim to the Home Office.

WHAT HELP IS AVAILABLE?

Hard case support

“Hard Case” or “Section 4” support is usually very basic, full board only, hostel accommodation. If there is no full board accommodation people may be placed in remote overflow accommodation but receive only vouchers – no cash support will be given. This support is provided by the Home Office. To qualify for this support a client must fulfil one of the following criteria.

Criteria:

- They are unable to leave the UK due to a physical impediment to travel (e.g. illness, late pregnancy).
- Those who are unable to leave because there is no safe route available for their return.
- Those who are complying with an attempt to obtain travel documents for return.
- Those who have applied for judicial review of their decision.
- Those who can demonstrate that removal would breach their human rights. This may apply in some cases where individuals who have applied for a Community Care Assessment, lodged a fresh claim or late appeal may be given support while they wait for their application to be considered.

[Note: the above criteria should be understood to be a guide only. Applications should be submitted after receiving expert advice]

How to access:

- Through Scottish Refugee Council (speak to Duty Desk).
- Supporting documentation for the above should be provided. Also state why client should be given support in Glasgow rather than

being housed elsewhere around the UK (e.g. local support networks).

- It may take over a month from application to receiving accommodation.

Contact:

Scottish Refugee Council

0800 085 6087

5 Cadogan Square

Glasgow G2 7PH

www.scottishrefugeecouncil.org.uk

Refugee Survival Trust

Refugee Survival Trust can provide some short term support and payments to asylum seekers who have no other means of support.

Criteria:

- Asylum Seekers who have received negative decisions from the Home Office but are in the process of appealing against that decision.
- Asylum Seekers who have had appeals rejected but are seeking judicial review under human rights legislation and are unable to access Section 4 support.
- Clients must have no other means of support and support lasts for two week periods.
- If a client presents late in the afternoon and does not have time to go to Scottish Refugee Council by close of business, PAiH can make small payments on RST's behalf (£5.50 for one night or £11 for two nights).

How to access:

- Referrals through Scottish Refugee Council caseworkers.
- If a client presents late in the afternoon and does not have time to go to Scottish Refugee Council by close of business, PAiH can make small payments on RST's behalf.

Contact:

Refugee Survival Trust c/o
Scottish Refugee Council
5 Cadogan Square
Glasgow G2 7PH
0800 085 6087

Refugee Survival Trust
19 Smiths Place
Edinburgh
EH6 8NT
0131 554 6776

Legal Service Agency – Glasgow Sheriff Court Heritable Court

Advice Desk

LSA provide an 'in-court' Advice Desk, available to all tenants attending the Heritable (housing eviction) Court on Tuesdays at Glasgow Sheriff Court. The Advice Desk seeks to ensure that all tenants have access to full and proper information relating to their rights when facing eviction proceedings.

What they can do:

- LSA provide an excellent resource that can represent asylum seekers in court when eviction hearings are heard.
- Although it is very unlikely that the proceedings will be refused they can negotiate with the housing provider to have an eviction date delayed, often by upto four weeks.
- As well as giving someone facing these proceedings some valuable breathing space, this may also give someone the opportunity to apply for section 4 support before being forced onto the street.
- They may also be able to link to general advice and possible representation provided by LSA on asylum claims.

How to access:

- This is a drop-in service accessible on Tuesdays when the court is sitting. It is open between 11am-1pm and 2-4pm inside the Sheriff Court – 1 Carlton Place, Glasgow. G5 9DA

Contact

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| • Legal Services Agency | tel: 0141 353 3354 |
| 3rd Floor Flemming House | fax: 0141 353 0354 |
| 134 Renfrew Street | Email: lsa@btconnect.com |
| Glasgow, G3 6ST | www.lsa.org.uk |

Short term crisis accommodation

Positive Action In Housing has set up a surgery in its offices and a register of people willing to give money or accommodation. We aim to match clients with volunteers who will take them into their homes. If this is not possible we may be able to pay for the client to stay in a hostel for a very short period of time.

Unfortunately due to demand placed on the service we may not be able to find places for clients to stay or be able to pay for short term accommodation. We will, though, always try to advise client's on their options fully inform them of their situation.

Clients have been referred to Positive Action in Housing by word of mouth, the police, bailiffs and refugee groups. We will work with those supporting destitute asylum seekers in order to reach the best solution.

This is the only crisis accommodation support service being offered to destitute asylum seekers who are not willing to risk their safety by returning to their country of origin. Unfortunately this service is entirely dependant on donations from the public and therefore cannot guarantee to be able to assist every destitute client.

Contact:

Positive Action In Housing
98 West George Street
Glasgow
G2 1EJ
0141 353 2220
www.paih.org

British Red Cross

British Red Cross can provide hygiene packs and sleeping bags. In addition The British Red Cross are able to issue destitute clients with £20 food vouchers for Tesco's. This is often on a 'one-off' basis but each case will be assessed.

Criteria:

- Individual is destitute

How to access:

- Through Red Cross office in Glasgow.
- Food vouchers are available only through referral from the Scottish Refugee Council. The SRC often gives them on behalf of the British Red Cross but may refer clients to the BRC's office for collection.

Contact:

British Red Cross
First Floor
Suite 2
Breckenridge House
274 Sauchiehall Street
G2 3EH
0844 893 5560

www.redcross.org.uk

Community Care Needs

This is relevant when the client has support needs that do not arise from destitution. For example: severe mental health problems, physical disability, infirmity etc. It is possible that if the client has any of these needs that the local authority will accept a responsibility to support and accommodate them. To access this you must first have the local authority carry out an 'Urgent Community Care Assessment'. This should be asked for by telephone and in writing.

How to access

- Contact Duty Office at Osborne Street Social Work Department on 0141 276 4800 to request an appointment.
- If not accompanying client it would be helpful to forward a letter explaining the client's situation.
- Social Work Department will only accept referrals from GPs and Mental Health specialists. Therefore we should advise clients to go to their GP, again with a covering letter, to request a formal referral.
- Please see model referral Letter overleaf.

Receiving Services
Glasgow City Council
Social Work Department

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Date

Dear Colleague,

RE: Name of client

d.o.b:

address:

We are referring for assessment for provision of services in accordance with section 12A of the Social Work (Scotland) Act 1968, as amended by section 8 of the Community Care and Health (Scotland) Act 2002.

As needs do not arise solely from destitution, s/he is therefore not excluded by the Immigration and Asylum Act 1999 (Part VI s120) from services covered by the community care legislation as was indicated in the court of appeal in Westminster vs. National Asylum Support Service and confirmed in the recent Court of Appeal decision on O and Bhika in which Lord Justice Simon Brown accepted the argument *“if an applicant’s needs for care and attention is to any material extent made more acute by some circumstances other than the mere lack of accommodation and funds, then despite being subject to immigration control, he qualifies for assistance (under S21 of the NAA)”*¹

Home Office guidance states that the effect of the amendment was that local authorities continued (and still continue) to have a duty to provide residential accommodation to asylum seekers, in England under the NIA Act, and in Scotland under section 12A of the Social Work (Scotland) Act 1968, where they have a need for care and attention which has not arisen solely because he is destitute or because of the physical effects of anticipated effects of being destitute.²

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¹ Westminster City Council vs. National Asylum Support Service (2001) EW Court of Appeal CIV 512 (10 April 2001)

² National Asylum Support Service Policy Bulletin 75 section 6.3

Background to case:

[details of care needs etc].....
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Please could you ensure you provide with a written copy of your assessment and refer him/her back to us for advice and assistance.

If you require any further information, please contact me at this office.

Yours faithfully

Crusaid Hardship Fund administered by PHACE Scotland

The fund is for people who are HIV positive or living with AIDS, this includes people who may be resident in a Scottish prison or detention centre. There are no citizenship or permanent residency requirements; this means persons who are HIV positive and seeking asylum may also apply.

It aims to provide for things that will improve the quality of life for people living with HIV. Generally one-off grants of up to £150 are available. The level of support available is means-tested. Applicants with lower incomes are able to receive multiple grants (up to a maximum of £500) during a twelve-month period

How to access:

- A professional worker such as a Welfare Rights Worker, Social Worker or Health Advisor should complete the application form on behalf of the applicant.
- A full list of referral agents is available on <http://www.phacescotland.org/fileupload/store/agency%20list2.pdf>
- In Glasgow, most referrals come through Alison Lord or John McGuigan at PHACE Scotland or the Brownlee Social Work team.
- Clients would have to meet one of the above in person to sign a mandate.

Contact:

PHACE Scotland

134 Douglas Street, Glasgow, G2 4HF

t: 0141 332 3838

f: 0141 332 3755

Social Work Services

Brownlee Centre

Gartnavel General Hospital

Great Western Road

Glasgow, G12 0YN

t: 0141 211 1090

http://www.phacescotland.org/ps_2k3_crusaid.php

Day and Evening Support for Homeless People

There are various facilities for Homeless people and rough sleepers. If we are not able to find accommodation for a Destitute client giving information on these may be the most practical advice to offer.

These Services include:

The Simon Community

69 Dixon Road
Glasgow
G42 8AT
0141 423 0949

Wayside Day Centre

32 Midland Street
Glasgow
0141 221 0169

Lodging House Mission

35 East Campbell St
Glasgow
G1 5DT
0141 552 0285

Mission Resource Centre

Unit 500 Academy Park
Glasgow
G2 8PT
0141 423 9090

The Shieling

24 McAlpine Street
Glasgow
G2 8PT
0141 221 2630

Salvation Army

39 Portland Street
Glasgow
G5 9DA
0141 429 6533

Information on services available to Homeless people in Glasgow available from: <http://www.ghn.org.uk/homepage.html#>

CHECKLIST FOR HOUSING ADVICE WORKERS

- Speak to a solicitor or NASS for confirmation of client status.
- NASS in Glasgow have set up a duty advice line which agencies can call regarding a range of NASS related problems. Telephone number is **0141 419 1318**. This can be used to confirm a client's status, why support has been terminated and some other queries.
- Interview client and record the client details. Include any health issues and check any documentation regarding the eviction. If proper documentation is not in place, eviction may not be lawful.
- Check for any loopholes, for example if client has had permission to work and has been in employment they may be eligible for contributions based benefit.
- Inform client of their situation, explain what this means and the options available to them.
- Check all relevant agencies/support for eligibility.
- If not eligible for above, client should be informed that in most cases their best option is to stay with friends or family. However, client and friends/family should understand that this could lead to adverse consequences if their friend/family member is also staying in NASS provided accommodation.
- If no accommodation is available for client, inform client of facilities for 'rough sleepers' i.e. Simon Community, Soup kitchens, day centres etc.