



Challenges of Asylum Policy in the UK

James Lee

Mainstream Policy Adviser
(Employment and Training)

www.refugeecouncil.org.uk
asylum is a human right

The Refugee Council

The Refugee Council's work includes:



- giving advice and support to asylum seekers and refugees to help them rebuild their lives;
- working with refugee community organisations, helping them grow and serve their communities;
- caring for unaccompanied refugee children to help them feel safe and supported in the UK;
- offering training and employment courses to enable asylum seekers and refugees to use their skills and qualifications;
- campaigning and lobbying for refugees' voices to be heard in the UK and abroad; keeping them high on the political agenda and discussed in the media;
- producing authoritative information on refugee issues worldwide, including reports, statistics and analysis

www.refugeecouncil.org.uk

asylum is a human right

Main Policy Areas



- Protection
- Health
- Children
- Education
- Employment and Training
- Also: benefits/NASS, voluntary returns, border controls

www.refugeecouncil.org.uk
asylum is a human right



Protection

- New Asylum Model (NAM)
 - fast track focus; accelerated decision making
 - access to legal advice; increasing number of self-appeals
- Detention
 - increasing numbers of detainees
 - questions over management of detention centres
- Removals
 - political focus on removals (“tipping point”)
 - treatment of individuals and families
 - “What the present case and others like it reveal, in my judgment, is at best an unacceptable disregard by the Home Office of the rule of law, at worst an unacceptable disdain by the Home Office for the rule of law, which is as depressing as it ought to be concerning.” para 87, Karas

www.refugeecouncil.org.uk

asylum is a human right



The NHS New Hospital Regulations

- The National Health Service (charges to Overseas Visitors) Regulations 1989 (amended) to Statutory Instrument No. 614 2004 came to force in April 1st 2004
- Asylum seekers at end of process are now denied free hospital treatment, unless they have an 'immediately necessary or life-threatening' problem, in which case they will be treated and then charged later
 - Accident and emergency treatment only
 - Primary health services, i.e. the GP services
 - Help with health costs, Medical exemption certificate also known as HC2
 - Disabled or vulnerable people are entitled to social services community care assessment but Local authorities have no duty of care to them.

www.refugeecouncil.org.uk

asylum is a human right

Impact on Asylum Seekers



- The fundamental basic needs of those falling outside the criteria can not be met
- physical and mental well being suffers
- Pressure on refugee and host communities
- Denial to access free hospital treatment - blurs and confuses vision of health entitlement genera
- Fear of seeking preventive health advice, turning up at accident and emergency unit at an acute stage of illness
- People with long term illnesses such as diabetes, high blood pressure or asthmatic including pregnant mothers have to pay for hospital treatment
- Suicidal tendency/ self harm due to losing hope

Children



- use of detention
 - families with children; age disputed cases
- age disputed cases
 - bias in favour of Home Office unless proven otherwise
 - 51% (2005) overturned
- transition at 18
 - confusion over responsibility of care
- Section 9
 - potential use of children and destitution for removals

Education, Employment & Training



- Education
 - compulsory education for all children 16 and under
 - confusion over eligibility for full time post-16
 - higher education: overseas student fees; no learning support
- Training
 - vocational training: limited to unpaid work placement
- Employment
 - policy (22 July 2002) right to work withdrawn
 - European Directive and 12 month rule

NASS Dispersal System



- no choice accommodation
 - forces people out of settled community
 - many choose subsistence only to stay with extended family/community; little support or monitoring of welfare
- below poverty levels of support
- weakens informal and community support networks
 - start from scratch; coping with destitution
- socially excluded and isolated

Brief Responses



- increased investment at initial decision stage
- must ensure access to legal advice for all
- access to free health care is basic human right for all
- alternatives to detention should always be used where children are involved
- free access to full time level 3 courses for 16-18 year olds
- skills audits part of asylum induction, along with training/learning advice and guidance
- the right to work should be granted from day one
- positive public/political message on experience and contribution of asylum seekers and refugees