



Global Link
Development Education Centre

Guide for those Supporting Asylum Seekers & Refugees

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Introduction

This guide is the result of an Awards for All Big Lottery funded training project, to build the capacity of volunteers and practitioners in the Lancaster District to support asylum seekers and refugees.

When Lancaster became a dispersal area for asylum seekers in 2015, whilst there was a huge willingness and welcome from local people, there was no statutory or voluntary sector experience of working with asylum seekers and refugees. Global Link was one of the key organisations who stepped in to address the needs of asylum seekers, and, whilst we had been delivering refugee awareness education projects since 1999, we had no experience of direct support to refugees and asylum seekers.

Like other voluntary organisations and individuals in Lancaster, we learnt quickly, and because supporting asylum seekers and refugees needs to come from the wider community and we want to share learning and best practice, we accessed this funding to deliver and facilitate others to deliver training for the benefit of the VCSF sector in the city.

The guide summarises the content of each training session, with a focus on 'what to do' if you are supporting someone in a particular situation. We hope that you find it useful.



Executive Director

Sections

1. Understanding the Asylum Process: an overview of entitlements (Sara Nobili-Park, Global Link)
2. Immigration Detention: what it is and what to do? (John Martin, retired Immigration Barrister, Global Link trustee)
3. Post-Leave to Remain: An Overview of the Benefit System (Sara Nobili-Park, Global Link with contribution from Housing Benefit team, Lancaster City Council)
4. Post-LTR: Preparing for Citizenship and Indefinite Leave to Remain
5. Understanding Mental Health (MindsMatter)
6. Understanding Domestic Violence (Ruth Davies, SafeNet)
7. Modern Day Slavery & Trafficking (British Red Cross)

Understanding the Asylum Process: overview and entitlements

People seeking asylum are entitled to legal aid to pay for a solicitor to help them through the legal asylum process. Legal aid funds support through the substantive interview process and to the Court of Appeal, if necessary.

Asylum seekers all receive a letter that requires them to be biometrically tested at a Post Office (fingerprints and photos) for the ARC (Asylum Refugee Card). Currently, the closest location to Lancaster is Penrith.

People seeking asylum in the UK are not entitled to mainstream benefits and the vast majority are not allowed to work. If they are destitute while waiting for a decision on their asylum claim, the only form of state support available to them is via a parallel housing and benefits system known as asylum support (Section 95) which provides a basic subsistence payment of £37.75 a week and 'no choice', usually shared, accommodation. This system is administered by the Home Office, with subcontractors such as G4S and Serco in charge of the housing provision.

If an asylum case is refused, asylum seekers may lose their Section 95 support, leading to destitution. If a fresh claim is submitted (for which legal aid is not available), a Section 4 application can be made to reinstate the basic support of accommodation and subsistence payments.

Asylum seekers receive their subsistence payments on their ASPEN cards, which they can use to retrieve cash from cash machines. If the card is lost, stolen or damaged, they should ring Sodexo on 01276 687099 or 0800800638. If there are problems with the card, they should ring Migrant Help on 0808 8000 630. The call is free and they will have access to interpreters.

Often asylum seekers will be required to travel to Liverpool or Preston to sign at the police stations. At Preston police station asylum seekers need to request and fill in an 'Appendix K' form so that the Home Office can reimburse the costs of their travel on their ASPEN cards.

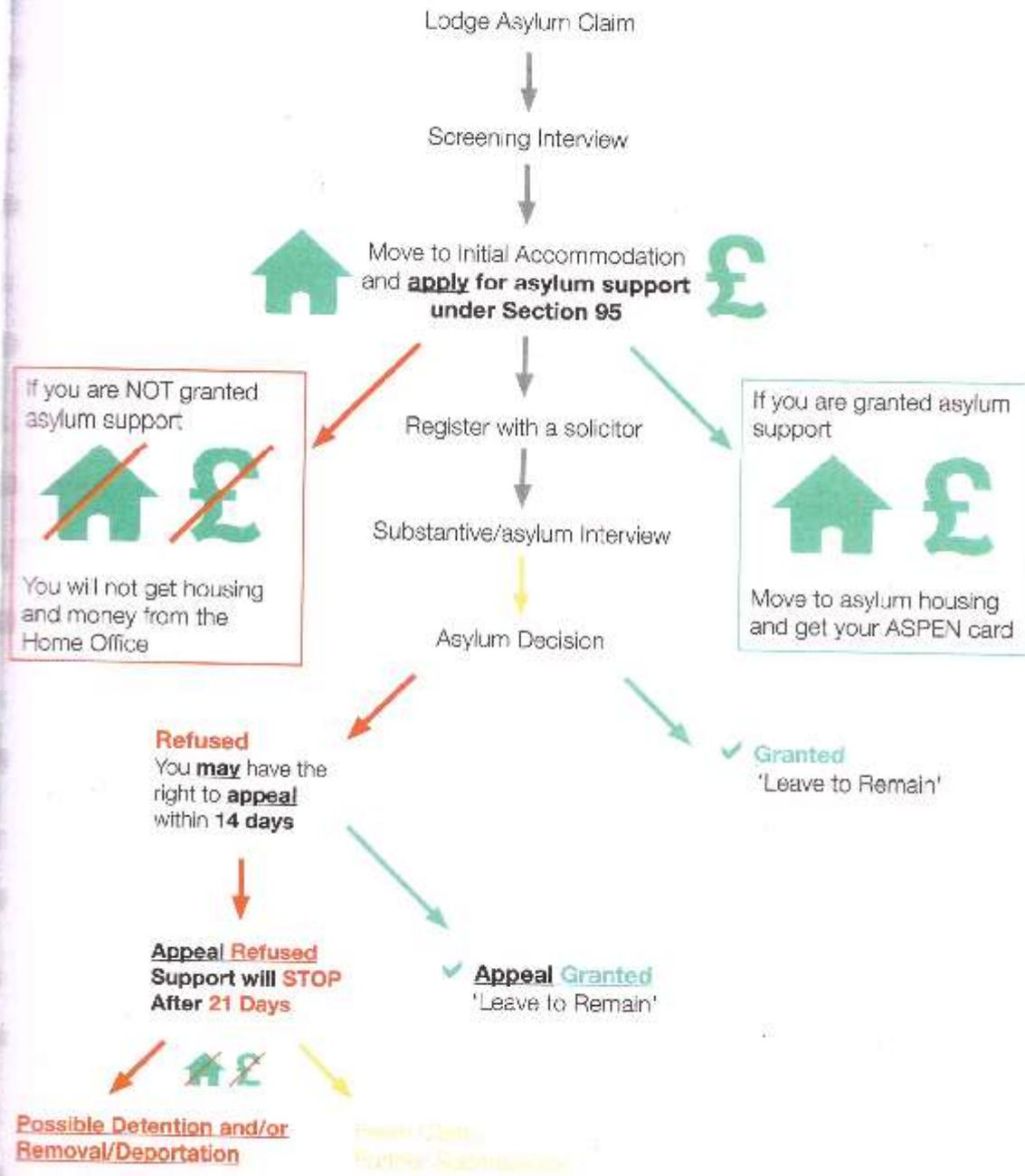
In Lancaster, Lancaster & Morecambe City of Sanctuary fund asylum seeker travel expenses for biometric testing, police station signings in Liverpool and travel for legal purposes if the costs cannot be reclaimed from lawyers.

There is a wealth of information on the asylum process and refugee issues. Some of the main organisations that offer support, guidance and advice are:

- Refugee Council <https://www.refugeecouncil.org.uk/>
- Refugee Action <https://www.refugee-action.org.uk/7620-2/>
- British Red Cross <https://www.redcross.org.uk/get-help/get-help-as-a-refugee>
- Free Movement <https://www.freemovement.org.uk/>

GLOBAL LINK OFFERS TRAINING ON REFUGEE AND ASYLUM. PLEASE CONTACT US ON 01524 36201, OR EMAIL INFO@GLOBALLINK.ORG.UK IF INTERESTED IN FINDING OUT MORE.

Asylum Process



Immigration Detention: what it is and what to do

Immigration detention is the practice of holding people who are subject to immigration control in custody, while they wait for permission to enter or before they are deported or removed from the country. It is an administrative process, not a criminal procedure. This means that migrants, asylum seekers and undocumented people are detained at the decision of an immigration official, not a court or a judge. The UK is one of the largest users of detention in Europe. People are detained in detention centres known as 'Immigration Removal Centres' (IRCs), Short-Term Holding Facilities (STHFs) and prison. Unlike most other European countries, there is no time limit on immigration detention in the UK, unless people are held in residential STHFs where they can be held for up to seven days; and up to 24 hours in non-residential STHFs for up to 24 hours.

There are nine IRCs and three STHFs in the UK. The Home Office contracts out the management of detention facilities to private providers, and to the Prison Service.

Home Office policy says that detention must be used sparingly and for the shortest possible period. In our experience, detention is the norm rather than the exception: many thousands are held each year, and some for very lengthy periods, causing serious mental distress.

Immigration Detention: what to do

Service users should be advised to contact their solicitors as soon as they are detained, which usually happens when they routinely report at the police station.

In Lancaster, RAIS operates a helpline as follows: Monday/Tuesday/Thursday, 10-12; Wednesday 10-3.30pm. The number is 07731 552259.

If a person has no legal representation at the point of being detained, they are eligible for legal aid funded advice under what is called the **Detention Duty Advice Scheme**.

Under this scheme they can book a 30 minute appointment with a solicitor in the detention centre. There are certain legal aid firms that run these surgeries, and they will visit the centre on a rota basis. Different lawyers visit each week. They can find out which firms by accessing the rota provided on request. There are sometimes waiting lists for an appointment. To book an appointment they should contact the welfare officer or librarian.

During the appointment, the solicitor will ask them about their immigration case and establish whether they can offer them free legal advice. Their decision will be based on the 'merits' of their case: this means how strong the case is, how likely to succeed, etc). This session is free of charge. If the solicitor does decide to take their case, you won't have to pay for their future advice.

Service users should be made aware that there is no longer legal aid for certain aspects of their immigration case no matter how strong (how much 'merit') the case has, for example a deportation appeal.

For further information and advice:

Bail Immigration for Detainees (BiD) is a charity that works with people in detention to help secure their release. They cannot help in all cases, but you will find a wealth of information on legal rights in detention and how to access bail. They operate a helpline Monday to Thursday 10-12, and can be reached on 020 74569750. Their website has a wealth of information and resources: <https://www.biduk.org/>

AVID is the Association of Visitors to Immigration Detainees. <http://www.aviddetention.org.uk/welcome-avid>

Post Leave to Remain: An overview of the benefit system

It is a well known fact that the benefit system can be difficult to navigate and, in this instance, to summarise effectively, given the fact that a person's individual circumstances will be taken into account when determining their entitlements. Characteristic such as a person's age, disability, marital and/or civil status, dependents, will all come into play. The information below has been taken from the official government website of the Department of Work and Pensions (DWP). It is beyond the scope of this booklet to go into more details in relation to each type of benefit. Here below, the focus is on Universal Credit which is by far the most common benefit accessed by members of our community.

1. Setting the scene:

Once an asylum seeker has received a positive decision on their case (see below), their asylum support will normally stop within 28 days from the decision being made. Within 10 days of the decision, the person should receive their Biometric Residence Permits. In our experience, however, the BRP can take between 3 weeks to a few months to arrive, especially if a positive decision was granted on appeal. A positive decision can be:

- refugee status
- humanitarian protection status
- discretionary leave status
- indefinite leave to remain
- limited leave to remain

In these circumstances, the person can qualify for financial support through the benefit system if they are:

- looking for work
- not well enough to work
- a lone parent (including if you have a partner but they are not living with you)
- on a low income
- have reached the qualifying age for Pension Credit

The Department for Work and Pension (DWP) provides help with finding work and claiming benefits for people of working age and benefits for people of pension age. The main working age benefits are:

- Universal Credit
- income-based Jobseeker's Allowance
- income-related Employment and Support Allowance
- Income Support

These benefits are paid by Jobcentre Plus, which is part of DWP.

If you are of pension age, DWP provides help with access to Pension Credit which is a top up to State Pension for those on a low income. Your State Pension age depends on your date of birth. This is currently anywhere between 60 and 66 years, dependent on the date you were born and whether you are male or female. You can find out more at www.gov.uk/calculate-state-pension. Pension Credit is paid by the Pension Service, which is also part of DWP. The Pension Service can be contacted as follows: 0800 99 1234; Textphone: 0800 169 0133, Monday to Friday 8am to 6pm (except public holidays)

2. How to make an application for UNIVERSAL CREDIT

Applications can be made:

- a. online at: <https://www.gov.uk/apply-universal-credit>
- b. By phoning the Jobcentre Plus: Telephone: 0800 055 6688, Textphone: 0800 023 4888 Monday to Friday 8am to 6pm (except public holidays)

In order to make an application, and subsequently make a claim, the service user will need:

- a. An active email address
- b. BRP
- c. Bank Account (either their own or that of a trusted person that can be changed at a later date)

If the application has been filled in online, you will be asked to call the Job Centre Plus number. The client will be put through a security (the security questions will have been set up as part of the application). They will also be asked for their National Insurance Number (NINO) which is at the back of their BRP.

Please note that information on <https://www.gov.uk/government/publications/refugees-guidance-about-benefits-and-pensions/help-available-from-the-department-for-work-and-pensions-for-people-who-have-been-granted-leave-to-remain-in-the-uk> states that the applicant does not need a NINO for their benefits claim to be made, but they should tell the DWP at the start of their claim. DWP will search their computer system and if their NINO is not found, will apply for a NINO on their behalf as part of their claim to benefit

In our experience, it has been possible to book the first appointment for ID checks even prior to the person having their BRP as, we have argued, that their Immigration Status Letter proves their RIGHT to RESIDE and RIGHT TO WORK in the UK. In this instance, always check with the person that they have their confirmation of status, and see if it states clearly their leave to remain period and their right to work.

At their first interview which is held at the local Job Centre, and it is usually called ID/HRT (Habitual Residency Test), they will need to provide the relevant documentation as follows: BRP, Bank Account, Immigration Status Letter, Proof of Address (usually accepted is that of the Immigration Status Letter and/or Bank letter).

Universal Credit has two elements: personal allowance and housing element. These will vary according to the person's age and circumstances. For rates, please visit <https://www.turn2us.org.uk/Benefit-guides/Universal-Credit/How-much-Universal-Credit-will-I-get>

3. Other benefits

The service user may also be entitled to other benefits to help them cope with different circumstances, for example, if they have a dependent child, or if someone in their household is disabled. DWP will be able to discuss this support with them.

If they have a disability or are unfit for work they can claim Employment and Support Allowance. If DWP believes that they can still look for some work they will interview them regularly to support them in overcoming any barriers that their health places on their ability to go back to work.

If you need help with housing costs such as rent or Council Tax, contact their local council or see:

- a. www.gov.uk/housing-benefit
- b. www.gov.uk/council-tax-reduction

Access to financial support can continue when they start work, particularly if they are a parent. This is through Tax Credits, which are administered by HM Revenue & Customs (HMRC). Find further information at www.gov.uk/topic/benefits-credits/tax-credits.

4. Child Benefit

For those who have children, they can claim for Child Benefit for each child one is responsible for, irrespective of employment status or savings. In the 2018-19 tax year, rates are: £20.70 per week for the first child and £13.70 a week for any further children.

A claim can be made for every child under the age of 16; or under 20 but only if in approved full time education and/or training. If the child starts paid work for 24 hours or more a week and is no longer in approved education or training, the Child Benefit will stop. The same applies if the child starts an apprenticeship or starts receiving certain benefits in their own right.

To access this benefit, a CH2 must be filled in and send to the Child Benefit Office along with the child's original birth certificate; or other forms of ID – like the BRP.

Please note that, if children were part of the asylum claim and thus present in the UK prior to being granted leave to remain, they should be able to request a backdated payment, backdated to the date of entry to the UK.

Navigating the benefit system has proven to be difficult and at times frustrating. In our experience, these organisations' websites offer extremely useful and easily accessible information:

<https://www.citizensadvice.org.uk/benefits/>

<https://www.moneyadviceservice.org.uk/en/articles/universal-credit-an-introduction>

To assist applicants with calculations:

<https://www.turn2us.org.uk/Get-Support/Benefits-Calculator/Using-the-Benefits-Calculator>

Post-LTR: Preparing for Citizenship and Indefinite Leave to Remain

Leave to remain is usually granted for 5 years and refugees are issued with a Biometric Residence Permit (BRP). The expire date of granted LTR is at the back of the BRP. After 5 years, refugees are usually able to apply for settlement, otherwise known as **INDEFINITE LEAVE TO REMAIN (ILTR)**.

An application for ILTR must be made 28 days before the BRP expires. Also:

- All dependents must also be included in your application- this included children born in the UK.
- The applicant must surrender your travel document
- The applicant must declare any convictions or civil penalties

A year after ILTR has been granted, one can apply for British Citizenship providing:

- the Applicant is over 18
- knowledge of English is proven
- the applicant Passes a Life in the UK test
- the applicant intends to continue to live in the UK
- the applicant is of good character
- residency criteria have been met

Immigration law can be quite complex and should only be given by qualified advisers. For a list of advisers please see:

<https://www.gov.uk/find-an-immigration-adviser>

For more information on acquiring ILTR:

<https://www.gov.uk/settlement-refugee-or-humanitarian-protection>

For more information on acquiring British Citizenship:

<https://www.gov.uk/british-citizenship>

Understanding Mental Health

Asylum seekers and refugees face unique and complex challenges related to their mental health and they are often at greater risk of developing a mental health problem. Research has shown that asylum seekers and refugees are more likely to experience poor mental health than the local population, including higher rates of depression, PTSD and other anxiety disorders. Research suggests that asylum seekers are five times more likely to have mental health needs than the general population and more than 61% will experience serious mental distress. However, data shows that they are less likely to receive support than the general population¹.

The increased vulnerability to mental health problems that refugees and asylum seekers face is linked to pre-migration experiences (such as war trauma) and post-migration conditions (such as separation from family, difficulties with asylum procedures and poor housing).

In Lancaster (and throughout Lancashire) non urgent, short term support is available via MindsMatter, Lancashire Care NHS trust. Mindsmatter offers a variety of brief psychological treatments for depression and anxiety disorders. They have a range of services that are free of charge and aimed to suit people's needs and increase wellbeing. Mindsmatter accepts self referrals, or referrals via the GP. **For online self referral see: www.lancashirecare.nhs.uk/mindsmatter or call 01524 550552.**

If someone needs urgent help:

- they should contact their local GP Practice or NHS 111 for advice.
- In the event of an emergency situation, and if someone else is in immediate risk of serious harm or injury they should contact the Emergency Services by dialling 999 and stating which service you require (ambulance or police)
- For Urgent support if the person is struggling with thoughts of harming themselves, they should call the Assessment & Treatment Team 01524 550550 (9am to 430pm) or the Out of Hours Crisis Team 01524 550199

Other useful contacts:

NHS Wellbeing and Mental Health Helpline 0800 915 4640

Available Monday to Friday 7pm - 11pm, Saturday & Sunday 12am to 12pm.

Offers 'out of hours' telephone support to anyone concerned about a mental health issue, or that of someone they know. This is a Freephone number and will not appear on the telephone bill

The Samaritans

Free Phone 116 123 Texting Service 07725 909090 Email jo@samaritans.org
24 hours a day, 365 days a year.

¹ <https://www.mentalhealth.org.uk/statistics/mental-health-statistics-refugees-and-asylum-seekers>

Understanding Domestic Abuse

This session was delivered by an Domestic Violence Abuse experienced practitioner working for SafeNet, a leading organization in the North West that protects victims and survivors of domestic abuse through the provision of safe refuge and support services and promotes the prevention of further harm, through various initiatives including, working to build safe and healthy relations and promote equality.

Recognising forms of domestic abuse is very important in all cases, but especially so with regards to those asylum seekers women and children that are classed as 'dependants' on an asylum claim. Only one asylum claim per family (excluding children that are 18+) can be made and, in most cases, the male is classed as the main applicant thus in receipt of Section 95 (see point 4 in Section 1). If a situation of domestic abuse occurs within the family unit, the Home Office will request proof of the abuse before authorising re-location. As a recent study has found (Women Seeking Asylum: Safe from Violence in the UK? June 2018), most asylum seekers women will be reluctant to report incidents of domestic abuse and therefore will be forced to stay within the abusive relationship. This is most often the case with all victims of domestic abuse.

More information on recognising abuse, refuge services, and how to get help can be found on SafeNet website: <https://safenet.org.uk/> .

SafeNet deliver services throughout the North West from bases in Burnley, Preston, Lancaster, Rochdale and Blackpool.

Services on offer are:

- a. Safe place to stay on a temporary basis
- b. Emotional and therapeutic support
- c. "The freedom programme" – Recognise your abuse
- d. Support housing, resettling and finding a new home
- e. Finances and debt management
- f. Drug and alcohol support
- g. Children's team – help children to overcome their abusive experiences
- h. BME workers for victims who are unable to speak English – many forced marriages
- i. The future – education and employment

Women with complex needs often cannot access refuges because of the risk they pose to other residents, and because they need extra support to remain safe themselves. SafeNet *recovery refuge* supports victims who use drugs/alcohol, are ex/offenders and have mental illnesses.

SafeNet can be contacted as follows: Phone: 0300 3033 581 Email: contact@safenet.org.uk

Modern Day Slavery and Trafficking

Human trafficking and modern-day slavery are crimes in which people are exploited for other people's personal gain. There are many ways people are exploited. Often people will be exploited in more than one way at the same time. They can be forced into labour, criminality, prostitution or domestic servitude and these are all a forms of exploitation. They could be refugees, asylum seekers, European citizens or people who come from other countries. Some might even not think of themselves as trafficked people, others might have only recently have left exploitation or left a while ago.

The British Red Cross might be able to help people who have been:

- deceived about work conditions
- threatened and forced to work or carry out activities they don't want to do
- forced to work to pay off a large debt
- treated badly by others and in ways they did not want to be treated.

Regardless of what stage they are at, British Red Cross aims to help people make an informed, safe decision. Survivors of trafficking and exploitation are very vulnerable and need help within the first few days of asking for it. They can get immediate help and longer term support from a range of Red Cross services which focus on helping people understand all the possible options they have so they can make informed decisions on what to do next.

British Red Cross will never tell people what they should do, such as leave exploitation or enter the **National Referral Mechanism**². Choices must be made by the trafficked person when they are ready to make them.

Support from the British Red is usually time limited – mostly ranging from between three and four days or six to twelve weeks. But we offer our services for as long as people need them. Our longer-term support programme is offered for months or years. Ultimately, we want trafficked people to be independent again and we will support them to get there.

For more information see:

- British Red Cross, home page dedicated to Modern Day Slavery and Trafficking: <https://www.redcross.org.uk/about-us/what-we-do/modern-slavery-and-trafficking>
- Information on the National Referral Mechanism, and impact on immigration status: <https://www.childrenslegalcentre.com/resources/national-referral-mechanism/>

² The National Referral Mechanism (NRM) is the framework through which potential victims of trafficking in the UK are identified, so that they can be supported and protected. It is a particular process to be followed when it is suspected that an adult or a child might be a victim of trafficking. In the case of a child, the child's best interests will be a primary consideration in the decision to make, or not to make, a referral into the NRM.