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## Destitution among refugee and asylum-seeking children



Photograph posed by model © Shutterstock

**F**leeing from persecution to seek protection in a different country places already vulnerable families in a precarious position. Often families are forced to live on amounts that fall far short of providing for their basic needs and which place them well below the poverty line as their asylum claim is processed, which can take several months or even years. Asylum seekers are excluded from working in the UK and most are unable to access benefits and tax credits, instead relying on little more than £5 a day – while many others are left destitute.<sup>1</sup>

### Absolute poverty

The Children's Society's West Midlands Destitution Project supports destitute refugee and asylum-seeking families (often including very small children and babies) who lack basic essentials, such as food, housing, clothing and nappies. The irony is that they came to the UK hoping they would find safety, but instead find themselves living in squalor or struggling to survive on the streets.

In the last year, the project has worked with more than 250 children whose parents have been forced into destitution by the government. These families have no means of support because the adults are not allowed to work or claim benefits. As a result, parents are forced into illegal working (including prostitution) in order to survive, young people in care are cut off from support and become homeless when they turn 18 and, in some cases, pregnant women cannot afford to eat and experience homelessness.

And yet, despite being some of the most vulnerable and impoverished in the UK, these children are largely absent from the child poverty debate.

### Data gap

Although the government does not collect this data centrally, research suggests an increase in the instance and length of destitution, particularly among refused asylum seekers, during the last year. In 2007, Refugee Action estimated that there were around 200,000 refused asylum seekers in the UK.<sup>2</sup> The British Red Cross has said that the number of refused asylum seekers remaining in the UK increased in 2008 by as much as 2,685, adding that 'this would suggest

the current policy is not meeting the government's stated objectives, as well as creating what is effectively a humanitarian crisis.'<sup>3</sup>

### Becoming destitute

Our research with families in the West Midlands during 2007,<sup>4</sup> and later in 2009,<sup>5</sup> highlighted that there are critical points in the asylum process when people can become destitute. This is because entitlement to claim benefits or to work depends on immigration status. Families claiming asylum are entitled to asylum support. They are given accommodation outside London and the South East (if they have no one to stay with) and cash (70 per cent of income support levels<sup>6</sup>) until a decision is made on their asylum application.

### Single pregnant mothers

Families who are refused asylum are not allowed to work, but usually continue to get asylum support under section 95 of the Immigration and Asylum Act 1999. This means they get the same kind of support as families who are seeking asylum until they are removed from the UK in recognition of the fact that they have children who need to be supported.

Single asylum seekers who are refused asylum but cannot return home immediately can get support under section 4 of the Immigration and Asylum Act 1999. This is typically a hostel bed and £35.39 in vouchers every week. Women who are refused asylum before giving birth are treated as single adults. This means they cannot work or claim benefits, and a condition of section 4 support is that the person must agree to leave the UK when it is safe for her/him to do so. However, often the accommodation is inappropriate for raising children, and vouchers are insufficient to ensure children's health. Pregnant women do not automatically get support for their infants – there are often delays and mothers cannot always access essentials like baby milk, clothes and nappies.

While welcoming the commitment from the government to early years' provision and early intervention, there is little consideration of the wellbeing of single mothers and their children within the asylum and immigration system within this debate. In our experience, these mothers, some of whom have experienced rape and torture before arriving in the UK, do not always have enough to eat and often experience high levels of stress, depression and homelessness during their pregnancy. One mother who participated in our 2007 research delivered her baby three months prematurely, while another was charged a £3,000 bill for maternity care.<sup>7</sup> Their stress inevitably affects their children.

# Migration, migrants and child poverty

## Unaccompanied children

Nearly half of those who present as unaccompanied asylum-seeking children have their age challenged each year. This can have serious repercussions for how they are treated.<sup>8</sup> Our experience suggests that challenges about age can mean that young people fall through the gap between child and adult support and, as a result, they can become destitute. Recent budget cuts have meant that local authorities find it increasingly difficult to provide for children in their care. Young people who have nowhere to live are constantly on the move, relying on friends or sleeping in public spaces, such as in libraries or on buses.

## Responsibility of agencies

Entitlement to housing and financial help is tied to immigration status. This is often complex as different family members may have different statuses.

It is clear that many families are met with a lack of compassion when they seek help. Rather than being the focus for frontline professionals, the children appear to be virtually invisible. Agencies are falling well short of their requirements to have regard to children's safety and welfare. Our experience is that the response of some local authorities and the UK Border Agency suggests that, rather than protecting children, they are protecting themselves from financial pressures.

The standard response is to tell families to leave the UK, but the reality is that many families are desperate to avoid this. Many families have been in the UK for several years and their children have been born and raised here, so it is difficult to contemplate a return to a country they barely know or fear returning to. Ultimately, this leaves families with difficult choices: returning voluntarily, facing separation from their children, working illegally or existing on the streets.

## Recommendations

There is no doubt that this is a complex issue. But what is clear is that children in these situations are not safe, their health is being compromised and they are suffering as their parents deal with depression, stress and anxiety.

As the government develops its child poverty strategy, it needs to ensure that children living the UK are not made destitute as an outcome of the asylum and immigration system. This can be achieved by working across government departments and local authorities to ensure that effective policies are in place.



Timm Sonnenschein/Reportdigital

Important steps include providing asylum support at the same level as income support to all children and families to prevent hardship (including those who have exhausted all their appeal rights) and full access to healthcare while families remain in the UK.

It is essential that as unaccompanied children transition into adulthood, leaving care support continues for all until they obtain a legal status to remain in the UK or are returned when it is in their best interest.

In addition, the commitment to good quality, publically funded legal representation throughout the asylum process is vital to ensure that children and families are able to have their claims heard fairly and are thus better prepared for return should their claim be rejected.

Families who have no legal basis to stay in the UK should not be left to languish in destitution. Before a decision is taken to remove a child or family from the UK, the UK Border Agency should consider their length of residence and ties in the UK, as well as the impact removal would have on the welfare of any children. If it is not advisable or reasonable to expect a family to return to their country of origin, or where it would be inhumane, children and families should be granted a legal status to remain in the UK and allowed to live with dignity. ■

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- 1 *Still Human Still Here, At the End of the Line: restoring the integrity of the UK's asylum system*, 2010
- 2 Refugee Action, *The Destitution Trap*, 2007
- 3 British Red Cross, *Not Gone, But Forgotten: the urgent need for a more humane asylum system*, 2010
- 4 The Children's Society, *Living on the Edge of Despair*, 2008
- 5 The Children's Society, *Destitution Amongst Asylum-seeking and Refugee Children*, 2010
- 6 The Home Office provides support at this level on the basis that families in (former) National Asylum Support Service accommodation do not pay utility and council tax bills
- 7 See note 4
- 8 H Crawley, *When Is a Child Not a Child?*, Immigration Law Practitioner's Association, 2007