

Access to Advice on Asylum Support and Asylum Support Appeals

Research by On the Tin Ltd. for ASAP
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ASAP

ASYLUM
SUPPORT
APPEALS
PROJECT

DEFENDING ASYLUM SEEKERS

LEGAL RIGHTS TO FOOD AND SHELTER

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Abbreviations used in this report

AASC	Asylum Accommodation and Support Contract (contract between Home Office and three accommodation providers in different regions of the UK – Clearsprings, Mears and Serco)
AIRE	Advice, Issue Reporting and Eligibility Contract. This contract is currently awarded by the Home Office to Migrant Help.
ARC	Application Registration Card. This card is issued by the Home Office to individuals who claim asylum. It certifies that you are an asylum claimant and can remain in the UK while your case is pending.
ARE	Appeal Rights Exhausted
ASAN	Asylum Support Appeals Network (run by ASAP)
ASAP	Asylum Support Appeals Project
AVR	Assisted Voluntary Return
BRP	Biometric Residence Permits
FFT	Freedom from Torture
HBF	Helen Bamber Foundation
HfR	Humans for Rights
HO	Home Office
HOPO	Home Office Presenting Officer: the Home Office official who appears in tribunals to put their arguments
IMA	Illegal Migration Act 2023
JR	Judicial Review
LTR	Leave to Remain. An immigration status granted to people who do not have the right to live in the UK, but who are allowed to stay in the UK and work, study, run businesses and enjoy other rights.
MSF	Medecins sans Frontiers
NBA	Nationality and Borders Act 2022
NFP	Not for Profit i.e. any voluntary or community sector organisation
NGO	Non-governmental organisation, used in the report to denote any organisation which is not a private for-profit company/entity or a public service. Encompasses national, regional and local charities and community groups.
NTQ	Notice to Quit
NRPF	No Recourse to Public Funds. This is a condition put on some people with Leave to Remain (see above) which debars them from accessing public funds in the form of most benefits.
OISC	Office of the Immigration Services Commissioner, the regulating body for immigration and asylum advice.

PAP	Pre-Action Protocol letter, which sets out the steps the court would normally expect parties to complete before commencing court proceedings. They act as a way to put a public body (e.g. Home Office, Local Authority) on notice that there is an intention to go to court if the matter is not resolved speedily.
PSA	People seeking asylum
PWLE	People with lived experience, in this report meaning people with lived experience of the asylum support system
S4	Section 4 support, available on application for people seeking asylum whose application for asylum has been refused provided they meet certain criteria, including being able to show that they are otherwise destitute
S95	Section 95 support for people seeking asylum
S98	Section 98 support for people seeking asylum – emergency support
Subs-only	Subsistence payments only. This is where the person seeking asylum is not accommodated but only receives a cash (via card) payment.
UNHCR	United Nations High Commissioner for Refugees

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As this report outlines, current pressures on those working in the asylum sector feel to many unprecedented, with high levels of demand, constantly changing goalposts and a growing need for services which can feel overwhelming. In spite of this, people made time to go through their experience and views, sent us information and ideas following our discussions and were generous and frank in their disclosures about challenges they were facing. The report is much richer for those contributions.

We would also thank the staff at ASAP who were encouraging, helpful, pragmatic and flexible, responsive to our research requests throughout and happy to process ideas when needed. We appreciate that they, too, were doing this against a backdrop of intense work pressure and thank them for their substantial input and guidance.

Ceri Hutton and Sue Lukes, January 2024

1. Introduction

1.1 About the research

This research was commissioned by ASAP (Asylum Support Appeals Project) to investigate how people seeking asylum are being assisted to access their entitlements to support, including through asylum support appeals.

It took place during a period of intense and ongoing change for people seeking asylum in the UK, with an increasing number of people supported within the asylum system, many of them in temporary accommodation. Part of the rationale for the research was to try and capture how such change was affecting provision of support services to access the support they were entitled to, in particular by:

- Identifying the accessibility or otherwise of advice and guidance on asylum support
- Gaining an overview ‘map’ of where services are stretched or non-existent (advice deserts)
- Identifying why the proportion of asylum support appeals against negative S4 decisions has dropped from 41% in 2019/20 to just 8% in the second quarter of 2022, including understanding how local organisations are viewing and responding to asylum support appeals

- Identifying how the system for accessing advice on asylum support can be improved through a series of targeted recommendations, particularly for ASAP to inform its longer term strategic planning.

The research also considered the role of Migrant Help – the organisation commissioned by the Home Office to provide advice on asylum support – to see how and whether it was helping people in getting the support they are entitled to. It was hoped that collecting such feedback would be useful in discussions about future contractual specifications. A separate internal memo on this issue was produced for ASAP in October 2023.

Report overview

This introduction provides an overview of the asylum and asylum support system in order to provide a context for the rest of the report. It covers how people apply for asylum (and key barriers within this), an overview of the asylum support on offer and flags important recent changes to the asylum support system, particularly around temporary accommodation. It also flags key characteristics of the current policy context and climate as part of setting the scene.

Section 2 focuses on **the asylum support system and the challenges which can present when trying to access entitlements**. It first highlights the issues which frontline and national organisations reported being commonly asked to help with relating to asylum support, and secondly gives an overview of what advice and guidance is available – both Government funded and not-for-profit – at a UK level to resolve such issues.

Section 3 focuses on **factors which are helping and preventing people from accessing support**, focusing first on the few strengths which the research identified in the current system of support and secondly on the multiple barriers identified. It also looks specifically at the reasons for a the drop off in appeal rates, and finally considers Migrant Help’s role and performance.

Section 4 summarises the **impact of the various system failings** highlighted in Section 2 and Section 3, both on people seeking asylum and on the not-for-profit sector itself.

Section 5 frames a **more detailed mapping exercise that accompanied this research**, firstly outlining a series of variable factors which mean that identifying advice deserts is not an easy process, and secondly providing an overview table of all regions and countries in the UK so they are easily comparable.

Finally **Section 6** provides some topline recommendations for ASAP and a range of other stakeholders according to five core priority areas for improvement.

The full research objectives and methodology can be found at Appendix A of this report, and Appendices B and C provide a list of those consulted during fieldwork through interview and survey. In all, 62 people were interviewed and 27 written responses gained (via interview and survey) from nearly 70 organisations across all four nations of the UK.

Note on attribution. Throughout this report, quotes from interviews are noted in the main text as coming from people with lived experience of the asylum system (shortened to PWLE), frontline organisations, national organisations or lawyers. Quotes derived from information submitted through the survey are noted as survey respondents. Other sources of information are attributed in footnotes.

1.2 Research context – the asylum and asylum support system

The asylum support system is a ‘system within a system’, sitting as it does within the wider system through which a person applies for asylum in the UK. Entitlements to asylum support are inextricably linked to the progress of a person’s asylum claim through this wider system, and both must be understood to some degree to understand some of the complexities with which people seeking asylum, and the sector supporting them, are grappling.

Applying for asylum in the UK

People make applications for asylum either on entry to the UK or within it at Asylum Intake Units.¹ The normal process consists of an initial screening and later a longer (substantive) interview, followed by a decision, which can be appealed if negative.

- The screening interview establishes initial identity and any vulnerabilities, and can also be used to ask for accommodation and support if required.
- The substantive interview explores the content of the asylum claim in detail and forms the basis of the application on which the decision will be based, along with any documentary or other evidence provided by the applicant and the country guidance used by the Home Office.
- Once a decision is made, the applicant either gets leave to remain or is expected to leave the country or face removal or detention.
- It may be possible to re-open the case if new evidence is available or the applicant can show that they have been unable to present evidence to support their claim: this is generally called a ‘fresh claim’ and in most cases must be made in person to a specific Fresh Claims Unit in Liverpool, Belfast, Cardiff or Glasgow.
- In 2023, in an effort to clear the asylum backlog, the Government announced that most claims made by people from 6 countries with high grant rates would be decided on the basis of a questionnaire issued to them rather than an interview. It was not clear at time of writing whether this would continue into 2024.

Applying for asylum can sound relatively straightforward. There are, however, significant barriers for people seeking asylum within this process many of which also affect asylum support.

¹ Principally Lunar House, the Home Office in Croydon, but also at other regional units

Legal representation

Asylum law is complex and to navigate the system applicants need good quality advice, advocacy and sometimes representation if they go to appeal. Legal aid is available for asylum applications in all four nations of the UK but a growing body of both research and anecdotal evidence shows fewer and fewer firms are taking on asylum cases in England and Wales in particular.² Many are closing their asylum and immigration operations entirely.

*“By 2021, researchers reported that 6,000 new applicants could not get access to legal aid. In the next year this rose to 25,000 people, nearly half of all new asylum applicants. There are large areas of England with no legal aid whatsoever available for people seeking asylum”.*³

This reduction is mainly attributed to the legal aid system which pays less than the cost of providing services, meaning that firms and NGOs have to find ways to cross-subsidise it. The time taken to decide asylum cases also makes it difficult for smaller organisations and firms to carry the costs, since payment is made at the end of cases.

This means that across the country, organisations offering advice and support to people seeking asylum are finding it harder and harder to find any lawyer to take on a case. Some voluntary organisations and law centres are having to bring asylum advice in house. More and more people seeking asylum are having to navigate the system without any legal support at all.

“I would say in the last few years it is shocking how bad it has gone. Before there were very few people who didn't have a lawyer at all. But now that has changed and some are going through the whole system with nothing.”

– National organisation

Failures in screening

In 2021, the United Nations High Commissioner for Refugees (UNHCR) audited the initial screening processes used by the Home Office to determine eligibility (and so registration of asylum claims), identify vulnerabilities and assess the need for asylum support. Their report includes 30 recommendations for improvement.

*“UNHCR observed or was told about numerous risks to the welfare of asylum-seekers, including instances of trafficking and vulnerability being overlooked and teenage children and victims of torture and trafficking being detained. Registration and screening records were often incomplete, inaccurate, or unreliable, and laws and published policies were not complied with. Central aspects of the screening interview were routinely delegated to interpreters. There were no formal quality assurance systems in place, and managerial oversight was limited. Within and between screening locations, finally, significantly different practices were followed. For all of these reasons, there is a real risk that decisions based on information collected at screening will be flawed. In short, the current registration and screening systems expect staff to do too much, too quickly, and with inadequate training, facilities, guidance and oversight. As a result, much of their hard work is wasted, and the system frequently fails to achieve its goals.”*⁴

Though some recommendations have been implemented by the Home Office, there are ongoing concerns that vulnerable people are still not being identified, and are still being sent to unsuitable accommodation and/or not offered appropriate support. Several interviewees for this research, for example, cited conditions at the Manston Intake Unit in 2022, where families with children slept on the ground and one man died of diphtheria.

² The scope of legal aid for asylum and immigration is very restrictive in England and Wales, essentially covering only asylum and protection cases, detention, some trafficking work and domestic violence cases. Both Northern Ireland and Scotland still have legal aid for the full range of immigration and asylum matters, if the client's means are low enough (though the budget for legal aid is still restricted)

³ Jo Wilding blog post for Refugee Law Initiative, 4 Nov 2022. New Freedom of Information data indicates half of asylum applicants are unable to access legal aid representation - Refugee Law Initiative Blog (sas.ac.uk)

⁴ <https://www.unhcr.org/uk/media/asylum-screening-uk-1>

Legislative changes

Two pieces of legislation have been introduced which are re-shaping the asylum system and those providing advice and guidance, including on asylum support. The Nationality and Borders Act 2022 (NBA), Illegal Migration Act 2023 (IMA) plus the Safety of Rwanda Bill 2024 are part of the current Government's 'hostile environment' agenda, the stated aim of which is to make it as difficult as possible for those without leave to remain (LTR) to stay in the UK. Migration will clearly be an issue in the forthcoming 2024 general election.

Measures in the NBA that made larger⁵ numbers of claims inadmissible were implemented, but measures in the subsequent IMA would supersede them. The IMA however, has not been fully implemented, and there is some doubt that it will or could be, especially since much depended on the ability to remove inadmissible applicants to other countries. The only country so far proposed for this, Rwanda, has been ruled unsafe by the Supreme Court though at the time of writing there are attempts by the Conservative government to introduce legislation which gets round this judgement.

The IMA puts the Home Secretary under a duty to remove all people arriving after the 20 July 2023 (the date the Act became law) who arrive 'irregularly' in the UK. This includes anybody arriving without documents, without leave to enter or remain and who did not travel directly from the country they are fleeing. Removal should be to:

“ – Their country of nationality, if they have not made a protection claim or they are from one of 32 countries (The EU27, Iceland, Norway, Switzerland, Liechtenstein or Albania) or

– To one of the 57 countries listed in the Act as considered safe (including 8 specifically safe only for men).

If they have claims for protection as refugees or victims of trafficking or modern slavery those claims will be expected to be made and dealt with in the country to which they have been removed.

Any protection or human rights claim will be automatically deemed “inadmissible” – i.e. the UK government will not consider it.”⁶

This Act and other legislation and measures combine to make asylum applicants feel unwelcome and endangered, whether fully implemented or not. Some sections of the Act that have been introduced have a particular impact on asylum support applicants: reintroducing for instance the previously illegal practice of taking phones away from those who arrived on boats.⁷ This was challenged by a court case⁸ and found unlawful, but several interviewees noted that many people's phones had been removed and they had no way of making contact with friends, family or support services.

“For a while there was a system of confiscating phones when they arrived via a small boat on Manston – this was ordered by Priti Patel to try and trace the traffickers. And then they did not return [the phones]. That was then challenged legally and found to be illegal. So they have stopped but just reintroduced [another provision] to look at ‘digital things’ in the face of the IMA.”

– National organisation

Quality of decision-making on asylum applications

The quality of decision-making within the Home Office has been much criticised by the voluntary sector as well as the Independent Chief Inspector of Borders and Immigration.⁹ In 2022, more than half (53%) of initial negative decisions on asylum claims were successful and resulted in the Home Office overturning the decision. What this means in practice for people seeking asylum is that following a negative decision they are required to pursue the submission of a new ('fresh') claim whilst meanwhile trying to reinstate their asylum support to avoid destitution. Maintaining or reinstating support in such circumstances can be challenging, especially when access to a lawyer is so difficult.

⁵ Some rules around inadmissibility were and are in place via the Immigration Rules

⁶ Impact-of-Illegal-Migration-Act-briefing-1-people-seeking-asylum-1.pdf (refugeecouncil.org.uk)

⁷ <https://www.independent.co.uk/news/uk/home-news/migrant-phones-channel-home-office-b2002036.html>

⁸ <https://dpplaw.co.uk/high-court-affirms-serious-unlawfulness-of-seizures-of-migrants-phones/>

⁹ David Neal, An inspection of asylum casework (August 2020 – May 2021) (November 2021), https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1034012/An_inspection_of_asylum_casework_August_2020_to_May_2021.pdf

Asylum support – an overview

Asylum seekers waiting for a decision from the Home Office are generally prohibited from working for the first year and unable to claim mainstream benefits. They can claim asylum support if they have no other means to provide living expenses and accommodation. Asylum support is available in four different forms, largely governed by provisions of the Asylum and Immigration Act 1999.

S98 support (also called Initial Accommodation)	<p>Temporary support provided to asylum-seekers who appear to be destitute and who have applied for s95 support and are awaiting a decision. It is also available to those who require support in advance of having been able to submit an ASF1.</p> <p>Section 98 support is supposed to be provided for a short period. Generally it is a full-board Home Office hostel. However, in some locations, it is self-catering and cash is given to the asylum-seeker, in order to buy food. In both situations, it is referred to as initial accommodation (or IA) but may also be contingency accommodation (see below).¹⁰</p>
S95 support	<p>Main form of asylum support, available to any adult person seeking asylum whose claim has been registered by the Home Office and who is destitute, or will be destitute within the next 14 days. It covers the person seeking asylum plus their dependants.</p> <p>Accommodation is provided in full board accommodation such as hotels, hostels and large scale sites like Napier Barracks, the Wethersfield base, the Bibby Stockholm barge or in self-catering accommodation, often shared. Those in full board accommodation get a small cash allowance for additional expenses, those in self catering get a fixed rate of support per person, both provided via a cash card (the Aspen card). S95 support ends when the asylum claim ends, with a grace period of 21 days for those refused asylum (except for families with children, whose S95 support continues until they leave the UK) and 28 days for those given leave.</p>
S4 support	<p>Available to people whose asylum applications have been refused, who are destitute, and who meet at least one of the following conditions:</p> <p><i>“they are taking all reasonable steps to leave the UK or facilitate their departure – reg 3(2)(a);</i></p> <p><i>they are unable to leave the UK due to a physical impediment to travel or for some other medical reason – reg 3(2)(b);</i></p> <p><i>that in the opinion of the Secretary of State there is no viable route of return to their country of origin – reg 3(2)(c);</i></p> <p><i>they have been granted permission to proceed with an application for judicial review of the decision on their asylum claim – reg 3(2)(d);</i></p> <p><i>the provision of support is necessary to avoid breaching their human rights – reg 3(2)(e).”¹¹</i></p> <p>S4 support is provided with accommodation and additional support is paid via a prepaid card which does not allow for cash withdrawals.</p>
Subsistence only support (‘subs only’)	<p>Available to people seeking asylum who qualify for S95 support and have somewhere to stay. It is payable to individuals via a cash card.</p>

¹⁰ https://www.asaproject.org/uploads/Factsheet_17_-_s98_Support_March_2019.pdf

¹¹ https://www.asaproject.org/uploads/Factsheet_2_-_Section_4_support_30_July_2021.pdf

Additional weekly payments are given to pregnant women, households with children under 3 and people with ‘exceptional needs’. These are offered to those on S95 and S4, although S4 additional payments are via the Aspen card and cannot be converted to cash. People on S4 can also claim additional weekly payments for travel and clothing for children under 16. People on S4 and S95 can claim a cash maternity grant of £300 per child.

Schedule 10 is an additional form of support, not open to people seeking asylum, but to those on immigration bail and destitute. Those with no immigration leave or liable to detention are automatically on immigration bail, and via Sch 10 para 9 of the Immigration Act 2016 those who need

an address for such bail and for whom “exceptional circumstances” apply (chiefly that an abuse of their human rights would occur because they would be left destitute) can claim Sch 10 support. It is a non cash form of support via an Aspen card and accommodation, but offered only to the applicant and no dependants, and with no right of appeal against refusal and no access to free secondary healthcare for those in receipt of it, unlike Section 4 support. People seeking asylum who are deemed to have withdrawn their applications may be able to claim Sch 10 support.

In most cases, where support is refused or withdrawn there are rights to appeal against this, to the Asylum Support Tribunal.

2022 onwards: dispersal changes and a growing backlog

The policy of dispersing people seeking asylum was introduced by the Immigration and Asylum Act 1999. This meant that people seeking asylum were no longer able to stay where they liked, but instead were dispersed to local authorities that had agreed to accommodate them whilst their asylum claim was being processed. This gave rise, from 2000 onwards, to the development of ‘dispersal areas’ with initial accommodation and the subsequent growth of services, including voluntary and community groups, to support the people in this accommodation.

Those dispersal areas were largely focussed around major conurbations in the North, Midlands and South West of England as well as Wales and Scotland, with very limited numbers in the South of England or in London. There were none in Northern Ireland.

Changing dispersal areas and the commissioning of hotels

There has been a sudden rise in contingency accommodation over the past 2-3 years. This was initially because of Covid: as the pandemic hit, all cessations of asylum accommodation were halted, and new asylum seekers were put into accommodation on arrival with little follow up. Hotels were available and glad of the income, and contractors sourced the accommodation wherever possible.

The rise in population of those living in hotels has been dramatic. In March 2020 there were 1,200 people accommodated in hotels. By 2022 the numbers, partly swollen by arrivals from Afghanistan, had reached 37,000. By September 2023 the number stood at 56,000.

Meanwhile, the pandemic also affected asylum decision-making, already failing to keep pace with applications. This meant that the asylum backlog has grown further. The net effect of this is that people are spending longer in hotels (often years) in areas that had previously had few or no asylum seekers, and often had no facilities at all.

At the beginning of 2022 the Home Office announced that it was no longer going to seek the consent of local authorities to locate dispersal accommodation in their areas, but was to move to a ‘Full Dispersal Model’ where each region should take a number of asylum seekers proportionate to their population. In practice, the use of contingency hotels was already widespread in all regions, but since they were designated as contingency (rather than dispersal) accommodation, the agreement had not technically been breached. This was accompanied by a grants regime to compensate first tier local authorities for new bedspaces opened up in their areas, and for new dispersal cases moved there. This latter was an attempt to

secure more cooperation from councils to open up dispersal accommodation to enable hotels to be stood down. So far this has not been a great success. Local Strategic Migration Partnerships are negotiating the dispersal arrangements still.

The political pressures on the Home Office have been intense: the cost of hotels is significant, some have been a magnet for far-right protests, and the arrangements are seen by many as chaotic with local authorities and communities often getting little notice of the new contracts. Conditions in the hotels have also been criticised, and may indicate failures to monitor or enforce the contracts properly.

The growing backlog

“The backlog of asylum cases waiting for an initial decision has grown from under 10,000 in 2012 to 125,173 cases or 165,411 people at the end of June 2023. Three quarters had waited for more than six months. This has been driven both by a decrease in the numbers of cases decided and an increase in numbers applying.”¹²

By the end of June 2023, 165,000 people were waiting for an asylum decision. At the end of March 2023, the majority of them were in receipt of asylum support: 112,294¹³

- 56,979 in dispersed accommodation
- 47,518 in contingency hotel accommodation, mostly in hotels
- 2,088 in other contingency accommodation
- 1,651 in initial accommodation
- 4,058 on subsistence only payments

“The backlog cannot be ignored. Before wasn’t zippy, but people were getting through the system. It was unusual to face a delay of 3 years. The majority of my PAPs were to the Home Office saying ‘this

individual is a survivor of trafficking and they have been waiting for 3 years, and we are going to JR’ and that zapped the Home Office into action. Now it doesn’t, as everybody is waiting.”

– National organisation

Measures to try and deal with the backlog and ‘false resolutions’

In response to the backlog, the Government has highlighted the legislative changes it has promoted as possible solutions and set up an accelerated process for determining claims from nationalities where asylum is likely to be granted. Currently this covers people from Afghanistan, Eritrea, Iran, Iraq, Libya, Syria and Yemen who have applied for asylum before 7th March 2023 and people from Sudan who have claimed asylum since 28th June 2022, if they have not had a substantive interview for their case. They are sent questionnaires with a 20 day deadline for return, and their claims treated as withdrawn if the deadline is not met. In most cases, the Home Office then grants refugee status without interviewing the applicant.

However, it is likely that the questionnaire procedure is also contributing to the significant increase in the number of asylum cases treated as being ‘withdrawn’ (and so ended), which is also reducing the numbers in the backlog. This also ends the entitlement to asylum support and can lead to detention or removal. The Home Office treats failure to respond to questionnaires or interview appointments, failure to sign in to reporting centres or failing to maintain contact or provide an up to date address as withdrawals, and these constituted 55% of all asylum decisions in the first quarter of 2023, and 72% of all decisions in April 2023.¹⁴

¹² From Refugee Council briefing on impact of the Illegal Migration Act, citing Immigration System Statistics, year ending September 2023, Asylum and Resettlement – Asylum applications awaiting a decision Immigration system statistics, year ending September 2023 – GOV.UK (www.gov.uk)

¹³ <https://www.gov.uk/government/statistical-data-sets/asylum-and-resettlement-datasets#asylum-support>

¹⁴ From Refugee Council briefing <https://www.refugeecouncil.org.uk/wp-content/uploads/2023/06/The-asylum-backlog-and-asylum-accommodation-June-2023.pdf>

Current policy climate

Interviewees working at national policy level feel the current policy climate is characterised by a number of challenging factors, including:

- The impact of the IMA is as yet not understood nor is it clear how the government intends to implement its 'duty to remove'. A recent report puts the intended start date for the duty to remove as anywhere between January 2024 and "might well not materialise."¹⁵ This creates a context of extreme uncertainty and apprehension.
- Some report an increased split between civil servants (often with expertise in the area) and ministers, with policies increasingly made with an eye to votes. This makes it difficult to predict the changes as policy is no longer freighted with the requirement that it should be implementable.
- Priorities are being set depending on the political spotlight of the moment rather than the urgent needs of people within the system.
- Less and less meaningful engagement with the voluntary sector
- Conversely, at regional and sometimes local level the wider dispersal (through, mainly, hotels) and growing crisis in identifying accommodation for those needing both asylum accommodation and move on accommodation (once refugee status gained) is bringing some local authorities¹⁶ into positive discussions with the voluntary sector to find solutions to crises now on their doorsteps.

¹⁵ <https://freemovement.org.uk/unhcr-publishes-recommendations-on-the-illegal-migration-act/>

¹⁶ Such as the Greater Manchester Combined Authority and the Greater London Authority, developing strong relationships with the voluntary and migrant sector to combat homelessness.

2. Accessing asylum support – overview

123,758 people were in receipt of asylum support at the end of September 2023.¹⁷ Most of these (116, 913) are accommodated under the asylum support system in dispersed or contingency accommodation. Over 56,000 of those are in contingency hotels awaiting a decision or to be moved on to dispersed accommodation. A small percentage – 4,748 – are receiving ‘subs only’ support.

2.1 Why is support needed to access asylum support?

The system of applying for (or appealing the refusal of) asylum, and the linked system of accessing (or appealing the refusal of) the asylum support to which a person is entitled to can appear on the face of it straightforward. The reality of navigating the systems is however innately complex for people who do not have prior knowledge of what it entails, cannot understand English and may be digitally as well as functionally illiterate.

It is also complex because its rules and requirements change constantly, as does its provision, often with little or no notice, and those rules can require speedy action if a person is not to fall foul of the system and end up destitute.

It is further complicated because procedures and rules do not always get adhered to making it even more difficult to understand what is happening and comply with requirements. The Home Office has therefore contracted for advice and support to be available to asylum seekers: the contract currently held by Migrant Help.

The following are the key issues which frontline advisers reported as forming a large part of their caseload. This list is not exhaustive but gives a flavour of the type of complexity which services to people seeking asylum need to unravel and provide advice and guidance on.

¹⁷ Asylum seekers in receipt of support detailed datasets, year ending September 2023 available at <https://www.gov.uk/government/statistical-data-sets/immigration-system-statistics-data-tables>

Delays in receiving support

If your accommodation provides meals the current allowance is £8.86 per person, which can be increased by £5.25 a week if you are pregnant or a child between 1 – 3 years old, and £9.50 per week if you are a baby below the age of one. If your accommodation does not provide meals, the weekly allowance is currently £49.18 All financial support needs to be applied for, and there are numerous reports from frontline workers that people are going sometimes weeks and months without payment being made. In addition, the issuing of ASPEN cards, onto which payment is loaded (cash is not given) can also be delayed, with cards going missing, or people moving before cards reach them. Sorting out these situations requires going back to the providers involved (Home Office, Migrant Help and accommodation providers) and trying to work out where the payment or card is being held up. This can take considerable time.

“Working with advisers around the country, they would show me the spreadsheets and analysis and we would see that the date of application to the date of actual receipt of support was in some cases months. It is really quite scandalous.”

– National organisation

Those people applying for ‘subs-only’ support seem particularly prone to substantial delays from evidence collected during this research. People may choose to live with family members whilst

waiting for their asylum claim to be processed but those family members do not necessarily have the means to support them for any length of time. We heard some distressing stories of some people seeking asylum getting more and more desperate to access even the small amount on offer and sometimes having to resort to accessing destitution services and emergency payouts from local frontline agencies in lieu of receiving the subs only support they are entitled to. Frontline organisations are having to work out ways to help in such situations.

“It’s becoming increasingly common that people on subs only are not getting their support. I understand Migrant Help get many emails – but the advice they give is ‘we will get round to the emails’. But it can be 6 months. The approach we have decided to take is to restart the S95 application as we realise that ‘just waiting’ won’t get it.”

– Frontline organisation

In 2022 the Home Office changed their policy to allow people to receive subsistence only payments while waiting to be placed in dispersed accommodation, but also stated that as “a result of the pressures on the asylum accommodation estate and the prioritisation of those in initial and contingency accommodation for dispersal” people would not be prioritised for moves.

Delays in issuing critical cards

Application Registration Cards (ARC) should be issued automatically after a person claims asylum but in reality are taking a time to arrive. This card may be needed to access services (e.g. health) or for those requesting permission to work.

In addition, delays are reported around the issuing of Aspen cards (debit cards on to which the funds allocated by the Home Office are loaded), meaning that people seeking asylum are left without funding (unless they can access emergency payments) and frontline organisations, including Migrant Help, are spending considerable time trying to get them issued to the person who needs them.

Lengthy delays were also reported around the issuing of Biometric Residence Permits (BRPs) – the key identity document after a person is granted leave to remain.

Backdated payments

Some people appear to be in hotels without receiving, or knowing they can receive, financial support. Given this, there appears to be an issue with backdated payments once this situation is identified which advisers are also having to try and resolve.

“They are sitting in this hotel not knowing what to do and then we say ‘are you getting this money?’ and they say ‘what are you talking about?’. And there seems to be a lot of variation between what is happening – some get it quickly and some, it’s just months. And because they are in full board accommodation their food and other needs are theoretically met. So they just have no money. Lots of clients are taking months to get their money and when it gets backdated it’s only to three weeks or so, when actually they have been sat there for months. We are looking into a legal challenge on this.”

– Lawyer

Accommodation issues

There is constant movement around the asylum accommodation ‘estate’ to contingency accommodation (mainly hotels). People seeking asylum may often be moved with little warning, be confused as to where they are, flag problems about the location of their hotel (where they may have no links, or where they may have been separated from other family members), not have access to any regular transport links and have to deal within hotels with problems to do with room sharing, poor facilities, lack of adequate food or clothing or sometimes active hostility by local residents outside where they are staying. Given this, intervention by frontline organisations is often needed to try and resolve at least some of these issues.

“In October last year we had one hotel in Aberdeen, there was 90 – 95 individuals and no support at all. When I got involved some of the guys had been here six months and they had no shoes, only flip flops. They were walking outside in the snow, gales, with flip flops. So there needed to be a huge amount of support put in place here.”

– Frontline organisation

“We are also involved in quite a lot of challenges about the suitability of asylum accommodation – whether on an individual level, the family in a hotel, the disabled person in a hotel.”

– Lawyer

Meeting the requirements of the asylum process

Maintaining asylum support requires that individuals comply with the process set down by the Home Office for asylum screening and substantive interviews, and the submission of other evidence as required. It also requires that if refused, in most cases, a fresh claim is pursued if support is not to be discontinued. As many people seeking asylum are now going through the process unassisted by a lawyer, help with the practical aspects of meeting requirements are defaulting to workers on the frontline.

This might require helping people seeking asylum to travel to Home Office appointments, for example.

“One person had an appointment in Edinburgh on a Monday morning and there was no bus ticket – nobody had organised travel to get to interview. I ended up personally paying for a bus there and the train back. And another couple of people have told me that they have had the same issue.”

– Frontline organisation

Withdrawals of asylum claim and discontinuations of support

Conditions in hotels can be so poor, and delays around decision-making so lengthy, that some people seeking asylum prefer to try and survive with friends or acquaintances rather than continue to remain in hotels. Some people do not leave hotels officially, but just go to stay with other people who they may know or have befriended by way of respite from the poor conditions in the hotel.

Such cases – even those where they are not absconding – can trigger the decision that because the person has left the official accommodation without providing a current address, they have withdrawn their asylum claim entirely. In other cases, the Home Office sends the interview letter to the wrong address (even though the asylum seeker is in accommodation provided by the Home Office), and so when they miss the interview the asylum claim is treated as withdrawn. At that stage, trying to get the asylum claim reinstated becomes a priority as well as the reinstatement of asylum support.

“There’s quite a few where they are treating people as withdrawn asylum claims – where somebody might stay away for a night from the accommodation. They get evicted under the 98 rules which are different from 95, and their asylum claim is withdrawn and they are treated as an absconder, and then they are treated as a Schedule 10, which is a nightmare. That’s really frustrating as we could have prevented, got an injunction. They are treated as a Schedule 10 as not technically an asylum seeker any more – it’s a nightmare. I’m seeing a regular no of that – we have talked about it in our local coordination groups and the ASAN emailing list – so it’s across the country. I think it’s because they are trying to get people out of the accommodation. It had never been an issue before.”

– Frontline organisation

“If an asylum seeker is given notice that their asylum claim has been withdrawn so they are a refused asylum seeker, they will have to apply for Schedule 10 support. They will need a solicitor to appeal their asylum claim being withdrawn. Just from memory, the window to appeal is very narrow – 10 days I think – and how can we help somebody prevent their homelessness and destitution and find them immigration representation if they don’t have any to appeal the withdrawal of their claim and then also Schedule 10 in a short time?”

– Frontline organisation

There is also a growing awareness that discontinuations of support are likely to ramp up due to the (as yet unclear) implementation of the IMA, as well as the fact that the current slew of positive decisions being made are due to Home Office prioritisation of easier cases (i.e. cases with easily identifiable merits). When we conducted interviews people feared that a raft of negative decisions and discontinuations of support were in the pipeline and this has subsequently proved to be the case.

“I don’t know when we are going to see the withdrawals but they are obviously coming – I was speaking to [caseworker] a couple of months ago and he was saying ‘decisions are ramping up. I think it was 6000 last month which the Home Office made and we are going to see the negatives coming through soon.’”

– Frontline organisation

“Positives are going through the roof at the moment, negatives we didn’t see much. There’s so much press about clearing backlogs and things like that it’s going at a fast rate even if the backlog is building. Feels like the government thinks at the moment that removing people off asylum support would be a step too far – it’s in the ‘too hard’ pile and so they haven’t got round to doing that yet.”

– National organisation

“I mean I think the biggest area of need is going to be the withdrawals and figuring out what if any support those people can access. Everything is still up in the air with the IMA.”

– National organisation

Appealing decisions on asylum support

This is considered in detail in the next section, but the process of appealing asylum support decisions can be complex and not known or understood.

Evidence requirements around destitution

To access either S95 or S4 support a person has to show that they are destitute or likely to be so within the next 14 days. This may require submitting evidence to the Home Office of your destitute circumstances. Knowing what evidence to gather and how to present this requires knowledge of the system and the means to collect what is needed, and frontline organisations are often called on to assist in this process. Evidence will be required for instance from all previous accommodation in the UK, including details of why it is no longer possible to continue to stay with any friends or family. It may be required from charities or faith groups which have supported the person, or by providing copies of bank statements (if the person has a bank account) for the last six months.

“The burden is on individuals to prove destitution. If there is a requirement to have a threshold, where is the support to obtain the evidence to meet that threshold? Is it acceptable that people cannot prove they are homeless without taking photos sitting on a street? In a country that is aiming to end homelessness at odds with policies.”

– National organisation

Move on pressures

People receiving a positive decision on their asylum claim used to have 28 days to ‘move on’ from asylum accommodation but this was reduced to seven for a period of time in 2023. Even with 28 days, getting people onto the benefits they then become entitled to and finding accommodation was challenging, with only 7 days it is virtually impossible. Although this policy was changed back to 28 days from the date of the BRP, accommodation providers often issue the ‘notice to quit’ with just 7 days’ notice. Some local authorities will refuse to start looking for accommodation until the notice to quit comes through. There is therefore a growing population of people who are

facing homelessness and destitution, and frontline organisations again are having to pick up on the implications of this. The British Red Cross warned that the previous seven day eviction policy could have resulted in 50,000 refugees being made homeless by the end of 2023.¹⁸

“There’s a huge issue around what it means in terms of public services if someone has a positive decision, and right to benefits and support. How does DWP and local authority and the government work together to not create homelessness? It is so fractured.”

– National organisation

2.2 What support is available?

2.2.a. Government-funded asylum support services

The pattern of government-contracted services around asylum support and accommodation has substantially changed since 2014. Before this, the Home Office funded five organisations to deliver one-stop shop and wrap-around services on asylum support: Migrant Help, Refugee Action, Refugee Council, Scottish Refugee Council and Welsh Refugee Council. From April 2014 the Refugee Council was contracted to provide a children’s panel to support unaccompanied children seeking asylum in England, and Migrant Help was contracted to provide independent advice and guidance about asylum to adult asylum seekers and their children throughout the UK. Accommodation was funded through COMPASS contracts across the UK.

From 2019 this changed, and the Home Office now outsources the provision of accommodation and support to people seeking asylum via two main contracts – AASC (Asylum Accommodation and Support Contracts) and AIRE (Advice, Issue Reporting and Eligibility contract).

These contracts have multiple touch points and to operate effectively, both the AASC and AIRE contracts require providers to communicate with each other to ensure smooth handovers and the exchange of necessary information. All decisions on provision or withdrawal of support, however, are made by the Home Office, with local accommodation managers and/or Migrant Help sometimes transmitting or explaining those decisions.

Asylum Accommodation and Support Contracts (AASC)

New contracts were introduced in 2019 governing the provision of accommodation for asylum seekers. There are seven in all, totalling over £4 billion over 10 years with three providers covering different regions as follows:

- Clearsprings Ready Homes (South England and Wales)
- Mears Limited (North East and Yorkshire and Humber, Northern Ireland, and Scotland)
- Serco Limited (Midlands and East of England, North West England).

¹⁸ <https://www.theguardian.com/world/2023/oct/05/more-than-50000-refugees-could-be-made-homeless-in-asylum-backlog-clearance>

The contracts cover accommodation, support, transport and cash payments until people get their Aspen cards (issued by PFS on a separate contract). Both initial and dispersed accommodation are covered (contingency accommodation is treated as initial accommodation) and the contract includes detailed requirements for liaison with local and health authorities and the AIRE contract holder.

The contracts for running Napier Barracks, Wethersfield base and the Bibby Stockholm barge are separate and are held by Clearsprings (for the first two) and CTM management for the third.

There has been widespread criticism of the AASC contract and contractors, especially since the significant growth in the use of hotels. The transition to the new contracts in 2019 was described by Refugee Action as being almost ‘fatally disrupting’ to the government asylum support and accommodation system.¹⁹ Some of this was echoed by the Independent Chief Inspector of Borders and Immigration when he inspected in 2021. Since then the numbers and concerns have increased.

“The use of hotels as contingency asylum accommodation is not new, but the COVID-19 pandemic and restrictions on moving people on to Dispersed Accommodation increased the demand for Initial (and contingency) Accommodation, and therefore hotels. This was exacerbated by the sharp rise in asylum intake in summer 2021. By November 2021, 21,500 asylum seekers were being accommodated in 181 hotels, more than double the figures in May 2021. The cost of providing contingency asylum accommodation is eye-wateringly expensive and the AASC1 contracts have a combined value of more than £4.5 billion over 10 years. The landscape has changed considerably since these contracts were let, and they must be overhauled to account for the changed situation, maintaining oversight to ensure delivery and quality.”²⁰

Advice, Issue Reporting and Eligibility Contract (AIRE)

The current AIRE contract was awarded to Migrant Help in January 2019, and came fully into effect on 1st September 2019. Migrant Help also delivered the previous advice and support contract. The contract excluded any help with lodging appeals against refusals of support, but until the pandemic, Migrant Help provided basic scribing assistance on appeals, which they stopped doing as a result of the pressure of work in 2020. This meant that people seeking asylum could get information, ask for help, and complain but if they wanted to appeal against a decision they had, from 2019, to find other assistance. The contract ran in the first instance for four years until 31st August 2023. The Home Office extended the contract for a period of three years, and can do so for a further three years, to a maximum of ten years (until 31 August 2029). It has a total value of £235 million over a ten year period.

The aims set out in the contract are:

- Service Users who are eligible for Asylum Support are able to access support and are able to notify the Authority [the Home Office] of changes in their needs and circumstances;
- Service Users are provided with information and advice, both proactively and reactively, to enable them to transition effectively through the Asylum System; and
- Service Users are able to report issues, requests for assistance and complaints reliably to a single contact point.²¹

The AIRE contract also covers the provision of move-on advice to people who get a positive asylum decision from the Home Office.

In theory therefore, when a person seeking asylum is screened and it is identified that they need support they should be directed to Migrant Help. They may also be placed in Initial Accommodation if they have just arrived and have nowhere to go. The screening should have identified any vulnerabilities that may be important to take into account in providing accommodation.

¹⁹ Wake Up Call: How government contracts fail people seeking asylum: Refugee Action, July 2020 <https://www.refugee-action.org.uk/wp-content/uploads/2020/07/Wake-Up-Call-2020.pdf>

²⁰ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1137444/An_inspection_of_contingency_asylum_accommodation.pdf

²¹ <https://asylumatters.org/app/uploads/2019/11/The-Advice-Issue-Reporting-and-Eligibility-Contract-A-Guide.pdf>

Migrant Help then help them fill in the application for asylum support (the ASF1 form), if needed. They are then placed in Initial Accommodation, assessed and eventually moved on into dispersed accommodation, with contractors providing transport as needed.

People seeking asylum who have accommodation available (for example, with family or friends) can go to Migrant Help to claim subsistence payments if destitute, and also go to them later if they lose this accommodation.

Migrant Help's support is mainly via telephone, email, webchat or through a Service User Portal. There are two contact centres, one of which is open 24/7, and the other Monday-Friday, based in Dover. There are also regional teams dotted

around the country to provide support in person, alongside outreach teams. These teams however are largely located in traditional dispersal areas and are thus not so available in areas where new contingency accommodation, largely in hotels, is being commissioned. The contract covers not only the provision of advice around the asylum process itself, but also receiving reports and dealing with complaints on practical issues such as the maintenance of properties (where they have to liaise with the accommodation providers), broken boilers and trouble-shooting a wide range of problems around the issue/receipt of Aspen cards or other payments.

2.2.b. Not-for-profit services around asylum support

This section gives an overview of organisations identified as key players in the provision of advice and guidance on asylum support and asylum support appeals. Section 5 of this report provides a detailed overview of what the research revealed about service provision in individual regions of England as well as in Northern Ireland, Scotland and Wales.

UK-wide organisations

There are a few organisations which provide services across the UK around asylum support and which have developed expertise and specialism over the years. Some of these are networks, so do not provide services themselves but are aware of those through their membership. There are likely to be others not included below, that were not identified during the research. Those mentioned during the research were:

- Asylum Support Appeals Project (ASAP) and its associated network Asylum Support Advice Network (ASAN) is cited by all as a key player in the field. It supports those working in the sector through the network, briefings, training and second-tier advice, and provides free legal advice for people seeking asylum in their appeal to the Asylum Support Tribunal against refusals/withdrawals of support. For many frontline workers interviewed for this research, ASAN and the second tier advice line provide a lifeline of support to help navigate changes, anomalies and crises in the asylum support sector.
- Asylum Matters is an influencing and networking organisation and does not provide services directly. However it works with a network of local partners to collect evidence and advocate for change around, inter alia, asylum support. It has produced reports and briefings on specific aspects of the asylum system including both AASC and AIRE contracts. It produces a fortnightly 'Advocacy update' which is a useful source of information on latest research, concerns and trends.

- British Red Cross is the biggest organisation in relation to advice and guidance on asylum support, with offices round the UK, including in Northern Ireland, Scotland and Wales. Their focus on destitution means that they see a lot of people seeking asylum, though depending on capacity there can be quite a high threshold to access support. Some teams also do casework and try and sort out problems which people are encountering in terms of accessing their asylum support.
- Care4Calais is a relatively new organisation in the field. They are volunteer-run, and groups are being set up across the UK doing a range of practical and increasingly advice-based activities. They build links with others in their area and are primarily focussed on hotels where they provide practical support such as sign-posting, ESOL, clothes and toiletries. They also have an 'Access to Advice' service which is expanding, with individual workers operating virtually round the country to try and help people seeking asylum access support, giving advice and support to local groups as well as directly to those seeking asylum. They identify London and Liverpool as being areas where their advice on support is strong. The model is flexible, uses social media and WhatsApp creatively and responsively. A map of their operations can be found on their website here. In December 2023 there were numerous groups listed in England, two in Wales and none in Scotland or Northern Ireland.
- City of Sanctuary is a network organisation of groups dedicated to promoting the concept of welcome and integration of refugees. Its 2022 impact report notes 126 local groups around the country, all doing a wide range of things. Some focus on social and practical support, while some do casework, including on asylum support. For example, in Portsmouth, the local group runs the 'Sanctuary Refugee Hub', a multi-agency collaboration with seven other agencies including Citizens Advice Portsmouth and Portsmouth City Council. Amongst the range of services offered was 'casework, orientation support and signposting to key agencies'. One person interviewed noted that, when thinking about moving into a new area:

"If I'm trying to find organisations always look at City of Sanctuary mostly v local. Lots of the more established ones do asylum support issues."
- Freedom from Torture (FFT) works with survivors of torture and offers support with asylum support issues if a client has already been accepted for therapy and support. The Legal and Welfare team will help people having therapy at FFT
- Helen Bamber Foundation provides a holistic model of support for survivors of trafficking and torture. Those accepted by the organisation as clients will also receive support and advice on their asylum support.
- Migrants Organise does influencing work nationally, including on asylum support. Within London it is taking cases.
- NACCOM (The No Accommodation Network) does not itself provide services but produces research and briefings on how current asylum and immigration policy is impacting on people seeking asylum, migrants and refugees. It has a **network of members** across the UK which provide support or accommodation to people facing destitution in the UK. Some of those members - such as GARAS in Gloucester, or Open Door North East - have capacity and experience in supporting people with their asylum support issues, whereas other members focus on providing food and shelter only.
- Rainbow Migration provides advice and support for LGBTQI+ people on applying for asylum and refers on to a network of law firms they have built good relationships with.
- Micro Rainbow²² has a helpline, a moving on team and provides housing information as well as having safe houses for LGBTQI people seeking asylum in London, the North West and the West Midlands.
- African Rainbow Family²³ has centres in Manchester, London, Birmingham and Leeds and are reported as doing a lot of asylum support work.

²² <https://microrainbow.org/>

²³ <https://africanrainbowfamily.org/about-us/>

- Refugee Action has long been supporting people seeking asylum and though is not exclusively focussed on asylum support issues has substantial expertise and knowledge around all aspects of the asylum support system. It is a national organisation, though the support it provides is now geographically limited to its Asylum Crisis services, set up in 2015, in London, West Midlands and Greater Manchester. It also has a Children and Families service in Bradford to help families with children access asylum support. Refugee Action is clear that it does not wish to duplicate areas where Migrant Help should be meeting the need and has a triage model to pick up clients with higher needs, seeing about 3,000 people a year across all Asylum Crisis services (including dependents).
- Refugee Council has an Infoline service for those in the asylum support system.²⁴ They also have a hotels project in Yorkshire and Humber²⁵ which provides a range of support and services to people in the region.
- Right to Remain works with communities, groups and organisations across the UK and has staff in London, Birmingham, Manchester and Glasgow. It produces materials to help people seeking asylum navigate the system written in a non-legalese manner, including a much-used Toolkit. It also does training with groups around the country and convenes campaigns.

Regional and local organisations

Many local services have grown in response to local authorities being traditional ‘dispersal areas’. This means that clusters of voluntary and community sector services have evolved in such spots – for example in Greater Manchester and Liverpool, and in the West Midlands.

A scattering of experienced and sometimes substantial organisations form the basis of the regional support in such areas, some with legal advice capacity. Those frequently mentioned in interview were GMIAU (Greater Manchester Immigration Aid Unit), PAFRAS in Leeds, SLRA (South London Refugee Association), and Bristol Refugee Rights. Refugee Action’s Asylum Crisis

services also fit into this category, as do some Red Cross services which operate at local or regional level. In Scotland, specialist and experienced services are focussed in Glasgow.

There are then also the members of networks mentioned in the previous section, in particular City of Sanctuary, NACCOM and Care4Calais. Some of these members may have been doing work on asylum support for many years:

“Hope Projects in Birmingham and Sheffield ASSIST for instance are key members who operate very traditionally and are still doing this amazing but traditional work of focusing on getting people back into the systems. But that’s still just pockets of provision.”

– National organisation

With the increasing use of hotels in all areas of the UK, services are increasingly needed outside these areas. This explains in part the evolution of some of the national organisations mentioned in the previous section: Refugee Council has developed a project in Yorkshire and Humber (an area where it once held a Home Office contract for support), Care4Calais volunteers are setting up more and more groups to try and get support to those in hotels.

In some areas support is mostly offered by small, newer organisations which have sprung up to offer friendship and support around hotels in particular. Such groups may be trying to offer support in dealing with Migrant Help and basic form-filling. Unlike the organisations interviewed, most of these groups do not have the capacity, experience or accreditation required to give information about the law. Some do not know what other services are available locally and can struggle to catch up with the huge raft of issues they need to be aware of, in relative isolation.

“I did an online workshop for many groups in Plymouth. Common issue is where people are seeking help in towns, the groups springing up to support them don’t know the existence of other groups only a few kms away. So their issues are similar but they are not in contact.”

– National organisation

²⁴ <https://www.refugeecouncil.org.uk/get-support/services/infoline/>

²⁵ <https://www.refugeecouncil.org.uk/projects/support-in-hotels/>

3. Factors helping and preventing people from accessing advice and support

Many interviewees reported that the current stresses and strains on those trying to support people seeking asylum with advice and guidance were worse than they could ever remember. Given this, the vast majority of factors raised during the research related to the challenges and barriers people seeking asylum face when trying to access asylum support or appeal its refusal.

3.1 Strengths and enablers

Experienced organisations exist at national and regional level

As Section 2.2.b shows, there are still some strong and experienced organisations working in the field of asylum support, some with a developed ability to analyse the policy and casework issues emerging and communicate those to others in the field. Specialisms – in LGBTQI issues, in domestic violence cases, in homelessness issues – also exist within the sector for others to refer to or draw on.

Sectoral problem-solving and resourcefulness

Amidst the constantly shifting asylum system, organisations still report a determination to keep abreast of changes underway and take advantage of any new methods they can identify to progress cases and gain asylum support for those they are working with. The resourcefulness of the sector is exemplified through its constant monitoring of the situation and testing of new approaches.

“Because clients now attend FSU appointments in Glasgow, and these are often available within a week, we lodge the Section 4 once the further subs are submitted and attach the receipt. This would mean that any refusals and appeals would mostly be on the destitution grounds, not eligibility for support. Previously, when the FSU was in Liverpool, appointments were weeks away so we submitted the S4 on the basis of the appointment booking which was almost always refused and we had to take it to appeal.”

– National organisation

Networking and peer support

ASAN was cited by many as a ‘life-saver’ in the current situation, with the peer support the network enables being key in helping many pick their way through the current challenging policy context. Others mentioned the support gained from peers: in Scotland, for example, frontline organisations facing sudden influxes of people seeking asylum into contingency hotels have reached out to more experienced groups in Glasgow to ask for advice.

Sectoral capacity building and support

Many interviewees report relying on the second tier advice offered by ASAP, without which they say they would find intervening in many individual cases challenging. Other capacity building efforts are underway, some through the emerging networks of for example Care4Calais, some through more established capacity building initiatives as those offered through FIAP (Frontline Immigration Advice Project, run by Refugee Action) and Right to Remain. Right to Remain has been deliberately targeting workshops in areas where there is little immigration advice, which have often only recently started to see people seeking asylum dispersed to them. This enables not only the building of skills and knowledge, but also the linking to other groups in the areas as many are otherwise operating in silos.

“Niche issues pop up in each area, and often volunteers are very switched on. But they don’t know the rights which are anyway constantly shifting. So they need intensive training. A common issue is where people are seeking help in towns, the groups springing up to support them don’t know the existence of other groups only a few kms away. I always link them into ASAN.”

– National organisation

Ingenuity and perseverance of people in the asylum system itself

In spite of extensive challenges and barriers, at least a few people seeking asylum are managing to make their way to services to help them sort out their issues. By talking with others in ‘the system’, chance encounters or Googling, some people facing potential destitution are finding places which may be able to offer them support. One indicator of this is that some national organisations such as ASAP and Right to Remain report an increase in self-referrals as people try to navigate the system without a lawyer. One person staying with family under the ‘subs only’ regime who had not received any money for months described how they looked up the nearest Red Cross office and walked several miles in order to get help.

Local authority engagement

Some local authorities are stepping up to tackle some of the problems which the asylum system (or failures within this system) is creating. Some are for instance adopting an increasingly proactive approach to tackling migrant homelessness, which includes people seeking asylum, and working closely with the voluntary sector to look at strategies. This is partly because homelessness in such communities is worsening given housing shortages and the increasing numbers being dispersed to, and then from, initial accommodation.

“We have definitely seen the Greater London Authority being very proactive. They have a strong working relationship. And Greater Manchester Combined Authority and local governments in Scotland and Ireland as well are agreeing this as a priority. So there is a good collaborative way of working to respond to the challenge in some places.”

– National organisation

3.2 Barriers and challenges

The way the asylum support system operates presents multiple barriers to people seeking asylum as outlined in Section 2.1. Issues such as delays in issuing cards and payments and problems with accommodation, as well as lack of information about what steps they need to take, are all inherently challenging.

This section considers the barriers and challenges linked to:

- The capacity of the advice and guidance services available to people seeking asylum
- The lived reality of being a person seeking asylum

There are also particular challenges inherent in the way in which Migrant Help, as a key actor in the system, is contracted and able to perform under its contract. These are considered separately in Section 3.4.

Factors linked to capacity of services available

New dispersal areas

Until 2022, dispersal accommodation was located in areas where local authorities had agreed to it, and where there were basic facilities. This also enabled the development of clusters of local or national organisations focused on the needs of people seeking asylum in those areas.

That has changed. Since hotels started being used during Covid, people are increasingly being dispersed to places where there is no support. This places more and more pressure on Migrant Help which has often not had the resources or capacity to respond. Pressure is built as people remain in hotels for longer and longer periods, and decision-making delays mean that the population of those in limbo within hotels is increasing.

Everybody, from people with lived experience to lawyers picking up on cases has noticed this change.

“There is definitely a feeling that there is less out there. We are finding there are far fewer external services available compared to previously. We mainly work with Refugee Action, which used to have the capacity to come in and see people face to face – that no longer exists. They have had to limit their criteria.”

– Lawyer

“In 2019, the organisations which helped was Sanctuary when the Home Office made me move, and the Red Cross told the Home Office I should not leave as had medical problems, and [the Home Office] withdrew the letter. This year I did everything myself. No organisation raised their hand to help.”

– PWLE

Loss of face to face services

The pandemic led to a significant increase in remote working and consequent decrease in face to face contact, which has often continued long after social isolation measures were dropped. In addition, the new AIRE and AASC contracts in 2019 reduced the amount of face to face contact offered to service users.

“The casework services are less face to face ... than they used to be – that’s a big change. (3 local organisations) have never reopened face to face drop in and we are the three main services in (the city). We have some ability to absorb drop ins but we don’t have a linked up place to go and get advice. I think that’s a problem but also know we couldn’t keep up with demand.”

– Frontline organisation

Those who keep their doors open for drop ins are becoming fewer. The concern is that many issues used to be picked up during these face to face interactions which are not now being picked up.

“I think another reason why people are not appealing is that there used to be a lot of drop ins – I used to work in one. It happened a fair bit that people would show up and you’d spot that they were nearing end of asylum support. If somebody phones me now saying ‘I have an asylum support appeal’ I would probably give the details of a drop in.”

– Frontline organisation

Shortage of experienced workers

Advice and support work on asylum issues can be relentless and there has been a skills and experience drain from the immigration advice sector over many years against a backdrop of decreasing funding, particularly around legal advice. Both frontline and national organisations now often struggle to recruit. Organisations advertising for OISC qualified advisers sometimes have to undertake three or four recruitment drives and then compromise by taking on somebody at a lower level of qualification to train them up.

“Capacity feels bad right now. Part of that feels like a recruitment issue – three years ago when I first applied, I didn’t get the job because there was somebody more experienced than me. But the last few rounds of advertising, we have been hiring people with very little experience of asylum seeker casework. And that seems to be common – others I have spoken to are noticing that – they are not getting the same experience.”

– Frontline organisation

Learning on the job is great in theory, but places more stress on organisations simultaneously experiencing increasing demand and heightening complexities in the cases they are dealing with.

“We face issues. I am the only one with expertise. Other colleagues are nervous of the tribunal. I have tried to involve them more and get them more familiar with it as may become a growing issue.”

– Frontline organisation

“About a year ago at [name of organisation] there was so much staff turnover that everybody was new and didn’t have that much experience. I don’t know if that’s an ongoing issue. But that was an issue. And it was not that they were inexperienced just on the complex things – they were inexperienced around even the applications.”

– Frontline organisation

Lack of skills and confidence around more complex work

Most people who are providing advice and guidance on asylum support are doing this at a basic level – basic form-filling, information and signposting. There is a concern around the dearth of people able to cope with more complex issues. A lack of an in depth understanding of the system may also mean support workers are failing to spot opportunities where these might arise, for example around applying for potential additional payments and top ups.

“I recently had a pregnant client who was sick and couldn’t eat hotel food. We took it on and she should probably make an application for exceptional payments disability and additional needs. I wonder if that is an under-utilised process – I’ve not seen many refusals in that context. The charity I took it on from had not made that kind of application before. I wonder if charities understand how to calculate S95 and that where there are additional needs and essential living needs should go down that route.”

– Lawyer

“There are additional top ups but we got the sense that nobody is applying for them.”

– Lawyer

Other, more complex areas such as Schedule 10 eligibility are even less known about and pose a challenge for even more experienced advisers in the field.

“It’s always trickier to get my head round Schedule 10 – not as commonplace as S4. It’s also harder to chase – response times to that are wild. And there’s no prospect of appeal – my heart sinks when they are eligible for Schedule 10”

– National organisation

Loss of lawyers supporting clients

The loss of legal firms doing asylum and immigration work is felt starkly across England and Wales in particular. Many lawyers used to pick up on asylum support issues and deal with them in the course of doing asylum application work, or pass them on to supporting groups to deal with. Increasingly this is not happening as many people seeking asylum pass through the system with no input from a lawyer at all.

“There are only 5 solicitors with a legal aid contract in the whole of Wales and waiting lists for an initial meeting are exceeding 8 months so this inevitably has an impact on peoples’ ability to appeal a decision.”

– Survey respondent

“I had no help with my appeal. At the court there was a solicitor from ASAP and an interpreter and they helped me but nothing else.”

– PWLE

“It was relatively easy to get clients to understand the process via the casework relationship. Not so much now.”

– National organisation

Lack of skill and experience amongst recently-established groups

New groups are forming to try and support people being dispersed to new contingency accommodation in areas where there have previously been no services. Several interviewees expressed concern about the lack of experience and knowledge some of these groups and individuals may have around the intricacies of the asylum system and the regulation which governs immigration and asylum advice. Some newer groups are navigating this complexity well, but we heard of others where inappropriate support or promises to ‘sort things’ for people seeking asylum are being made. This affects people seeking asylum, but also affects other more established organisations in the region who may need to pick up on problems caused by inaccurate advice, or the raising of false hopes by volunteers who want to help but do not know how.

“Hotels are being used in other parts of the country where there isn’t a voluntary sector which is skilled up. Sometimes you will Google for an organisation in an area and it’s one which has helped with resettlement schemes. We are not sure how adversarial they are, and you have to be in the system.”

– National organisation

“We have had to deal with a lack of confidence or an experience gap in some support organisations. We have been having to tell them step by step what needs to happen. The grounds of appeal part of it is quite difficult for them – their bread and butter was doing applications and giving verbal advice. But writing grounds for appeal and citing things is the area where they do not seem confident.”

– Frontline organisation

“I think most of the small groups are fire-fighting. Yes, they are probably giving basic information, sometimes form filling, but a lot of people with less experience don’t know where the line is on giving advice on asylum support versus somebody’s asylum claim and may be nervous (or worse, not nervous) about giving advice on asylum support. So that puts people off form filling.”

– National organisation

“People cannot get through to Migrant Help, so they rely on these local groups, but they don’t always know what they are talking about.”

– National organisation

Access to accommodation where people are held

Some hotel managers have developed good relationships with NGOs and are allowing access to residents of initial accommodation. Other hotels, however, are less cooperative meaning that people are without any form of advice other than that which they can access on their own. Groups like Care4Calais and Migrants Organise are going to Wethersfield or the Bibby Stockholm to try and help those inside to access advice.

“The number of people in the asylum system has more than doubled in the last few years and they are spread all over. There should be proper advice in each hotel to support that. We find that hotels are reluctant to let people in if they are giving advice, however.”

– Frontline organisation

Overwhelming scale of need

The sheer scale of new operations, combined with the difficulty of access to most contingency accommodation (often gate-kept by site managers), combined with the multi-faceted needs of people stuck in hotel rooms for sometimes weeks or months or even years at a time, make the task of both access and support to people very challenging.

“[In the past] I have managed an initial accommodation centre with 250 beds, and they were only there for about 28 days. We had 14 caseworkers and admin and a health team, all on site, and all kinds of activities and massive community links. When I look at what is happening now I cannot imagine how people cope and access advice. There must be a huge deterioration of people’s mental health in large sites.”

– National organisation

Factors linked to reality and experience of people seeking asylum

Lack of knowledge about rights and entitlements

Asylum support law is complex. People seeking asylum reported that they need guidance and often translation about what they need to do to access asylum support and accommodation, and what the rules are about maintaining it or appealing its refusal. Piecing together what is happening and what they should be submitting is impossible for most without this.

“When I was evicted, it was in a letter. I didn’t have legal representation and there was no hint that I could appeal anything. They didn’t mention Migrant Help. It was very rigid, very harsh, they said ‘you will not be able to rent, to work, best to go home’. Very harsh letter. Basically it made it clear that I would have no option but to go back home and life would be hell if I stayed. Even when I applied for my fresh claim, although it was a failure, even so during that period I could have applied for Section 4 and I didn’t know that. The Home Office didn’t tell me, Migrant Help didn’t tell me. ... So also when I got removed from my accommodation in [name of city] I should have known that I could have appealed that. And I didn’t. I didn’t know that.”

– PWLE

Trying to find out what to do can be a frustrating process, beset with barriers.

“Homeless asylum seekers find their way to me via our partner day services and winter nights shelter. They tell us that they have been turned away when they try to access Croydon to claim asylum and support. Or their claim was registered and they are either not given any advice about asylum support or told to ring Migrant Help. This generally fails as they don’t know who Migrant Help are or the number to call, or they call and nothing then happens to get them into support, or they don’t receive requests for further information and their application is closed.”

– Survey respondent

Frontline organisations round the UK report that many people they are supporting do not know the rules, or have misconceptions about what the system is. They often do not know what they have applied for, and the fact that letters arrive in English (if they arrive at all) and that they often do not have copies of applications submitted on their behalf does not help. Examples of misconceptions include not knowing why refusals happen, or that there is a right to appeal, or how asylum support interacts with the asylum application.

“Some people think their asylum support is linked with their asylum claim and can somehow speed up or slow down their case. They therefore will sometimes forgo support, say if they are living with family in unsuitable circumstances where they cannot really afford to support them, as they worry the application for asylum support may slow down their decision.

– Frontline organisation

Lack of guidance means that people may fall foul of procedural points

Even where people are making strenuous efforts to understand and comply with the system it is relatively easy to fall foul of procedural points without guidance. Failing to meet conditions and procedures – such as the conditions for providing S4 eligibility – is also an issue.

“My asylum support was stopped in 2019. Then I applied for Section 4 when later I started to do a fresh claim on my own which was rejected. Through ASAP, we went to a housing tribunal, the Red Cross appealed with them. We did a Section 4 which was rejected as they said ‘we don’t see a fresh claim’. So I went to a tribunal to appeal this, and I was counselled by an attorney at the office. I went to the tribunal alone though, but it didn’t go well as basically it came down to this: ‘we don’t know that you are preparing a fresh claim’. So if I had, and probably this should be known to your lawyers – if I had taken anything, like a draft copy to show them the fresh claim it would have been sufficient. The Home Office lawyer and the judge really stressed that they just needed to see something. At that point I had had no asylum support since 2019.”

– PWLE

Information is not being provided

People are not always being told what they need to know. They should for example be told that they are entitled to asylum support at their initial screening application, but this seems not always to be happening.

“The majority of people are getting asylum support but some people slip through the cracks. When they claim asylum at the screening unit in Croydon I think there’s nobody to tell them that they are entitled to asylum support. Nobody has confirmed that officially but I get a number of queries each month saying I’ve had my interview but now am sleeping on a bench. They’ve had no information.”

– National organisation

System highly complex

People with lived experience of the system noted that it was extremely confusing to work out where they stood in the system, and how to access the support on offer. They are informed for instance that they need to engage with Migrant Help in order to advance cases only to then find that Migrant Help is very difficult to contact.

“The process very difficult and the form is not familiar. I wonder how people do it if not educated, or don’t have guidance or support. Lots of people cannot access easily.”

– PWLE

Lack of phones and access to internet

People do not have phones for various reasons – they have lost them, or they have been removed by the border force. This issue was noted around the UK, and in spite of the successful legal challenge to a blanket seizure policy,²⁶ (since reinstated by the IMA) phones are still not always being returned.

“We have lots of clients who are relatively newly arrived and what seems to us to be happening is that they are dumped in a hotel and it’s very arbitrary and lucky whether or not they get their card, cash and possessions.”

– Lawyer

“The original policy of seizing phones for the purpose of data extraction ended because of the litigation. But they are still doing this and we have current litigation ongoing. Their current process as of at least three months ago was that those arriving by small boat arrive, are taken to tent, supposedly have a medical assessment (but in English and basic) and are then told to change. They are given a big blue bag and they put all of their possessions

²⁶ <https://www.theguardian.com/uk-news/2022/mar/25/home-office-illegally-seized-asylum-seekers-phones>

into those bags. They are not allowed to keep anything at all. That basically gets handed over and retained and then they get transported onto Manston and supposedly when they leave Manston they are meant to be reunited with their big blue bag with all their soaking wet clothes still in it, plus mobile phones. Except after the Manston debacle last year lots of people didn't get their stuff back and I have 7 claims issued on that – and we were going to get the litigation going again but essentially the Home Office's position was that 'we are not seizing items or using statutory powers to take them we are just looking after them and yes we accept we have been a bit rubbish about losing things'"

– Lawyer

"Some people have had their phones taken off them – it might be that they have dropped them in the channel, or it might be that the border force takes them. There are lots of people in grey tracksuits turning up here which indicates a standard issuing of clothes. We give out a lot of SIM cards – Vodafone have been brilliant."

– Frontline organisation

This presents a practical barrier for people trying to access asylum support as they may not therefore have the wherewithal to phone Migrant Help. Relying on the phones available in the hotel – sometimes only one between all residents – is extremely challenging when waiting times for calls to Migrant Help are reported as being sometimes hours on hold. The lack of phones also means that frontline organisations can find it almost impossible to make contact with clients proactively.

"When housed in hotels they often don't have phones to get through to Migrant Help, and so Migrant Help is trying to phone receptions and getting through to managers who didn't know what to do"

– National organisation

"We definitely experience an increase in individuals who do not have access to a phone which of course presents as a barrier in accessing services for support. We are lucky to have a small service within (frontline organisation) to refurbish old phones and hand them out but demand for this far outweighs capacity."

– Survey respondent

Hostile environment causing fear of engaging with any system

The hostile environment policy – a raft of administrative measures designed to make the UK an unwelcoming place for those seeking asylum – is having a chilling effect in a range of ways. The 'Rwanda notices' (as they are known) – letters from the UK Government notifying an intention to remove the person to Rwanda once the Home Office has declared an asylum claim inadmissible – have been standard practice for a while in spite of this removal programme having been found unlawful. We learnt that such notices are often arriving at hotel accommodation on the Friday before a bank holiday,²⁷ causing maximum distress and ensuring minimum chance of being able to find anybody to advise. Between January 2021 and March 2023 over 24,000 people seeking asylum were issued with such letters.²⁸

People are therefore afraid, and that fear translates into a fear of engaging with 'the system' at all. In such circumstances, raising one's head above the parapet can feel like an unnecessary exposure to the risk of being noticed and thus subjected to even tighter rules, and potential removal. Similarly, making complaints about the sub-standard accommodation on offer can feel too risky and frontline organisations report that people are suffering in silence rather than highlight some of the appalling conditions they are enduring, or just absconding and trying to make ends meet on the streets.

It also has an implication for frontline organisations trying to help people navigate through the system. Given the fear and uncertainty, people are preferring to stick with what they know rather than take the next steps they need to progress issues relating to their asylum support.

"One of the things we deal with is when somebody builds a relationship with an organisation, they don't want to let go of that organisation. So if they are being supported during an appeal, for instance, and are working with [the member organisation] during that time, they build trust with them. And there's a real nervousness about taking the next steps. And sometimes I think people are taking decisions which are not in their best long

²⁷ Frontline organisation interview

²⁸ <https://www.theguardian.com/uk-news/2023/jun/30/over-24000-uk-asylum-seekers-could-be-sent-to-rwanda-despite-court-ruling>

term interests – they are clinging to the short term support relationships, even if they understand that ‘moving on’ gets them through the system, as they fear what they will encounter.”

– National organisation

One person, a destitute asylum seeker who has for many years survived without asylum support (including by sleeping in a shed during Covid for 2.5 years), spoke of their reluctance of re-engaging with the system by putting in a fresh claim with which they could then potentially access Section 4 support.

“The thought of getting removed from London is very bad for my physical and emotional health. I have got a GP letter which details how important it is for me to stay here. I have started a chess club, and I have a cardiologist who is doing tests, and it was very difficult to find the right GP but I did after a while. So after living here for 4 years in London, the idea of living somewhere else is very frightening for me at the moment. I have got a good letter from the Red Cross to support me asking to stay in London, but I am almost 100% sure they will not take this into consideration. For them their state of mind will be ‘we are giving you support, so beggars cannot be choosers’. So now, even if I get accommodation living in, say, the Midlands with strangers – that will be emotionally detrimental to me. That’s why I am considering going back to [country of origin] even though my life there will be at great risk. But at least if I do live it would be living decently and how I live now it is not decent at all.”

– PWLE

Disjointed system means information falls through cracks

People seeking asylum are being moved from one hotel to another, or into dispersed accommodation, often with very short notice. Frontline workers reported that there sometimes seems to be no pattern to how this happens. The consequence of this is that if an application is submitted, but further information is required, requests for this may not reach the applicant. People are also not receiving letters notifying them of key decisions because the

Home Office is not updating its list of addresses held by various Home Office teams. This means the Home Office sends invitations to interview to the wrong address, people do not attend, their asylum claim is then withdrawn and they are evicted.

“I was told to leave the hotel last month because I was refused asylum. I went to [hotel manager] and she arranged a meeting with solicitor and court date arranged and I was informed with apologies it was not my mistake, the Home Office had sent the letter to wrong address. It was sorted out by tribunal. I’m now back in the hotel and getting asylum support. My asylum claim is still continuing and the Home Office is sending an appointment for interview but I haven’t received that yet.”

– PWLE

“I claimed asylum support as I was about to be destitute. My documents were rejected even though I had provided all the documentation and every single receipt of any purchase since the time I arrived in the UK. I got an angry letter mentioning a previous letter I had supposedly overlooked, and then I had to send the things right away. I didn’t have much support of any organisation about the ideal way of presenting that evidence. The communications were not very fluent. It was not easy.”

– PWLE

“A man on Friday from the Home Office faxed through the eviction letter for my client which he hadn’t received, dated the previous week.”

– Frontline organisation

“During the pandemic the Home Office withdraw from First Tier Tribunal appeals which seems to be continuing, however organisations report that they are now seeing applications being withdrawn but not providing letters to clients about why they have been withdrawn and what they will do to solve the client’s asylum support situation.”

– National organisation

3.3 Asylum Support Appeals: reasons for proportionate decline

Since 2020, the proportion of people appealing refusals of asylum support has sharply reduced from 40% to 10% of refusal appeals. There has been a drop in appeals against discontinuation and refusals of both S4 and S95 asylum support, but the drop in S4 refusals has been higher.

Many people interviewed noticed that they are not getting approached so much for help with appeals but have generally ascribed this to one or other of the following factors:

- lack of movement within the system generally (fewer decisions)
- a delay in discontinuations of support post-Covid
- relatively high grant rates in asylum applications in their area (for instance, in Northern Ireland)
- fewer evictions thus far on the part of the Home Office

“There is less movement through the system – fewer decisions being made, fewer discontinuations and likewise therefore probably fewer fresh claims so fewer cases being refused with appealable decisions.”

– National organisation

“I would ask whether claims are getting refused because there are fewer decisions. I don’t know if that is the cause [of the reductions], but there is a massive drop in decisions being made.”

– Lawyer

“My colleagues have said there has been a real drop in people coming for support with appeals. It seems to be that pre-Covid there was a real need, and I was told that was this role’s main function was helping people with appeals. During Covid it wasn’t a thing as they were put in hotels. Post Covid we were expecting a lot more but not been a much as we were expecting.”

– Frontline organisation

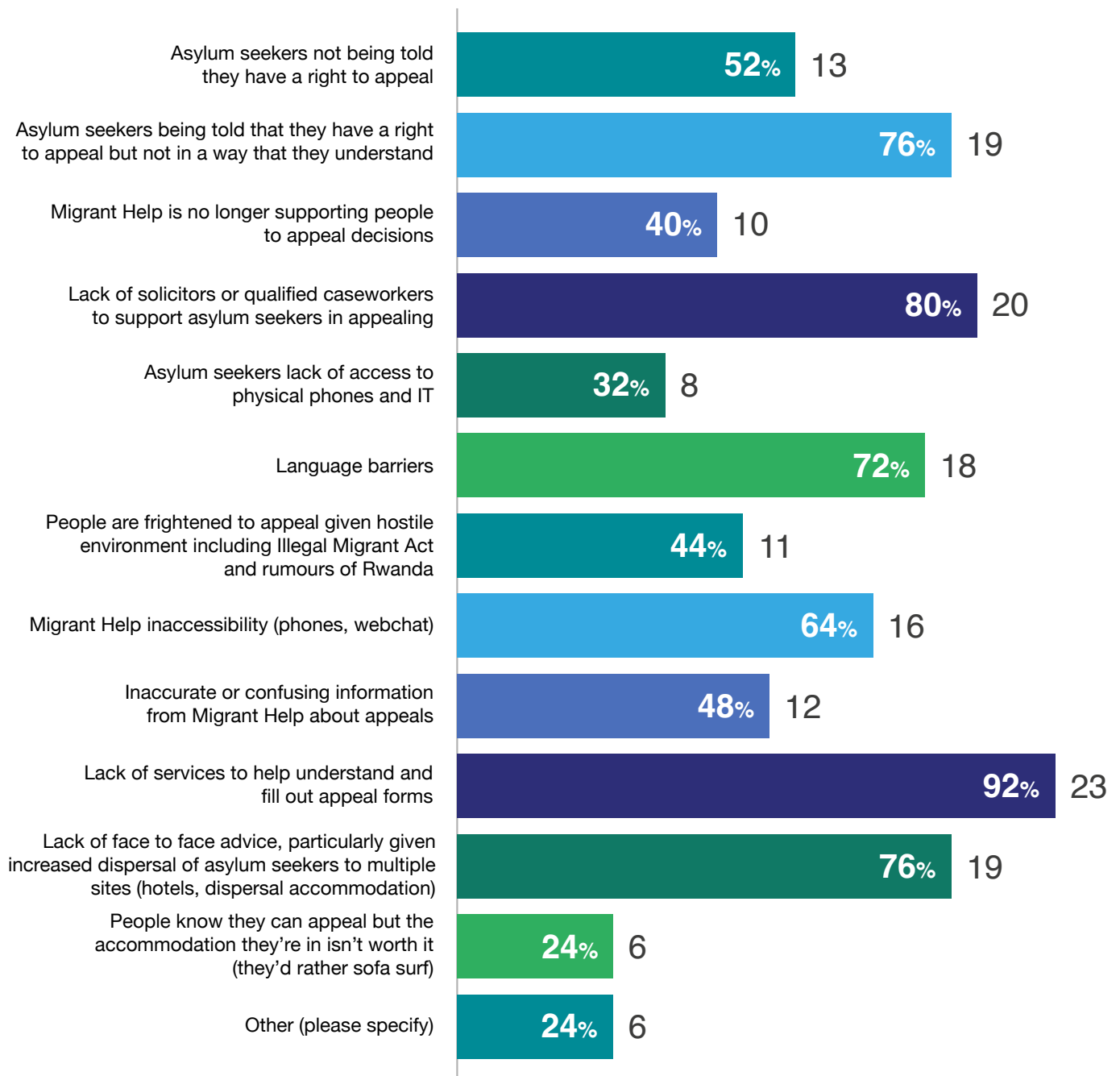
“We haven’t seen many cessations of support recently. Couple of years ago I was doing regular work around negative cessations and evictions but these days I think it has been months since I have done an appeal. And it’s not that we are telling people that they can’t – we haven’t seen them.”

– Frontline organisation

Even if the numbers of people being refused asylum have dropped, however, the appeal reduction is to do with the proportion of the total, not the total numbers. As can be seen on the chart overleaf, from the 25 survey responses on this issue, the causes were felt to be multi-faceted.

The rest of this section identifies those put forward most frequently by both survey respondents and interviewees.

Table 3.1:
Reasons for proportionate reduction in appeals from research survey (N = 25)



Reasons relating to systemic issues

Post-Covid refusals likely to include many with no grounds for appeal

It was noted that the pause on evictions brought in during Covid lasted from initially from March to September 2020, when the Home Office tried to evict several thousand people but was forced to retreat as a result of strategic legal action, and agreed to pause all evictions until to July 2021 when all pandemic restrictions were lifted. Some felt it was likely that many accommodated during the pandemic then had their support discontinued with no grounds for appeal, which may account for some of the reduction.

“[After July 2021] There would have been a huge number of discontinuations where there wouldn’t have been the grounds to appeal. So that would have accounted for a large number of decisions which wouldn’t have had grounds to appeal even if they had the right to appeal.”

– National organisation

“I think during the pandemic a lot of asylum seekers were ARE and were granted S4 because of the pandemic as an interim measure. And I don’t think the Home Office started to review those cases until very recently. So in Scotland we started hearing about the cessation of support for those cases maybe late last year. So even those people not entitled to S4 in the pre pandemic provision would still be accommodated under S4 despite the fact that they didn’t have grounds for a fresh claim. Since they started reviewing the position of these ARE asylum seekers, there has been 104 negative decisions since then in a matter of a few months. So that’s I think the main reason about the S4 numbers.”

– Lawyer

Removal of time lag in getting an appointment for a fresh claim

Previously S4 applications used to get submitted on the basis that a person was waiting for an appointment rather than an appointment being booked. Those applications used to be routinely refused, and routinely appealed, by some organisations. As there are now not the same delays in getting an appointment, that raft of applications on the basis of ‘waiting for an appointment’ have been stopped, and as a consequence so have the refusals and appeals.

“I don’t know when this changed but there used to be a delay in getting your fresh claim appointments. And services like us would make applications for Section 4 once we had asked for an appointment on the basis that they were waiting for an appointment. The Home Office would always refuse those in the first instance and they would lend themselves to appeals. So because there is not now that delay – that lag – that removes that category of appealable decisions as well. That tranche of cases may have made up some of the proportion of previous appeal figures.”

– National organisation

Collapse in the numbers being supported by lawyers

The lack of solicitor or qualified caseworkers was felt by many to be a key reason why appeals are no longer being pursued. Lawyers supporting people seeking asylum may have rarely taken on the asylum support elements of the work (unless there were particular vulnerabilities or complexities) but they did notice deadlines around asylum support and signpost to other organisations. The impossibility of finding a lawyer now even for initial asylum claims in England and Wales²⁹ means that this is no longer happening.

29 <https://freemovement.org.uk/over-half-the-people-seeking-asylum-are-now-unable-to-access-a-legal-aid-lawyer/>

“The problem is that all the solicitors are so overloaded that they won’t take on anybody to do appeals as they are doing all these questionnaires and as you know there’s a 60% shortfall in legal aid provision. So we put them in contact with South Yorkshire Refugee Law and Justice, who get involved but they are overrun as well.”

– Frontline organisation

“We have some excellent legal support locally but the reality is it is often a long wait. Many asylum seekers arrive from other areas and already have legal support but having been moved they can’t get to face to face appointments. IT provision is patchy, phones are not always good enough for conversations and if they use a local community facility there is a lack of privacy. The lack of accessible legal advice makes a big difference to decision to appeal.”

– Survey respondent

“Where there isn’t asylum advice there is no asylum support advice. And there are no lawyers to serve as a guiding light. And with nobody having a lawyer there’s not even the Chinese whispers where one asylum seeker passes on their intel to others.”

– National organisation

“Lawyers prior to this were at least flagging asylum support issues.”

– National organisation

“Before if somebody came to a drop in with a negative decision you’d say ‘have you spoke to your solicitor, are you making a fresh claim?’ and I imagine that’s not happening at all and there’s no support with appeals and there are virtually no drop ins anyway.”

– Frontline organisation

Confusion around what lawyers are doing

Where there still are lawyers to access in Scotland and Northern Ireland because of the different legal aid systems,³⁰ there is still confusion around what form is being filled in, for what. In Scotland for example, frontline workers reported that some clients are confused as to whether or not their lawyer was applying for asylum support, and the reality is that some do and some do not. There were also queries raised by several people interviewed working in the Scottish context about the capacity and quality of all solicitors working in the asylum space, with some not having the necessary expertise and experience.

“In Scotland people seeking asylum are entitled to legal aid for help with asylum support³¹ – the quality of the lawyer is debatable however in some cases. We are bumping into that – some definitely feel their lawyers are not helping them”

– National organisation

Legal aid eligibility is also a stage which can introduce confusion for the client:

“One of the confusing things is a legal aid issue and an address issue – people have to take very similar evidence to lawyers when they are not already on asylum support to prove that they don’t have the financial means. Or to prove that they are staying somewhere. So we see that sometimes people get confused and think that they have ‘proved’ they need asylum support whereas they have proved they need legal aid.”

– Frontline organisation

Another issue is that people seeking asylum can be confused about the difference between the legal processes associated with getting asylum, and those linked to getting asylum support. This is further complicated by the fact that, although in Scotland legal aid is available for representation at asylum appeals as part of an asylum case, in England and Wales legal aid is only available to submit the appeal form, and only as part of a housing case.

³⁰ Scotland and Northern Ireland have different legal aid systems legal aid is still available for the full scope of asylum and immigration matters including asylum support.

³¹ In England and Wales legal aid is available but only for advice and assistance with claiming asylum support or appealing a refusal, not for representation at asylum support tribunals

“We do a fair bit of asylum support and feel quite confident doing it, but I think people think ‘this is my asylum claim’ and they don’t understand why their solicitor wouldn’t also help with the asylum support. It’s from the Home Office, it reads very legally, so I don’t think there’s much distinction in their mind between asylum claim comms and asylum support comms. And they are thinking the solicitor will sort it out and they are not.”

– Frontline organisation

Pressure on health services for supporting evidence

The NHS is under increasing pressure, and people are reporting that gaining the necessary supporting evidence for asylum appeals can be difficult.

“Difficulties in accessing supporting evidence – more and more GP surgeries in Glasgow and surrounding areas are charging for medical letters. It is also more difficult to access mental health services and therapeutic services- which is therefore reducing evidence available for relocation requests and requests for suitable accommodation. This is of real concern with the move (to room) maximisation in Scotland.”

– Survey respondent

Potential role of advice on voluntary return

There was a query about whether or not the fact that advice on the Voluntary Returns Service is now done by the Home Office means that S4 applications on the basis of an AVR application have reduced. When the scheme was run by Refugee Action (Choices) until 2015, the pre-decision team would make S4 applications routinely but it is unlikely that these are now being made. In addition, the AVR criteria have changed.

“There’s also the change in the AVR criteria in terms of how many applications you can make. So people would get a discontinuation of their Section 4 but then make a second AVR application and then appeal the refusal on the basis of the second AVR application. Whereas now I think you are limited to one AVR application, so don’t get the grounds to appeal.”

– National organisation

Whilst this does not explain the sudden proportionate drop off, it might be a reason ‘in the background’ for the reduction of appeals overall.

Reasons linked to official communications and advice

Removal of appeals from AIRE contract

In 2020 Migrant Help stopped helping people to submit asylum support appeals for capacity reasons. The proportionate reduction in appeals seems to coincide with this as even though this service might not have been perfect, it at least ensured that all people in theory were proactively informed about their appeal rights. Now callers are simply told that Migrant Help does not help with appeals.

“Almost certainly the number 1 issue is around Migrant Help and appeals being taken out of their contract.”

– National organisation

Lack of clarity as to advice now being given by Migrant Help

A requirement remains to refer to third parties for support on asylum support appeals within the AIRE contract. However it is not clear to many if this is happening, and what kind of advice or guidance Migrant Help is providing.

“Migrant Help don’t do appeals. I don’t know if they tell people that they are entitled to appeal. Often when people come to us, they just have a notice to quit from Serco or a cessation letter from the Home Office. Nobody has ever come to me and told me that Migrant Help had told me to come for an appeal.”

– Frontline organisation

“Migrant Help refer to us all the time with age assessments and so on but I don’t know if they ever refer anybody for appeals. I asked once if they could be more proactive in sharing what organisations they are signposting to on appeals. I doubt that they are telling people about appeals – I think they are giving options of what you need to do and you can do voluntary return. But I’ve never had anybody come to me ever about this.”

– Frontline organisation

Migrant Help reports that information about asylum support appeals is in the core script when people are completing ASF1 applications. However they acknowledge that this is likely to be forgotten by the time a refusal is received. In terms of signposting, this is basically to ASAP only and the organisations ASAP lists on their website as working on asylum support.

Sending and receipt of asylum support decision letters

As asylum support decision letters are sent directly to people seeking asylum, they may not understand what an appeal is nor the short timeline they have to lodge the appeal.

There are also a range of factors which mean that communications from the Home Office may not arrive when they need to. For instance, when people are moved to another hotel the accommodation provider should update the Home Office, but this does not always happen, and in any case different Home Office departments have different spreadsheets so when one spreadsheet is updated, it does not automatically update the address held by other Home Office departments. The arrangements are not always clear to organisations offering advice and help,

“It’s really cheeky – people don’t know that they have to update the address themselves, people think the Home Office does it. But they have to tell the Home Office that they have moved or changed lawyers. If they don’t, letters are sent to the old address. I’ve had two cases where they didn’t get letters – one missed his interview and got his case withdrawn.”

– Frontline organisation

“People [are being] marked as absconders as their address is not updated with the Home Office when they move to private accommodation – sometimes people tell us that they let the hotels / Migrant Help know where they are moving but the records do not seem to be updated.”

– Survey respondent

Letters can be very late in arriving as well.

“The last guy I had who had come in with a negative decision and who had been asked to leave – he got the letter saying that the date he became ARE was about 9 months previously. He had assumed that his support was going to continue. We had a flurry of three or four of these cases where they had become ARE a long time ago and the support was ending much later. At the time we were wondering if this was a roll over from Covid which had not caught up – but these were cases in this year and their decision was taken at some point last year.”

– Frontline organisation

“The S4 decision letter was sent to the solicitor who was bad – the solicitor didn’t inform him of it, so it was a late appeal. We had to make a complaint against the solicitor, as the solicitor didn’t inform him of the decision. I think the reason was that the solicitor didn’t understand the consequences.”

– Frontline organisation

As well as both late and incorrect.

“Another guy had a refusal on his asylum claim around November and December and when he had that decision, we said we needed to collect medical evidence as he was really vulnerable, to get ahead of the game. He received nothing, but in May he had a notice to quit from Serco saying ‘given that you have refugee status you have to quit’. Which was wrong – his claim had been refused. We are trying to work out what the heck is going on but there was definitely six months from the refusal to leaving the property. When he got the letter about refugee status he quit the property and disappeared. Only found him 3 or 4 months later and had to tell him that was incorrect. It was a mess.”

– Frontline organisation

Some do not arrive at all.

“I have had a couple of people who were not even aware that a decision was made on their asylum claim. I did a duty service call and the client asked for a letter to follow up on her asylum decision. She hadn’t received anything, and her solicitor hadn’t received anything. But then her Aspen card stopped working. That was the first indication she had that there had been a decision.”

– Frontline organisation

Content of letters being sent out

Some interviewees report seeing letters without the right to appeal being mentioned, and though this seems to be linked to specific teams and is flagged if spotted by ASAP and others, it can take a long time for templates to be updated.

“I have come across a few clients who have advised of their right to appeal, but the appeals form has not been included in the letter. This confuses the appeals process and may result in an appeal not being lodged in time.”

– Survey respondent

More worryingly, some letters are being sent which actively assert no right of appeal at all.

“I have seen letters where it says ‘you have no right of appeal’ and I feel like that was more around the pandemic time when there was a lot of cessation coming through. I know [lawyer] and I did a lot of work on that as we came up with a flowchart which we shared throughout the network and anybody could see it. We said ‘even if it says you have no right to appeal, still get through to us.’”

– Frontline organisation

“I think some people are being given incorrect information – one person had a letter which said ‘you can’t appeal this’ when you can.”

– Frontline organisation

In some situations such as S95 discontinuations there is currently no right of appeal, but this is the subject of a legal challenge as we write.

Gatekeeping applications

Some respondents reported that Migrant Help does not always submit applications for support. This may be linked to the AIRE contract requirements or training needs within Migrant Help staff.

“Migrant Help gatekeep applications and they are not passing them to the Home Office assessment teams. Some applications where we knew the Home Office would refuse but that we would win on appeal are not being passed through. We recently did one for a man whose lawyer had been told to only do further submissions to the criminal casework team. The lawyer contacted them over and over again trying to submit and did not receive any response. The client was street homeless, so we applied for S4, including all the evidence of the lawyer trying to trace this team and we got no response. Migrant Help refused to send it to the Home Office. I’m stunned they felt they could do this – it is not in their contract, we had done the application correctly and provided all necessary evidence. I have been doing this for years. That carried on until in the end the lawyer was able to get hold of the unit, do the submission and get a receipt for that and then they sent it to the Home Office.”

– Frontline organisation

Accommodation provider communications

The level of openness and efficiency in accommodation providers would seem to be highly variable. Some mentioned having dealt with helpful staff in accommodation, including hotels, who have tried their best to help the people staying there. However other accommodation staff were reported to be reluctant to engage with outside actors. Several raised the issue of poor communications from accommodation providers, or a failure to understand, clarify or comply with rules around, for example, stays away from hotels or discontinuations of support.

“Communication from the Home Office and accommodation providers is often poor – for example, the accommodation provider might ask someone to leave the accommodation although the person has not yet received a letter from the Home Office about their termination of support.”

– Survey respondent

“We are struggling with large numbers of people suddenly being granted status but have not been informed of this in a coherent way e.g. they will be given a Notice to Quit their accommodation before a grant letter or they don’t receive their BRP card. When we submit Notice of Appeals to the Asylum Support Tribunal in relation to this, often Serco housing officers are refusing to acknowledge these and are still evicting people. Whilst occasional people in the past may not have received a BRP card, this seems to now almost be standard procedure.”

– Survey respondent

“We have come across issues with accommodation providers not being aware of policies in relation to how long someone is allowed to stay away from supported accommodation for – this has particularly been an issue in hotels and for people on S98. We have been liaising with them about this to confirm what the times are.”

– Frontline organisation

Reconsiderations rather than appeals?

There is a query about the degree to which Migrant Help is encouraging reconsiderations rather than appeals. There was no strong evidence that this was happening from frontline organisations, but that may be that it is not known about given the scale of need and the fact that so many people are navigating the system on their own. Anecdotally it seems that people are being told to resubmit their applications rather than appeal their refusal, the issue with this being that an appeal would ensure continuation of support whereas a new application will mean that the receipt of support is delayed until the application is successful.

Reasons linked to lack of voluntary sector advice and guidance

There was general agreement from interviewees that without support it is extremely difficult to understand and comply with the appeal process for asylum support.

“I think it cannot be underestimated how complex it is and how it needs specialist advice and somebody knowing a fair bit about asylum support. People refused S4 appeals cannot do them themselves.”

– Frontline organisation

“When people come to [name of organisation] with a S95 discontinuation they have the appeal documents which come in the letter but they are pretty unaware of what they can do with it until they get some advice and can read the letter.”

– Frontline organisation

“People really need support to appeal. If they have to do it by themselves will not do it and capacity of organisations to support with appeal and the complex casework and even liaising with ASAP is a barrier. It is not straightforward. Cannot do by themselves.”

– Frontline organisation

Such support is decreasing. These issues have already been flagged but are re-stated as they were mentioned as specific barriers to taking forwards appeals.

Experienced groups have decreasing capacity

Those organisations which do have experience of working with people seeking asylum are finding themselves increasingly having to prioritise the people and issues they take on given the swelling demand for services.

“My feeling is that it is likely partly down to the fact that since 2020, people have been far less able to get advice on asylum support and appealing negative decisions, partly because of the way services have pivoted due to the Covid-19 pandemic. I think it was already difficult to obtain adequate advice and casework support on this issue before 2020 (due to capacity within the sector, but also the isolation/ability of people’s ability to find appropriate support in the time required to submit an asylum support appeal), but that this

situation has surely worsened since the pandemic. There is also a huge demand on services for housing and welfare advice and casework. I'm not sure of how many services would be able to (almost immediately) support someone to appeal an asylum support decision, if the person is not known to that service already."

– Frontline organisation

"Take our refugee team in the South East – you can ring up and ask for an appointment but it takes several weeks for an appointment. By then, you might be out of time or not meet the threshold for support"

– National organisation

Timescales make appeals feel 'undoable'

Pressure on most frontline organisations is by now so intense that there is little capacity to drop everything to take on an appeal with a short 3-day deadline. And whilst it is possible to submit after this time, not all advisers and organisations are aware of that.

"Lot of people come to us last minute and the three-day deadline is tricky – people are not always guaranteed a volunteer to support them in their appeal."

– Frontline organisation

"Appeals are quite time-consuming, so if clients haven't got their letters it makes it harder to appeal. If they are assisting with a client you can book them an appointment, so it's quite an intensive piece of work to complete to a tight deadline. It can take an adviser an afternoon to get it back to the court within a 48 hour timeline. If clients are trying to self-represent, that's going to be very difficult for them to do that. If you are living in an area where not linked into that support network then it's difficult to find somebody to assist you in a hotel on the M4 somewhere, you are not going to have the funds to get anywhere to get that appeal done either."

– National organisation

Nervousness around S4 grounds for appeal

Some more experienced frontline workers felt that there could be a nervousness amongst advisers about appealing S4 applications, and that few have the necessary confidence to use the mental health grounds rather wait for a fresh claim.

"In my experience making S4 applications, caseworkers are funnelled into thinking 'it has to be a fresh claim' and if you haven't got that, people feel that there's no appeal. But that's only one of the potential grounds. I don't know whether there's a confidence thing, or a capacity thing to think of the more creative ways to put an appeal in, as though it might not be successful you can refer it on to ASAP. Here we have done some S4 applications and they have been messy and the fresh claims were not ready, but we have put the application in and then when they were refused put in an appeal on the grounds of mental health. And what makes it succeed at appeal is that we could show the steps we were following. I don't think normal support organisations would have a sense of what is needed to succeed via that route."

– Frontline organisation

That said, some are consciously adopting a more cautious approach as their experience is that the Asylum Support Tribunal is assessing appeals more rigorously than before. They are thus deprioritising mental health ground appeals on the basis of client care and better use of resources.

"Generally we have a more cautious approach in terms of balancing needs of client over likelihood of success at appeal. It's horrible to put a client through the process unless we are sure they have a solid case, and if they are vulnerable or fragile we are more reticent. We have developed resources to assess people more carefully: before putting in an appeal was the answer to destitution, now we calibrate our approach. I feel that the Asylum Support Tribunal assesses things more closely to regulations than they used to in terms of their discretion especially on medical grounds. I'm not sure if there's any evidence of that except for my own data and anecdotes. Five years ago we could get tricky ones through but more recently I have put in stronger applications and the judge has rejected them and taken a more literal interpretation of the regulations."

– Frontline organisation

Inherent complexity of S4 appeals

The additional complexity of appeals against S4 refusals was suggested as one reason why these may have been deprioritised in the current climate.

“I am not surprised that it is Section 4 applications in particular that have dropped off. In our experience of appeals, it has almost always been Section 4 applications that are refused. For obvious reasons of additional eligibility, these applications are usually inherently more complicated. In my experience, people applying for Section 4 support are usually more embedded in the community, and therefore more likely to have much more evidence to provide to the Home Office to frontload their application as best as possible, and to hopefully achieve a positive outcome. I.e., they may have been able to open a bank account and been using it for several years, living amongst a precarious and/or complex set of accommodation networks of friends/family/acquaintances (and people are frequently supported by communities who are migrant, and potentially undocumented themselves, and therefore even more reluctant than usual to provide supporting evidence).”

– National organisation

Lack of face to face advice

Not having drop ins means that people cannot come in with their letters to get these interpreted, and the move to virtual support, theoretically easier for all to access, has thus had the converse effect of people not managing to access information about their appeal rights.

New groups do not know or understand about appeals

As people seeking asylum are dispersed ever more widely to areas without established or experienced groups the groups of volunteers forming to support people seeking asylum do not have the skills necessary to interpret and advise around appeals for asylum support.

“In my experience, one of the reasons is that people don’t know what they are doing on the ground. So many random people are now helping asylum seekers who are not trained, they don’t know what to do, they don’t know when to send people for what, because of our lack of capacity locally our coordination – doing the training and so on – has gone down as we have no capacity. I’m not getting cases therefore either at all or far too late in the process and you are ending up with Schedule 10 applications rather than an appeal.”

– Lawyer

“There’s definitely been a growth in new players. For instance – the barge, the people responding to that were not from the mainstream migration or homelessness sector, they were a local community group. And that will mean that they do not necessarily know the formal routes and the formal process and if they can access support and that sort of things. At our last round of regional hub meetings we talked about the need to get information out to a whole range of new organisations – foodbanks, community groups where people may be going for support.”

– National organisation

Reasons related to the knowledge and experience of people seeking asylum

Lack of awareness and information

Recent research by NACCOM³² into experiences of people following a negative asylum decision shows multiple barriers to them submitting new applications and avoiding destitution. A recurring theme in that research is the sense that people missed relevant information at all stages of the asylum journey.

“One of the big things our community researchers heard was ‘If only I knew what I know now, five years ago’. At different parts of the asylum journey people are not getting the information which tells them their rights and responsibilities, in the right format and language.”

– National organisation

This lack of information was highlighted during fieldwork for this research by both PWLE and frontline organisations.

“I don’t think anybody knows about the right to appeal – that’s when I tend to refer them to the advice line. On a scale of 0 – 10, I’d say it’s a solid zero.”

– National organisation

“I would like to say that there is lack of awareness on appeals – I believe most people don’t know that they can access an appeal. They might not know that they can still appeal after refusal of claim. Leaflets are useful.”

– PWLE

“A lot of asylum seekers are not aware that they can appeal the decision and on what basis they can appeal.”

– Survey respondent

Given the circumstances, as many pointed out, this is hardly surprising.

“They don’t know they have the right to appeal. Everything gets sent out in English. They don’t know what the letters mean. We get people come to us weeks later and we have to try and do an appeal after the event. Migrant Help never refers to us proactively. We used to have one good line of communication – a particular person we could liaise with in the Migrant Help office – but even that phone doesn’t work any more. There was an office number at Migrant Help we called but that doesn’t work now either. I think now we are transferred to Dover. Check in calls would be useful. Some kind of follow up. They put people in a house and leave them there and then assume that people are going to work it out and the onus is on the client.”

– Frontline organisation

“Clients are not told that they can appeal. They receive Notices to Quit instead of Home Office discontinuations.”

– Survey respondent

Hiatus in refusals has eroded community knowledge

People seeking asylum rely on others in initial accommodation and wider communities to help steer and guide drawing on their own experiences, particularly as many are navigating the system without functional English or even literacy. Some interviewees wondered if the pause in refusals and subsequent appeals may have served to erode the knowledge ‘in circulation’.

“We don’t know for certain, but pre-Covid these appeals were happening a lot. If you have a two year period where it is just not a thing, and now you are getting a letter which says ‘you can’t appeal it’ or ‘you have 3 days to appeal it’, and nobody you know has been in that situation then you don’t know what to do. You probably think ‘it’s too late to do anything – I’ll just apply for S4 once my further submissions are done. We think people are applying again rather than go through appeals process.”

– Frontline organisation

³² Refused? Experiences following a negative asylum decision, NACCOM, July 2023
<https://naccomm.org.uk/wp-content/uploads/2023/07/EMBARGOED-17.7.23-NACCOM-Refused-Experiences-following-a-negative-asylum-decision-FINAL.pdf>

“I wonder if part of the issue is numbers– if there are increased numbers of refusals, as was the case before, word of mouth plays a part. So if you don’t have a friend who was refused you don’t know to do it.”

– Frontline organisation

Keeping under the radar because of fear caused by hostile environment

There is a general fear about appeals, against both negative asylum decisions as well as refusals or discontinuations of asylum support because it is felt that remaining under the radar is preferable in the current climate. Many talked about how it felt when a refusal was received.

“For appeals, some might find it difficult to find a solicitor. Some people are scared because of the conditions that asylum seekers are in. The law firms, some are not ready to take on your case. If you have a rejection – a letter from the Home Office – the solicitors won’t go into your case if it’s not strong. Most people are in fear. They are scared about what will come out of an appeal. They prefer to remain in the dark.”

(PWLE)

“I would say that there is generally more fear about how anything [people seeking asylum] may do could have a negative impact on their asylum claim / ability to stay in the UK.”

– Survey respondent

“The Home Office tries to create a culture of fear. Once evicted, it means have exhausted all legal routes, people feel rejected, they feel vulnerability. They think that at any time they can be deported. So they choose to go in hiding. So not running the risk of having support in case they are deported. The Rwanda law made it worse. Came in Spring 2022 but people were talking about it a couple of years earlier. Think that’s when the number dropped. People who are younger, more willing to fight, will go into hiding.”

– Frontline organisation

“The lawyer finishes your case and you have a horrible feeling you may be put on that boat. You could go to town and come back and the door is locked. Never easy feeling. The lawyer finishes your case and moves on. Every knock is a scary knock, the housing manager opens your bedroom with his key.”

– PWLE

“Most people are afraid to provide documents – they don’t want the contact with Home Office.”

– PWLE

“I know people are terrified when they get the letters. Some just abscond – they say ‘they are going to deport me’ – Albanian, Algerian, Kuwaiti clients in particular who know they are not on the priority list. We do what we can but it’s tricky. Normally if people keep the letter and haven’t ripped it up in terror there is a first piece of paper saying ‘your asylum support has been stopped because your claim has been refused, or found to be absconded’, but if there is a bit where it says ‘fill in your legal representative’ we put ‘we are contacting ASAP to find a legal representative’ and that always works. But convincing people is hard.”

– Frontline organisation

Loss of faith and trust in the system

One emerging theme is that people have lost faith in the system entirely and are too ground down by it to think of appealing. They also fear detention and what that may result in. So the effort required to re-insert themselves is great but the benefits of doing so are not clear. As a result, they are dropping out and preferring to exist without support.

“We pick up on a feeling that the hostile environment means appeals will not be successful”

– Survey respondent

“People outside the asylum system and don’t have much hope or belief that they are going to put in a further submission. So they’re staying with friends. There have been a number of cases over the last few years of people who have been in and out of the asylum system for about 20 years and it takes time to persuade them to go to a solicitor and put in for S4 – they’ve given up hope and don’t want to put their head above the parapet. There’s also an increasing fear from a number of people that they will get detained – and that fear spreads from

people outside the system. They hear somebody has been refused and then detained so they are nervous about being back in the system again – they fear that they may be detained and taken to England (from Scotland)."

– Frontline organisation

"This is my personal opinion: a lot of people on Section 4 support, because they have been refused a few times, and waiting a few years within the asylum process, tend to be discouraged, lack of motivation, and maybe no willingness to continue fighting with the Home Office. We meet people who are entitled to asylum support but are not looking to access it necessarily because they are mentally tired, physically exhausted, and have friends' connection who are looking after them. I also believe some people might be sceptical and fear to be eventually deported from the UK if they remain on asylum support and are eventually refused by the Home Office."

(Lawyer)

"I know people refused asylum support don't appeal. I am one of those people. I didn't know you can appeal – there is nothing in the paper to say you can appeal, accommodation is no choice so you feel like you cannot do anything. Later I heard you can appeal within one week but too difficult for people and people feel like once you receive it by post the week is gone. If you try to appeal people think it will not go anywhere so they leave it. People already have an asylum case and don't want to fight for everything so look for other options. Like me I apply, I get given accommodation outside London but I went to Refugees at Home."

– PWLE

"If you appeal you can lose and be homeless also so [people seeking asylum] worry about that. If you appeal the Home Office may throw you away completely. And people don't trust the Home Office – they think the accommodation is not nice, they will send me outside London so they try to compromise. People are scared – there's a story that if refused Home Office will arrest you and send to detention so some people don't even apply for asylum support because they are scared if refused they will be detained. Because if you apply and are refused asylum it is easy for Home Office to arrest and detain. Lots of people in hotels know about people being detained."

– PWLE

Hotels a deterrent to pursuing support

Specialist organisations such as Freedom from Torture and Helen Bamber Foundation are noticing the impact on mental health of the accommodation itself, with less and less chance of issues regarding the accommodation's unsuitability being resolved. People seeking asylum know that the hotels represent sub-standard accommodation, sometimes in actively hostile locations, many far from any town or services. They hear stories of suicide within such institutions. So in preference to appealing to stay in that system, they are absconding or just not pursuing appeals, or choosing to apply for subs only support and trusting that they will find or maintain offers of accommodation from friends, family or others.

"I've had one or two didn't want to appeal because they have been living in area for some time and may be moved out. Scared of losing support network."

– Frontline organisation

"[In the hotels] It's not just the food being bad and the financial support being pittance, but also demonstrations by the far right outside hotels in some areas."

– National organisation

People are trying to get out of or stay away from England specifically. In Scotland for example there is a fear that they may be removed to England where it is known that the situation regarding lawyer and service access is worse.

"We are seeing continued difficulties securing accommodation in Glasgow for those with eligibility for S98/S95 accommodation. We are approached on a weekly basis by multiple people wanting support to stay in Glasgow. Many experiencing extremely poor mental health, and actively choosing to remain destitute rather than accept Home Office the offer of hotel in England. This can be seen clearly in our figures of applications made this last quarter where 14 applications were successful, but people refused to travel due to the location."

– Survey respondent

“We have had a situation where a family is sofa surfing whilst waiting for Home Office accommodation as they do not want to be placed into hotel accommodation and believe if they wait they will be allocated housing. They are in receipt of subs only support at the moment and the Home Office have indicated they will look for accommodation and in the mean time if they need it urgently to apply for S98, but as mentioned they do not want to do this as they fear going into a hotel.”

– Survey respondent

But this is also being mirrored by people leaving England for other countries. Wales does not, in fact, have better legal services but the grapevine is that it is a better place to be ‘in the system’.

“We have seen an increase in the number of people leaving their support in other parts of the UK and travelling to Wales and asking for accommodation/support here. Often, they will stay with a friend for a while and then the friend is no longer able to support them, so they are asking for a new S98 application to be made for them.”

– Survey respondent

Fear that asylum support appeal will affect their asylum claim

People are unclear what is happening and can easily get confused between the different processes. Some feel that raising an appeal might have a deleterious effect on their asylum claims.

“They think it would affect their asylum claim. We do try and explain rights to people, but we need a caseworker to have capacity. [Clients] have no idea about the Asylum Support Tribunal. They do know they have a right to housing but people get freaked out when leaving asylum accommodation that may affect their asylum claim think being in hotel is vital.”

– Frontline organisation

Rwanda factor

Frontline organisations are having to deal with the general rumours in circulation about Rwanda and the specific distribution of over 24,000 letters to asylum seekers warning them that their case might be inadmissible. The fear this produces is intense.

“The worst time was when the Rwanda flights were talked about a lot in the press and people started getting letters. One young man who got a letter saying ‘you will be on the first scheduled flight to Rwanda’ – he walked to the top of the building, fortunately the security guard followed him who he was friendly with, and tried to jump off. Fortunately he was caught by the security guard, then dispersed here. But the fear that those Rwanda letters gave people – he was from Sudan. He very quickly got his support and I am sure he will get his status soon but at the time he was petrified beyond belief. The thought of going to Rwanda for him was beyond, beyond, beyond. Particularly clients who have been to Libya or anywhere – they just think they will be raped and tortured there. They don’t think they will be treated in any way like they have been treated here. The fear factor is massive. I can’t imagine how many people have absconded who have gone to ground. If you don’t have a group saying ‘we are right there, we will help – I cannot imagine what they are doing. It must be so terrifying.”

– Frontline organisation

“Everybody is terrified of Rwanda. We have kids who are scared to go to school as they think that somebody will come and take their mummy. So we are trying to impact on this by saying ‘this won’t affect you’ – we are trying to debunk the terror of the IMA. We are saying for instance: ‘things are bad but they also shift rapidly just as they did with the Group 1/Group 2 differentiation thing’. So we are desperately trying to keep people in contact rather than them drop out and go under the radar where they will be into the 10 or 20 year route. Specially true of people who receive a notice of inadmissibility, which comes up daily.”

– National organisation

“I know we receive calls about people who are very concerned about Rwanda and Home Office policies – don’t know if that’s the reason for the drop in appeals. We certainly get a lot of calls about that.”

– National organisation

Some see it as a huge reason why people are dropping out of the system rather than continuing to engage through appeals.

“Over 20K have received that letter but only 21 have been removed on the basis of inadmissibility and they have all been EU or EEA citizens. So inadmissibility is this big hoax but it terrifies somebody – and when they get the letter, and look up ‘inadmissibility’ and see Rwanda, they are terrified and drop out of the system. Even if Rwanda does happen the agreement will only ever cover a few hundred, and this is being sent to thousands of people. It’s a huge thing and has definitely impacted the number of people who have dropped out of the system.”

– National organisation

There were a few reports that even services outside the official system of support are noticing a reduction in demand. It is unclear if this is linked, but it does speak to there being an increased reluctance to engage with any services whatsoever.

“I know that for example there are a couple of local hosting organisations which pick up people when asylum support has been discontinued for whatever reason. And quite often it is because of a refusal of the asylum claim but not that often. And I know they were saying they had two referrals in the last year, something like that – and they have rooms free at the moment. They haven’t had people referred. There hasn’t been that level of evictions.”

– Frontline organisation

“I don’t think the Home Office are evicting as many people. There are 4 spaces available in [name of organisation] for women and that is unusual. There would be people if they were evicting.”

– Frontline organisation

One frontline organisation noted that this was mirrored in the queues for destitution support.

“Grapevine on Rwanda and the barge – people are going underground. That could also be a reason for decline in appeals. Fear is a big issue here. You would expect people to queue for destitution support but it has reduced. We have an organisation here which gives money and food to destitute and [the queue] has reduced as well. There used to be a queue from 10 but not now – we are not sure what it is. There is a problem somewhere.”

– Frontline organisation

Women particularly affected?

A survey undertaken by one frontline organisation showed that women in dispersal accommodation seemed to be the ones preferring to go underground rather than appeal their decision. It was not mentioned by others, but may be worth exploring.

“It is not clear why, but there is often a history of violence in their country of origin, on the journey.”

– Frontline organisation

3.4 Migrant Help – specific issues

Many of the barriers experienced by people seeking asylum around accessing the support they are entitled to were attributed to the role, lack of resources and performance of Migrant Help. Some of these, of course, are the product of the contract Migrant Help has with the Home Office, and some appear to be about Migrant Help’s performance of the contract.

Framing the criticism: positive points made

Migrant Help is under pressure to deal with a rapidly changing system which has transformed over the last few years. The structures set up originally under the current AIRE contract were designed to cope with fewer numbers in far fewer locations. Migrant Help itself acknowledges that it has had to grow substantially more than originally intended to try and keep up with need.

There were some good experiences of Migrant Help reported by some PWLE, who had encountered people keen to help them and support them. The outreach teams in particular were cited by both frontline workers and by PWLE as being sometimes excellent in going the extra mile to support clients.

“I am happy with my experience of MH though staff can be dismissive about small issues, and asylum seekers don’t know what to do. But if it doesn’t work I called the Red Cross.”

– PWLE

“Migrant Help are doing HC2 certificate to help us access doctors and hospitals. They help us with housing, solicitors, foodbanks. They help us with language (interpreters), they provide us with safe houses, electricity, heaters.”

– PWLE

In addition, there were various acknowledgements of the difficult position which Migrant Help finds itself in. Many respondents and interviewees recognise its role to be difficult, and that many of the problems identified with their performance during this research are attributable to factors outside their control.

“We have a good working relationship with Migrant Help. But generally I try not to contact them – only if something is drastically wrong will I will contact them. But I have a good working relationship. Migrant Help is like everybody else in the industry – understaffed, underpaid, they haven’t got enough staff as the phones lines are always horrendous. I suppose that’s the Home Office wanting everybody to work on a shoestring. And the Home Office is constantly changing their rules as well.”

– Frontline organisation

“I think there are really good staff in Migrant Help who are doing their best. But overall the service is difficult.”

– National organisation

Concerns regarding role and positioning of Migrant Help

Lack of advocacy and ownership of outcome

Migrant Help's inability to give advice and guidance, which is enshrined in their contract, is viewed as highly problematic and driving many of the problems which currently the sector is experiencing around performance. Particularly on the helpline element of its contract, there is a prohibition on advocacy which some feel is getting in the way of there being ownership of the issue and the outcome for the client.

"The fact that the Home Office has carved out that space and awarded a contract which has that prohibition on advocacy by Migrant Help in relation to individual cases is driving a lot of bad stuff. It's inefficient and doesn't always work for the Home Office, let alone the client. The prohibition on advocacy was one reason why we would never have considered going for the contract ourselves as, as far as we are concerned, that has to be what it is all about – trying to get a good outcome for the client. Having a system which doesn't allow the provider to do anything to enable those outcomes is madness."

– National organisation

"If they could advocate it would be very helpful – if we tell Migrant Help something they can't do anything. If we are talking for instance about accommodation, we don't always feel understood. We report an issue, it disappears into a black hole."

– Frontline organisation

A reluctance or inability to proactively pursue matters on behalf of the client is seen as responsible for many of the delays in the system. So for example cases such as these are seen as a result of Migrant Help adopting a passive, 'non-advocating' stance.

"Last week we had a case of somebody who thought they had submitted a S95 application, was asked to send documents, didn't understand what was being asked, sent a random smorgasbord of documents, then thought it had been submitted. Migrant Help didn't process that ASF1 as the evidence wasn't there, but nobody went back to her to say 'this isn't what we need, send us something else. They just sat there, even though they could see she had submitted documents. That was for subs only – they had been waiting months and months."

– Frontline organisation

This is exacerbated by the Home Office's refusal to feed back to NGOs who raise reporting issues, complaints or safeguarding concerns.

Intermediary role between Home Office and client

The role Migrant Help plays as an intermediary between client and Home Office was challenged as fundamentally unhelpful. Its role in particular as a checker of and postbox for applications, an AIRE contractual requirement, is felt to add nothing to the process other than to hold it up, producing frustration and time-wasting for workers and sometimes serious negative consequences for people seeking asylum.

"We send all our applications to them and they go off to the Home Office. Sometimes we have confirmation the same day that they have 'checked it' and sent it off which frankly given our experience is a bit patronising. But sometimes they have taken 3 weeks to check it, whilst meanwhile the client is destitute. And there's no escalation route at that point as it was online for processing"

– Frontline organisation

"If a client wanted to have agency and do something themselves, that's impossible – they would have to stay on hold for 3 hours and then the phone call will drop. Workers like us might have found somebody personal inside Migrant Help to contact to save us time with the systems, but a client won't have that."

– Frontline organisation

"The fact that we have to use them as an intermediary is frustrating and time-consuming. We have a fair amount of links with the S4 teams in the Home Office, so we go through the motions with Migrant Help and then we contact the Home Office contact and say 'we've tried, now you have to help them'"

– Frontline organisation

"Sometimes it feels that they are very much there as the Home Office rather than to support people seeking asylum to access their rights during the asylum processes, you know."

– Lawyer

Many interviewees spoke about Migrant Help refusing to submit applications because they were in some way in their view incomplete or incorrect (an AIRE contractual requirement), only to be pushed back on by the caseworker and then find, once submitted, that the application was accepted by the Home Office. Frontline workers are finding this level of to-ing and fro-ing to be time-consuming as well as frustrating as they are often more experienced about filling in and submitting applications than Migrant Help advisors. Organisations with less experience find the respective roles of MH and the Home Office confusing and sometimes blame Migrant Help for issues that relate to Home Office decision making.

“There was one application in particular where Migrant Help pushed back and I asked them to submit it and the Home Office approved it.”

– Frontline organisation

“The only practical help I see as an advisor is on S98. Though that said, one colleague referred a straightforward S98 to them and Migrant Help came back and said they had run out of IA. So the person slept in the police station overnight.”

– Frontline organisation

Some respondents felt that this role is unhelpful gatekeeping.

“You submit the documentation on time, and then you end up waiting a long time for them to get passed on to the Home Office. I am concerned that it is gatekeeping – I think the most sympathetic interpretation is that it is a capacity problem and they don’t have the resources to process. But it does feel like when you submit an application for support it will be a long time until you get an acknowledgement that it has been passed on.”

– Lawyer

“Migrant Help feels like a gatekeeping exercise at the moment – they feel like they are there to prevent getting support.”

– National organisation

There is an interesting additional point on asylum support appeals, as Migrant Help’s refusal to submit applications can hold up an appeal process down the line.

“They won’t submit the application to the Home Office unless they say it is guaranteed to succeed. Quite often you know it will get refused and it will

need to do go to an appeal. But you have to go through ASF correspondence. So you have this barmy situation where you know it is going to get refused and you know the client is going to have more of a chance in front of a judge but the whole thing is being held up by this intermediary role.”

– Frontline organisation

The hold up in submissions was mentioned often, with applications being made and then sitting in Migrant Help’s internal systems. For frontline workers and their clients, these delays can be acutely frustrating.

“Migrant Help..... They are at best a migrant interface or conduit that narrows and narrows and you can’t get through. I submitted a section 96 recently – I researched it meticulously. After a couple of weeks I chased and they said ‘we won’t have read it yet – it takes 21 days to read those emails’. I said ‘what are we supposed to do?’ and they said we’ll send it through as urgent if you like. It’s so frustrating.”

– Frontline organisation

The resource inefficiency of the system was also highlighted.

“Migrant Help has this partnership thing where you can sign up to be an organisation which can be ‘commissioned’ to do work for them. We’ve gone to events which Migrant Help have had about doing that. We are not going to do it as there are issues about how critical you can be of the Home Office and also take money. So without being a partner, we fill in an application form, email it to Migrant Help, and then an advisor at Migrant Help re-enters the information from the application we have filled out into their system. So it’s a very inefficient process.”

– Frontline organisation

“I never call them to do an ASF1 application, we just email it over. But if I was to do it with a client the timings are ridiculous. I’d be on the phone all day and you’d then get an email or letter sent to the client asking for most information. Then a pre-paid envelope arrives in the post for the client to send back information. Then it gets sent. Then gets processed. So weeks and weeks to get an application sorted properly. Whereas if somebody comes into the office I could do it now.”

– Frontline organisation

CASE STUDY:

This lawyer was trying to find out if the asylum support which their client was receiving was going to stop. It took several hours of work to find out nothing at all, during which their client became destitute.

We received a letter from UKVI about an application for S4 saying that they had no further submissions. They provided a deadline of [date] to respond to S4 at Migrant Help.

We made a request for an extension of time stating we were in the process of finalising evidence. Then made a further request for an extension of time. We then received a letter from [accommodation provider] stating the support would end on 31st March.

We then received an email from coc@migranthelp.org stating that a change of circumstances request had been submitted to the Home Office for assessment and that once this was completed the Home Office would write directly to the client to advise further.

We then used the webchat at Migrant Help and I said 'our client received a letter stating that support will end on the 31st March'. I gave them the date on the letter I had received.

However we then received an email from coc@migranthelp.org stating that change of circumstances request had been submitted to the Home Office. I did not know what the status of this change of circumstances request was.

The Migrant Help agent I spoke to via webchat said I can see a request has been raised but could not help me further. They told me the client would receive a note with the outcome of the request. I asked to speak to them and they said they couldn't. I asked to be transferred to a member of the advice team and the webchat officer said 'I cannot transfer you there but I answered your question'. I said 'Please call me'. He said 'I cannot transfer'.

After further pushing they did call and in the end I spoke to the Eligibility and Guidance officer. They confirmed that Migrant Help had sent our initial request for an extension of time to the Home Office, and then the second request for the extension of help to the Home Office, but Migrant Help could do nothing in response to that. He said they could escalate to do something about the application.

All we wanted to know was if the client was going to lose their support on the 31st March. And I think Migrant Help being a third party that cannot actually answer our questions but can only communicate on our behalf is a bit complicated to say the least.

What happened then? On the 15th March Migrant Help said they would escalate the request. On the 21st March they told me that there had been no response, and offered to escalate it again. Migrant Help said 'prepare the client for the prospect that they will be out of support completely and they sent me a list of organisations in [name of city] which might be helpful. We already had one lined up to help not on that list. They ended up having to access destitution projects.

Eventually my manager said 'you are spending too much time on webchat and calling Migrant Help'. But I feel like it's the only thing we can do to try and get some clarity on whether or not the client support was going to end. If they can escalate the request obviously you want to pursue that but it took hours and hours to get that on webchat and on holding to try and talk to somebody at Migrant Help, and the escalation didn't appear to achieve anything at all. I got no timeline and no response from Migrant Help at all. Lord knows what happens if you are an asylum seeker.

Intermediary role between accommodation provider and client

The intermediary function of Migrant Help was also raised as confusing when dealing with accommodation providers and complaints or concerns a client might have.

“Where somebody calls up to complain about their accommodation- for instance about the boiler – Migrant Help will report that to the accommodation provider. But they can’t both raise the issue and make a complaint. So if the individual has spoken to the housing provider and they can’t rectify it, really that should then be a complaint. But that’s not the system – Migrant Help has to first raise the issue and then if not dealt with in the statutory framework, they have to call back. That is then reliant on Migrant Help actually calling back, which is another problem again, and generally they haven’t. But the system itself wastes time. It’s just another example of all of these semi-completed circles which cause loads of problems, and which are all reliant on the individual chasing. And some don’t or can’t – they reasonably expect that if they raise an issue it will be dealt with. It’s very frustrating for the individual but also results in more and more calls to Migrant Help as it requires at least two phone calls rather than one.”

– Frontline organisation

The glitches in communication between accommodation providers and Migrant Help were also noted in relation to induction. The system as described by frontline organisations seems to be that there is an induction briefing which should be in a language understood by the clients, during which they are told that ‘Migrant Help will be in contact’. However, this system falls down quickly if firstly the accommodation provider is not notifying Migrant Help of the number of new arrivals needing support, and secondly if Migrant Help cannot phone the hotels because of the lack of a functioning reception phone.

“What I hear from Migrant Help is that because they are phoning hotels the reception desks are often not getting through, but they are trying to make an appointment with the person but very difficult because of lack of access to phones. So Migrant Help is trying to raise funding independently for phone purchase.”

– Frontline organisation

Intermediary role not understood by clients

The intermediary role is also frustrating for people seeking asylum and not always easy to understand, particularly because in some cases people seeking asylum seem to have been given information which is incorrect about Migrant Help’s role. A common theme of discussions with PWLE was that they felt that they had been given ‘false hopes’ and been led to believe that Migrant Help could influence the outcome of the progress of their case whereas in fact this was not, they now understood, true.

“I don’t think they know what they are doing. They are constantly giving false hope, making you believe they can take the decision but they get the decision from the Home Office. But they give the impression they decide. You are frustrated.”

– PWLE

“You get to the level of ‘give up’ – you are holding on the phone for maybe two hours and you just give up. The way they are operating – they are constantly giving false hope, without having the capacity to take a decision. All of them have to get the decision from the Home Office, but when they talk to you, they are giving you the impression that they actually can make the decision. They give empty promises that they can do it and at the end of the day you are frustrated by the fact that ‘you can’t give me the right to the remain – that’s clear.”

– PWLE

Communication synapse gaps

There is no one place where all the information is available on a client and as a result, it is difficult for frontline workers and lawyers to get an overview of where any application is up to. Migrant Help does not, for example, get notified of the outcome of any application and therefore only finds out if a client is chasing a decision if they happen to be informed (by the client or somebody supporting them) that support has not been received. Migrant Help also does not get given the outcome of decisions which are reversed, and so they do not know if this is because the Home Office changed their position or if the decision was appealed.

“If Migrant Help submits an application to the Home Office, they can follow up if they wish. But the Home Office don’t tell Migrant Help the outcome if Migrant Help tells them ‘this person doesn’t know the answer’, and if there is an answer made, Home Office can tell the person but they won’t stitch Migrant Help in the loop.”

– Frontline organisation

This lack of central tracking was raised by many interviewees who feel that it is up to them to spot where there are delays on the receipt of funds or information, not Migrant Help.

“It feels often our function is to communicate between different parts of the Home Office for them as Migrant Help is not joined up. Clients get moved into initial accommodation and are there for two weeks and are not followed up – and then we follow up and we find that the client is sitting there without a card. We contact the S4 team directly, and if the address doesn’t get updated by Mears, the Section 4 team at the Home Office doesn’t start their support. So the client calls Migrant Help, and may or may not get through – but I don’t think they know holistically what is happening. They do their little individual silo-ey bits. When we send things back it can go to five departments – it gets copied to one and then another department for days and days.”

– Frontline organisation

Various elements of Migrant Help also do not seem to communicate with each other. Frontline workers report that you can raise an issue in one place, and then nobody else knows you have done it. It is a widely varying, disjointed system.

Lack of information on appeals

Migrant Help staff do not give any information on appeals under the current AIRE contract. This is felt to be a serious gap, and a key reason why people seeking asylum do not register that they are able to appeal support decisions.

“I discussed with a Migrant Help service manager who told me they are not allowed to fill in appeals forms or advise on appeals.”

– Frontline organisation

In spite of other problems with the service, most felt it would be better to have appeals included than not.

“At least if it was in the contract there would be someone who was technically contactable for this purpose even if it was difficult to access and not as good as (other national organisation) advising you, but there would be a person to contact in this.”

– Frontline organisation

Concerns regarding Migrant Help’s model and structure

Under-resourcing given scale of need

Migrant Help does not have sufficient resources to deal with the scale of need, as some noted. This is perhaps all the more reason why wasting resources, as the current system does, is undesirable.

“I think they are massively underfunded – they are funded on the basis of people within the asylum system when the contract was set up. I don’t know if that’s been increased in line with the new numbers of people they are supporting – I don’t think so. It’s a real issue, there are not enough people to answer the phones. We see peaks and troughs – sometimes documents are sent in a timely way, sometimes there are massive delays.”

– National organisation

“Capacity wise there needs to be a big expansion – when you are dealing with them you are never sure if they will do what they are meant to.”

(Lawyer)

Helpline wrong model for target group

The backbone of Migrant Help’s support to people seeking asylum is by phone and online, and this was felt to be an intrinsic flaw given the client group and their needs and capacities. Support needs to be more accessible than a helpline – particularly a helpline which is frequently unavailable – can offer.

“Almost counter-intuitively, having a call centre based approach to advice seems to be almost less helpful to people in accommodation. The inaccessibility is a

big thing. The poor people trying to get the pittance they are offered – stuff around people not being able to get through, waiting in line, and finding this a re-traumatising experience in and of itself. All the stuff which should be the opposite of what a helpline is, is what the Migrant Help system is.”

– National organisation

“Don’t think the Home Office people realise what it is like for us or the asylum seekers. They just focus on what makes things easier. They have taken their phones, they have no digital access, they cannot read and write English – they don’t factor any of that into processes.”

– Frontline organisation

Helpline chronically inefficient

Problems with the inaccessibility of the helpdesk and online web platforms were the most commonly raised concerns. The common complaints are that phones take ages to answer (or rather, they get answered but then people are put on hold for a long time), calls frequently disconnect meaning the person has to go back to the beginning, and calls get put through to a person or department who can do nothing to resolve the issue and who tells the person to contact another department.

■ *“We’ve tried for an hour to get through just to have the call cut off.”*

– Frontline organisation

■ *“I can’t get through to them – can’t speak to them, they don’t reply to emails. It’s just impossible to speak to them as a service.”*

– Lawyer

■ *“The phone lines are appalling – you cannot get through. You get through to them, get put on hold, then you wait for hours.”*

– Frontline organisation

■ *“People are waiting hours and hours and hours. And sometimes they don’t have the time, or they wait and they get cut off as well. It’s a joke – a complete disaster right enough.”*

– Frontline organisation

■ *“We don’t call. It’s as simple as that. I can’t afford the time.”*

– Lawyer

Perhaps most telling was the direct experience of people seeking asylum.

“Migrant Help is a nightmare – you can try them, you are told they are a company that you trust and think you can give all your problems to. But they don’t do what you require. Sometimes they are rude – phone cuts off and don’t try to call you back even when they have your details. Have to wait another 2-3 hours to get through again.”

– PWLE

“I am seriously concerned about Migrant Help – they are admitting that they are failing and can’t cope with the load of people. People are already alone, no hope to hold on. Someone needs to step in to deal with this problem. You can be on the line for 3-4 hours, and don’t get through in the end.”

– PWLE

Phone inaccessibility impacts frontline organisations and their clients

Frontline organisations often for capacity reasons have to tell people seeking asylum to contact Migrant Help aware that this will result in major challenges for the person concerned.

“We often get people coming in and saying ‘we are trying to chase X or Y’ – say for an Aspen Card. So we say ‘have you tried to call Migrant Help?’ and they say ‘I’ve tried but I held and held and didn’t get through.’ I particularly see it with women with children, who do not have 90 minutes to two hours to wait on the phone to get through only to be cut off. That’s one of my bug bears – a single man will have the time to sit and just do something else with their phone on hold.”

– Frontline organisation

“The main thing we hear from clients is that it is really really hard to get in contact with them still. Most people use the telephone line and you just wait for hours and hours and still get cut off at the end of it. For a lot of people, using the webchat isn’t accessible to them – especially when you are on a phone device it’s difficult to use that webchat function. And you have to be able to write in English and things which obviously loads of people can’t do.”

– Frontline organisation

Frontline organisations are generally weighing the pros and cons of engaging with Migrant Help and coming to a view about their position. Some decide given resources they choose not to do anything which Migrant Help is technically paid to do, others are deciding to still try and help clients fill in forms as otherwise the work may return in another form.

“There’s a level of distrust on our part if we signpost clients to Migrant Help as to whether the work will be done robustly or efficiently and with consideration of their needs. We also fear clients may not articulate their needs. So now, to do a good application generally we think it is better for us to do it as if it goes to Migrant Help it still ends up with work for us or a need for follow up.”

– Frontline organisation

Most frontline and national organisations interviewed said that they tried never to call Migrant Help if they could help it as the process was so time-consuming and frustrating.

Lawyers and frontline organisations working with clients face to face try very hard not to phone Migrant Help in their drop in or face to face time, as this can consume resources quickly and mean that they cannot see other clients.

“We don’t call Migrant Help when clients are there. If we book in a client into our drop in – you can’t get through in an hour. It takes at least 2 or 3 hours, quite often you get cut off – that makes it impossible to advocate for clients. It’s fantastic that they say ‘what language?’ but recently we have had a lot of issues for Pashtu – where they said they would call back and they never did. And in the meantime that person is not getting an Aspen card. It’s really disastrous.”

– Frontline organisation

Confusing web of contact numbers, emails and portals

Nobody is clear how Migrant Help works internally and what number or email to use, when. The system was described as ‘labyrinthine’: “you get stuck in this system and don’t know who you are meant to be talking to. Then you are contacted by a completely different team, and you don’t know why.”

– Frontline organisation

New phone numbers and emails get added without people being aware of them. Sometimes these are important to know about.

“They have so many phone numbers and email addresses and you don’t know who to contact about what – they need to completely review their service. Just to give you an example – there was a meeting recently where a representative from Migrant Help was present and we were discussing the fact that even support workers from the family rights service project couldn’t get through to Migrant Help. Their response was ‘there is a phone number which clients can access from hotels and there is no waiting time to access that number.’ Nobody in the meeting had any idea at all that this number existed – and these were people advising clients day in and day out. A separate phone line for people accommodated in hotels. So that’s the level of accessibility.”

– Lawyer

Need for constant sector ‘work arounds’ shows inefficiency of structure

The inefficiency and confusing nature of the internal structure has produced a sector which is constantly finding work arounds in order to try and minimise the time spent engaging pointlessly. ASAN was cited as being useful for the purpose of finding out what is working or not working in any given week:

“We operate a hive mind to help us work out how to get round the blocks in the Migrant Help and Home Office system. We communicate as a team and ask ‘what’s working this week? who are you getting through to this week?’ That’s also what ASAN helps with.”

– National organisation

Several people noted that individuals within Migrant Help could be very helpful and try and resolve problems and glitches as they are reported. However, this is neither desirable nor sustainable for a national service in the long run.

“When emails go out on the ASAN and somebody raises an issue which has happened with Migrant Help [name of Migrant Help staff] will always email the person directly and say ‘pass on their reference numbers and I’ll look into it.’ At the time that is great, but her super hero levels of trying to mop up

issues is because everybody is always ragging on Migrant Help. Her efforts are amazing but really not sustainable and it's not good for the whole system. It's not OK for that to be the solution. Also, of course, not all advisors are on ASAN."

– Frontline organisation

Other people reported having friends working inside Migrant Help who could help them unravel what is going on, but again this is a personal contact to resolve a systemic issue. Many also reported trying to find ways of getting around Migrant Help altogether, and of that having been successful through what is known as the G7 Home Office Asylum Support Escalations team, which has its own email address and which several reported having been a 'godsend' in terms of being able to contact the Home Office direct. However, this email address is only available to organisations, rather than to individuals within the asylum system.

Reliance on referrals outside Migrant Help shows system failings

The fact that many organisations get so many referrals from Migrant Help, and spend so much time untangling and supporting people who should have gained their asylum support but who have not, shows that the system is not working well, some noted.

"If I look at information from our national support line, the main agency referring is Migrant Help to get advice around asylum support. The fact that we get such a high level of referrals from them raises questions why they signposting to us for an area they should deal with directly. We don't get paid for that but it inputs into their contract improvement and viability. Most of the enquiries are things they are responsible for."

– National organisation

Some noted that as Migrant Help has got more stretched, frontline organisations have had to take up more and more of the slack.

"Due to the high numbers and the way processes are set up, the support that charities provide has had to change too. There's a shift away from Migrant Help contacting clients proactively in hotels and centres and the charity sector has had to move to fill that gap."

– Lawyer

Ultimately, this work subsidises the AIRE contract.

"I do everything myself and email it over. What that means is that we are subsidising that service for the Home Office. And it's not fair that all of us in the sector – Refugee Action, us, many others – have to do all of that. We are essentially doing Migrant Help's job for them as we can't face the experience of trying to go through them."

– Frontline organisation

Lack of outreach

The strategy of moving more and more online was questioned. Where outreach teams exist offering face to face work with clients, Migrant Help is felt to perform far better and offer a genuinely useful service to people seeking asylum.

"I don't know if they put more senior advisers in charge of outreach but the response, I have been getting from the outreach advisers has been great and quite speedy – I'm normally reaching out to them about safeguarding, mainly"

– Lawyer

However such teams are increasingly scarce, particularly as temporary accommodation locations spread out across the UK, often far from where teams are located.

"They've not given a lot of support to Aberdeen. Mears is providing most of the face to face support. I've tried to get Migrant Help to send outreach team to support individuals who need the extra support but I've not managed that – been told they have outreach workers across the country but we have never seen any of them."

– Frontline organisation

"Migrant Help has their outreach teams – but people don't know that. There is an office in one of the IAs but they only deal with people in that IA, it's not open access."

– Frontline organisation

Concerns regarding performance

Inaccurate and misleading information being given out

There were multiple examples given of Migrant Help giving out inaccurate information and frontline organisations having to correct where possible. Here are some examples.

- *“The advisors are badly trained give wrong and bad advice. They told my colleague you had to wait 6 months before you chase a S95.”*
– Frontline organisation
- *“Migrant Help sends clients lists of lawyers who don’t even do immigration.”*
– Frontline organisation
- *“They give the wrong information even on the areas where it’s their job. They told one family they would not get a maternity grant – I challenged it, they referred it to the manager who couldn’t answer. They don’t know what the policies are on the Home Office website. I got them the payment, but only after all of this.”*
– Frontline organisation
- *“I see a lot of inaccurate information being given which can harm people’s claims. Migrant Help advised one of our members who was granted refugee status to apply for S98 support instead of approaching his Local Authority.”*
– Frontline organisation
- *“In one training session, Migrant Help advised that for any requests to move accommodation medical / specific locations letters from GPs are not considered as sufficient evidence from the Home Office and it was implied that it wouldn’t be worth trying to make a request with a GP letter only.”*
– Frontline organisation
- *“Sometimes I find that the advice given by Migrant Help is not always accurate (not fully understanding the full circumstances of the service user therefore the information is not correct), or at the very least is inconsistent (varying levels of knowledge depending on who you get on the phone).”*
– Survey respondent
- *“At one point clients were getting letters which didn’t include information about their appeal rights from the Home Office. It felt like it was on purpose – they were sending letters out which didn’t have the paragraph about the appeal rights. So we’d say ‘first phone Migrant Help and ask them’ and they were told, by Migrant Help, ‘you have no appeal rights’. So they were given bad advice by Migrant Help as well.”*
– Lawyer
- *They are supposed to know the basics but they don’t. For instance, one client was refused asylum and appealed. Because she had an appeal she was still entitled to S95. I spoke to Migrant Help and they said she was no longer entitled to S95 because they were refused. But she was appealing. They kept saying ‘go for S4’. I had to put the phone down as the conversation wasn’t going anywhere. I had the same issue with another client – told to apply for S4 when they were entitled to S95. We wasted a lot of time getting their S95 reinstated.”*
– Frontline organisation
- *“With the recent change to 7 day notice, Migrant Help didn’t know about it. I had one trafficking client granted leave to remain and she was very happy about it but then got a Notice To Quit of 7 days. And then Migrant Help contacted her to do the positive move on chat, and she told them about the 7 days letter, and they said ‘don’t worry about it. They didn’t know the policy had been changed. I was so angry. I wrote to Migrant Help and said ‘you’d better get this new policy understood by all in move on.’. As it happens, I was there but what would have happened if I hadn’t been there to contradict Migrant Help? She would have been evicted and a sudden emergency for the Council.”*
– Lawyer

Concerns were also raised about the fact that Migrant Help appears to be telling people who have had a positive decision that ‘the Council will house them’. This creates all manner of problems in terms of client expectations, as one frontline organisation described.

“All of these people who are getting their move on are being told to go to the Council. The AIRE people say ‘the council will house you and you will get benefits. All of them should potentially be able to apply but they don’t check if the names on their BRPs are right, they don’t explain that the council may be able to signpost you but won’t be able to accommodate you if you are not in priority need. They don’t explain how you make a case for staying in any particular area. So then people say to us ‘it’s fine, the council will house me’ and we are saying ‘no they won’t – there’s no way they will support you.’ We had a meeting with the contract holders for the AIRE and gave them that feedback – I know (another organisation) did as well – and nothing changed.”

– Frontline organisation

Failure to deal with safeguarding concerns

Serious safeguarding concerns were raised by many as it is not clear how these get raised and dealt with within Migrant Help. Issues around delays, inaccurate information and loss of documents become critical when it is a question of destitution, a potential suicide or critical ill health. There is a further problem that the Home Office do not feed back to NGOs who raise safeguarding issues, so they may be left with the impression that nothing has happened.

■ *“Plenty of times I have called with families with no food, that’s gone on for months – there doesn’t seem to be a safeguarding team when I call them. If I was to call Social services which I have in the past, I’m told it’s the Home Office’s responsibility, which it is. However Migrant Help has the contract and should really have some safeguarding measures in place.”*

– Frontline organisation

■ *“We have been told to go through AIRE for any welfare needs. But we’ve had suicidal clients call us at 4.30, we’ve tried to raise this with Mears and they have come back to us and they say ‘you need to raise it with AIRE’, so we do and the issue is still sitting there the day after. There’s a welfare team within AIRE which are meant to deal with out of hours emergencies and it is not happening at all.”*

– Frontline organisation

Delays and failure to keep track

People are being made destitute because of delays processing their information and keeping on top of emergency situations. Some of these delays involve months and months of destitution whilst frontline organisations try and untangle what has happened to the case.

“One guy put in a S4 application he thought. The Home Office said they hadn’t received it, then Migrant Help told us it needed more evidence, so we provided the evidence. Then there was more delay and I went to the local MP as nothing was happening, at which point the Home Office said again ‘we haven’t received it’ – this went back and forth, Home Office denying they had an application and Migrant Help saying they needed further evidence to submit it. I ended up doing the application myself. He was rough sleeping and sofa surfing for months on end.”

– Frontline organisation

“I had one family form which wasn’t submitted within the year. I was raging, there was no excuse.”

– Frontline organisation

Lack of copies of applications made (or online access to these)

The lack of paper copies of submissions is a real problem for clients, caseworkers and lawyers trying to work out what needs to be done to best support the client. The provision of these would help identify what Migrant Help has or has not done and save a lot of work for others in the system.

“I think it’s a real problem that clients are not given the application and paperwork – in particular in relation to working out suitability for Bibby and Wethersfield and so on – I think the guidance says that they consider what is in the screening interviews and there are also a few questions on the asylum support application about their vulnerabilities, and the Home Office relies on that when they are determining who is vulnerable and who isn’t. And of course the applications completed by Migrant Help, they are not being sent to our clients so they don’t know what has been said, sometimes boxes are not filled out, or they might not be right. We do ask for those forms if we are seeking disclosure if relevant. Some of the info

on the ASF1 can be used to assess somebody's suitability and we are concerned that they are not getting what they need through that process"

– Lawyer

"Clients having a copy of the application would be really useful. We get clients coming to us and saying 'I think I have applied for asylum support but haven't heard anything'. A lot of the time I end up doing the application again as it's really hard to know what has been submitted through Migrant Help for that client. Very difficult to work out quickly or in fact at all so we start from scratch with people."

– Frontline organisation

Issues around identifying trafficking

One lawyer raised concerns about the inter-relationship between the ASF1 form and people's asylum applications given that the former includes a question on trafficking which, unless properly asked and pitched, could compromise their asylum application.

"I'm looking at the ASF1 form and there seems to be on Section 14 a reference to being victim of trafficking. So there's an inter-relationship with the asylum claim form. We looked at this in the Napier litigation and what we were finding was that when people were being asked 'are you a victim of trafficking?' they'd say things like 'have you been exploited for sexual reasons' and the male clients were inevitably saying 'no'. The point is that Migrant Help is probably not asking those questions properly but they are important as they are relevant for decisions about going to Bibby or Wethersfield."

– Lawyer

In addition to there being a concern about this inter-relationship, there is a concern that no NRM referrals are being made when perhaps they need to be.

"I don't know if this is a Migrant Help or Home Office problem, but we often have clients who seem to us to be potential victims of trafficking and there have been no NRM referral made. I don't know if I have ever met a Sudanese person who has gone through Libya who hasn't been captured in Libya. If you know somebody has gone through there you should be asking those questions. In terms of asylum support I am never quite sure about what real connection there is in terms of when they allocate accommodation – whether they look at this stuff."

– Lawyer

Attitude of Migrant Help staff

There were reports of good staff in some areas and in some units, but many people reported speaking to staff who mis-advise, do not understand the system and in some cases have dismissive and unsympathetic attitudes to clients. The experience of people seeking asylum would bear this out.

"I called to say I had tried to set up my ASPEN card and had followed the instructions but it didn't work. They didn't believe me. I said I speak good English and can understand the instructions. They still didn't believe me. I asked someone passing in the street to speak to Migrant Help, they followed all the instructions and it still didn't work. They believed this stranger but not me. That says something."

– PWLE

"With Migrant Help, I've called them and been told one thing (that they can't help) but when another organisation has called them they've been told another thing. For example, I was spending all my asylum support on travelling to hospital appointments. I called and Migrant Help said there was nothing they could do. Another organisation called them and were told I could claim a hospital travel allowance at my next appointment. Migrant Help are not there for the migrant, but for the Home Office. They are more on the Home Office's side."

– PWLE

Translation and language

In spite of information being in multiple languages, and there being translation facilities for some telephone calls, there are frequent problems associated with people trying to understand a complicated system with little support. Messages are left on clients' phones in English which they do not understand. The webchat portal is in English only. Workers trying to support the client are told that they cannot advocate for them or translate in spite of the fact that clients do not understand what they are being asked on the phone by Migrant Help workers:

"I've tried to support some of the guys – especially the new arrivals – I've had a guy come to ask me to help them have a conversation with Migrant Help. The person on the line will say 'you have got to give the phone back so that he can tell me who he is and where he is' and I've said 'he doesn't know his address' and they've told me that 'I cannot

take this information from you.’ Are they joking me, they can hear the guy in the background PLUS they should know the information themselves. The welfare manager in the accommodation says he is continually being told to ‘give the phone back to service users’ who don’t know where they are, they know the name of the hotel if they are lucky..... but Migrant Help does. Why are they not accepting them, or me, to confirm what they already know? It’s really really frustrating.”

– Frontline organisation

Not all languages are catered for.

“One of the guys who is Kurdish Kurmanji came with a booklet from Migrant Help translated into Sorani. He couldn’t understand it. He was told that Migrant Help doesn’t have it in their language.”

– Frontline organisation

Performance concerns regarding specific types of support

SECTION 95

Delays and confusion about the submission of a S95 application are common.

“Most common issues we see with the hotels is that no S95 application has been completed by Migrant Help, or the client believes it has been completed but there is no record when we check with Migrant Help.”

– Frontline organisation

S98

S98 applications seem to be submitted very late in the day as a matter of course, leading some organisations to decide that they are going to do these themselves.

“We also had an issue with S98 applications, where we now do them ourselves, we don’t go through Migrant Help. We learnt that Migrant only schedule the submission of the S98 application on the day the person is going to be made homeless, which means if it is refused the client is stuck. So we do it ourselves now so we can send to the Home Office in advance and try and get a decision in advance. Usually we don’t, but it’s much faster if we go directly to the Home Office anyway. As yet they haven’t insisted we go via Migrant Help.”

– Frontline organisation

SUBS ONLY – FAILURE TO SUBMIT APPLICATION

There are no KPIs around subs only support and routinely applications seem not to be submitted and not to be chased.

“Subs-only – there are extremely long delays in accessing S95 subs-only support, which is impacting on clients’ safety and wellbeing. This is a new problem compared to two years ago.”

– Survey respondent

“What we see pretty regularly is that somebody believes they have made a S95 subs only application 6 or 7 months ago. They chase and chase. Then we chase and speak to one Migrant Help person who says ‘yes it’s been submitted’, next one will say ‘there’s nothing there’, another say ‘we are waiting for this’. We often find it hasn’t been submitted.”

– Frontline organisation

EMERGENCY CASH PAYMENTS (ECPs)

Several people reported that Migrant Help does not seem to be requesting ECPs when they are needed.

“I get they are not there to advocate but they should make sure that somebody accesses their entitlement if for instance they are reporting a lost Aspen card. They need to say ‘I can see your money is sitting there, you have reported that loss, in the meantime here is an ECP’. But we have to chase and track.”

– Frontline organisation

“Something really important they don’t do is tell people about ECPs and they send them to food banks. Every single person who has told me about an Aspen issue did not get told about ECPs. I don’t think they are requesting them when they should – nobody here gets an ECP without us requesting one.”

– Frontline organisation

4. Impact of current system failings

Multiple examples were raised during fieldwork highlighting the impact on people seeking asylum are of the current system failings. In addition, clear themes emerged about how organisations are being affected by the stresses and strains in the current system of service provision. These are set down briefly here.

4.1 Impact on people seeking asylum

Rising desperation

This was evidenced by many organisations noting an increase in the numbers of people self-referring to inboxes and trying to find any help at all.

“We’re not OISC registered but that doesn’t deter people from asking. So we get a lot of queries – in the last month or two months there has been a major, major uptake – hundreds a week. It used to be hundreds a month and I’d check it bi-weekly but now I check it daily. Not all about asylum support.... It’s people stuck in hotels, but also increasingly people with disabilities and chronic conditions who don’t know how to get the help they need and don’t know how to leave the hotels.”

– National organisation

Rising destitution and homelessness

Even those on asylum support are receiving very little and struggling to cope. Groups up and down the country are attempting to help by supplementing the small payments with small one-off contributions of clothes, SIM cards and food.

“All the lawyers I have spoken to are saying it is really important to have medical evidence to support them being moved on. At present lots and lots of people are calling Migrant Help all the time and there is no end in sight for most people stuck in the

system. We provide medical evidence where we can – but can only do a few of such cases – so more and more people are living in abject destitution, getting £9.58 or whatever it now is, with terrible food, whereas most of the time before they were moved to dispersal accommodation far quicker.”

– National organisation

In addition, homelessness and destitution are rising as people drop out of the system because they are refused and abscond, or do not know how to continue the support, or prefer to forego the support on offer in favour of street living as it feels a better option than being sent to an unknown location in somewhere far flung and isolated. There is a fear amongst many providers that as negative decisions rise, as they are expected to do, this situation will get worse.³³

In addition, people receiving positive decisions are now facing the shorter notice periods and high numbers of grants in the same time period and the same area, which means that thousands are potentially facing homelessness.³⁴ This is for a range of reasons: the non-issuing of BRP cards, poor communications (people receiving Notices to Quit before receiving their BRP cards), and appeals against removals going unheeded by accommodation providers.

³³ <https://www.theguardian.com/world/2023/oct/05/more-than-50000-refugees-could-be-made-homeless-in-asylum-backlog-clearance>

³⁴ <https://www.refugeecouncil.org.uk/latest/news/thousands-of-new-refugees-face-destitution-and-homelessness-after-being-told-to-leave-their-accommodation-at-short-notice/>

“We are struggling with large numbers of people suddenly being granted status but have not been informed of this in a coherent way e.g. they will be given a Notice to Quit their accommodation before a grant letter or they don’t receive their BRP card. When we submit Notice of Appeals to the Asylum Support Tribunal in relation to this, often Serco housing officers are refusing to acknowledge these and are still evicting people. Whilst occasional people in the past may not have received a BRP card, this seems to now almost be standard procedure. With the shortened NTQ time period, local authorities are unable to cope and as a result we are seeing a lot of newly granted people who are becoming street homeless or living in precarious situations.”

– Survey respondent

Rising exploitation

Given the levels of destitution and the vulnerability of many stuck in the system the risk of exploitation is acute. Ages are also often disputed meaning people claiming to be under 18 are housed with adults. Abuse happens too frequently within accommodation. This has been evidenced in a report by UNHCR and the Red Cross³⁵ as well as by several national agencies highlighting the risks to young people in particular.³⁶

Rising isolation

People are often coping with situations alone. Families are split up, and the policy of moving people around the growing estate of asylum accommodation in hotels, often at a moment’s notice, means that people are cut off from the connections they managed to build.

“If people have lived in London five years they should give you accommodation in the same place. Don’t break the connections – it makes us more isolated, we have to face it all with no connections. In a new place – where is everything? It should not be deliberately hard., I think they make it hard like that so you leave the country.”

– PWLE

Deterioration in mental health

There has been a rise in people experiencing serious mental health issues given the system they are stuck in.

“We see significant impacts in terms of mental health and suicidal ideation ... over a year we had 450 – 500 case files with concerns of suicidal ideation in asylum accommodation.”

– National organisation

“This whole procedure is affecting a lot my mental health and my children – we are up and down. Today I am fine, but it’s hard work to just be fine and give my children a good life. And even though I’m under stress, sometimes I have to be up for my children as it is not their fault that we go through this process, it was also not my fault – it was the circumstances that I had to go through to apply for asylum.”

– PWLE

“We have a client who was talked down from the bridge over the motorway earlier this week after his support was discontinued. No reason was given for this. He has no lawyer so any letters should have come to him. Following massive escalation of his case he has been allowed to remain but I have now submitted a SAR (subject access request) as we have no way to place an appeal without information. Whether the SAR will come in time to help is another matter.”

– Frontline organisation

Retraumatization

The experience of the system can trigger previous negative experiences. Long queues, corridors reminiscent of prisons, an inability to understand what is going on are cited by specialists in mental health as being just some of the factors which are retraumatizing those in the system, or causing particular problems for those with poor mental health. This is also noted by people working directly with them.

³⁵ At Risk: Exploitation and the UK Asylum System, UNHCR and British Red Cross, August 2022
<https://www.redcross.org.uk/about-us/what-we-do/we-speak-up-for-change/at-risk-exploitation-and-the-uk-asylum-system>

³⁶ <https://www.theguardian.com/uk-news/2022/sep/30/home-office-age-disputes-child-asylum-seekers-abuse-risk>

“Things we see triggering people is the fact that they are in institutional accommodation, queueing for dining, uniformed officers, other health conditions corridors. It reminds them of torture.”

– National organisation

“The issues I’m aware of are largely the same pre-pandemic; language and literacy ability impacting someone’s ability to access advice on applying for asylum support (or even contacting Migrant Help in the first place), long waiting times to speak to someone at Migrant Help, mental health and other vulnerabilities making it harder to engage with Migrant Help, social isolation amongst this client group. When things are more complicated, i.e., extra evidence such as bank statements needing to be sourced, people then experience these issues again in trying to get the extra evidence, and often give up at this stage. The above issues are then compounded in the context of appealing asylum support decisions, as the issues are more complicated, the urgency greater, and the stress and the stakes usually higher.”

– National organisation

Deterioration in physical health

There is a clear deterioration in the physical health of many staying in the system. This might be due to the standard of the accommodation and nutrition provided, or it may be that the system of move on is having the effect of taking people away from medical attention they need.

“Because of the lack of nutritious food people are developing scabies and all sorts because of the conditions and they are not allowed to save up their money for a microwave. They are being given raw eggs or a handful of pasta each day They are not allowed to take pictures. I will send you the reports which highlight this as they say it in a more adequate way than I can. But the conditions inside once they have support are just shocking”

– National organisation

“When I was on support I tried a lot to get better accommodation. My solicitor was always chasing the Home Office to move us. My son had a terrible pain in his feet and I had records from his surgeon that he needed urgently surgery for his toes as he had terrible pain. The surgeons recommended surgery but said that they couldn’t do the surgery

unless he was in a house. He had to be in a safe environment, not in a hotel accommodation, as he had to be in a cast for two months afterwards. So he needed some kind of things to help him move – crutches, walking frames – whilst putting on the casts. So my lawyer sent a letter to the Home Office that he needed to be moved. And nothing happened. For a year and a half he was on painkillers. Until we moved to a home, he couldn’t have the surgery.”

– PWLE

Taking decisions based on the best information they have

The lack of information is impacting on the way in which people seeking asylum are making decisions. Faced with a confusing system, people seeking asylum will try and influence their own lives and prospects based on what they can find out. One example cited by several interviewees is that many are drawn to Scotland on the basis that the legal aid system, as well as other factors, are easier for them there. Some organisations reported that clients prefer to remain homeless in Scotland than be transferred back down to hotels in England.

“From Calais onwards people are hearing that Glasgow is better. From the start always been rumoured that asylum applications get processed faster in Glasgow – but also things make it easier like people under 22 get a free bus pass which is massive for younger single men – that’s a massive draw as a big expense otherwise. Also previously housing has been so accessible here so they get advice from friends and family and they remember what it was like when they came so they pass that on but things have hugely changed. Taking away access to lawyers anyway – access to legal aid in terms of the merits test for JR are less exacting than they are in England. So there’s that too. So you definitely get people who are ARE coming up as they can get access to a lawyer here.”

– Frontline organisation

4.2 Impact on the Not for Profit sector

The impact of the systemic issues outlined in Section 3 is being felt across the UK which is producing huge challenges for all organisations working to support people seeking asylum.

“There is now a hyper-commercialisation and hyper-institutionalisation of asylum accommodation. We are now seeing the effects of that in Scotland that we hadn’t before. I think London and the North West and so on have seen this before us – but we are beginning to see the advice deserts that people are encountering, in terms of access to independent support for essential living needs and accessing the pittance they are entitled to.”

– National organisation

Failure demand

In her study of the legal aid market in 2019,³⁷ Dr Jo Wilding coined the phrase ‘failure demand’ to mean the demand for work to deal with the failures of the system they are engaging with. Frontline providers around the UK are clearly dealing with this phenomenon on a daily basis – because the system of asylum support does not operate well, time is spent trying to sort out what has gone wrong.

The need for support created by ‘failure demand’ is large and includes having to deal with the inefficiencies of communicating with Migrant Help, for example, reported by many frontline workers as being extremely time consuming. The demand is at two levels: firstly helping people deal with the challenges of getting through on the phone or online (which can take hours – one lawyer reported spending nearly a day trying to help their client connect with Migrant Help) and secondly, picking up on issues which Migrant Help says it cannot help with.

“Most of the people who approach us are helped – and if it was appeals, we would prioritise it. So we’d never not take on an appeal. There might be people we would assess as having a complex need, who we would signpost back to another org. But the cases we take on actually end up making more than 80% of people who approach us anyway with an asylum support issue. We introduced the triage system thinking we’d ease up our caseload but turns out most are complex or urgent or have been failed by Migrant Help.”

– National organisation

People seeking asylum were clear that they had to turn to other organisations to resolve many of their issues:

“Migrant Help is the main organisation that is supposed to be helping people but asylum seekers go to other organisations instead. They get funding from the Home Office and have a monopoly. They need feedback – they need to know that they are not meeting people’s needs and that people go to other organisations. They need the feedback that people feel like they are not getting help in time. Please feed this back to Migrant Help and to the Home Office.”

– PWLE

“I think as my experience, when I requested anything from Home Office through Migrant help things didn’t work, but when there is an intervention from any other charity or organisation they responded, this what happened to me when they relocated me to self-contained accommodation, the advocacy from the Red Cross helped a lot.”

– PWLE

³⁷ Droughts and deserts: a report on the immigration legal aid market, Dr Jo Wilding, 2019

In addition, the support system itself is not adequate ('failing' in Wilding's analysis) and therefore is needing to be shored up round the UK by groups and organisations providing basic support such as clothes, food and sometimes funding, supporting with mental health issues and transport costs, and doing basic advice and signposting. Add to this the additional pressures placed on organisations because of the constantly-changing dispersal patterns and the queries and anxieties these bring up, and the delays in the asylum decision-making, and organisations are spending much of their time mopping up problems created by the system not working well.

Raft of new issues to deal with caused by sub-standard accommodation

A specific and recently emerging example of failure demand is that the contingency hotel accommodation is often requiring intervention from frontline organisations. Frontline organisations are having to have regular meetings to update accommodation providers and the Home Office, are having to negotiate access (sometimes with reluctant and unhelpful accommodation staff), are picking up on issues of sub-standard accommodation and food, are trying to plug gaps around practical necessities such as food and clothing, and are in addition having to deal with sometimes acute problems created by the accommodation itself to do with violence or safeguarding issues. In such cases they may try and get the person to move on by getting doctors letters, for example – but this is again challenging given current constraints in the NHS as well as more work.

“A lot of the issues [we are dealing with] are problem solving issues of those living in hotels: people get no cash or £9 a week, there are challenges of accessing pregnancy support, subsistence only support. There are loads of issues regarding the Aspen card: we had to set up calls at weekend because of volume of calls from people not receiving payments”

– National organisation

“The other thing is that they are definitely starting to bring on board more and more dispersal accommodation out of Glasgow in towns in the middle of nowhere. So we are starting to get approached about that a lot – help with relocation requests.

– Frontline organisation

The quality of staff in the temporary accommodation estate is highly variable from reports around the country. Where there are sympathetic, skilled and informed staff, frontline organisations reported that this helped greatly in both identifying who needs support and getting relevant advice – as well as practical support – to them. However in some parts of the country those working in hotels are clearly neither sympathetic nor informed, and gaining access therefore to hotels can be an uphill struggle. Building relationships sufficient to allow access takes time and effort.

“We’ve found with (accommodation contractor) the quality of staff is very, very low and the turnover is very, very high. They pay minimum wage and their adverts actually say ‘no skills required’. We have regular meetings with a regional manager – and actually they have just changed our manager. Initially we had weekly meetings, then fortnightly, now they are monthly.”

– Frontline organisation

Dispersal into new areas creating new strategic challenges

A challenge for organisations still operating a face to face model – which many highlighted as being important for this client group – is that as asylum accommodation expands into areas where there are no services, it is difficult to ‘follow the accommodation’ with face to face advice.

“Organisations who provide face to face advice are unable to access additional funding to expand their support geographically.”

– Survey respondent

Generally, established organisations in traditional dispersal areas are aware that outside their known catchment area there are now more and more people needing services they do not know about. In Scotland, for instance, there has been traditionally a concentration of expert and specialist services in Glasgow, but now hotels are being placed across the country, those organisations are wondering how best to respond. Some groups are being created in the new locations (such as Aberdeen) but there is still a query for those who have been doing work for years on asylum support as to how best to work together.

“The increase in hotels is massive outside dispersal areas. There’s been a 3,000% increase in numbers housed that way from 1,500 in 24 hotels at the end of 2019 to now 51k in 300- 500 hotels. Lots are in inappropriate places – motorway service stations, for instance, with one bus an hour. There is a knock-on impact in the voluntary sector support available, with a mish mash of often really small local groups trying to do their best with limited technical knowledge and it’s changing all the time. Combine that with the backlog, it’s just absolutely overwhelming the sector”

– National organisation

As well as wondering how best to work with and support new groups dealing with often substantial populations of people seeking asylum, there is also the need to work alongside local authorities who may have little or no experience working with people seeking asylum. Trying to ensure that measures put in place are supportive and adequate is taking time.

“Dispersal policy and change has led to a dramatic expansion to all areas and use of hotels and other temporary accommodation and problems with access to services. Local authorities knew nothing about these clients and we were seeing a lot of these sites managed by hospitality staff, there is lots written about that, access to advice is very difficult, it’s really been challenging”

– National organisation

Destitution support model having to be reshaped

For those organisations supporting people who are destitute and also seeking asylum, they are also having to rethink their model of working in the light of lengthier decision-making.

“One example of the impact of lengthier decision-making on some of our members is that a number of hosting projects which were traditionally used as a temporary emergency accommodation whilst getting supported into accessing mainstream services are now having to be rethought. Members were talking this year about having to rethink their model, as whereas before hosting was 2 – 3 months, it is now taking 9 – 12 months to find a house. And these are people who are being supported with their casework. So they are totally trying to rethink their model – so one person might be hosted by one family for a 6 month period, then move them on.”

– National organisation

Shortage of lawyers driving groups to become OISC accredited

It is impossible to find legal advice on asylum and immigration in many areas and referrals are therefore also impossible. As a result, organisations are taking it upon themselves to try and skill up internally so that they can at least deal with the most urgent cases. This involves intensive training and skilling up. There are risks in becoming a new OISC-registered organisation, including that managing demand will become a key issue for the future: Refugee Action’s FIAP project³⁸ can help with this.

“But also access to legal advice, particularly legal advice and casework is the other key area which has become increasingly difficult. So we have seen an increase in (our) members employing people who are OISC accredited. It’s still not the majority but that’s increasing year on year. Members are just finding that it is so important to have that access to legal advice and advocacy – for the individuals, but also because people get stuck. As organisations they are finding it increasingly difficult to be able

38 <https://www.ragp.org.uk/fiap/overview>

to refer people to that advice and they are saying 'we need to take this in house'. There are great partnerships with (other organisations). But we have definitely seen an increase in members taking that in house"

– National organisation

"The initial idea for us was that we wouldn't take on asylum claims themselves as in principle there was legal aid available but what has been happening is that we have increasingly found we need to step in as they cannot find anyone. So we are doing the asylum claims in spite of not wanting to and not having the legal aid contract....It's terrible – we are not trained lawyers, we don't want to be doing this. We want to provide a lot of support – we do destitution, asylum support, community care and now suddenly we are ending up trying to take witness statements."

– National organisation

Increasing prioritisation of cases

Organisations offering advice and support are increasingly having to prioritise the really urgent cases giving the rising scale of demand. This has meant for many having to drop what they were doing before in order to focus on new areas.

"Many support teams who could previously do things like registering people with their GPs, or putting in S4 applications, are now so stretched as there are so many people needing them that they are having to focus on only the most serious cases, with the most safeguarding risks. For our London team, if you have accommodation – even if in an awful hotel – that precludes you from getting an appointment with a caseworker. Things that people could have got support for a couple of years ago are now not possible."

– National organisation

Some reported that the effect of this is that organisations that previously used to help clients navigate Migrant Help's services are now increasingly just signposting on the basis that they do not have any time to engage.

Rapid rate of change means constant evolution of needs and demand

Organisations are often struggling to keep up with the pace of change, both in the policy context and at the very practical level of understanding how many people will be dispersed, with needs, to their area.

"The Home Office had lifted restrictions on how quickly hotels could be filled so we had 50 arrive on Monday and then another group on the Tuesday – so a huge number in a short space of time.There are just under 50 dispersal spaces at present – I was informed it was going to be 190 by the end of this year but sounds like (the contractor) are struggling to get the bed spaces. Initially they got them through a local housing association and now they are working with private landlords and it's taking a long time. ...I'm led to believe that the numbers are supposed to double again to 600+, but whether or not that happens we don't know. That's another issue – you never know when it is going to happen so it's very difficult to plan. Not sure we could"

– Frontline organisation

Morale and burnout

People working to support people in the asylum system are often tired, both physically and emotionally. Some discussed their fear of burnout being a real and increasing risk, and that some are wanting to leave the sector because of the pressures and unending nature of the work.

Feelings of exhaustion caused by constant demand and the worsening situation of people seeking asylum are compounded by knowing that there is more to come. It is still uncertain how the provisions of the IMA are to be introduced, but many in the sector are dreading what may come next. In addition, the fact that there may be a slew of negative decisions 'in the pipeline' following the initial raft of positive decisions was highlighted by several as being something they see on the horizon which they will need to deal with.

“Anecdotally our experience is that they are doing the easy ones first – we have had in the last four weeks six grants of status come through which is great. That’s a lot – they are normally a lot further between. So they do seem to be doing the easier ones. We are very much braced however for ‘it’s going to come’.”

– Frontline organisation

“There’s an awareness that the landscape at the moment is temporary. All these positive decisions won’t last forever and what is down the road with negative decisions that maybe require appeals? Everyone scrabbles around thinking what is next? We need to think about all the pre IM Act people and all of them getting normal refusals and what happens to them?”

– Frontline organisation

There is also the real sense some people have of only staving off the worst for a small handful of people, and of them falling far short of what they would like to be achieving for the population of people seeking asylum in the UK.

“With our crisis response teams that usually deal with fires, floods, gas leaks - they are now more involved in the migration space. Those teams are shocked by e.g. the food in hotels. They cannot believe it. They say to our casework teams ‘you have to do something’ but our casework teams just do not have the capacity. That all just indicates the lowering of standards over many years. It you are engaging in this space for the first time, how does it feel?”

– National organisation

5. Overview of support and gaps

The research was asked to map the UK in terms of provision around asylum support and identify gaps in provision and potential advice deserts. This section provides a commentary on the main issues and gaps uncovered during the research (5.1), and an overview table (5.2) of the mapping.

5.1 Identifying gaps: issues to take into account

The picture of need for and provision of advice and guidance on asylum support is a rapidly-moving one, with multiple dimensions to factor in before identifying a particular region or country as an advice desert. We started this research attempting to identify which areas might need the most support, but would note it is in most cases difficult to be cut and dried about any categorisation. The following factors emerge as relevant to consider.

Factor 1: Legal aid and lawyer availability

The work by Dr Jo Wilding has been invaluable in identifying areas where there is a gap between the estimated need for asylum and immigration legal advice, and ‘matter starts’ available through legal aid. This has given a detailed overview of legal provision, first produced in 2019 and then updated in 2021. Given the role of lawyers not only in progressing asylum support issues in some cases, but also in spotting and referring on asylum support issues to be dealt with by NGOs, this is a significant factor to take into account when assessing advice deserts. However:

- Even since the last mapping by Dr Wilding the picture has changed. In Wales, for example, the situation has worsened considerably with only five firms by now providing immigration and asylum advice and casework under a legal aid contract in the whole country.
- Representation during asylum support appeals has never been in scope in England, Wales or Northern Ireland but has been put in scope in Scotland.
- Where there are few or no firms with legal aid contracts, there may be specialist organisations operating at OISC 2 or 3 level which are proactively doing work on asylum support.

Factor 2: Input by national organisations

A range of specialist organisations operate nationally or at least in multiple regions which may be active in helping people access support in any given region. ASAP is of course one of these and so are specialist casework organisations such as Rainbow Migration. But there are others which seem to be giving advice and casework and actively doing outreach into hotels and temporary accommodation as well as some of the holding facilities and barracks. Their presence and capacity to support in different regions varies. Some of these are members of the DPG PAP project, and as such might reasonably be expected to be doing work challenging statutory decisions, including on asylum support. Those flagged by respondents were:

- The Care Rights Project
- Care4Calais
- Humans for Rights
- British Red Cross Anti-Trafficking Team
- Refugee Council
- Together with Migrant Children
- Refugee Action –though these are linked to the Asylum Crisis Teams in London, West Midlands and North West, they are looked to for national expertise on asylum support issues.
- Thousand 4 Thousand

Factor 3: Traditional dispersal areas vs ‘new’ areas

Where dispersal of people seeking asylum has been happening for years, there is normally an ecosystem of provision which, even if stretched, has gained skills and experience over the years in asylum support and appeals issues. New areas which have been opened up as a result of temporary (initial) accommodation being commissioned by the Home Office are often distanced from traditional dispersal areas, and remote from any services.

Many of these areas around new temporary accommodation sites were described to us as ‘advice deserts’. However, many of these areas are also in regions or countries where there is good provision in the towns and cities where dispersal has occurred. Scotland, for example, has highly

developed provision but is nonetheless now experiencing an ‘advice drought’ around hotels opened up in remoter locations. Similarly the North West, where there have been longstanding and expert services on asylum support for many years, has increasingly got acute pockets of need in areas where there are no services at all, or very embryonic services where there are significant concerns about inaccurate advice. Similar analyses can be done of all regions and countries, making it difficult to designate any one of them clearly as an advice desert or not. Greater London, often thought of with reason of having a high concentration of specialist services, is now facing a growing need in the outer boroughs where there are no services to meet demand at all.

Factor 4: Nature of established ecosystem of services and support

There are also of course variances not only around the number but also the nature of established provision. Some regions or countries have evolved sectors with a specialist capacity to support and respond around asylum issues, including asylum support appeals, but this is not the case everywhere. Some of the factors to take into account concerning ‘nature’ are:

- The degree to which there is a culture of strong partnership working, particularly alongside law firms in the area. In Scotland and the Greater Manchester area, for example, the sectors are very joined up and have experience of working together and responding to new issues as they arise. Partners include law firms.

- Second tier advice and support available to train new and emerging groups around asylum support. Where areas have a strong provider which is keeping abreast of asylum support issues and has the capacity to help others, this will make a significant difference. JustRight Scotland for instance has already done training for groups outside Glasgow on asylum issues, as has Asylum Link North West.
- Challenge and appeal appetite. Some established organisations are doing basic processing work for asylum support, whereas others have more capacity to challenge, or want to. Appetite does not, of course, necessarily equate to capacity or ability, but one marker of ‘appeal appetite’ that does is whether or not there are organisations which are part of the DPG PAP project, and where these are known we have indicated this in the detailed mapping. Expert national organisations such as Refugee Action and Scottish Refugee Council are able to pick up on the full gamut of appeals and challenges possible, and so are other organisations such as RAMA in the East of England, which is keen to push and challenge and develop the skills of workers to do so.

Factor 5: Incidence of institutionalised and temporary accommodation

The commissioning of accommodation to house people seeking asylum has not followed any plan in spite of talk about the Full Dispersal Model. The expansion of the temporary accommodation ‘estate’ has been chaotic and piecemeal, with hotels being commissioned sometimes with little if any notice all over the country. In addition, some areas are home to quasi detention facilities such as the Bibby Stockholm, which further produces pressures on services in the area.

Hotels are also however closing down for a range of reasons including political expediency (with marginal seats getting hotels closing more quickly) and the vagaries of the rental market, with some

areas finding it easier than others to find dispersal accommodation for people to move out of hotels. The Red Cross’s mapping of hotels had managed to piece together a picture of potential hotels in any region, but in some areas the research found this was already out of date, with numbers spiralling both downwards or upwards.

As a result it is difficult to know exactly where the need is going to be as hotels and other forms of temporary accommodation might open or close at a moment’s notice.

Factor 6: Variability within AASC and AIRE contractors

In some areas what is going on in hotels is pretty unknown as access is so poor. In others, accommodation and welfare officers seem to be far more approachable and are working with the available NGOs to try and resolve issues. This can make a marked difference to those working in areas as to their capacity to find out what is going on and support those living inside the accommodation.

5.2 Mapping – overview table

	No. PSA ³⁹ in Sept 2020 & 2023	Location of PSA	Support and gaps
East of England	Sept 2020: 1,080 Sept 2023: 8,490	<ul style="list-style-type: none"> ■ 686% PSA population increase, Sept 20 – Sept 23 ■ Rapid and ongoing rise in hotel accommodation, many isolated (est. 62 hotels) ■ Wethersfield base + Tendring in region 	<ul style="list-style-type: none"> ■ Advice desert across region ■ Acute dearth of legal advice, particularly in Norfolk, Suffolk and Essex ■ Clusters of services in Luton, Peterborough, Norwich. ■ RAMA covers Colchester and North of Essex – very active but limited geographically. ■ Some London-based groups called on (RAMFEL) but overwhelmed with London numbers already ■ Both ‘sides’ of the region (Hertfordshire and Norfolk) have very little support
East Midlands	Sept 2020: 2,997 Sept 2023: 7,464	<ul style="list-style-type: none"> ■ 149% PSA population increase, Sept 20 – Sept 23 ■ Rapid rise in hotel accommodation, many isolated (est. 50 hotels) 	<ul style="list-style-type: none"> ■ Advice deserts outside main urban hubs of Leicester, Nottingham and Derby, and services in those are struggling with capacity ■ Legal advice in short supply even in main cities and sole OISC 3 provider ‘inundated’. Significant concerns about quality as well. ■ Red Cross in Leicester strong service but struggling with capacity ■ Nottingham capacity very limited, Derby capacity unclear
Greater London	Sept 2020: 7,991 Sept 2023: 24,383	<ul style="list-style-type: none"> ■ 205% PSA population increase, Sept 20 – Sept 23 ■ Crisis in asylum accommodation illustrated by increase in numbers in London, with rapid rise in hotel population (est. 100+ hotels) ■ Concern that London may have many “hidden” PSA who are destitute/ sofa surfing 	<ul style="list-style-type: none"> ■ Not advice desert but demand vastly outstrips supply, and provision in Outer London areas where many hotels located is sparse to non-existent. ■ Significant national as well as local organisations located in capital, including specialist organisations such as Helen Bamber Foundation ■ Approx 40 hotels in Outer London – frontline orgs cannot cope with demand and many navigating system alone.

39 PSA in this table = People seeking asylum in receipt of local authority support

	No. PSA ³⁹ in Sept 2020 & 2023	Location of PSA	Support and gaps
North East	Sept 2020: 4,897 Sept 2023: 7,438	<ul style="list-style-type: none"> ■ 52% PSA population increase, Sept 20 – Sept 23 ■ Fewer hotels than other areas reflecting fact that area of mainly dispersed accommodation (est. 12 hotels) 	<ul style="list-style-type: none"> ■ Newcastle relatively well provided for but Stockton, Chester-le-Street and Ashington all cited as areas with few to no services. ■ Legal aid services concentrated in Newcastle, Gateshead and Middlesborough. Outside these areas = legal advice deserts ■ Freedom from Torture’s office only OISC 3 org in North East ■ Strong partnership in Tees area (Ariadne Partnership) and NERS operates in Newcastle
North West	Sept 2020: 11,119 Sept 2023: 22,379	<ul style="list-style-type: none"> ■ 101% PSA population increase, Sept 20 – Sept 23 ■ Large population of people in dispersed accommodation ■ Rapid recent rise in hotel temporary accommodation (est 66 hotels) 	<ul style="list-style-type: none"> ■ Not advice desert in Greater Manchester/Liverpool area which is relatively well served given history of dispersal. However scant provision in Cheshire, Lancashire, Cumbria ■ Strong and long-established players (Refugee Action, GMIAU, Asylum Link) but extremely stretched given high numbers and rapid pace of change. Having to prioritise and triage rigorously. ■ Strong partnerships exist in Manchester/Liverpool and long history of co-working
South East	Sept 2020: 1,033 Sept 2023: 9,372	<ul style="list-style-type: none"> ■ 807% PSA population increase, Sept 20 – Sept 23 ■ Rapid rise in hotels (est. 87) ■ Most hotels in urban areas, though 11 in rural areas ■ Napier Barracks + Bexhill (former prison) 	<ul style="list-style-type: none"> ■ Area below London and along the coast is advice desert ■ Region circles London and some return to access services in capital ■ Oxford Welcome is the only org in Oxfordshire, long-established ■ Voices in Exile is key organisation working across Sussex and in Surrey ■ Kent has cluster of organisations offering support, many involved in running drop ins for Napier Barracks in Folkestone ■ Difficult to find organisations in region to interview ■ Region is not cohesive and cannot be treated as whole entity, makes more sense to look county by county

	No. PSA ³⁹ in Sept 2020 & 2023	Location of PSA	Support and gaps
South West	Sept 2020: 1,181 Sept 2023: 5,349	<ul style="list-style-type: none"> ■ 353% PSA population increase, Sept 20 – Sept 23 ■ Established numbers in dispersed accommodation longer term ■ Rapid rise in hotels (est 37 hotels) ■ Several hotels in remote/rural locations, poor transport links ■ Bibby Stockholm barge in Portland, Dorset ■ Large region with poor transport links for people with PSA 	<ul style="list-style-type: none"> ■ Advice desert across region BUT pockets of expert and established provision in key cities/towns (Bristol, Plymouth, Gloucester, Swindon) ■ Outside those, PSA largely on their own ■ Availability of legal advice poor (except Bristol) ■ All established providers dealing with PSAs in temporary accommodation and trying to find ways to support or manage need
West Midlands	Sept 2020: 6,550 Sept 2023: 14,724	<ul style="list-style-type: none"> ■ 125% PSA population increase, Sept 20 – Sept 23 ■ Established dispersal area ■ Rapid rise in hotels (est 66 hotels) ■ Increasing location in rural areas with no services at all 	<ul style="list-style-type: none"> ■ Advice desert across significant areas of the region outside Birmingham/Wolverhampton/Coventry conurbations ■ Even in major conurbations, very poor access to legal aid advice for most PSAs ■ Significant and established players in urban areas – CELC, RMC, Refugee Action – but limited what they can do ■ Western counties of Herefordshire, Worcestershire, Shropshire and parts of Warwickshire (outside Coventry) = advice deserts and hotels now being commissioned in those areas ■ Stoke (particularly south of Stoke) is an area of particular need with little to no support and hotels with far right protests ■ Various volunteer groups springing up to try and meet gaps but struggling

	No. PSA ³⁹ in Sept 2020 & 2023	Location of PSA	Support and gaps
Yorkshire and Humber	Sept 2020: 6,499 Sept 2023: 11,490	<ul style="list-style-type: none"> ■ 77% PSA population increase, Sept 20 – Sept 23 ■ An area of dispersed accommodation previously ■ Rise in numbers due to hotels (est 66 hotels) ■ Hotels being placed round dispersal areas, some in rural areas ■ Catterick barracks planned in North Yorkshire 	<ul style="list-style-type: none"> ■ Advice deserts within region, especially in North Lincolnshire, and North Yorkshire ■ Poor access to legal aid services with significant legal aid deficit ■ Some strong organisations in dispersal locations, though none of the size of those found in e.g. Birmingham or Manchester. ■ Generally one organisation per town/city of dispersal which are now trying to deal with hotels, often by deciding they cannot extend services ■ Strong Strategic Migration Partnership ■ Less evidence of small local groups springing up
Northern Ireland	Sept 2020: 961 Sept 2023: 3,220	<ul style="list-style-type: none"> ■ 235% PSA population increase, Sept 20 – Sept 23 ■ Separate Asylum Intake Unit – PSA traditionally concentrated only in Belfast ■ 2021 onwards, hotels commissioned outside Belfast in rural areas (est 20 hotels) 	<ul style="list-style-type: none"> ■ Not advice desert in Belfast, but hotels in ‘new’ areas are major concern given lack of services and hostile culture ■ Strong legal aid provision until recently though now getting more stretched ■ Strong players in the sector in particular Red Cross Northern Ireland and Starling Collective: former is doing a considerable amount of work on policy and monitoring, including on asylum support ■ However concerns about grassroots and frontline groups around new hotel areas

	No. PSA ³⁹ in Sept 2020 & 2023	Location of PSA	Support and gaps
Scotland	Sept 2020: 4,871 Sept 2023: 6,090	<ul style="list-style-type: none"> ■ 25% PSA population increase, Sept 20 – Sept 23 ■ Glasgow traditional dispersal area ■ Rapid rise in initial (hotel) accommodation in latter half of 2023 (not reflected in figures) to areas which are without provision and/or remote ■ 25 local authorities estimated to be receiving PSA by Dec 2023 	<ul style="list-style-type: none"> ■ Limited advice around new contingency and dispersal areas outside Glasgow BUT ■ Legal advice and support more readily available, and work on asylum support including appeals is in scope in Scotland. ■ Substantial expertise in strong, committed and co-ordinated sector in the Glasgow region with organisations such as SRC, Red Cross, Govan Community Project and Latta Law. ■ Some ‘new’ areas gearing up with committed and engaged organisations (especially Aberdeen) but elsewhere there are more concerns ■ Heavy reliance on volunteers outside Glasgow (including Aberdeen) ■ Scotland’s size and rural nature make the issues outside Glasgow more – difficult to access and coalesce services around.
Wales	Sept 2020: 3,254 Sept 2023: 3,275	<ul style="list-style-type: none"> ■ 0% PSA population increase, Sept 20 – Sept 23 ■ Traditional dispersal areas – Cardiff, Newport, Swansea, Wrexham ■ Hotels located in remote locations outside main town and cities (est 17 hotels) ■ Penally Barracks in Tenby opened and then closed in 2021 	<ul style="list-style-type: none"> ■ Legal advice desert with only five firms now doing legal aid work on immigration advice in the whole of Wales ■ Only OISC 3 organisation is Asylum Justice, now attempting to fill gaps on complex and vulnerable cases given law firm closure ■ Wales Sanctuary Service funded by Welsh Govt and in theory provides support for PSA but estimates only seeing 1 in 7 of those dispersed to Wales and service operates at fairly basic level of support and advice ■ Anything complex on asylum support would be referred to Asylum Justice or ASAP

6. Recommendations

Any recommendations emerging from this report do so against a backdrop of the asylum system in its current state being both inefficient and inhumane.

As was clear from this research, this system is consistently denying people their basic human rights at an extremely challenging stage in their lives. Longer term it must be completely overhauled, with decision-making by competent and qualified individuals being speeded up in order to minimise the numbers of people waiting in the asylum system with their lives on hold. Access to legal advice, so profoundly eroded over the past few years since LASPO⁴¹ and the reduction in legal aid rates is also a prerequisite if people seeking asylum are to have their rights both to asylum and to fair treatment whilst they wait for a decision on this, upheld.

Many organisations with a wider remit are working towards those aims. Here we focus specifically on what would enable people seeking asylum support to challenge wrong decisions, which is at the core of ASAP's work.

Our recommendations are for the short and medium term because the system in its current state is so clearly not fit for purpose that only patch repairs can deliver on changes needed to improve the lives of people now. We identified five core aims to improve the current system in the shorter term, as follows:

- 1. That the asylum support system is run by contractors who have a clear and enforceable remit to work effectively together and with others to meet the needs of those they are paid to support**
- 2. That people seeking asylum and those supporting and advocating for them have access to clear accessible information about how the system works and about their progress through it**
- 3. That asylum support includes access to essential means of communication such as mobiles, computers and related information technology**
- 4. For the Home Office and all its contractors to include information about asylum support appeals, the right to them and how to exercise that in all interactions with people seeking asylum**
- 5. For ASAP to set itself the objective of maximising the chances of appealing asylum support decisions wherever people seeking asylum are living.**

⁴¹ In April 2013, the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) cut large areas from legal aid, meaning fewer people can access legal advice.

Priority 1 – Contractual changes. The asylum support system is run by contractors with a clear and enforceable remit to work effectively together and with others to meet the needs of those they are paid to support.

The **Home Office** to rewrite the AIRE and AASC contracts (and **AASC and AIRE contractors** to rewrite their sub-contracts with providers) to embed requirements around working effectively together to meet the essential needs of people seeking asylum and those supporting them.

- a. Contract design:** The **Home Office** to lead a process of co-design of these new contracts that actively involves people seeking asylum and those advocating for them in defining the core needs and the standards to be met. From this research, some core elements for the AIRE contract would be:
- i.** For the contract to be focussed on outcome for people seeking asylum (to access the entitlements which they are entitled to)
 - ii.** For face to face work to be prioritised and funded
 - iii.** For transparent safeguarding work which is immediately available in emergencies to be prioritised and funded
 - iv.** For asylum support appeals to be brought back into contract scope
 - v.** For Schedule 10 to be brought into contract scope
 - vi.** For enforceable KPIs to be set for answering phones which relate to the delay between phoning and speaking to an appropriate adviser
 - vii.** For KPIs to be set around passing on documents to the Home Office, (including submitting incomplete applications where requested by the applicant) and that this is monitored and tracked with penalties for delays
 - viii.** For there to be a dedicated communications channel for agencies/caseworkers/solicitors external to Migrant Help to access the service
 - ix.** For KPIs to be set for all the types of applications that the AIRE contractor is managing, including for subsistence only support
 - x.** For KPIs to be set for providing copies of support decisions (and for this to be routinely done – see Priority 3, on the next page)
- b. Staff recruitment:** **Home Office** to ensure that AIRE and AASC contracts and any subcontracts include:
- c.** the engagement of appropriately qualified staff on, as relevant, asylum regulations and safeguarding issues
 - i.** appropriate training for all staff employed on contracts and sub-contracts
 - ii.** that this is tested and forms part of KPIs
 - iii.** where criteria for recruitment are superfluous (as is the case at present with higher security counter-terrorism clearance for new staff) these should be ditched in order to speed up recruitment.
 - iv.** Training on the inter-relationship between the ASF1 form and asylum applications particularly in relation to trafficking responses, and a requirement that only those workers trained in identification of these issues assist with the completion of those forms
- d. Enforcing KPIs:** **Home Office** to ensure that all KPIs are enforceable, and include timescales, how to put failures right and effective penalties.
- e. Relevance of KPIs:** **Home Office** to ensure that contracts have an annual review of usefulness of KPIs, involving people seeking asylum, to ensure they remain relevant and useful.
- f. Sufficient information for contractors:** **AASC and AIRE contractors** to ensure that their contracts include receiving all necessary information from the Home Office so they can meet the essential needs of people seeking asylum, this to include all relevant decisions passed on in a timely manner and all information necessary for safeguarding.

Priority 2 – Ensuring people seeking asylum can communicate.

Asylum support includes access to essential means of communication such as mobiles, computers and related information technology.

- a. **Provision of cellphones.** The **Home Office** to include provision of cellphones, data and SIM for individual use to all those seeking asylum who do not already have one, in the asylum support specification and contract accordingly.
- b. **Access to computers.** The **Home Office** to include access to computers and Wifi with sufficient bandwidth in the specification for all asylum accommodation and **AASC** to include in all subcontracts for such accommodation.

Priority 3 – Accessible, timely information for and about people in the asylum system. People seeking asylum and those supporting and advocating for them have access to clear accessible information about how the system works and about their progress through it.

- a. **Location of accommodation:** The **Home Office** to create a register which is available to AASC and AIRE contractors and the sector more broadly on the location of temporary accommodation throughout the UK by borough/ county.
- b. **Stopping support:** The **Home Office** to provide quarterly information on predicted discontinuations of support in order that AIRE and AASC contractors and relevant statutory authorities can plan for next steps
- c. **Waiting times for phone support:** The **AIRE contractor** to streamline the way in which its services are provided to make it clearer for people seeking asylum and those working on their behalf to access and to minimise waiting times for phone help.
- d. **Guidance and requirement on understanding on asylum support:** The **AIRE contractor** to be made responsible for not only producing simple guides in appropriate languages and media covering how the asylum support system works, who is responsible for what and what to do if things go wrong or standards are not met, but for ensuring these are understood. A KPI for both AIRE and AASC contractors to cover the awareness of these guides and their contents by people seeking asylum.
- e. **Tracking progress:** The **AIRE contractor** or the **Home Office** to set up and run a secure website, accessible by mobile phone, that enables all people seeking asylum to track their progress through the asylum and asylum support system with links to all relevant documentation (such technology exists and is widely available). Entering and tracking people on this system to be made as easy as possible for people seeking asylum and for workers supporting them.
- f. **Copies of documentation:** The **AIRE contractor** to provide copies of all submissions made to the individual who they have been made about, and for this to be a KPI.
- g. **Address accuracy:**
 - i. All **Home Office** decisions about asylum and asylum support to be confirmed in writing immediately to the person seeking asylum, using the latest registered address, and with a requirement for AASC providers to confirm the address is correct and check that it has been received and
 - ii. The **Home Office** to urgently invest in an accurate address database for all asylum supported applicants, checked by accommodation providers and linked to the asylum decision making team's data.
- h. **Decisions in writing:** All **AASC contractor and subcontractor** decisions about accommodation and support, including moves, responses to complaints and concerns, etc to be confirmed in writing immediately to the person seeking asylum with a copy sent to the Home Office for their records, and enforceable KPIs to this effect. All **AIRE contractor** decisions and interactions to be confirmed in writing immediately to the person seeking asylum and enforceable KPIs to this effect.

Priority 4 – Ensuring people seeking asylum know about asylum support appeal rights. The Home Office and all its contractors include information about asylum support appeals, the right to them and how to exercise that in all interactions with people seeking asylum.

- a. **Accessible information.** The **Home Office** to prepare accessible information about rights to appeal asylum support decisions in consultation with ASAP and people seeking asylum.
- b. **KPIs to be included in all contracts** which specify that this information must be included in all interactions between people applying for asylum support (and their advocates), those who have been refused asylum support (and their advocates), and **AIRE and AASC contractors/subcontractors** and the **Home Office**.
- c. **Face to face services prioritised. Funders and service providers** to recognise the critical need to ensure face to face services where people seeking asylum can gain a holistic diagnosis of their issues and be signposted on to appropriate support. Telephone advice is not enough.
- d. **Legal aid for asylum support appeal preparation.** The **Legal Aid Agency** to include legal aid for the preparation of asylum support appeals within the immigration legal aid contract as well as the housing contract.

Priority 5 – Maximising the chances of appealing wrong asylum support decisions. People seeking asylum and those supporting and advocating for them have access to clear accessible information about how the system works and about their progress through it.

- a. **Funders** to support a mechanism which enables a fuller identification and connection of local groups across the country which are waxing and waning about the provision of advice and guidance on asylum support and asylum support appeals. This may be deliverable within the AIRE contract/ by ASAP/ASAN or by another partner but needs to be constantly updated, relevant and accessible. Such a mechanism/ map can be built on the research in this report and added to through liaison with Strategic Migration Partnerships, FIAP network and others.
- b. The **AIRE contract** to include a requirement to maintain an up to date list of all organisations within each region who can provide advice, guidance, support and advocacy on asylum support appeals, and to share this on request with service users, their advocates, and local Strategic Migration Partnerships.
- c. **ASAP** to contribute to discussions around funding and resources to host and update such a map, and feed back the information from it to funders and commissioners. This map to be included in AIRE contractors' websites and referenced in all interactions (as above).
- d. **ASAP** to fundraise for capacity to increase the support offered via its second tier advice line and publicise the availability of this. Many want this to be five days a week.
- e. **ASAP** to consider extending as a pilot direct support to people seeking asylum to fill out and submit appeals, or to skill up others to do so. For people in the temporary accommodation system, this is going to be the quickest way of accessing skilled support in some areas.
- f. **ASAP** to develop more tools which can be used by people seeking asylum to help them understand their right to appeal, the fact that this does not compromise their asylum claim, and how and when to go about submitting appeals. This could be done in conjunction with Right to Remain and promoted through a range of networks. The tools would need to link to Bail for Immigration Detainees to include guidance on making applications for bail if these are required.

- g. ASAP** to identify from the mapping provided in this report regional/country plans which encompass intensive training and support for targeted organisations along the lines of the DPG PAP project. These organisations to be partners committed to improving and disseminating skills and knowledge about asylum support appeals. The project would be in order to build regional/country capacity where this does not currently exist which could then in turn be accessed by smaller groups as they come and go in the area. Training would be about building understanding, competence and confidence in the conduct of appeals and to reinforce messages about the need for expert and specialist advice.
- h. Funders and the Legal Aid Agency** to consider how they can support and underpin an effective right of appeal against adverse asylum support decisions.
- i. ASAP** to open discussions with Strategic Migration Partnerships about how to develop and reinforce resilience amongst local organisations in the face of constant change in the asylum support system, and, in particular, how to ensure that the core right to appeal (and to support, advice and advocacy with appeals) is defended for all. This is in the context of the Government’s commitment to end street homelessness and local and national authorities’ public sector equalities and community cohesion duties.

Final note: most interviewees simply wanted ASAP to continue with its ‘brilliant work’, citing current resources, advice and support as invaluable to their work.

Appendices

Appendix A: Research methodology

The research objectives set out by ASAP were as follows:

- a. Research access/barriers to national advice on asylum support
- b. Research key reasons for the reduction in the proportion of asylum support appeals
- c. Identify if/where there are ‘advice deserts’ on asylum support and asylum support appeals
- d. Research the capacity of local organisations to provide advice on asylum support, and to understand the reasons they are/ are not assisting with asylum support appeals
- e. Provide suggested recommendations to improve access to advice on asylum support including asylum support appeals
- f. Map the ‘advice deserts’ and advice services against current locations of asylum support accommodated people
- g. Map the advice deserts and advice services against full dispersal model plans

In the event, it was not possible to focus on g) as the full dispersal model plans were not available.

The fieldwork for the research ran from July 2023 to October 2023 and consisted of:

- h. A document review and Google search relating to asylum support and organisations within each area of the UK
- i. Review of official statistical information relating to asylum support and numbers of people seeking asylum
- j. Semi-structured interviews with people working at local and national level on asylum support. 62 people were interviewed in person, with two others submitting detailed written submissions
- k. Semi-structured interviews with people with direct experience of the asylum support system, and focus groups with those who preferred to speak in a group. In all, 15 people with lived experience were interviewed for the research. The notes of two focus groups held by ASAP with the Red Cross Voices Network were also reviewed.
- l. Survey distributed via ASAN and NACCOM networks. 25 people completed the survey from 20 organisations. Five of these had already been interviewed, meaning that there were an additional 15 organisations providing new information on their experience and activities.
- m. Review of the list of organisations participating in the DPG PAP project (organisations were asked to provide details of their participation on a voluntary and confidential basis).

The sample for interviewing was created by:

- ASAP identifying people working at national level, or with a national overview, who could reflect on asylum support
- Identifying, through ASAP and other networks, between 2 – 4 individuals per region or country of the UK who could reflect on the provision in their particular area.

An interim report was provided for ASAP in early October synthesising feedback on Migrant Help in particular to feed into work internally.

Appendix B: List of those interviewed during fieldwork

The following is a list of those interviewed for the evaluation listed alphabetically **by organisation**.

Organisation	Region / National
Action Foundation	North East
ASAP	National overview
Asylum and Refugee Care, Aberdeen	Scotland
Asylum Justice (also previously Welsh Refugee Council)	Wales
Asylum Link North West	North West
Asylum Matters	National overview
Baobab Women's Project CIC	West Midlands
Bristol Refugee Rights	South West
British Red Cross Refugee Support Service, Leicester	East Midlands
British Red Cross Refugee Support, Belfast	Northern Ireland
British Red Cross Refugee Support, Essex	East of England
British Red Cross Refugee Support, Glasgow	Scotland
British Red Cross Refugee Support, London	London
Care4Calais	National (England)
CIAC Humber (Community Integration and Advocacy Centre)	Yorkshire and Humber
Crown Terrace Baptist Church	Scotland
Devon and Cornwall Refugee Support	South West
Doncaster Conversation Club	Yorkshire and Humber
DPG Law (Deighton Pierce Glyn)	National overview
East Belfast Mission	Northern Ireland
Entraide Mutual Aid	West Midlands
EYST Wales (Ethnic Minorities and Support Team)	Wales
Freedom from Torture	National overview
Furness Refugee Support	North West
GARAS	South West
GMIAU (Greater Manchester Immigration Aid Unit)	North West
Gold Jennings Solicitors	National overview
Govan Community Project	Scotland
Helen Bamber Foundation	Greater London
JustRight Scotland	National overview (Scotland)
King's Arms Project, Bedford	East of England
Latta Law	National overview (Scotland)

Organisation	Region / National
Matthew Gold Solicitors	National overview
Migrant Centre Northern Ireland	Northern Ireland
Migrant Help	National overview
Migrants Organise	National overview
NACCOM	National overview
New Citizens Gateway	London
North of England Refugee Service	North East
Northern Ireland Law centre	National overview
Nottingham Arimathea Trust	East Midlands
Open Door North East	North East
PAFRAS	Yorkshire and Humber
Rainbow Migration	National overview
RAMA (Refugee, Asylum Seeker and Migrant Action, Colchester)	East of England
Red Cross	National overview
Refugee Action	National overview (England)
Refugee Council	National overview
Right to Remain	National overview
Scottish Refugee Council	National overview (Scotland)
Starling Collective	Northern Ireland
The Harbour Project, Swindon	South West
Vauxhall Law Centre	North West
Voices in Exile	South East (Brighton)
Welsh Refugee Council	National Overview (Wales)
West London Welcome	Greater London

Appendix C: List of survey respondents

25 survey respondents from 20 organisations as listed below.

Regions are also listed – none responded from Northern Ireland or South West England.

Organisation	No of org. responses	Region
Asylum Welcome (3 responses)	3	South East (Oxfordshire)
British Red Cross – Refugee Support Services (Derby)	3	East Midlands (Office in Leicester, services cover Leicestershire, Northamptonshire and Lincolnshire)
British Red Cross (Leicester) (2 responses)	2	East Midlands (Leicestershire, Northamptonshire, Lincolnshire)
Citizens Advice North Staffordshire and Stoke	1	West Midlands (North Staffordshire)
Communities Together Durham	1	North East (County Durham)
Evesham Vale Welcomes Refugees	1	West Midlands (Evesham Vale, Worcestershire)
Glass Door Homeless Charity	1	London (West and South West)
Govan Community Project	1	Scotland (Glasgow)
Inclusion Health Care CIC	1	East Midlands (Leicester)
Medaille Trust – Moving on Project, Hampshire	1	South East (Hampshire)
Migrants Organise	1	London
Nottingham and Nottinghamshire Refugee Forum	1	East Midlands (Nottingham and Nottinghamshire)
PAFRAS	1	Yorkshire and Humber (Leeds)
RAMA – Refugee Asylum Seeker and Migrant Action	1	East of England (NE Essex)
Refugee Action Asylum Crisis North West	1	North West (Greater Manchester)
Refugee Action Asylum Crisis London Project	1	London
Refugee Action CARE project West Midlands	1	West Midlands
St. Augustine's Centre	1	Yorkshire and Humber (Calderdale)
The Gap Wales	1	Wales (Newport)
Welsh Refugee Council	1	Wales (Cardiff, Newport, Swansea and Wrexham)

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