

National Campaign Proposal

For Member Consultation

April 2008



End the Destitution of Children and Young People Seeking Asylum.

"Everyone has the right to... food, clothing, housing and medical care"

- Article 25 (1), Universal Declaration of Human Rights

Context

Children and young people seeking asylum are one of the most vulnerable groups living in Britain today. These children and young people -both those still awaiting a decision on their claim, and those who have been refused- are being forced to live in destitution as a direct result of Government asylum policy.

Children in Families

In recognition of the fact that they have children who need to be supported, families seeking asylum are entitled to financial support throughout the duration of their asylum claim, including after refusal. Despite this, large numbers of these families are barely able to make ends meet, often going hungry in order to feed their children, and unable to buy shoes, clothes or toys for their family. This is a result of the minimal subsistence allowance people seeking asylum are provided with, and the further restrictions on the support they receive: people seeking asylum are denied access to Child Benefit, Educational Maintenance Allowance and Disability Living Allowance. Also, under current Home Office policy, people seeking asylum are denied the right to work.

Babies and Pregnant Women

Single women who have been made destitute due to a refusal of their claim for asylum are subject to minimal financial and practical support if they become pregnant. Under such circumstances, women are only eligible for Section 4 support, which stands at 70% of mainstream welfare provision plus an additional £3 per week. In total this amounts to just under £40 per week. This support is only designed as a short term measure, and women are being denied support during and after their pregnancy. Deprived of access to the practical and financial assistance they need, many women develop a mistrust of those who are supposed to help them, and lose contact with statutory and voluntary agencies altogether. This leaves women and their babies open to danger and exploitation, to the severe detriment of the mother and baby's health.

Young People: Types of Support

Many separated young people seeking asylum are also being made destitute as the result of inconsistency and irresponsibility across the asylum process. Separated children and young people arrive in the UK often after long, arduous and dangerous journeys and without the care and support of their parents or carers, negotiating a new country is a scary and overwhelming experience. Despite the vulnerability of these young people, local authority children's services, which are required to support asylum seeking children below 18, regularly assess the needs of these children in the most restrictive way, denying their responsibility to support them and evading their duty of care.

There are 2 routes of support available to separated asylum seeking children; following an assessment of their needs, they will be supported under either Section 17 or Section 20 of the Children's Act (1989). Those supported under Section 17 receive only basic assistance and are routinely placed in shared housing with limited support from a social worker. Section 20 ensures young people are supported by specialist children's teams, with regular contact from a social worker and stronger networks of support. Most importantly, the type of support that young people seeking asylum are provided with has major implications for them when they reach their 18th birthday. Those under Section 17 are no longer supported by social services departments following their 18th birthday and instead must transfer into UKBA (UK Borders Agency) support. Those supported under Section 20 however, are eligible for leaving care support meaning they

are provided with ongoing assistance for a following 3-5 years. The majority of separated young people are currently being supported under Section 17. In the process of leaving social services support and moving into UKBA support, evidence shows that many people are falling into the 'leaving care gap' (Mitchell, 2007), losing contact with any support and ending up destitute.

Young People: Age Assessments

Age assessments are also contributing to the destitution of young people seeking asylum. Nearly half (45%) of all separated young people who arrive in the UK have their age challenged each year (Crawley, H. 2007). Differences in perception of a person's age between Social services and the UKBA can lead to a situation where both agencies deny their responsibility to provide support. In this situation again, young people are falling in the gap between child and adult support, with the result that they become destitute (Crawley, H. 2007).

Issues of Concern

STAR is concerned that children and families seeking asylum are being deliberately impoverished. Pregnant women and mothers with young babies whose claims have been refused are being forced into destitution in a deliberate attempt to force them to return to their home countries. Pregnancy -and the recovery period that follows- is a particularly vulnerable time for the health of a mother and her baby. Poor health and malnutrition in this period can have serious long term health implications. Destitution and the inability to provide for ones family can lead to depression and severe anxiety.

Young people who arrive separated from the emotional support and practical care of their carers experience severe trauma and rebuilding their lives is a difficult process. STAR is concerned that local authorities are systematically interpreting their responsibilities to such young people in the most limited way possible, when the nature of their circumstances demands that they should receive a large amount of care and support.

The cumulative effects of Government policy on children and young people seeking asylum, lead to a breach of Article 25(1) of the Universal declaration of Human Rights, which states that "everyone has the right to a standard of living adequate for the health and wellbeing of himself and his family, including food, clothing, housing, and medical care and necessary social services" (UDHR, 1948).

STAR believes:

- Everyone has the right to have their essential human needs met and protected, regardless of their immigration status.
- The rights enshrined in UNCRC (UN Convention on the Rights of the Child) should apply to children seeking asylum within the UK.
- The vulnerable circumstances of separated young people seeking asylum requires that they are all supported under the Section 20 provision of the Children's Act (1989).
- Work is key to moving out of poverty, for people seeking asylum as all other impoverished groups.

STAR would be calling for the Government to:

- End the threat and use of enforced destitution as a tool of Government policy against refused asylum seekers.
- Continue financial support and accommodation to pregnant women, whose claims have been refused, at the same level provided during the asylum process.
- Grant permission to work for people seeking asylum until such a time as they have left the UK or have been granted leave to remain.
- Provide child benefit to families seeking asylum to help them meet their subsistence needs.
- Ensure that all separated young people seeking asylum are supported under Section 20 of the Children's Act (1989), and are therefore eligible for leaving care assistance.

Campaign Challenges

There is a widespread hostility towards asylum seekers in Britain, and a consistent popular stereotype is that of the 'bogus' claimant who has specifically entered Britain to take advantage of our welfare state. Bearing this in mind, a campaign which asks for the extension of benefit entitlements for asylum seeking families is a contentious one, which may meet much public and governmental resistance.

Furthermore, the call for the right to work may also meet resistance as there is a move towards increasingly restrictive work regulations for migrants more widely within the current political climate. There is a popular assumption that migrants arriving in Britain are dominating certain trades, raising unemployment for British workers and driving down wages. Resistance to non-British workers may gather increasing force as the economic downturn continues within Britain, and this may be a difficult context in which to ask the government to provide people seeking asylum with the right to paid employment.

The numbers of people affected by the different issues within this campaign are hard to determine, and therefore providing facts and figures to support our claims will be difficult.

Strategy Ideas

STAR will work to build a multi-organisational campaign, or attach this campaign to ongoing work with Still Human Still Here. This will enable STAR to focus on the areas in which it excels, without requiring involvement in tasks where it has less expertise (e.g. commissioning research and writing reports). The broad approach for STAR would be to:

- *Raise awareness* among students about destitution of children, young people and families, and causes for it;
- *Convince* students that destitution has a series of negative effects on children and young people;
- *Motivate* students to take action.

To be most persuasive, STAR can:

- Be confident about its legitimacy – many STAR members have had direct experience of the destitution of asylum seekers, and can use this knowledge to strengthen their campaign work.
- Use existing knowledge: Following a year of campaigning on destitution under the banner of Still Human Still Here, student members should feel confident in raising the issue amongst their peers.
- Promote the case for human rights – everyone has the right to meet their basic needs, regardless of any judgement the UK might make about their claim for asylum.
- Use the widespread concern about Child Poverty, which will be culminating in extensive pressure in the lead up to 2010 to raise the profile of the campaign, and ensure that asylum seeking children are given acknowledgement within the 'End Child Poverty' agenda.

Potential Partners

- Still Human Still Here Coalition
- End Child Poverty Coalition