

## Refugees and Asylum Seekers

A Briefing Note from the National Safeguarding Team-September 2015

### **Purpose**

This note is aimed at Diocesan Safeguarding Advisors and offers some advice and guidance in relation to the support of refugees, particularly hosting refugees and asylum seekers in people's homes. It also offers details for where to access specialist advice and a simple description of the UK Asylum system.

### **Background**

The Archbishop of Canterbury made the following statement on the 3<sup>rd</sup> September:

“With winter fast approaching and with the tragic civil war in Syria spiralling further out of control, we must all be aware that the situation could yet worsen significantly. I am encouraged by the positive role that churches, charities and international agencies are already playing, across Europe and in Syria and the surrounding areas, to meet basic humanitarian needs. These efforts may feel trivial in the face of the challenge, but if we all play our part this is a crisis that we can resolve.’<sup>1</sup>

The Church of England has been represented in some preliminary meetings to consider the setting up of a national board or commission to oversee and coordinate a response around the country. A new body called ‘Syria and its Neighbours’ is also being set up to organise and coordinate Christian response across the country.

Diocese are also considering their response and plans for their own areas. Canterbury diocese have produced a useful tool kit called ‘Refugee Crisis - How to Respond’ with additional materials focusing on Calais: <https://www.canterburydiocese.org/refugee-crisis-five-ways-to-respond/>.

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<sup>1</sup> Read the whole statement at <http://www.archbishopofcanterbury.org/articles.php/5606/archbishop-of-canterbury-on-the-migrant-crisis>. The Archbishop added to this in the House of Lords, saying that the appropriate number to be received in the UK would almost certainly exceed 20,000; that there are specific problems about the refugee camps, including for Christian refugees; and that European collaboration is vital. <http://www.archbishopofcanterbury.org/articles.php/5608/archbishop-speaks-in-house-of-lords-debate-on-syrian-refugees->.

The UK operates a system of asylum for those in need of protection that centres on the provision of refuge to those meeting the 1951 UN Convention definition of a refugee as an individual with a 'well-founded fear of persecution'. Protection against expulsion is also offered to those whose return would place them at a real risk of 'cruel and degrading treatment' under the terms of the 1950 European Convention on Human Rights (Please see Appendix 1 and 2 for a simple guide to definitions and the UK Asylum system).

### **Hosting Asylum Seekers**

It is understandable that people in our country want to help and one of those ways is by opening up their homes or church buildings to refugees and asylum seekers. It is important that this is done properly and in a way that no one is put at risk.

The advice offered is that the best way of hosting a refugee/asylum seeker and/or his/her family is to contact one of the many charities around the country that run hosting schemes. It is also important to ensure people have some awareness of the UK Asylum system and that whatever support is offered does not contravene this or put either hosts or refugees in an illegal situation.

It is also worth bearing in mind that anyone who does sign up to be a host with an organisation is not able to choose where a refugee/asylum seeker comes from or what religion he/she/they practice. Usually they will only be able to specify the gender of their guest, whether they allow smoking in their house and how long their guest can stay. A host will not be paid anything by the Government or charity or other organisation (although you may be able to claim some expenses, such as increased heating costs if required).

Hosting refugees in family homes is a compassionate answer to a practical problem and completely understandable in the circumstances. Nevertheless, it is something that anyone shouldn't try to do without having considered the practical implications, which include risk to themselves and others. So please advise anyone who maybe considering this to contact the organisations below who can provide help, support and guidance.

### **Organisations that offer support**

For details of charities running hosting schemes it is worth initially contacting:

- Positive Action in Housing (at [www.paih.org](http://www.paih.org)), who are now gathering a national database of potential hosts. If anyone specifically wants to welcome/host refugees from Syria they can register their interest and offer with them.
- Naccomm (National No Accommodation) website [www.naccomm.org.uk](http://www.naccomm.org.uk) - This is an informal network of agencies providing accommodation for migrants who have no public funds. They are looking to widen their reach. They deal mainly with asylum seekers whose asylum claims have been rejected, but for a variety of reasons have not been deported.
- City of Sanctuary website ([www.cityofsanctuary.org](http://www.cityofsanctuary.org)) provides lots of useful information. The City of Sanctuary is a movement that is committed to providing hospitality especially for refugees. City of Sanctuary has a number of groups around the country which run hosting schemes for destitute asylum seekers or can put people in touch with local hosting scheme.
- Boaz Trust ([www.boaztrust.org.uk](http://www.boaztrust.org.uk)) based in Manchester. This organisation provides hosting schemes in the Manchester area, but can also offer advice and support. Their email address is: [hosting@Boaztrust.org.uk](mailto:hosting@Boaztrust.org.uk)

### **Hosting Separated Children Seeking Asylum**

Separated children who arrive in the UK and require support are usually looked after by Local Authorities, under their requirements to take responsibility and care for all children living in their area. The most effective way to support separated children is for people to apply to a Local Authority to become a foster carer. In addition there is a shortage of foster families with the same culture, religion and language of children who are currently seeking asylum. For details of some information that is relevant for children and the asylum system please see Appendix 3.

In addition [Home for Good | Home For Good](#) works with many Local Authorities and are compiling a database of people who have space in their homes and may be interested in exploring the possibility of fostering separated asylum-seeking children for a few days in an emergency, short term or long term.

Separated children are extremely vulnerable and may also be traumatised following the loss of everything and everyone they know, long and tortuous journeys, victims of abuse and

possibly having witnessed the death of family members. They may find it difficult to communicate and difficult to trust. It is vitally important that these children are placed in safe homes and that anyone contemplating this needs to consider whether they have the time, space and support to begin to rebuild their lives.

### **Human Trafficking and Child Exploitation**

Some children who arrive in the United Kingdom have been trafficked, most commonly for the purpose of work or sexual exploitation. Although such children do not necessarily apply for asylum or other protection, support must be provided once they are identified. To that end, the National Referral Mechanism (NRM), introduced in 2009 provides a framework for helping young people suspected of being trafficked. It is intended to provide for either voluntary return to the country of origin or a grant of discretionary leave. The process is described in Appendix 4. For specialist resources please see:

- [The Refugee Council has a specialist Child Trafficking Worker.](#)
- [ECPAT UK](#)- Campaigns against child trafficking and transnational child exploitation and a good source of research and materials.
- [Child Trafficking Advice Centre \(CTAC\) | NSPCC](#)-The Child Trafficking Advice Centre provides free guidance and training to professionals concerned that a child or young person has been or is about to be trafficked into or out of the UK.

### **For Additional Information please see:**

#### **Key bodies:**

- The [Home Office](#) is responsible for immigration and control. It took these functions back from the UK Border Agency (UKBA) in March 2013.
- [The UK Border Force \(UKBF\)](#) is responsible for border control operations at ports. It used to be part of UKBA, but was separated from it in March 2012.
- [Refugee Action](#), backed by the Home Office in conjunction with the [European Union Return Fund](#), run the [Voluntary Assisted Return & Reintegration Programme](#). Through this scheme they provide advice and assistance to people considering permanent, voluntary return to their country of origin.
- [The Refugee Council](#) receive Home Office funding to work with separated child asylum seekers in England.

- [Asylum Help](#) has provided a similar service for adult asylum seekers since April 2014, also backed by Home Office funding.
- The [United Nations High Commissioner for Refugees \(UNHCR\)](#) is the agency mandated to protect refugees worldwide.
- [Unicef UK | Children's charity | For every child in danger](#)
- [Save the Children UK | Global Children's Charity](#)
- [National Crime Agency - UK Human Trafficking Centre](#)

### Key Facts

- Official statistics: [The United Nations Refugee Agency](#) has amassed many statistics and stories relating to the refugee crisis.
- The Refugee Council have compiled some [useful facts](#) around refugees and migrants.
- [UK Government official statistic.](#)
- Articles:
  - Behind the headlines: [A critique of UK immigration and asylum policy](#) – From the Spring edition of The Bible Society's *In Transmission* series and authored by Fleur Houston, a minister of the United Reformed Church with extensive international experience.
  - BBC – [a useful article](#) aiming to unpack some of the numbers and drivers behind this current situation.

## **Appendix 1: Helpful Definitions**

### **Age-disputed Child:**

An age-disputed child is an asylum applicant whose claimed date of birth is not accepted by the Home Office and/or by the Local Authority who have been approached to provide support. This term is usually used to refer to people who claim to be children, but who are treated as adults by the Home Office and/or the Local Authority. Whether an individual is treated as an adult or as a child has serious implications for the way in which the person's claim for asylum is treated, and the support received.

### **Asylum Seeker:**

A person who has left their country of origin and formally applied for asylum in another country, but whose application has not yet been concluded.

### **Economic Migrant:**

Someone who has moved to another country to work. Refugees are not economic migrants.

### **Human Trafficking:**

The [trade](#) of humans, most commonly for the purpose of [sexual slavery](#), [forced labour](#) or [commercial sexual exploitation](#) for the trafficker or others.<sup>[1][2]</sup> This may encompass providing a [spouse](#) in the context of [forced marriage](#),<sup>[3][4][5]</sup> or the extraction of organs or tissues,<sup>[6][7]</sup> including for [surrogacy](#) and [ova removal](#).<sup>[8]</sup>

Human trafficking can occur within a country or trans-nationally. Human trafficking is a crime against the person because of the violation of the victim's rights of movement through coercion and because of their commercial [exploitation](#).

The relationship between a trafficker and the trafficked person is ongoing after arrival at the country of destination.

### **Refugee:**

A refugee is "a person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it." (The 1951 United Nations Convention Relating to the Status of Refugees).

In the UK, a person is officially a refugee when their claim for asylum is accepted by the Home Office. A person given refugee status is normally granted leave to remain in the UK for 5 years, and at the end of that period can apply for Indefinite Leave to Remain.

**Refused Asylum Seeker:**

A person whose asylum application has been unsuccessful, and who has no other claim for protection awaiting a decision. Some refused asylum seekers voluntarily return home, others are forcibly returned and for some it is not safe or practical for them to return until conditions in their country change.

**Separated Children Seeking Asylum:**

Separated children seeking asylum are children who have applied for asylum in their own right, who are outside of their country of origin, and separated from both parents or their previous/legal customary primary care giver.

**Smuggling**

The "procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident." (Article 3, [Smuggling of Migrants Protocol](#)).

The smuggler's relationship with the refugee ends at the point that they arrive in the country of destination.

**Appendix 2 : A Simple Guide to the UK Asylum System:**

**How do refugees arrive in the UK?**

There are a number of routes by which refugees arrive in the UK:

- **From a refugee camp in another country** - The [Gateway Protection Programme](#) is a government scheme which brings certain particularly vulnerable refugees living outside their home country to resettle permanently in the UK. Many refugees resettled under the Gateway Protection Programme have been living in refugee camps for several years and have no prospect of returning to their own country. In these cases the asylum process has commenced in the refugee camp.
- **At a port of entry of the UK border** - A person can apply for asylum to the Immigration Officer at an airport or seaport when she/he first arrives, i.e. before passing through Immigration Control. They may be granted temporary admission to

the UK and given an IS96 letter, which can later be used to obtain an Application Registration Card (ARC).

- **Arriving illegally into the UK** – ‘Illegal Entrant’ is a term applied to people who enter the country by clandestine means (such as hiding in a lorry) or by deception (which can include lying about identity or using false documents). This also includes human trafficking and smuggling (please see definitions above for a distinction between the two). Most asylum seekers arrive illegally in the UK. If someone has arrived illegally into the country it is important that they are provided with advice and supported to apply ‘as soon as reasonably practicable’ for asylum. This is important as any delays may harm their claim later and may mean that access to welfare support and accommodation is denied. Asylum applicants should find a lawyer to represent them as soon as possible, to help them during the asylum application process.

In order to do this they need to apply as an in-country applicant at the Home Office Asylum Screening Unit in Croydon [Asylum screening unit - GOV.UK](https://www.gov.uk/government/organisations/home-office/asylum-screening-unit)

### **The Asylum process**

In 2007, the Home Office introduced a new process for dealing with asylum claims, called the New Asylum Model (NAM). Each asylum application is assigned to a specific case worker who will be responsible for the case, and for all decisions taken on it, from the time the application is made until the person is granted permission to stay or is removed from the UK.

There is an initial ‘**screening interview**’ where the personal details of the applicant and their journey to the UK are noted, they are checked against a database to see if they have claimed asylum in the UK or Europe before, and then they are given a reference number for their application. This will be followed up by additional interviews, offering an opportunity to describe to the case worker what has happened to them and what it is they fear in their own country.

After their screening, the asylum seeker will be issued with an Application Registration Card (ARC). This is a credit card sized document that evidences that they have applied for asylum. It is also used as evidence of identity, immigration status and entitlements in the UK. It holds

identifying information including fingerprints and reporting arrangements in a microchip within the card.

Asylum seekers may be asked to attend regular reporting meetings with their case worker at all stages of the asylum process.

In some cases they may be detained at an Immigration Removal Centre until a decision is made. This can happen at any time within the asylum process.

### **Welfare Support**

Asylum seekers are not allowed to work unless they have been waiting for a decision on their case for more than a year through no fault of their own, in which case they can apply to the Home Office for permission to work.

Asylum seekers who need financial support and/or accommodation while they are waiting for a decision on their claim can apply to the Home Office to provide this. Asylum seekers who are destitute may be able to receive accommodation and/or subsistence support from the Home Office (previously known as NASS support).

An application for support has to be made on the ASF1 form. The asylum seeker is first moved to initial accommodation while their application for asylum support is processed. Once the application has been processed and approved they are moved to dispersal accommodation outside of London and the Southeast. They have no choice in where they are placed.

Asylum seekers who claim Home Office support are given interim support tokens during the period of their dispersal. The tokens provide short-term support until their subsistence payments are made available through their Asylum Registration Cards at their local Post Office. For more information on financial entitlements and support see [The Real Deal for Asylum Seekers | Joint Council for the Welfare of Immigrants](#) .

Asylum seekers who can prove that they have accommodation, for example with friends or relatives, can apply for subsistence cash support only.

Asylum seekers do not continue to receive support after their application has been refused and their appeal rights are exhausted.

For further details please see [Asylum decision making guidance \(asylum instructions\) - GOV.UK](#)

### **Appendix 3: Separated Children Seeking Asylum**

The asylum and immigration process is extremely complex and can be difficult for children involved in it to understand. For this reason, it is vital that they are signposted to the correct support services.

Separated children (once identified) interact with the asylum and immigration system through the Home Office. It should be noted that not all separated children come into contact with the authorities and their presence and situation in the UK may be unknown. Anyone hosting a separated child should ensure they are registered as seeking asylum. Failure to do so is a criminal offence.

This process is a tailored version of the screening process for adults, and is also carried out by the Asylum Screening Unit in Croydon (please see above for details). Through this process, the child's status as a refugee is either confirmed or denied. If denied, they may be granted another form of humanitarian protection.

- If refugee status or another form of protection is granted, then the child has leave to remain in the country.
- If the claim is refused, and there are no suitable reception arrangements in their home country, then a period of discretionary leave will be granted until the age of 17 and a half or for 30 months, whichever is the shorter. At the end of that period, the child has the opportunity to submit a further application for leave.

### **Age Disputed Children**

It should be noted that it is not uncommon for issues to arise in relation to the age of a child. An Age Disputed Child is usually between the ages of 16-18 but with no proof of their age (i.e. birth certificate) and are therefore assessed as adults, and not entitled to the extra care that children seeking asylum are afforded under UK law.

If you need specialist advice in relation to an age disputed child, the Refugee Council has a dedicated Age-Disputed Child Officer.

### **Appendix 4: National Referral Mechanism (NRM)**

Source: Material summarised and adapted from the Serious Organised Crime Agency website <http://www.nationalcrimeagency.gov.uk/about-us/what-we-do/specialist-capabilities/uk-human-trafficking-centre/national-referral-mechanism>

To be referred to the NRM, victims must be referred to:

- The UK Human Trafficking Centre (UKHTC) - for cases involving referrals from the police, some NGOs or local authorities.
- The immigration authorities - where cases emerge during the immigration process.

The referral needs to be made by a body authorised for the purpose, such as the police or local authorities. These are known as “first responders”.

After referral, a case is assessed and a decision is made as to whether there are “reasonable grounds” to believe the individual is a victim of trafficking. The threshold is that a case manager “believes but cannot prove” that the individual is a potential victim of trafficking. If they meet this threshold, the potential victim will be allocated a place within a ‘safe house’, and if required they could be granted a recovery and reflection period of 45 days. This also gives authorities the time to gather further evidence. This evidence will inform the final decision, which is decided on the balance of probability; “it is more likely than not” that the individual is a victim of human trafficking.

After that, the victim may be granted discretionary leave to remain in the UK for one year to allow them to co-operate fully in any police investigation and subsequent prosecution. The period of discretionary leave can sometimes be extended.

If a victim of trafficking is not involved in the criminal justice process, the authorities may consider a grant of discretionary leave, which would usually be the case for separated migrant children in line with usual decision-making practice.

Victims can also receive help and financial assistance to return home. If the person concerned is not determined to be a victim of trafficking, then they will be referred to a law enforcement agency if appropriate, or otherwise processed in line with usual asylum and immigration processes.