

Response to Home Office consultation;

Reforming support for failed asylum seekers and other illegal migrants

About Commonweal Housing

Commonweal Housing is a registered charity, which seeks to support projects which address social injustices through a combination of housing and support. We are privately financed and do not seek government grants to fund any of our projects.

We create housing projects with bespoke services for occupiers who are enduring social. We work with specialist partners to identify social injustices where the 'Commonweal Formula' could make a difference. We then define, provide and evaluate the services to create prototype role model solutions that are rigorously evaluated by independent third parties appointed by Commonweal.

No Recourse to Public Funds

Earlier in 2015 Commonweal began a new project in partnership with a leading immigration and asylum support service, Praxis Community projects. The project, titled No Recourse to Public Funds, sees Commonweal lease housing to Praxis who in turn let properties to local authorities, who will use them to house destitute migrants whom they have a duty to provide accommodation to, under Section 17 of the Children's Act as the household contains a child who would otherwise be homeless. At the same time advice is offered by specialist asylum and migration support organisations, which it is hoped may speed up the application process in turn saving Local Authorities money and improving the integration into society of those who receive a positive asylum decision. NRPF is in its early stages and will be fully evaluated in due course by leading experts commissioned by Commonweal to capture the learning and to ascertain whether it is replicable and the outcomes desirable.

Consultation Questions

- 1. The proposed repeal of section 4(1) of the 1999 Act (paragraph 16).**
- 2. The proposal to close off support for failed asylum seekers who make no effort to leave the UK at the point that their asylum claim is finally rejected, subject to continued support in cases with a genuine obstacle to departure at that point or in**

which further submissions are lodged with the Home Office and are outstanding (paragraphs 20-21).

3. The proposed changes for failed asylum seekers with children (paragraphs 29-33).

Commonweal's view is that support and accommodation are likely to lead to better outcomes than coercion. Therefore if the policy objective is to encourage voluntary departures these are more likely if support, which may include accommodation is provided.

4. The length of the proposed grace period in family cases (paragraph 31).

5. The proposed transitional arrangements (paragraphs 36-37).

The fact that "existing" cases will not be in the proposed new system is noted, our view would be that it would be extremely negative if existing cases were to be included.

6. The assessment of the impact of the proposals on local authorities (paragraphs 38- 45).

7. Whether and, if so, how we might make it clearer for local authorities that they do not need to support migrants, including families, who can and should return to their own country (paragraph 42).

8. Any suggestions on how the Home Office, local authorities and other partners can work together to ensure the departure from the UK of those migrants with no lawful basis to remain here and minimise burdens on the public purse (paragraph 47).

The Home Office in partnership with Local Authorities and with expert partners, ensuring better support and advice which is more likely to lead to better applications which in turn are processed through the system more swiftly is the best way to ensure voluntary departure. Our view is that if applications are seen to be dealt with swiftly and fairly it is more likely to ensure unsuccessful candidates leave than if they feel their case was not heard in a fair and just way. It is also likely that the longer an applicant stays in the UK the more reluctant he or she will be to leave given the increasing potential to have laid down ties that bind.

9. Any information or evidence that will help us to assess the potential impacts of the changes proposed in this consultation document and to revise the consultation stage Impact Assessment (paragraph 48).

10. Any information or evidence that will help us to assess the potential impacts of the changes proposed in this consultation document on persons who have any of the protected characteristics as defined in the Equality Act 2010 (paragraph 49).

Additional comments

Commonweal considers that any move to further coercion measures around policies towards asylum seekers would be both detrimental to the stated policy objectives and risk heightening the destitution already experienced by asylum seekers with claims at varying stages of the system as well as enhancing a sense of distress and panic among asylum seekers with active applications in the system.

In the 10 questions presented, there is not one which addresses the lack of a right of appeal in the Home Office proposals. While this will no doubt raise legal issues around human right and international treaty obligations there is also a wider problem of the perception of fairness and due process in Asylum applications.

Paragraph 13 states;

The proposals set out in this document will;

- *Ensure that asylum seekers who would otherwise be destitute continue to receive adequate support while their claim is under consideration;*
- *Rebalance the support system so that failed asylum seekers and other illegal migrants have no financial incentive to remain in the UK and avoid return to their own countries*
- *Retain important safeguards for children; and*
- *Reduce costs to the public purse*

Paragraph 34 states;

“We propose to consider whether, consistent with our international and human rights obligations, any changes to existing rights of appeal against asylum support decisions could help to achieve the objectives set out in paragraph 13”

Part of Commonwealth's No Recourse to Public Funds project will seek to offer a robust analysis of the effect that good support services combined with accommodation can have on improving outcomes for both the Home Office and the Asylum Seeker in terms of speed of resolution of application. While the evidence from this project will not be available for some time it is notable that previous approaches similar to that outlined in paragraph 34 have failed to deliver better outcomes. Commonwealth therefore continues to support a robust appeal process in asylum support decisions and does not conclude that the objectives outlined in Paragraph 13 will be met.

General tone and narrative

While the policy objectives of the Home Office consultation are fair, namely that only those who have a right to be in the UK should remain here, the language and tone around the proposals does run the risk of feeding a negative media narrative in relation to asylum seekers. This narrative is both unhelpful to those applicants who are granted permission to remain in the UK and does nothing to address the underlying causes of delayed applications and protracted appeal processes.