



CSAN Immigration Bill briefing

CSAN (Caritas Social Action Network) is the domestic social action arm of the Catholic Church and official agency of the Catholic Bishops Conference, England and Wales. Our network includes 43 charities and dioceses, many of whom work extensively with destitute asylum seekers, migrants and refugees all across England and Wales.

Introduction

The Immigration Bill 2015 extends provisions introduced by the Immigration Act 2014 and will implement a number of measures which were outlined in the Conservative Party General Election manifesto. CSAN's main concerns with the Bill are **Part 2, Clauses 12-15** (the so-called "Right to Rent" and **Part 5, Clause 34** (support for certain categories of migrant). We believe these changes will have a significant impact on the safety and well-being of asylum seekers, many of whom will be exposed to greater risk of exploitation and destitution. **The Report stage of the Bill in the House of Commons will take place on the 1 December.**

Part 2: Access to Services ("Right to Rent") (Part 2, Clauses 12-15)

The Bill introduces four new offences which targets landlords who "deliberately and repeatedly" let their properties to "individuals who they know or have reasonable cause to believe are disqualified from renting as a result of their immigration status".

The Right to Rent measure was initially introduced in the Immigration Act 2014, and allows the Secretary of State to impose civil penalties of up to £3,000 on landlords who rent accommodation to "disqualified persons" without making specified checks: those who have entered the UK illegally; those who have overstayed their leave to remain; and those who must reside at (another) specific address as a condition of their leave to remain.

CSAN has a number of concerns with the wider roll out of the "Right to Rent" measures and the impact they will have on refugees, asylum seekers and migrants.

CSAN is particularly concerned that the wider roll out and extension of the "Right to Rent" measures will lead to discrimination against refugees, asylum seekers and migrants. **Landlords will be disinclined to let their properties to anyone unable to promptly produce documentation that can satisfy, beyond any doubt, that they have a valid immigration status.** Asylum seekers who have had their application refused but are hoping to continue their case are especially at risk of being made homeless by these measures.

There will likely be unintended consequences for legal migrants and ethnic minorities, including those granted who have been Refugee Status or Leave to Remain, as landlords will seek easy and 'safe' tenants. **A direct consequence of tenancy refusals, again, could impact upon levels of homelessness, for this already vulnerable group.** Indeed, this will also impact on



people on lower incomes who may not have passports or other official documentation and may therefore be refused tenancy.

The safety of asylum seekers and migrants will thus be jeopardised as a result of this measure, with unscrupulous and dishonest landlords able to exploit the system and take advantage of an already vulnerable group, who are in a foreign environment with limited resources and support networks, and unable to easily find legal accommodation. In addition, **the lack of alternatives available to asylum seekers will force many into a situation where they are at a serious and very real risk of exploitation.**

CSAN member charities have real concerns regarding the proliferation of illegal landlords in the Private Rental Sector (PRS) and PRS landlords who let properties, which are in a state of disrepair. Asylum seekers, migrants and refugees will be fearful of reporting the state of their accommodation for fear of being made homeless. **Asylum seekers are already more likely to live in very poor housing conditions and the Right to Rent will only exacerbate this reality.**

Finally, CSAN is concerned that landlords, who despite being untrained civilians, will become responsible for the work of immigration officials. There is a danger that the increased burdens placed on landlords in terms of administration will then be passed on in increased fees payable by tenants. This will not only affect asylum seekers, migrants and refugees but also low-income British citizens.

CSAN recommendations

- The Government should reconsider its decision to roll out the Right to Rent measure, instead of strengthening the sanctions against landlords.

We therefore urge Members to support amendments which alter or remove the Right to Rent

Part 5: removal of support for certain categories of migrant (Clause 34)

Under existing legislation destitute asylum seekers can apply for accommodation and/or financial support ('asylum support') from UK Visas and Immigration (UKVI; part of the Home Office) whilst their claim is being processed, under section 95 of the 1999 Immigration and Asylum Act. Refused asylum seekers' asylum support is terminated 21 days after the final refusal decision. They are then expected to leave the UK and have very few support options.

However, if the refused asylum seeker household includes children under the age of 18, the family can continue to receive support under section 95 of the 1999 Act, until they leave the UK. In addition, Section 4 of the Immigration and Asylum Act 1999 can currently provide a destitute refused asylum seeker with a limited type of accommodation and cashless support, if the Home Office recognises that there are temporary barriers to their departure from the UK.

The Immigration Bill 2015 will significantly will amend these provisions, instead:

- Refused asylum seeking families with children under the age of 18 will no longer receive section 95 support¹ until the youngest child turns 18 or the family leaves the UK
- Individuals and families with children, who have had their asylum application refused, will need to demonstrate that they **are destitute** and face **“a genuine obstacle to leave the United Kingdom”**².

CSAN has a number of concerns with the removal of this vital support. These proposals cannot be implemented without running the risk of leaving families destitute and street homeless, vulnerable to abuse and exploitation, and causing long term harm to children and individuals affected.

Impact on asylum seekers

The Government has stated that these measures will reduce the scope for “support to remove incentives for failed asylum seekers to remain in the UK illegally”. However, **there is very little evidence that those seeking asylum are deterred by the prospect of harsh treatment in a country of asylum**³. Such measures are in fact likely to undermine immigration controls as refused asylum seekers will have little incentive to remain in contact with the authorities once support has been withdrawn. The UKBA (now UK Visas and Immigration) in response to a consultation in 2007 recommended that asylum seekers should be left in their accommodation after they are refused asylum until they are removed from the UK⁴.

No matter how difficult living conditions are made for asylum seekers in the UK, it is unlikely to overcome their real fear or perceived fears about what would happen to them and their families if they return to their country of origin. Even if faced with destitution and reliance upon charity and community networks in the UK, if a parent believes their child’s life is at risk when they return to their country of origin they will usually consider remaining in the UK. This measure will not lead to more families opting to return to their country of origin, **it will instead only increase the destitution and danger faced by already vulnerable families.**

¹ Under Section 95 of the 1999 Act, unsuccessful asylum seekers can apply to the Home Office for accommodation and/or financial support (£36.95 per adult or child since 10.08.15). Support is terminated 21 days after the claim has finally been determined.

² The criteria for what constitutes as “destitution” and a “genuine obstacle to leave the United Kingdom” is significantly narrowed. As such, it will become much more difficult for refused asylum seekers to qualify for support.

³ V. Robinson et. al., *Understanding the decision making of asylum seekers*, Home Office, 2002 and Zetter et. al., *An assessment of the impact of asylum policies in Europe 1990-2000*, Home Office Research Study 259, June 2003

⁴ UKBA, *Simplifying Immigration Law: Responses to the initial consultation paper*, December 2007



Children of asylum seekers are first and foremost children, and we have a moral duty to recognise this and ultimately protect them. The UK asylum policy should make children's welfare their priority, not make life more difficult for them. Our charities fear that without any safety net or support, **children will be at much greater risk of coming to harm and facing abuse and exploitation.**

Impact on charities

At the moment, based on partial data, it is estimated that there are around 1,000 people with no recourse to public funds sleeping rough or can be counted as 'hidden homeless' in London – in the experience of front-line charities, the number is feared to be much higher.

As such, destitute asylum seekers already seek support from churches, other faith and community groups and local and national charities; many of CSAN charities themselves provide a wide range of support for destitute asylum seekers. However, these **services are already overstretched and will not have the capacity to respond to the anticipated spiked demand that these measures will cause.** As a significant increase in demand cannot be supported via existing networks, there is a real risk of loss of life, abuse and exploitation if these proposals are enacted.

CSAN recommendations:

- The Government should desist with its proposals to limit the support for refused asylum seekers in light of the significant impact this will have on asylum seekers, especially children

We therefore urge Members to support any amendments which prevent the withdrawal of support for refused asylum seekers

Family Reunification amendment

An amendment has been put forward to expand the restrictive rules for family reunification in the UK. The existing provisions do not allow for family members who are not spouses or dependent children (e.g. children over 18, siblings) to be reunited with their loved ones in the UK. The amendment would:

“allow those separated from their family, and who have refugee or humanitarian protection status in the UK, to sponsor family members beyond spouses or under-18 children to join them. It would also remedy an anomaly that prevents children with refugee status in the UK from sponsoring their parents to join them”.

Vision of Catholic Social Teaching

Catholic Social Teaching views the family as the basic cell of society. It speaks of both the sanctity and the social mission of the family. A priority for the reunification of the family is called for across all policy areas. This is particularly prescient in the case of displaced migrant families.

The scriptures tell vivid stories not just of individuals but family units on the move: Abraham, Jacob, Moses, Mary and Joseph. In his 2007 address on ‘The Migrant Family’ Pope Benedict interpreted this tradition in the parallel he drew between the drama of the Family of Nazareth and the experience of the fragility of the contemporary migrant family. He called for robust measures to ensure the protection not just of individuals on the move but protection of the migrant family unit.

Pope John Paul II, defining the family as a “unit of work and solidarity”, noted the “intimate connection between family and society”, arguing that Catholics bore a duty to ensure the family was not “abandoned to hostile social forces”. Enforcement approaches – including the use of detention and destitution measures - and delays in family reunification have had grave consequences for families and challenge this teaching.

The existing rules on family reunification are restrictive and urgently need reform. This amendment will ensure the protection of the migrant family unit and we therefore urge Members to support this amendment.

Right to work amendment

An amendment has been put forward to enable asylum seekers, who have not received a decision on their application within six months, to be granted permission to work (including self-employment and voluntary work).

The vast majority of asylum seekers in the UK want to support themselves and their families through work than be forced to rely on handouts from the government. By denying asylum seekers the opportunity to work we are also denying them the opportunity to contribute towards the UK economy, as well as condemning them and their families to the poverty and destitution that reliance upon existing asylum support levels can often bring.

Vision of Catholic Social Teaching

Catholic Social Teaching encourages us to ensure that the public conversation about migrants is not just focused on questions of access but also on the human dignity of the migrant during the process of having a claim heard and in seeking integration into a new community. Catholic Social Teaching recognises the importance of access to work as a basic feature of human dignity. As human persons we seek to establish relationships that are contributive and reciprocal. We express our personality through work, and seek to provide for those for whom we care through work. Work is part of the way in which we are co-creative beings in relation to God and neighbour.

Catholic Social Teaching suggests a right and duty to enable migrants to have access to full social, economic, civic, political participation. To be clear, this is a shared duty: a duty on behalf of the migrant to actively seek means of participation and integration and a duty of government to ensure the possibility for migrants to express this desire and duty. Integration is a form of reciprocal co-responsibility shared by civil society, migrant and government.



Granting asylum seekers the right to work will allow them to integrate into civic society, and will ensure they will - should their health allow - be able to contribute to the UK economy and protect their family from poverty and destitution. We therefore urge Members to support this amendment.

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