



## Destitution amongst asylum-seeking and refugee children

# Destitution: The Children's Society's findings

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In October 2008, The Children's Society opened a project designed to support families who are destitute in the West Midlands. Incredibly, these families, including often very tiny children and babies, lack the basic essentials, such as food, housing, clothing and nappies they need to survive. The irony is that they came to the UK hoping they would find safety and a better future, and instead found themselves living in squalor or struggling to survive on the streets.

During the 12 month period that followed, the West Midlands Destitution Project managed to help more than 250 children whose parents have been deliberately forced into destitution by the Government. These families have no means of survival because the adults are not allowed to work or claim benefits and have been unable to get the help they need from the state.

Essentially, what the project found during its first year of operation was that the number of destitute families on the ground is increasing. As time went on our West Midlands centres were approached by more and more children, young people and their families who have fallen into destitution.

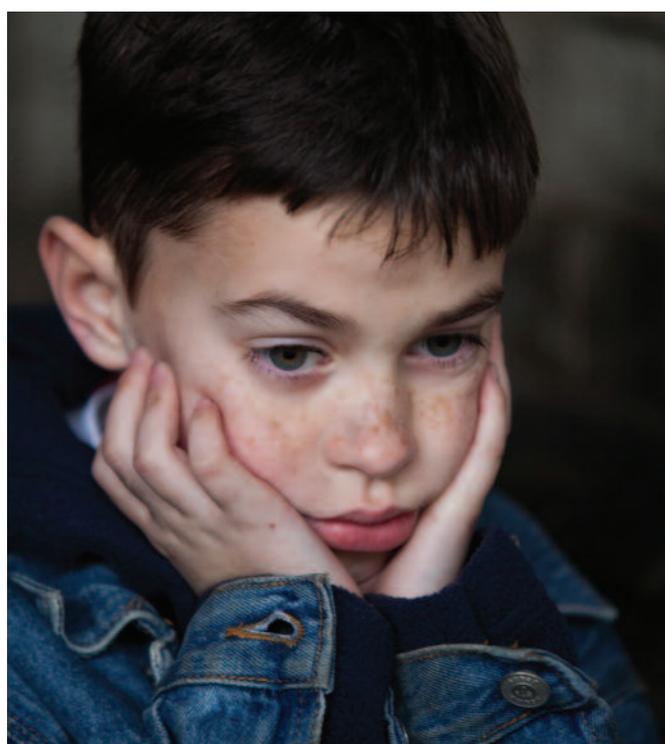
The rising tide of destitution is often being caused by Britain's chaotic asylum system either denying them support or limiting them to an amount that is internationally recognised as being inadequate to meet basic human needs.

As a result, thousands of children who have done nothing to deserve being thrown into destitution are growing up in households without adequate food, heating or toys. Mothers are being forced to prostitute themselves to survive, young people in care are being cut off from any help and becoming homeless at the age of 18, while in some cases pregnant women cannot afford to eat.

## How can this be happening?

People who are refused asylum but cannot return to their home countries immediately are banned by the British Government from working. They can apply for Section 4 'hard case' support, under the Immigration and Asylum Act 1999. But this often consists of hostel accommodation that is inappropriate for raising children and a small amount in vouchers every two weeks. Pregnant women don't automatically get support for their infants – there are often delays so they often do not have enough to get the baby milk, clothes and nappies they need for their children.

The Government says it does not have any idea how many children have been made destitute because of its policies. But the latest official figures show that in the last three months of 2009, 11,655 applicants, excluding dependants, were surviving on the bare minimum Section 4 Support, 13 per cent up on a year before.



But many others get no help at all. Under Schedule 3 (Nationality, immigration and asylum act 2002) there are a number of groups who are excluded from local authority support. Local Authorities have an obligation to ensure the welfare of children in their area – but for many children that The Children's Society works with, the only offer of support is to take them into care, which leaves the parents without support. This means that children must remain destitute with their parents, or go into care without them.

In the first year of its operation the West Midlands Destitution Project helped 264 children whose families have no means of survival because the adults are not allowed to work, and have been unable to get the help they need from the State. The project either gave families the legal advice they needed to get the Government support they were entitled to or crisis grants that provide regular and one-off payments.

Demand increased rapidly throughout the year with staff doing particularly intensive casework with 13 families in the first three months, 23 families in the second quarter, 44 in the third and 42 in the fourth. The trend is strongly upwards. The pattern of demand is similar at our Oasis project in Oxford, New Londoners in Newham, Help and Hope in Newcastle Upon Tyne, LEAP in Leeds and Safe in the City Manchester.

This report is based on our experience of working with destitute families over the last year. It gives an analysis of case studies and interviews with the families themselves. It sets out who these families are, why they are here and what needs to change to prevent more children from growing up in destitution.

## The families

Most of the families came to the UK seeking asylum from countries with recognised human rights abuse records or which are still in a state of chaos. These countries included Afghanistan, Iraq, Zimbabwe, Sri Lanka and Eritrea. Others families

came on visas from countries like Jamaica and India, or from countries within the EU, such as Poland.

Although the families' reasons for coming to the UK were very diverse, a common picture has emerged of destitute lone mothers, often pregnant, fleeing domestic violence and usually very traumatised by their experiences. Those women are particularly vulnerable to exploitation and abuse.

Triton is a two-year-old boy from Sri Lanka who has had an horrific start in life. He and his mother Shanthi were abandoned by his father shortly after they arrived in the UK, leaving them destitute and homeless. His mother is also pregnant after being raped by her husband. After several applications to the Government for help were refused, his mother arrived with Triton at The Children's Society distraught and confused. We assisted the family in applying for Section 4 accommodation, which they have now secured.

Unsurprisingly most parents had physical and mental health problems, some of which were life threatening. There is significant potential for long term negative impacts on children because of the prolonged periods of destitution, including when women are pregnant, and because the majority of women show signs of depression. The children considered for this report were already displaying mental and physical ill health and some had been hospitalised.

All of the families had been in the UK for many years, some for a decade. In many families the children had been born and raised in the UK. The effect of this is clear. It is very difficult for families who have been in the UK for many years to contemplate return to a country they barely know.

In addition, many of the family relationships that had developed through years of uncertain immigration status were extremely complex and this made planning for the future very difficult.

Entitlement to housing and financial help is tied to immigration status but, for families, their immigration status is often complex because

different family members may have different status. It means that some family members may be entitled to support but others are not. Because local authorities and the UK Border Agency have different responsibilities it also means that families are passed around between the UK Border Agency and local authorities while there is a dispute about who should take responsibility.

Five year old Aisha and her one year old baby brother Hassan are living in the middle of a bureaucratic nightmare. Both children were born in the UK. But the UK Border Agency says it will only support their mother Aliya and baby Hassan financially, but it refuses to support Aisha because her father is British. The effect of this ruling on the children was potentially catastrophic because Aliya is HIV positive. She is therefore unable to breast feed Hassan and did not have enough money to buy formula milk for him. The Children's Society stepped in to provide a crisis grant and emergency food parcels. Without this help the baby would have been at risk of severe malnourishment. That wasn't the end of their troubles. Aisha has missed a term of her education because the UK Border Agency housed the family too far from school.

In other cases family relationships are more straightforward but families become destitute anyway. The three most common reasons are:

- 1 Families who have been refused asylum and had their support cut off: mothers who give birth after they are refused asylum are not entitled to claim family support.**
- 2 Abusive relationships: some of the families who we spoke to for this report are fleeing an abusive relationship in this country. Because immigration documents are often in the ex-partner's name, immigration status is sometimes unclear. This can lead to families overstaying on visas, and children being at risk of detention and deportation. Families in this situation have no eligibility for benefits, and no means of income.**

- 3 Delays, confusion and bureaucracy: Many of the families who applied to the UK Border Agency for Section 4 support were left waiting for several months while the application was processed, during which time they were completely destitute. Also, many lone mothers were left without child benefit because it had been paid in the father's name. Changing this took several months during which time they were completely destitute.**

It is clear that many families are met with a lack of compassion when they seek help. Rather than being the focus for front line professionals, the children appear to be virtually invisible. Agencies are falling well short of the legal requirements set out in the Children Acts 1989 and 2004 that require them to have regard to children's safety and welfare, and ensure the best possible outcome for them. This is of particular concern in the case of the UK Border Agency as it has only recently adopted this duty.

Just before Christmas, Social Services completely cut off all financial support for three year old Isaias's family. His mother Malashu had no money to feed into the electricity meter. The heating was cut off and the temperature where they were living plunged to freezing point. When The Children's Society's project staff found Isaias and his newborn baby sister Salamay wrapped in winter clothes and coats while indoors in an attempt to keep warm. One of the children had to be hospitalized with a chest infection. The crisis struck the family after baby Salmay was born. At that point Social Services withdrew support, gave her notice and encouraged her to apply to the UK Border Agency for section 4 support which gives failed asylum seekers accommodation and a small amount of financial support each week. The Children's Society helped Malashu to apply to the UK Border Agency who agreed to support her but not her children. They suggested the children go to live with their father, who had refugee status, separating them from their mother. The only other option offered was for Social Services to take the children into care. An earlier child in need referral submitted by a health visitor had been marked 'not for further action' by the local authority.

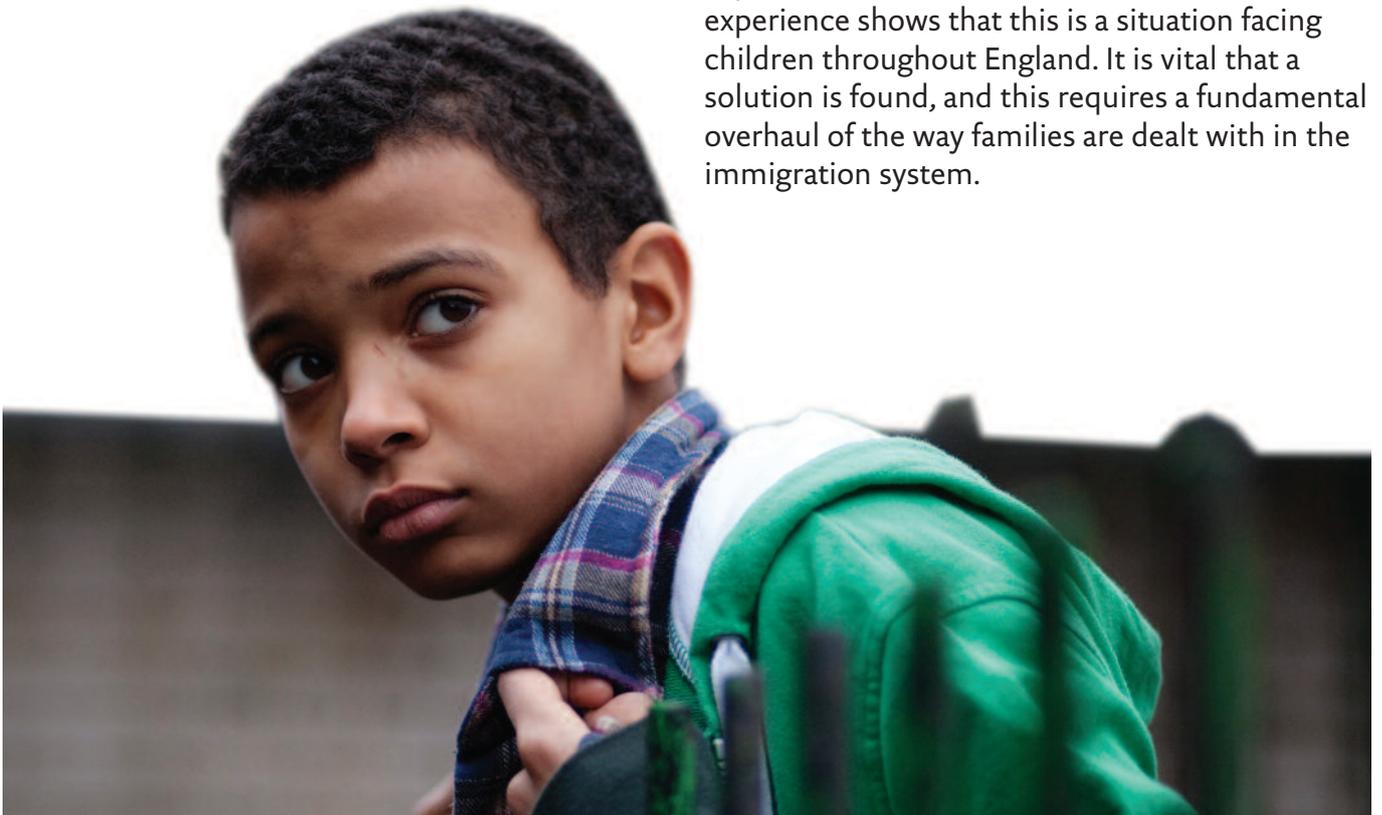
There were a number of families, like Malashu and her children, where no single agency would take responsibility. Families often fell between local authorities and the UK Border Agency. In the cases of the families we analysed, the overwhelming response from agencies appeared to be to protect themselves from financial pressures, rather than protecting the children. The standard response was to tell the families to leave the UK, but the reality is that many families are desperate to avoid this.

When The Children's Society staff found them, two young Congolese children, a boy Oudry and a girl Djany, were living in a house with severe damp. Thick black mould was growing up the walls in the bedrooms and the oldest child's mattress was next to a wall with spots of mould. Both children were suffering from coughs and asthma. Their mother, Martha came from the Democratic Republic of Congo. She was charged £900 by a solicitor for legal advice after her claim for asylum was refused.

Ultimately this leaves families with a series of choices: to leave the UK voluntarily, face separation from their children, work illegally or exist on the streets. Unsurprisingly some parents decide to work illegally.

Little baby Cizanye's mum was put in prison the other day. After being refused asylum, Cynthia, from Burundi, illegally took a job to supplement the tiny amount of food vouchers she received from the UK Border Agency to support the one year old child. When her mum was caught she and the baby were evicted. They went to stay with friends and were given £20 a week by children's services to live on. Even though social workers later acknowledged this was insufficient to buy food, nappies and clothes, the Local Authority refused Cynthia, who is HIV positive, more support. When her case came to court she was sentenced to 15 months in prison with a minimum term of 7.5 months. Cizanye went to live with her father in bed and breakfast accommodation provided by social services, but following sentencing even this was withdrawn and the father was advised to apply for Section 4 Support that gives failed asylum seekers accommodation and a small amount of financial support each week, which has been refused. The Children's Society is very worried about the effect of it all on the baby's social and emotional development, as it is vital for a baby to develop a secure attachment with their parents between the ages of six months and two years.

This catalogue of abuse, exploitation, fear and need is based only on The Children's Society's experiences in the West Midlands. Our own experience shows that this is a situation facing children throughout England. It is vital that a solution is found, and this requires a fundamental overhaul of the way families are dealt with in the immigration system.



## What must happen next?

It is clear that many destitute families have not had a fair hearing on their asylum case. Resources should be put into the asylum process at the beginning, so that families receive free, good quality legal advice and emotional support through the process. Potential outcomes, including voluntary return, should be discussed with families by an independent advocate early on in the process. Countries that have invested in this ‘frontloading’ recognise more refugees, and have higher rates of voluntary return.<sup>1</sup>

All families should be provided with support and access to healthcare while they are in the UK, regardless of immigration status, in recognition of the fact that there are children involved. This should never involve the child being separated from his or her mother unless the mother poses a risk to the child.

One single agency should be tasked with providing support to families. It is clear that only trained social work professionals have the experience and skills to make sure the child is visible, supported and safe. They must be given the funding and time to do so. Families who have no outstanding protection needs and no legal basis to stay in the UK should not be left to languish in destitution, illegal working, or

detention. If they are not removed, they should be provided with a legal basis to stay and allowed to live with dignity.

The families in the report had been in the UK for so long – many between 7 and 10 years – they were unable to contemplate leaving. Their life was here. Children who were born or brought up here should not be forced to leave. If they were not removed promptly after refusal, they and their parent/s should be provided with leave to remain under Article 8 of the Human Rights Act 1998.

Women should never be afraid of fleeing violence or abuse because of their immigration status. Women who present to the UK Border Agency, or local authorities, destitute because of domestic violence should be supported immediately while their situation is resolved.

There is a clear imperative to resolve this problem. Children are growing up in destitution across the country. They and their parents are living in fear, sometimes forced into illegal working, but more often are abused and exploited and live in absolute poverty. They suffer serious ill health that results in crisis periods where they are admitted for critical care. A new approach is needed; an approach that is underpinned by compassion.





## Understanding the support system

Families who have unsettled immigration status may be entitled to a range of support. The most common are:

**Asylum support (known as section 95)** – this is provided to families who are seeking asylum, or who have been refused asylum and are still in the UK. It usually consists of accommodation in a low-demand housing area, on a no-choice basis, with cash payments at the rate of 70% of income support.

**S20 of the Children Act 1989** gives local authorities a duty to support children, usually in care, with their parents' consent if the parents cannot or will not provide for them.

**S48 of the Children Act 1989** gives local authorities the power to forcibly take children into care if their parents cannot or will not provide for them.

**S17 of the Children Act** gives local authorities a power to support families in need. A range of services can be provided under this section, and these are defined at a local level by the local authority.

**Section 4 support** – women who give birth after being refused asylum are provided with basic support under s4 because they are considered by the UKBA as single adults and are not entitled to s95 (asylum) support.

**National Assistance Act 1948** – this provision provides a basic safety net for families, but is complicated by case law that provides limitations on the support families can access.

**Other key terms:**

**Article 3, ECHR** – this prevents the state from cutting off support if it would result in inhuman or degrading treatment. Case law suggests, however, that families can avoid this treatment in some circumstances by leaving the UK voluntarily.

**No recourse to public funds** is a restriction on families who have come to the UK on visas, on the basis they do not claim housing or benefits from the state. Families from the EU don't have 'no recourse to public funds', although there are restrictions on the benefits they can claim and in what circumstances, which can leave families destitute.

**The Children's Society** wants to create a society where children can be children, childhood is respected and every child is valued for who they are. We are resolute in our commitment to the most disadvantaged and those at risk; challenging of negative public attitudes towards children and positive about what young people can achieve. Our approach is driven by our Christian values and by the voices of children and young people, who are at the heart of all we do.

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### **Acknowledgements**

This report is based on an internal review carried out by The Children's Society's Research Unit between October 2008 and October 2009. For further information please contact:

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