Participation and the Practice of Rights Input

to the Ulster University 'Discretionary Support Review'

8 September 2021

Participation and the Practice of Rights (PPR) is a small human rights NGO founded in 2006, working to turn international human rights standards into grassroots tools for economic, social and environmental change.

Originally active in Belfast and Dublin, PPR now works with a growing network of communities across Ireland who have been marginalised by laws, policies, public authorities or private interests, using human rights as tools for change.

One of the groups we support, Housing4All, was formed in 2016 in order to campaign to ensure that all people seeking asylum are given the opportunity to lead dignified and secure lives. The Lift the Ban group is part of the wider UK initiative for the right to work for everyone, including asylum seekers. These groups include at least some people with direct experience of living in Northern Ireland under the 'No Recourse to Public Funds' designation.

For asylum seekers, not only have they had to flee their country and leave their lives behind -- undergoing multiple hardships on their journeys -- but once in the UK, they are subjected to the UK Home Office's 'hostile environment' policies. Most asylum applications are initially rejected; at this point, after a short delay people's legal status and right to asylum seeker support is removed, and they are subject to the 'No Recourse to Public Funds' designation. This shift produces destitution; it means that, having been evicted from their asylum accommodation, they cannot even access publicly funded homeless shelters. As people amass more evidence to substantiate appeals of their asylum decision, and these progress through the system, they frequently move in and out of the asylum system, with intermittent periods under NRPF.

Discretionary Support has the potential to offer a lifeline to people with NRPF designation. Its declassification as a public fund would allow people to access support, upholding their dignity, their rights to an adequate standard of living and their right to food.[1] It would also prevent the need for expensive crisis intervention by providing society's most vulnerable people with a safety net.

[1] As protected in the International Covenant on Economic, Social and Cultural Rights.

Evidence

The impact of the NRPF policy is incontrovertible. In 2016 -- in the absence of any monitoring by the state as to the numbers of refused asylum seekers in NI with 'No Recourse to Public Funds' -- the Housing4All group designed and carried out a survey amongst 36 asylum seekers in Belfast[2]. Research findings included:

- 63% of respondents had been made homeless more than once since applying for asylum.
- 87% of those surveyed said that being homeless had adversely affected their mental and physical health.

It was clear from these early findings that the Home Office's enforced destitution policies were having a devastating impact on people seeking asylum.

In November 2018, the Housing4All group carried out a wider survey, encompassing 70 asylum seekers in Belfast. The findings, published in June 2019[3], highlighted key areas.

With regard to enforced destitution, 7% of people stated they were not in receipt of any Home Office support at the time of the survey[4].

Given that the Home Office does not keep statistics on the number of asylum seekers who are destitute, it is impossible to know how many are affected. People who have been destitute for several years may fall away from established networks of support and go 'underground', where they are at serious risk of exploitation and abuse.

Other survey findings also evidence the hardship suffered by asylum seekers, including those with NRPF. 79% of people surveyed stated they could not afford food for themselves or their family. 57% were currently attending a food bank - of these, 70% attended at least once a month and almost 20% on a weekly basis[5]. In contrast, at the time of these survey results, it was reported that 7% of the wider population of the UK had used a food bank -- demonstrating the relative severity of the food insecurity faced by asylum seekers.

Comments to the survey indicated that the combination of food insecurity and loss of culturally appropriate food worsens the trauma of displacement, in that constant reliance on charities inevitably has an impact on people's dignity and wellbeing. People who participated in our research explained how they were often turned away from receiving food parcels as they had already received their quota and some people with children even reported to us that they were told by staff if they came to collect another food parcel they would be reported to social services. Food banks also struggle to provide food that meets the health or cultural needs of individuals.

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[2] A Place of Refuge? Report calls for action from Executive to end homelessness and destitution | Participation and the Practice of Rights (pprproject.org)

[3] PPR, a Prison without Walls at https://issuu.com/ppr-org/docs/h4all_report_june_2019_final_17.06.

[4] Ibid., A Prison without Walls, p. 11.

[5] Ibid., A Prison without Walls, pp. 19-20.

Survey findings also highlighted issues affecting children. Families make up 38% of the asylum-seeking population surveyed. Of these, 88% of people with children stated they could not afford the basics and other child related costs. They greatly struggled to afford the costs associated with raising a family. Not surprisingly, 75% of parents reported they experienced anxiety, isolation, and depression or felt they could not cope with daily activities. Parents felt that their children did not respect them as they were unable to afford things the children's peers could access. Parents also feared that being unable to participate equally in school and out of school activities was harmful to their children's education, development, and integration into their new community.

Overall, a staggering 77% of people surveyed by Housing4All said their health had gotten worse since claiming asylum in the UK. There are generally three stages of a displaced person's journey where they may experience trauma causing mental ill-health: pre-displacement, during their flight, and post-displacement. Post-displacement stressors -- the ones people are undergoing in Northern Ireland -- can be caused by factors relating to the displacement itself, like family separation, social isolation, racism and discrimination, as well as loss of social identity tied with former community and cultural groups.

Post-displacement stressors can also be caused by poverty, poor quality housing and barriers to employment and education, and exposure to complex and unfair legal systems -- all consequences of deliberate Home Office policy, resulting in additional trauma for asylum seekers under the UK's 'hostile environment'. The NRPF designation is part and parcel of this punitive system.

In terms of the Covid-19 pandemic, local press highlighted cases of migrants excluded from the Northern Ireland Housing Executive's implementation of the 'Everyone In' policy to house all rough sleepers during the pandemic in the interest of public safety, meant to be accessible to all regardless of nationality or immigration status[6].

The way forward

It remains a fact that the NI Executive has devolved responsibilities which can both mitigate and address many of the causal policies contributing to the marginalisation of this group. The response to Covid-19 has shown that with political will, devolved powers can be used to expand social and economic rights protections for everyone. The offering of Covid-19 vaccines to 761 asylum seekers in May 2021[7] demonstrated this clearly; as did the stated policy of housing all rough sleepers regardless of status during the pandemic (despite the gaps referenced above).

PPR and other organizations which support people with no recourse to public funds are strongly of the view that Discretionary Support has the potential to offer a lifeline to people with NRPF designation at a time when they risk being overcome by a rising tide of poverty. The declassification of Discretionary Support as a public fund would provide the small number of people in this situation in Northern Ireland with the opportunity to access

[6] Homeless migrants missing out despite 'Everyone In' pandemic policy - Investigations & Analysis - Northern Ireland from The Detail

[7] http://aims.niassembly.gov.uk/questions/search.aspx, AQW 18465/17-22.

support, upholding their dignity, their rights to an adequate standard of living and their right to food. It would be a progressive step forward in an otherwise hostile and discriminatory policy context. In our view, it would also demonstrate the benefits of preventative approaches, avoiding crises which incur costs for public agencies.

In order to make this support as effective as possible for people with no recourse to public funds, the application process and conditions should be flexible, accessible and developed with the participation of people with NRPF designation.