



<b>Subject:</b>	<b>Report - A Prison Without Walls, Asylum, Immigration and Human Rights</b>
<b>Date:</b>	23rd August, 2019
<b>Reporting Officer:</b>	Nigel Grimshaw, Strategic Director of City and Neighbourhood Services
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<b>Restricted Reports</b>	
<b>Is this report restricted?</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>If Yes, when will the report become unrestricted?</b>	
<b>After Committee Decision</b>	<input type="checkbox"/>
<b>After Council Decision</b>	<input type="checkbox"/>
<b>Sometime in the future</b>	<input type="checkbox"/>
<b>Never</b>	<input type="checkbox"/>

<b>Call-in</b>	
<b>Is the decision eligible for Call-in?</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

<b>1.0</b>	<b>Purpose of Report or Summary of Main Issues</b>
1.1	Members will recall that, at the meeting on 21st June 2019, the Committee had recommended that a report be brought back on the recommendations relating to Council arising from the report 'A Prison Without Walls, Asylum, Migration and Human Rights'. This report was produced by Housing4All in June 2019.
1.2	The purpose of this paper is to provide Members with an overview of the recommendations relating to Belfast City Council and recommendations on how the Council may wish to proceed.

<b>2.0</b>	<b>Recommendations</b>
2.1	<p>The Committee is requested to:</p> <ul style="list-style-type: none"> <li>• write to the Department for Communities to raise the issue of asylum seekers facing destitution and to seek clarity with regard to what statutory body has responsibility for people in this vulnerable situation; and</li> <li>• seek legal opinion to consider the legal implications of the recommendations relating to Belfast City Council.</li> </ul>
<b>3.0</b>	<b>Main Report</b>
3.1	<b>Background</b>
3.2	<p>Housing4All was formed in 2016 to campaign to ensure that all people seeking asylum are given the opportunity to lead dignified and secure lives.</p>
3.3	<p>In 2019, Housing4All launched a report entitled <b>A Prison Without Walls, Asylum, Immigration and Human Rights</b>. The report raises issues faced by people seeking asylum including issues relating to destitution, housing conditions, food poverty, children, health matters and the impact of not being able to work.</p>
3.4	<p>The report outlines a number of issues in relation to destitution and the impact of Home Office Policy that restricts asylum seekers from accessing the labour market. The report also highlights that in the UK, unlike in other EU countries, if a person's claim for asylum is refused then the accommodation and financial support that would have been provided by the Home Office is stopped after 21 days. The report notes that as asylum seekers are restricted from accessing public funds and not eligible to access emergency accommodation, once Home Office support is withdrawn, this results in destitution.</p>
3.5	<p>The report estimates that there are over 100 asylum seekers that have been destitute for several years who fall away from established networks of support and go underground, where they are at serious risk of exploitation and abuse.</p>
3.6	<p>The report also highlights that the system of seeking asylum in the UK causes serious damage to the mental health of people who are already suffering because of what they have experienced in the course of their flight. It noted that 'many of the issues could be resolved by lifting the ban on employment for people seeking asylum.'</p>

3.7	A copy of the report is attached. It contains a number of recommendations for organisations including 5 that have been directed at Belfast City Council.
3.8	<p><b>Recommendation 1</b></p> <p><b>Belfast City Council and Department for Communities establish a subcommittee in 2019/2020 to develop plans to introduce a digital money, similar to the MONI scheme in Finland, to pay additional financial allowances to asylum seekers outside of Home Office support.</b></p>
3.9	The Finnish Immigration Service has been providing asylum seekers, who do not have bank accounts, with prepaid MasterCards instead of the traditional cash disbursements (MONI Scheme).
3.10	The MONI account functions like a bank account, people can use their accounts to buy things, pay bills, and even receive direct deposits from employers. Every transaction is recorded in a public database maintained by a decentralized global network of computers; this enables the Immigration Service to keep track of the cardholders and their spending.
3.11	<p>Some analysis of the system in Finland shows that it has helped with the issue around asylum seekers /refugees not having papers and facing long waits to get a bank account which impacts on their ability to bank their wages, pay bills or start to recover their identities.</p> <p><b>It should be noted that in Finland, unlike the situation in the UK, asylum seekers are permitted to work.</b></p>
3.12	The report recommends that this be introduced ‘to pay <b>additional</b> financial allowances to asylum seekers in Northern Ireland outside of the Home Office support.’
3.13	Members will be aware that Immigration policy is an excepted matter under paragraph 8, Schedule 2 of the Northern Ireland Act 1998. Therefore, Northern Ireland does not have the power to amend immigration policy, which remains the preserve of the Home Office.
3.14	However, while immigration policy is made in Westminster, Northern Ireland government departments have previously used powers to address some of the problems faced by those living under immigration control, including asylum seekers and refugees. In its Racial Equality Strategy 2015 – 2025, the Executive Office explains that Northern Ireland

departments have exercised their powers to implement a number of initiatives including:

- Setting up a Crisis Fund for vulnerable migrants
- Providing free English language classes for asylum seekers
- Ensuring that all asylum seekers have access to free healthcare
- Providing the legal framework that will give all unaccompanied asylum seeking children and trafficked children an independent legal guardian.<sup>1</sup>

3.15 The Housing4All report estimates that there are over 100 asylum seekers who have been destitute for several years who fall away from established networks and are at serious risk of exploitation and abuse. This is mainly people who have claimed asylum and have had their claim refused and their £37.75 a week stopped. There are many reasons why people who have failed in their asylum claim may be unable to return to their home country. They physically may not be able to travel, and /or their country of origin may refuse to provide suitable travel documents for them to return. It may also be considerably unsafe for people to return home. Others are gathering the necessary evidence to make a fresh claim for asylum. People in this situation have no home, no access to benefits and no right to work. They become reliant on food parcels, charitable support and are at risk of exploitation. Such a situation has massive physical and mental health implications and impacts on social cohesion leaving people living on the margins of society.

3.16 Members may wish to consider writing to the Department for Communities to raise the issue of asylum seekers facing destitution and to seek clarity with regard to what statutory body has responsibility for people in this vulnerable situation at risk of destitution, exploitation and temporarily unable to return home.

### **Recommendation 2**

3.17 **Belfast City Council establish a sub-committee to develop plans to promote an Aspen Card discount scheme among local business.**

3.18 While the Home Office is assessing an asylum seeker's claim, asylum seekers receive a weekly payment of £37.75 from the Home Office. This is paid through an aspen card, which is a form of debit card, different from the Moni card, it can be used to get cash from machines and to make payments in shops.

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<sup>1</sup> The Executive Office, 'Racial Equality Strategy 2015-25' (2015) at para 9.15

3.19	The report recommends that Council work with local businesses to provide a discount scheme for holders of the card, similar to how student discount works.
<b>Recommendation 3</b>	
3.20	<b>Belfast City Council confidentially provide free places for children to attend extra-curricular activities and summer clubs so that children in families seeking asylum can participate in activities with their peers without discrimination.</b>
3.21	After-schools activities and play development sessions are free and open to residents in Belfast. Information about after-school activities is disseminated through the various Community Centres. Play development sessions are open to all communities in Belfast and have been delivered to many new community groupings.
3.22	Summer scheme registration is currently set at £4 per child for 4 weeks and £8 per family and is advertised through the Council web site. This pricing policy has been in place for several years, whilst the costs appears value for money for most; it would pose difficulties for asylum seekers who receive £37.75 a week per child. Being part of a local summer scheme offers many benefits for asylum seekers and aids integration and inclusion locally.
3.23	This recommendation will be considered by Legal Services and the Equality Unit with regard to potential implications in the context of current legislation.
3.24	Officers from the Good Relations Unit and Community Services will work together on how current provision within Community Centres is better advertised to reach sectors such as asylum seekers across Belfast. The Migrant Forum, which the Council Chairs' could be used as a conduit.
<b>Recommendation 4</b>	
3.25	<b>Belfast City Council, led by the Lord Mayor, seek a meeting with the Home Office to advocate for employment rights for asylum seekers.</b>
3.26	People seeking asylum in the UK are generally unable to work. While in theory, some

	<p>categories of asylum seekers are entitled to apply for work permission,<sup>2</sup> if such permission is granted, the asylum seeker is required to fill a role on the shortage occupation list, which includes very technical or specialized positions such as classical ballet dancer, prosthetist and reservoir engineer.<sup>3</sup> In practice, therefore, the large majority of asylum seekers are banned from working while they wait months, and often years, for a decision on their asylum claim.</p>
3.27	<p>The Lift the Ban Coalition, made up of 150 organisations from across the UK is calling on the government to give asylum seekers the right to work after six months of waiting for a decision on their asylum claim.<sup>4</sup> The Coalition highlights that the UK's position on work permission is extremely restrictive compared to other European countries and that the UK has adopted a minimalist approach to implementing EU law.<sup>5</sup> The Coalition argue that granting work permission would bring benefits including: improved mental and physical health of people in the asylum system; helping to challenge forced labour, exploitation, and modern slavery; improved integration within local communities and benefits for the UK economy through tax.<sup>6</sup></p>
3.28	<p>The UK's policy to restrict asylum seekers from the labour market has come under sustained criticism by a number of UN Human Rights bodies.</p>
3.29	<p>The UN Committee on Economic, Social and Cultural Rights has repeatedly expressed concerns about the challenges faced by asylum seekers in the enjoyment of economic, social and cultural rights in the UK. In 2016, it expressed particular concerns about restrictions in accessing employment. The Committee advised the UK to ensure that asylum seekers are not restricted from accessing employment while their asylum claims are being processed.<sup>7</sup></p>
3.30	<p>Previous Lord Mayors have raised the issue of asylum seekers being unable to work with the Home Office and have been advised that 'asylum seekers are only allowed to work in the</p>

<sup>2</sup> An asylum seeker who has not received a response to their asylum application for 12+ months and who can show that the delay cannot be attributed to her/him may apply for work permission.

<sup>3</sup> See Immigration Rules Appendix K: Shortage Occupation List

<sup>4</sup> See Lift the Ban Coalition accessible here: <https://www.refugee-action.org.uk/lift-the-ban/>

<sup>5</sup> In ZO (Somalia) [2010] UKSC 36 the Supreme Court ruled that the UK had failed to meet the minimum standards for the reception of asylum seekers as required by Council Directive 2003/9/EC ("the Reception Directive"). The UK responded by permitting all asylum seekers who have waited for 12+ months to apply for work permission but also by limiting such employment to the Shortage Occupation List.

<sup>6</sup> Lift the Ban Coalition, 'Why people seeking asylum should have the right to work' (October 2018).

<sup>7</sup> ICESCR/E/C.12/GBR/CO/6. 'UN Committee on Economic, Social and Cultural Rights Concluding Observations on the sixth periodic report of the United Kingdom of Great Britain and Northern Ireland' 14 July 2016, at paras 24-25. See also, ICESCR/E/C.12/GBR/CO/5 . 'UN Committee on Economic, Social and Cultural Rights Concluding Observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland' 12 June 2009, at para 27.

UK if their asylum claim, or further submission, has been outstanding for more than 12 months through no fault of their own. Those who are allowed to work are restricted to jobs on the shortage occupation list.'

- 3.31 The Lord Mayor has recently met with the authors of the report and has agreed to raise the matter again with the Home Office.

#### **Recommendation 5**

- 3.32 **Belfast City Council and the Department for Communities establish a sub-committee to develop plans for 'Timebanking' which provides non-monetary ways for asylum seekers and non-asylum seekers to exchange goods and services.**

- 3.33 Timebanking is a way of spending one hour of time helping someone out by, for example, mowing someone's lawn, or doing their shopping. For every hour spent, you earn an hour in return. This can be spent on receiving an hour of someone else's time.

- 3.34 No money is exchanged. One hour of sharing skills or helping others is recognised by giving that person one hour as a time credit.

- 3.35 Timebanking is a creative way of incentivising people to take an interest in their communities. The benefits can be immense in terms of building social networks of people, who give and receive support from each other, enabling people from different backgrounds, who may not otherwise meet, to come together and form connections and friendships.

- 3.36 The concept has many benefits for all communities and would complement the Belfast Agenda, however, the Council would have to give consideration as to whether it is best placed to implement the concept and to provide the resource necessary to establish and provide oversight.

#### **Financial and Resource Implications**

- 3.37 The suggested options within this paper do not have any financial implications at this point. However, future financial implications will depend on member's recommendations.

#### **Equality or Good Relations Implications / Rural Needs Assessment**

3.38	This report intends to inform Members, there are no anticipated negative equality and good relations or rural needs implications.
<b>4.0</b>	<b>Document Attached</b>
	Appendix 1: 'A Prison Without Walls, Asylum, Migration and Human Rights'. Housing4All June 2019.