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Professor Philip Alston  
UN Special Rapporteur on Poverty and Human Rights

Dear Professor Alston,

I am writing to you from the Jesuit Refugee Service (JRS), UK, to submit evidence on the intersection between extreme poverty and human rights in the United Kingdom, drawn from our work supporting those with lived experience of the asylum process, immigration detention and destitution.

Allow me to give some brief background to our organisation. JRS is an international organisation, supporting forcibly displaced people in over 50 countries worldwide. In the UK, we work with

- people in and recently released from immigration detention;
- refused asylum seekers who are destitute as a consequence of government policy. They are putting in fresh asylum claims or otherwise working to regularise their immigration situation;
- those who have been granted refugee status but not yet transferred to the Department of Work and Pensions system – and therefore left destitute.

This gives us insight into the poverty in which asylum seekers and refused asylum seekers live, and its impact upon their human rights, civil, political, social and economic. We recognise that poverty undermines a range of fundamental rights for many populations across the UK; we focus on poverty among those seeking asylum as this is where our expertise lies.

Please do not hesitate to contact me if I can be of any further assistance in this matter. May I take this opportunity to thank you for your concern with this important issue.

Yours sincerely,

Sarah Teather  
Director, JRS UK

## JRS UK submission to the UN Special Rapporteur on poverty and human rights

### **Executive Summary**

The UK government manufactures the destitution of refused asylum seekers, which constitutes an egregious abuse of their right to a standard of living adequate to health and well-being. Specific hostile/compliant environment legislation limiting access to essential services further undermines particular social and economic rights, such as the right to medical care. This intended poverty further interacts with different parts of hostile/compliant environment legislation and policy to undermine fundamental civil and political rights – obstructing access to the asylum process and, more broadly, equal consideration before the law. It additionally renders refused asylum seekers vulnerable to modern slavery, jeopardising their right not to be held in servitude. Under new processes concerning release from immigration detention, homelessness can obstruct release.

**Context:** Those with a pending initial asylum claim are virtually never permitted to access the labour market. If they would otherwise be destitute, they receive £37.75 a week, and very basic accommodation. Many whose asylum claims are refused cannot leave the UK but are denied any means to support themselves: like all seeking asylum, they are barred from working and cannot access the benefits system. After a claim is refused and the claimant’s appeal rights are declared to be ‘exhausted’, asylum support and very basic accommodation, are cut off. Many people subsequently put in fresh asylum claims – some of which succeed – but often cannot access financial support while they await a response for various reasons. Additionally, the Home Office aims to create a “hostile environment” (often now termed “compliance environment”) for undocumented migrants. This criminalises many every day activities, such as driving and work, and makes it extremely difficult for undocumented migrants to access vital services, notably healthcare. The introduction of a distinct criminal offence of working without a visa that permits one to do so is especially significant in the context of the crushing poverty experienced by refused asylum seekers.

We conducted a survey among those we serve in our day centre in Wapping, asking about their living conditions. We received 136 responses. The results are detailed in our report “[Out in the Cold: Homelessness among destitute refugees in London](#)”. The results revealed the depths of extreme poverty in this population: everyone surveyed was legally homeless, and sporadic street homelessness was common, with over 60% of respondents having slept rough within the last year. Additionally, despite not being asked about it, many respondents raised concerns about not having enough, or sufficiently nutritious, food to eat.

### **Economic and social rights**

#### **Right to a standard of living adequate to health and wellbeing**

The enforced destitution of refused asylum seekers leaves them without the ability to meet their most basic needs. The pervasive homelessness, widespread sporadic street homelessness, and concern over food evidenced through our homelessness survey demonstrate that extreme poverty is, unsurprisingly, seriously obstructing these fundamental rights. Enforced destitution also undermines health, the right to which is broader than the right to healthcare, and requires that the social determinants of health are attended to. Enforced destitution renders people unable to meet their basic needs, such as access to nutritious food. Additionally, the psychological distress that arises from the imposition of a hostile environment puts people at risk of psychological impairment and psychosocial disability. The State is here creating the conditions that prevent migrants from attaining the highest attainable standard of physical and mental health.

## **Right to Medical Care: NHS Charging for refused asylum seekers and undocumented migrants bars them from healthcare**

In recent years, charging and then upfront charging for NHS hospital care and other NHS secondary care has been introduced for non-residents. In England (though not in other parts of the UK) charging applies to refused asylum seekers. Further details can be found in our appended briefing “[NHS Charging Regulations](#): impact on undocumented migrants, refused asylum seekers, and other vulnerable groups”<sup>i</sup>. In brief, hospital care and other kinds of secondary care are **chargeable up front** for refused asylum seekers and other undocumented migrants. Being forced to live in destitution, they are of course unable to pay, and we know of instances of people being turned away from hospital appointments due to inability to pay. It is important to be clear that this also impedes access to urgent medical care: though urgent care is, supposedly, never to be withheld but to be billed after treatment, fear of large bills still prevents people from attending hospital appointments. Staff and volunteers at JRS UK know this anecdotally from those we serve in East London. It is further confirmed by [research](#) conducted into the impact of hospital charging, based at King’s College, London.<sup>ii</sup>

## **Right to work**

As well as causing poverty, policies barring asylum seekers from work and criminalising work in their case directly undermine their right to work. Though this undermining is not *caused* by asylum seekers’ poverty, it importantly intersects with it. First, because it is intended to ensure poverty and thus create a hostile environment; the right to work is denied to asylum seekers in order to frustrate the realisation of other rights. Second, because, combined with the poverty it helps to create, barring asylum seekers from work bars them from participation in community; right to work constitutes a right “indispensable for dignity and the free development of...personality”, and the effect of its denial is compounded in the context of extreme poverty, which cuts off many other avenues for social interaction.

## **Civil and political rights**

### **Right to asylum from persecution, and rights enshrined in the Refugee Convention**

- **Destitution among asylum seekers, which is enforced by the government, obstructs the asylum process**

Destitution – often involving chronic or sporadic street homelessness – is a very difficult position from which to navigate the asylum process. The stress and mental and physical ill-health caused by not having a regular, safe, or habitable place to sleep, or enough and nutritious food to eat, make it incredibly difficult to explain one’s history and need for asylum clearly.

In order to submit a fresh claim, it is necessary to do so in person in Liverpool. Travel to Liverpool from elsewhere in the UK can be prohibitively expensive for someone who is destitute; many people we work with would be unable to submit a fresh claim, due to sheer lack of funds for travel, without our support.

- **Enforced poverty during initial asylum claim phase makes system difficult to navigate.**

Though most people with initial pending asylum claims are given very basic support, many tell us that they seriously struggled to meet their basic needs on £37.75/week. The stress and ill-health this poverty fosters are not conducive to engaging fully and fruitfully with the asylum process. The low levels of asylum support therefore put vulnerable people’s right to asylum in jeopardy.

- **Legal aid cuts give unequal access to asylum system and also human rights law.**

We observe that **difficulty in accessing legal aid** has increased greatly since the introduction of legal aid cuts. Our own observation is corroborated by newly published research from the NGO Refugee Action, which has similarly found that decreasing access to and engagement with legal support following legal aid cuts is a key barrier to laying out an asylum claim appropriately [[“Waiting in the Dark](#): how the asylum system dehumanises, disempowers, and damages”].<sup>iii</sup> In this context, those able to pay for a solicitor have a much greater chance of securing adequate legal support; poverty therefore undermines one’s chance of having one’s asylum claim adequately heard.

### **Right to equality before the law**

- Legal aid is simply not available for non-protection based immigration applications, including those based on human rights. For example, many we support have been in the UK for years and have strong ties here, so they seek to apply for leave to remain on the rounds of right to private or family life, protected by the European Court of Human Rights. However, many struggle to do so because they cannot afford legal representation. In such cases, poverty has obstructed both the right to family life and the right to equality before the law.
- Enforced poverty and hostile environment legislation interact to undermine individuals’ cases for leave to remain on a legal level. Criminal convictions and unpaid medical bills count against an applicant in the immigration system. This creates another level on which the enforced destitution of refused asylum seekers impedes fair and equal access to the immigration system. By preventing refused asylum seekers from accessing both support and the formal labour market, Home Office policy leaves many with no choice but to work informally. It now further criminalises such work. People criminalised in this way are then treated as “foreign national offenders” who have fewer recognised rights in the immigration system; it is easier to remove them and maintain their detention than it is for those without convictions. Anti-immigration policies thus deploy extreme poverty as a tool to criminalise certain categories of migrant, and ultimately impede fair and equal access to the immigration system.

### **Right to liberty: Under new bail processes for immigration detention, destitution can obstruct release.**

Under Section 4(1) of the Immigration and Asylum Act 1999, very basic accommodation was provided to immigration detainees granted bail, if they would not otherwise have a bail address. This meant that homelessness did not act as a barrier to release, and that people were not released into street homelessness. This provision was abolished by the Immigration Act 2016, the abolition having come into force in January 2018. Since then, several people we support in immigration detention have been granted bail, but not ultimately released because they would have been homeless and so they lacked a bail address. In these cases, their extreme poverty directly prevented their liberty, in a case where a judge had ruled that they should not be detained.

It is noteworthy that some detainees, including some we support, have been released without accommodation of any kind. This legislation therefore also deepens poverty.

**Right not to be held in slavery or servitude: There is reason to believe that the levels of poverty experienced by refused asylum seekers and other undocumented migrants, renders them particularly vulnerable to modern slavery;** and that the same may apply to migrants with visas to

reside in the UK but with no recourse to public funds and are living in poverty. Research published in our report “[Out in the Cold](#)” suggests that the destitute refused asylum seekers we serve are especially vulnerable to exploitation, as a direct consequence of their poverty. It should be noted that the survey did not ask about exploitation or slavery; these answers emerged from a survey on living arrangements. It is likely that a survey of the same population focused on modern slavery and exploitation would yield even more troubling results.

Over a third of respondents stated that they did not feel physically safe around those they lived with. Respondents told us of having to accept a roof over their heads on whatever terms, or face a night on the streets. A man explained “When it’s cold, I have to accept any mistreatment”. This demonstrates that vulnerability to abuse is a direct consequence of destitution. The streets, of course, were not a safe alternative. A young woman who had been sleeping rough for over six months told us “abuse is common and somewhat expected.” Such vulnerability is fertile ground for perpetrators of modern slavery to operate in. Imagine one is offered floor space in exchange for work, only to find that one must work day and night and has no option to leave, or a room in a house that turns out to be a brothel. It should be noted that those without up to date immigration status are likely to have particular difficulty in seeking protection from exploitation from the authorities. In practice, extreme poverty places in jeopardy the right not to be held in servitude, especially when combined with immigration enforcement measures, and therefore especially for refused asylum seekers and other undocumented migrants.

### **Concluding Remarks**

Those falling under the hostile (compliant) environment are subjected to a legislative and administrative framework which has destitution as its aim. It is destitution by design which sees the UK reneging on its human rights obligations not because it is unable to fully meet them but because, as the State, it is entrenching rights violations in law, policy and practice. For destitute asylum-seekers, poverty is not only the consequence of specific rights violations but is an outcome that is foreseen and desired by the State. This poverty then leads to further human rights abuses, and is aided in doing so by the matrix of hostile/compliant environment legislation.

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<sup>i</sup> <https://www.jrsuk.net/wp-content/uploads/2018/01/Topical-Briefing-new-healthcare-charges-JRS-December-2017.pdf>.

<sup>ii</sup> <https://www.doctorsoftheworld.org.uk/Handlers/Download.ashx?IDMF=2a7fc733-ceed-4417-9783-d69b016ff74f>.

<sup>iii</sup> <https://www.refugee-action.org.uk/wp-content/uploads/2018/05/Waiting-in-the-Dark-A4-16-May-2018.pdf>.