Another Fine Mess  
– dis-benefited asylum seekers & NASS support

An eleventh hour change in access to support for those asylum seekers who are dis-benefited – ie who, for example, cease to be entitled to Income Support, the Home Office having made and recorded a negative decision on their asylum application – is further evidence of the Government’s poor planning in the roll out of the National Asylum Support Service (NASS).

As we reported in issue two, those asylum seekers who are dis-benefited on or after 25 September 2000, and who are destitute as a result, are the responsibility of NASS. Applications for NASS support would usually be made through an “Assistant” under contract to the Home Office – eg the Refugee Council, Refugee Arrivals project etc. The Assistant helps with the completion and submission of the support application to NASS, and can provide emergency support and accommodation pending NASS’s decision.

However, during September 2000, it became clear that the contracts that the Home Office had signed with the voluntary sector refugee agencies did not extend to them fulfilling the Assistant function for dis-benefited cases. As a result the Home Office have needed, at effectively the last minute, to attempt to put alternative mechanisms in place.

Where to turn?

… families with children

With Home Office minister Barbara Roche having written to the Chair of the Local Government Association in September 2000, to seek assistance in dealing with dis-benefited families with children, the LGA subsequently issued a circular to local authorities, on 22 September 2000, mapping out how they should respond.

( NB – both documents are available on the LGA website at – www.lga.gov.uk )

The circular advises that the letter issued to the dis-benefited person by the Benefits Agency will advise them to phone NASS, on 0845 602 1739. This number connects to an answer-phone where the caller is asked (in English) to leave their name and address for a NASS application form to be sent. The message says that the form will be posted “at the first available opportunity”.

On receipt of the NASS application form, and if the destitute asylum seeker has children, they are advised to approach their local authority for help in completing/submitting the form (ie – essentially the LA acts as the Assistant). In addition, as the Assistant, the local authority can provide emergency support/ accommodation pending NASS’s consideration of the support application.

… and those without?
The Home Office itself estimates that of the 400 cases dis-benefited each week, 320 will be without children.

However, the Government’s proposals for how this group will be “assisted” in applying to NASS and how they might be supported whilst waiting for a decision on their application are likely to lead to many seeking assistance from local advice agencies since, as the LGA circular confirms – “single people and households without children will be expected to complete the form themselves” – ie without the help of either an Assistant or the local authority acting as the Assistant!

Without an Assistant the question also arises as to how a person would access emergency support and accommodation pending NASS’s decision on their support application. Whilst section 98 of the Immigration & Asylum Act 1999 expressly provides for temporary support to be made available in exactly this situation, the message on the NASS answer machine states that they have “no power to provide…emergency support whilst (the) application is being considered”.

Lasa has made written representations to both Peter Durbin (head of NASS policy section) and Barbara Roche expressing concern that current policy extends support under section 98 not on the basis of need but on whether the person happens to be a childless dis-benefited applicant, and suggesting that it will be interesting to see what the courts might make of the policy in the absence of alternative measures being put into place, for example –

❖ the restoration of benefits for a grace period to enable the NASS application to be dealt with
❖ local authorities acting as Assistants for all dis-benefited cases
❖ the renegotiation of contracts with the Assistants

We are however yet to receive a response or acknowledgement from NASS or the Minister.

If others wish to write to comment on these changes, NASS policy section can be contacted at Voyager House, Wellesley Road, Croydon CR9 (Fax – 0208 633 0716) & Barbara Roche at the House of Commons, London SW1A OAA.
**Asylum Support Guidance – available now?**

Those who’ve taken even a cursory look at the Asylum Support Regulations 2000 will know that they are framed in such a way as to leave NASS, as decision makers, a large amount of discretion in applying the rules in any given case.

For example, Regulation 10 states that support in respect of essential living needs is to include a cash element that should not exceed £10 per person “as a general rule”.

How might the phrase “as a general rule” be being interpreted by NASS?

In other areas of welfare law, access to official guidance is an invaluable aid to understanding how the law is being interpreted by a decision making body. For example, in the field of welfare benefits we have the Decision Makers’ Guide, Social Fund Guidance and the Housing Benefit Guidance Manual.

What then of guidance relating to asylum support?

Whilst our experience has been that it is very difficult to get anything in writing from NASS, we have recently obtained copies of a series of 28 Policy Bulletins – effectively NASS guidance – that span topics that include social security benefits, homelessness and local authority support, mixed households, racial harassment, lost/stolen vouchers, refusal & discontinuation of support and appeals against such decisions, dispersal and failure to travel.

It is our concern however that those working with asylum seekers around the country may not be aware of the existence of the Bulletins. Whilst NASS have said that they are looking at putting the Bulletins on the Internet, their site consists of one paragraph of text, their address, a helpline number, and hasn’t been updated or added to for months. In addition, even if the Bulletins do eventually find their way onto the NASS website, we are aware of course that not all advice workers have access to the Internet.

As a result, we would encourage advisers who would like copies of the Policy Bulletins or would benefit from them being placed on the NASS website, to contact NASS Policy Section at – Voyager House, Wellesley Road, Croydon CR9 (Fax – 0208 633 0716).

We are however pleased to report that the Government has finally responded to the pressure that has mounted, not only against the no change rule, but the scheme as a whole.

At the recent Labour Party conference, with the National Executive Committee calling for “an immediate comprehensive review” and the tabling of an emergency motion by the Transport and General Workers Union, Home Office Minister Barbara Roche announced “…the Government must ensure that the (voucher) system is working fairly and effectively. So we will review the scheme. We will also make improvements now by looking to see how we can give change, and introduce lower value vouchers.”

With the NEC statement also calling for the review to “include all aspects of support for asylum seekers and involve all the relevant stakeholders”, a real opportunity exists to effect a change in Government policy on this crucial issue.

**Dispersal & the dis-benefited**

In November 1999, as the Immigration & Asylum Bill neared the end of its passage through Parliament, the Government gave assurances, that – “…if someone has waited a year (for a Home decision on their asylum application) … in a particular area, it would be unacceptable to require that person to move in order to meet a national dispersal policy … I… have no interest in gratuitously disrupting reasonably settled lives.” – Jack Straw

So, what of those who need to access NASS support as a result of having been dis-benefited and who, by definition, are likely to be “reasonably settled”?

NASS policy is that, unless such an applicant has school age children (in which case NASS will assist the local authority who is acting as the Assistant in supporting the person in their current accommodation) or their circumstances are exceptional, they and any dependants will be dispersed.

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Vouch for an End to Vouchers

Advisers will be aware that asylum support in respect of essential living needs is provided, in the main, in the form of vouchers exchangeable for goods in selected outlets that have contracted with Sodhexo Pass – the private company managing the voucher scheme on behalf of the Government.

The scheme has however attracted widespread criticism and led to campaigns that have included Oxfam and the Refugee Council’s against the no-change rule – Sodhexo Pass had urged retailers “don’t miss this revenue making opportunity. Vouchers will be the beneficiaries’ only method of buying essential living products. No change given, but you receive the full value of the voucher.”

To assist them in making further representations, the Refugee Council is interested in hearing from anyone who supports the view that vouchers are a passport to hardship and harassment.

Send your comments to Imran Hussain – Refugee Council, 3 Bondway, London SW8 1SJ – or by email at Imran.Hussain@refugeecouncil.org.uk

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