Welcome

... to the sixth, and last, issue of Lasa’s Asylum Support Briefing

Thanks to Comic Relief for their support in funding the briefings and helping us to deliver our training course – asylum support: the new arrangements – to more than 500 advice workers over the last 6 months.

Thanks also to the more than 2000 of you that have subscribed to the briefings, and who have contributed ideas and provided feedback.

Please feel free to photocopy the briefings and distribute to colleagues and other agencies.

Benefits update –

✜ DSS letters to disbenefited asylum seekers

In issue 3 of this briefing we outlined the arrangements, for those who lose entitlement to Income Support on being refused asylum, to access NASS support. Guidance issued at the time had indicated that the disbenefited person would receive a letter from the DSS that would provide contact details for NASS in order that the person might be able to access asylum support without delay.

However we have received feedback from around the country that disbenefited asylum seekers are instead being sent a standard computerised letter advising that because of an (unspecified) change of circumstances, they are no longer entitled to benefit.

Having raised this with the DSS, we have been assured that a tailored letter, including NASS contact details, is with local benefit offices. However we remain unconvinced that the letter is being used. In order then that advisers can monitor the use of the letter we have made a copy available on our rightnet website @ www.rightsnet.org.uk

✜ Case law update – the break-in-claim issue

In issue 2 we reported that cases were pending to the Court of Appeal and the House of Lords in relation to whether “1996 transitional protection” is lost with a break in claim, or expiry of a fixed term award.

The Court of Appeal has now handed down its judgement in Yildiz v Sec of State for Social Security, February 28, 2001, CA (Case No. C/2000/3093). The case relates to transitional protection for Income Support, Housing Benefit and Council Tax Benefit and, in a unanimous decision, the Court of Appeal allowed Mr Yildiz’s appeal and held that transitional protection is not lost with a break in claim.

In addition, we understand that a date has now been set for the House of Lords appeal. This case, relating to entitlement to DLA, is due to be heard on 10 May 2001.

We will provide further updates on developments both in review, our social security publication, and on our website @ www.rightsnet.org.uk

Making it up as they go along (again)

In issue 3 we reported that the Government had reneged on assurances given by Jack Straw in November 1999 that “… if someone has waited a year … in a particular area, it would be unacceptable to require that person to move in order to meet a national dispersal policy.”

Instead, guidance issued to local authorities less than a year later in September 2000 in relation to disbenefited asylum seekers (who by definition will be likely to have lived in the same area for a prolonged period) advised that they will be likely to dispersed unless they have school age children.

So that’s settled – if you are disbenefited but have school age children you won’t be dispersed.

But no!

In a parliamentary answer on 26 January 2001, Barbara Roche advises that “the expectation is that accommodation will be offered outside the southeast” unless “families have children who have attended a particular school for at least 12 months.”

Still...

... no news re the outcome of the Government’s review of the asylum support voucher scheme

... no sign of the NASS policy bulletins on the Home Office website

... no case law re the lawfully present benefit issue we reported on in issues 1 and 5 (though we understand that a Judicial Review is pending of a Housing Benefit decision made by the London Borough of Hammersmith & Fulham)

But...

... we have finally (after 4½ months of waiting) had a response from NASS policy team re the disbenefited asylum seeker/temporary support issue we reported on in issue 3.

NASS policy bulletins (available at www.rightsnet.org.uk) 52 & 53 confirm that –

✜ Local authorities can provide temporary support under section 98 of the Immigration & Asylum Act 1999, not just to disbenefited families with children, but also to certain vulnerable childless applicants; and

✜ NASS will be responsible for childless applicants who are not considered vulnerable.
NASS liaison
divide & rule?

Over recent years the Benefits Agency has convened regular national liaison meetings for those working with asylum seekers and refugees. However with the focus of support having switched from the benefit system to NASS, the BA has decided to discontinue the meetings and instead absorb their function into its twice yearly Ethnic Minorities Forum.

In doing so, the BA had written to NASS to advise them of how useful they had found the benefit liaison meetings, and to ask that NASS consider convening an asylum support focused national forum to pick up from where the DSS had left off.

However, whilst the BA advise us that NASS have said that they will consider liaison, it is their view that this would be best done on a regional basis. This, despite the fact that there are clearly national and, with dispersal, cross-regional issues that are causing significant difficulties for asylum seekers and advisers.

Nb – for those who would like to be added to the mailing list of the BA Ethnic Minorities Forum, contact DSS Customer Liaison on 0113 232 4597 (fax – 0113 232 7939)

Keep in touch...

Lasas recognises that there will continue to be a need for advice workers across the country to be able to access up to date information about developments with NASS, the local authority interim support scheme, and welfare benefits for asylum seekers and other people subject to immigration control.

As a result, whilst this is the last asylum support briefing, we will continue to offer support in this area through –

- review our bi-monthly social security publication. For subscription info contact us on 020 7377 2748
- rightsnet – the welfare rights website for advice workers – has areas across the site dedicated to asylum seeker issues – including breaking news, new legislation and case law, and discussion forums @ www.rightsnet.org.uk
- training

Lasas offers a range of welfare benefit related training courses and seminars, including “benefits for people subject to immigration control”. For a copy of the current training programme, contact the training team on 020 7377 9981, email training@lasa.org.uk, or book on-line @ www.lasa.org.uk

Free copy of review
– lasas bi monthly social security publication

The next issue of review will contain –

- the latest on Budget 2001
- a calendar of the major benefit changes over the year from April 2001
- a fold-out A2 colour benefit rates poster

If you dont already subscribe to review, send a 27p A4 sae to us at the following address for a free copy – Publications@lasa – Universal House, 88-94 Wentworth Street, London, E1 7SA

So…what did you think?

(+ free lasa training packs)

We’d really like to know what you thought of the 6 asylum support briefings. Your feedback will also help us to evaluate how we might be able to continue to support your organisation in working with asylum seekers and refugees. We would be grateful if you could spend just a couple of minutes completing the questions below.

- What type of agency do you work in – (eg CAB, refugee agency, solicitors office)
- How many asylum seeker queries do you deal with, on average/per week –
- Do these queries relate to –
  - social security benefit entitlement yes / no
  - asylum support (from local auth/NASS) yes / no
- How many people will have seen a copy of the briefing –
- How useful have you found the briefings –
- What will you use in future to keep up to date on this issue?
  - rightsnet website yes / no
  - lasa’s review publication yes / no
  - other (please specify)
- Any other comments

nb – all completed questionnaires received by 30 April 2001 will be entered into a draw. Six, to be drawn at random, will receive a copy of our “benefits for people subject to immigration control” training pack. Please add you name and address if you would like to be entered in the draw –

Faxback – 020 7247 4725