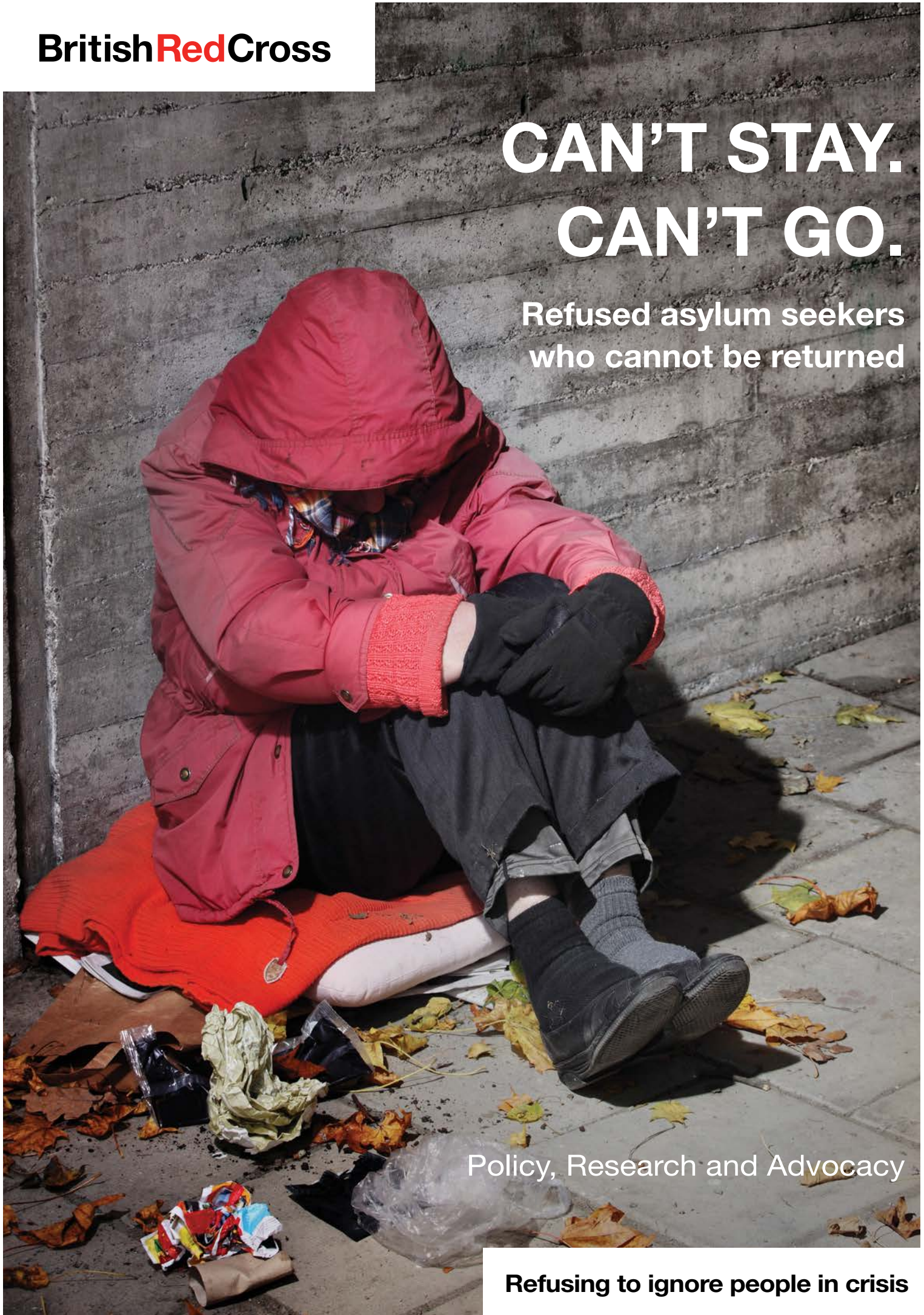


# CAN'T STAY. CAN'T GO.

Refused asylum seekers  
who cannot be returned

Policy, Research and Advocacy

**Refusing to ignore people in crisis**





# **CAN'T STAY. CAN'T GO.**

**Refused asylum seekers  
who cannot be returned**

Catherine Blanchard and Sarah Joy  
Policy, Research and Advocacy, British Red Cross

“They let me live like – between. I can’t go back and I can’t live here... If you die, nobody cares really.”

Walid, Algeria

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Editing and layout: Green Ink ([greenink.co.uk](http://greenink.co.uk))

ISBN 978-0-900228-32-2

<b>Executive summary</b>	<b>1</b>
<hr/>	
<b>1 Introduction</b>	<b>5</b>
1.1 The logistics of return	6
1.2 What happens to people who cannot be returned?	7
1.3 The risk of statelessness	8
1.4 The suffering and limbo facing those who cannot be returned	9
<hr/>	
<b>2 Research aim, objectives and methodology</b>	<b>11</b>
<hr/>	
<b>3 Findings</b>	<b>13</b>
3.1 Our participants	13
3.2 Coming to the UK	14
3.3 Having money	14
3.4 Having a home	17
3.5 Having food to eat	19
3.6 Having clothes to wear	20
3.7 Health	20
3.8 Social support	23
3.9 Personal safety	24
3.10 A life in limbo	25
3.11 Control over life	26
3.12 What keeps you strong?	26
3.13 Documentation difficulties	29
3.14 Detention	30
3.15 Statelessness	30
3.16 What changes would they like to see?	31
3.17 Closing comments	34
<hr/>	
<b>4 Conclusion</b>	<b>35</b>
<hr/>	
<b>5 Recommendations</b>	<b>37</b>
<hr/>	
<b>References</b>	<b>41</b>
<hr/>	
<b>Appendix: Our refused asylum seekers</b>	<b>43</b>

## Acknowledgements

Special thanks to:

- > Our project group – Karl Pike, Alex Fraser, Jonathan Ellis, Anna MacSwan and Alison McNulty – for their insight and endless enthusiasm.
- > Our British Red Cross colleagues – Olivia Field, Rosie Longley, Fiona MacLeod and Joe Potter– for providing opportunities to discuss the research at critical points along the way.
- > Our research participants for giving their time and sharing their views and experiences.
- > Staff at the British Red Cross refugee support service teams in Birmingham (Nina Ligor and Luke Appleton); Glasgow (Jillian McBride, Aelfred De Sigley and Claire Tindale); Leeds (Lucy Simmonds and Stefan Robert); Leicester (Cathy Stevenson, Eric Nkundumubano, Benedetta Balmaverde and Piotr Kuhniewicz); and Teesside (Hilary Hodgson) for their collaboration and participation in the research.
- > Ruth McKenna, Research and Development Officer in Scotland, for carrying out the fieldwork in Glasgow and for her enthusiasm and interest in the research.
- > Our external contacts for sharing their expertise and helping shape the study; in particular: Mike Kaye (Still Human Still Here); Andy Hewett and Marie-Anne Fishwick (Asylum Support Appeals Project); Lisa Doyle (Refugee Council); Catherine Lennox, Carolina Albuerno and Aidan Hallet (Refugee Action); Cynthia Orchard (Asylum Aid); Chris Nash (European Network on Statelessness) and Tamsin Alger (Detention Action).

## Executive summary

**“ I don’t want life to just stop here. It’s not life! I feel like I am in a prison and there is nothing I can do. ”**

**Enaya, Palestine**

**R**efused asylum seekers who have no appeal outstanding are considered to have no basis to stay in the United Kingdom. They are expected to make arrangements to leave without delay. However, not all of them are able to return home. For some, there are no direct flight routes into their country, others are stateless – their country refuses to recognise them as a citizen, and some people simply cannot get a travel document in order to return. The option of going back to their country of origin is not open to everyone and this leaves them stuck in the UK, living in limbo.

## Research objectives

The objectives were to explore, from the viewpoint of refused asylum seekers who cannot be returned, and of the British Red Cross staff who work with them:

- > What living in limbo means for this group, including how they meet their basic needs for money, accommodation, food and clothes.
- > What changes could improve life for this group.

## Conclusion

Refused asylum seekers who, through no fault of their own, cannot be returned to their country of origin, risk falling into crisis. Many remain in the UK for extended periods of time and, without support, are vulnerable to exploitation. They are also likely to drop off the radar, which makes it even less likely that they can be returned. The Red Cross believes it is inhumane to keep them living in destitution for years with no recognition of the suffering they face.

## Recommendations

### For the Home Office

1. Refused asylum seekers who cannot return home due to such issues as lack of documentation should not be made destitute. Our recommendations include the need to:
  - > Keep pregnant women and families with children on Section 95 support, regardless of their status, to prevent destitution and safeguard the best interests of the children involved.
  - > Provide clear, realistic and practical guidelines for single adults applying for Section 95A on what is considered as appropriate evidence to prove they have taken reasonable steps to obtain a travel document.
2. The Home Office should share the burden of obtaining proof of taking reasonable steps to obtain a travel document. It should:
  - > Use its resources to assist in contacting embassies to request a travel document.

- > Provide funding for travel to embassies to facilitate the process of gathering documents.

3. Where appeal rights exhausted individuals cannot, after a period of 12 months, be re-documented, or there is a barrier to return that is beyond their control, and they are complying with the system, they should be given discretionary leave to remain with a right to work and access higher education in the UK.

### For the Red Cross

Our recommendations include:

- > Use our relationships with government and parliamentarians to help solicit responses from embassies when people are failing to receive attention.
- > Independently, and in partnership with other organisations operating in the sector, look to develop an operational response that supports service users during embassy appointments.
- > Review our current policy of providing 12 weeks of destitution support and take appropriate action to ensure the support we offer is sufficient to deal with the long-term destitution faced by this group.
- > Provide training for and raise awareness among our staff and volunteers on the issue of statelessness, including the option to apply for exceptional case funding for Stateless applications.

## Research methodology

The study employed a mixed-methods design, which included:

- > A desk review of existing literature and available quantitative data.
- > Semi-structured interviews with refused asylum seekers who cannot be returned and Red Cross refugee support staff who work with them.
- > A review of the Red Cross case files for each of our interviewees, where available, enabling a more detailed understanding of their individual situations.



## Key findings

- > Life is bleak for refused asylum seekers who cannot be returned.
- > The majority of the refused asylum seekers we interviewed are not on any form of support. With no money, they struggle to survive and rely mostly on charities for food and clothing.
- > Accommodation is a major problem and most have no quiet, safe place to call home. They are constantly moving around and rely largely on friends and night shelters. For some, the only option is to sleep rough.
- > Living in limbo with no control over their future has a profound impact on the physical and, particularly, the mental health of refused asylum seekers. Red Cross staff often witness a deterioration in the health of these people over time. Worryingly, many of our refused asylum seekers have considered suicide at some point and accessing mental health services was reported to be challenging.
- > The main changes suggested by our refused asylum seekers to improve their situations were obtaining status, being allowed to work or study, having a home and having money. All of them desperately wish for a solution to their life in limbo.
- > In addition, Red Cross staff felt that the Home Office should recognise how difficult it can be to get re-documented. They suggested that the Home Office should provide practical and financial assistance to help refused asylum seekers obtain responses from the relevant embassies. Staff also reported that it is essential to keep people on support during the re-documentation process – charities should not be seen as a safety net for this group.





# 1 Introduction

**T**he vision of the British Red Cross is a world where everyone gets the help they need in a crisis, and one of our strategic aims is to reduce destitution and distress for those who are displaced. The Red Cross has a long tradition of providing practical and emotional support to vulnerable refugees and asylum seekers across the United Kingdom, irrespective of their immigration status. This includes asylum seekers who are at the end of the asylum process.

Refused asylum seekers who have no appeal outstanding are considered to have no basis to continue to stay in the UK. They are expected to make arrangements to leave without delay. If they decide to leave voluntarily, they can apply for help with returning home. If not, they can be subject to enforced removal. However, every year, many do not leave.

The Home Office produces data on the recorded outcomes for the group of asylum applicants in any one year. For those who applied in 2015, many are still awaiting confirmation of an initial decision or appeal determination. Therefore, the

2014 data provide a more complete picture of the outcomes for asylum seekers. As at May 2016, of the 25,033 main applicants who applied for asylum in 2014, an estimated 12,563 (50 per cent) were granted asylum, humanitarian protection or discretionary leave, either at initial decision or after appeal; 9,941 (40 per cent) were refused or withdrawn; and 2,529 (10 per cent) were still awaiting confirmation of an initial decision or appeal outcome (Home Office 2016a). Of the 9,941 whose applications were refused or withdrawn, as at May 2016 there had been 2,755 enforced removals (including returns from detention), 882 voluntary departures and 440 assisted voluntary returns.

Previous research, including work by the Refugee Council (2012), has listed a number of reasons why people do not return. Many continue to believe that their lives are at risk and that they will face persecution if they return, even if the Home Office believes their fears to be unfounded. In some cases, their concerns may be justified, but they have been unable to put their case effectively because they lacked access to good quality legal advice or representation. They may believe the UK government has made a mistake and, therefore, are preparing a fresh claim for asylum.

Another reason – one less debated and understood in public policy discourse – is that the person cannot be returned.

## 1.1 The logistics of return

To leave the UK, a refused asylum seeker will need a travel document. The Home Office Country Returns Guide (Home Office 2016b) details the type of travel document required. The Home Office can issue European Union letters (EULs) for certain countries, such as Ethiopia. However, even then, EUL removals to Ethiopia can only be arranged once approved by the Ethiopian authorities and removals must be supported by evidence clearly demonstrating Ethiopian nationality (Home Office 2016b). Many countries do not accept an EUL and will only accept a valid passport or emergency travel document (ETD). The Country Returns Guide details the expected timescale for acquiring an ETD, depending on the type of evidence submitted (original, copy or none). For many countries, including Algeria, Eritrea and Zimbabwe, the returns guide contains the entry “no established timescales” (Home Office 2016b).

The efficiency and effectiveness of the ETD application process relies heavily on the strength

of the relationship with the relevant embassy or foreign government and the nature of the process itself. The embassy or foreign government defines how the process operates for their nationals and ultimately makes the decision as to whether or not to issue an ETD in each individual case. Lack of diplomatic ties between the UK and the country of origin and the unwillingness or inability of an embassy or high commission to recognise or re-document their nationals can make it difficult for a refused asylum seeker to obtain a travel document (BID 2016). At the time of the report: *An inspection of the emergency travel document process May–September 2013* (Independent Chief Inspector of Borders and Immigration 2014), there were 78 different ETD processes in operation.

There may also be logistical and practical difficulties associated with lack of direct flight routes or transporting people to countries where airports are not operational. From April 2011 to December 2015, Refugee Action delivered the Choices Assisted Voluntary Return (AVR) service, which provided independent, impartial advice and support to individuals considering returning voluntarily to their home countries. Refugee Action maintained a list of countries to which people could not be returned. As at December 2015, Palestine, Syria and Yemen were all listed as impossible to return people to, due to there being no direct flight route (Refugee Action 2016).

### 1.1.1 Establishing nationality

A number of factors may result in a person not being able to establish their identity to the satisfaction of their embassy so as to obtain new travel documents. According to York (2015), these include:

- > Where a person has no national documents or any other form of identity (ID) because they never had any, the documents were destroyed on entering the UK, or they lost their documents while living in the UK.
- > Where, because of war, unrest or environmental catastrophe, a person has spent most of their life outside their country of origin.
- > Where a person finds that their country of origin has become part of another country and they are unable to establish their nationality.
- > Where the Home Office disputes a person's nationality on the basis of language analysis, alleged inconsistencies in their asylum claims or their own changed story.

- > Where a person has been living outside their country of nationality for a long time and they have lost their citizenship.

BID (2016) lists the following additional factors:

- > Where a person is of mixed national parentage (e.g. Ghanaian and Nigerian, Ethiopian and Eritrean).
- > Where a person has moved between two countries during their childhood.
- > Where a person has dual citizenship.
- > Where nationality has been revoked or renounced.

### 1.1.2 Data on barriers to removal

Currently, no publicly available data set exists on how many refused asylum seekers are without national documents, or realistic means of obtaining any, and who are therefore not able to leave the UK, either to their own country or anywhere else. However, there are data on the barriers to removal or deportation for detained foreign national offenders (FNOs) and this provides some insight into the factors affecting people's ability to return. The UK government aims to return FNOs to their home countries as quickly as possible to protect the public, reduce costs and free up spaces in prison. However, many of the same issues facing refused asylum seekers can prevent their removal. (Note that FNOs are not the focus of the current research and did not form part of our sample. Recommendations made from our findings do not relate to FNOs.)

As at the end of September 2016, for the 648 detained FNOs, the following were included in the barriers to removal (Home Office 2016c):

- > Country situation prohibits removal: 19
- > ETD awaited – individual compliant, but ETD awaited: 144
- > ETD required – country non-compliant: 17
- > ETD required – FNO non-compliant: 7
- > Medical reasons: 9
- > Nationality not confirmed: 25.

Furthermore, of the detained FNOs facing removal or deportation, 106 had been waiting 12 months

or more for a travel document (Home Office 2016d).

## 1.2 What happens to people who cannot be returned?

Currently, families who have been refused asylum retain Section 95 support, which provides accommodation and £36.95 per week for each member of the family. For single adults, Section 4(2) of the Immigration and Asylum Act 1999 (HM Government 1999) allows for the provision of support to a limited number of refused asylum seekers.

### 1.2.1 Section 4

Section 4 provides accommodation and support to the value of £35.39 per week. This is not given in cash, but is loaded onto the Azure payment card. To qualify for this support, refused asylum seekers must be destitute. They must also fulfil one of the following five conditions:

- > They are taking all reasonable steps to return to their home country
- > They are not fit to travel
- > There is no safe and viable route of return
- > They have a pending judicial review
- > It would be a breach of their human rights not to give them support.

In practice, the last category is used mostly when the asylum seeker has further representations outstanding. The absence of a safe and viable route of return is rarely accepted unless there is a Home Office policy of non-return relating to the country in question (AIDA 2015).

If a person does not meet one of the five conditions and has no further representations outstanding, it is not considered a breach of their human rights to leave them destitute and homeless because it is considered that they can return to their home country (AIDA 2015).

Proving that you have taken all reasonable steps to return is particularly problematic for people from countries with which diplomatic relations have been suspended, whose embassies have complex requirements that are difficult to fulfil, or who belong to a group that is denied documentation by their country of origin (AIDA 2015). The fact that

they are destitute adds practical problems since they cannot afford to pay for travel to visit their embassy or to send faxes and make phone calls (AIDA 2015). The absence of, or loss of contact with, family members still living in their country of origin who could help them to acquire documents further compounds their difficulties.

Given the strict criteria for obtaining Section 4 support, it is not surprising that, as of the end of September 2016, only 2,441 main applicants were being supported under Section 4 (Home Office 2016e). Most of those on support had submitted further representations. Very few people are granted Section 4 support under the criteria of taking all reasonable steps to leave the UK. Home Office records indicate that, in 2015, only 63 destitute, refused asylum seekers were granted Section 4 support on this ground (Brokenshire 2016).

### 1.2.2 Section 95A

The Immigration Act 2016 (HM Government 2016) received royal assent on 12 May 2016 and makes key changes to the existing support framework. Much of the detail of the provisions has been left to the awaited regulations, which will need to be drafted and laid before Parliament before the changes come into force. Once the Minister has approved the draft regulations, the timetable for implementation will become much clearer.

Paragraph 1, Schedule 11 of the Act repeals Section 4 for single adults. There will be some transitional protection for those currently receiving Section 4 support; however, the detail of this transition is not yet known. Paragraph 9, Schedule 11 of the Act allows for asylum seekers who reach the end of the process, but who face a “genuine obstacle” to leaving the UK, to be supported under a new provision, Section 95A (HM Government 2016). What is meant by “genuine obstacle” is yet to be defined. This new statutory support will be paid in cash at the same level as Section 95 support (£36.95 per week). While this is welcome, the criteria for accessing Section 95A support will be more restrictive than those for Section 4. Regulations will require single adults to apply within a 21-day “grace period” after refusal of their asylum claim (Home Office 2016f). Home Office records indicate that, of the 63 refused asylum seekers granted Section 4 support in 2015, only five had applied within 21 days (Brokenshire 2016). There will be no right of appeal on refusal of support. The lack of appeal is worrying given a report released by the Asylum Support Appeals Project (ASAP) in September 2014. The report analysed 51 appeals to the First-tier Tribunal

(Asylum Support) that challenged the Home Office’s decision to discontinue Section 4 support under regulation 3(2)(a): Taking reasonable steps to leave. In 75 per cent of the appeals, the Home Office’s decision to discontinue support was overturned or reconsidered (ASAP 2014).

The 2016 Act also removes Section 94(5) of the Immigration and Asylum Act 1999 (HM Government 1999), which allows for asylum-seeking families with children to remain supported under Section 95 until they leave the UK. Regulations will provide for Section 95 support to be discontinued after a grace period of 90 days for families whose asylum claim is finally determined and rejected (Home Office 2016f). Section 95A support will be available to families who are destitute and have a “genuine obstacle” to leaving the UK. As with single adults, there will be no right of appeal on refusal of support.

The Home Office (2016g) factsheet on support for certain categories of migrants states that these measures have been framed carefully to avoid passing the cost of supporting failed asylum seekers and their families on to local authorities. The Home Office states that it has consulted local authorities and will continue to work closely with them on the detail of the new arrangements and implementation. It also states: “there is no general obligation on local authorities to support illegal migrants who intentionally make themselves destitute by refusing to leave the UK when it is clear they are able to” (Home Office 2016g).

## 1.3 The risk of statelessness

In April 2013, the UK government introduced new immigration rules that provide for an application to remain as a stateless person (UK Visas and Immigration and Immigration Enforcement 2013). Part 14 of the rules defines a stateless person as one who is not considered as a national by any State under the operation of its law.

Refused asylum seekers who remain in limbo in the UK because of difficulties with proving nationality or being re-documented are at risk of statelessness. The European Network on Statelessness (2016: 10) uses the term “at risk of statelessness” to refer to individuals who are “in a place of vulnerability that can escalate into statelessness”.

According to a best practice guide on statelessness and applications for leave to remain produced by the Immigration Law Practitioners’ Association and Liverpool Law Clinic (Woodhouse



and Carter 2016: 15), “A State’s refusal to recognise a person, its continued silence, or its demands for ever more evidence may eventually constitute a failure to consider the person as a national under the operation of its law.” Section 4.6.1 of the Home Office (2016h: 16) instruction on statelessness recognises that “where an individual has provided evidence that they have made an application to the national authority only to find more and more evidence requested by the State in question, combined with long delays”, this “in practice amounts to a denial of recognition”.

The majority of those who make a Stateless application are refused asylum seekers. However, some applicants have never made an asylum claim and there is no requirement to do so. There is no fee to pay to submit a Stateless application, but the form is currently available only in English. With the exception of Scotland, legal aid is generally not available in the UK for advising, representing or assisting someone who wishes to make an application for leave to remain as a stateless person, despite such applications often being factually and legally complex. Legal advisors can apply for exceptional case funding, but this involves a significant amount of work for the legal advisor and they will receive limited remuneration only when exceptional case funding is granted (Woodhouse and Carter 2016).

The burden of proof rests with the applicant in the statelessness procedure and they must prove a negative: that he or she is not considered a national of any State. The standard of proof is also higher than the reasonable degree standard applied in refugee status determination. While an application is pending, the individual has no right to work and, currently, access to only basic support may be available under Section 4.

If the application is successful, the person can be granted leave to remain for 30 months, after which they can apply for a further 30 months’ leave. After five years, a stateless person can make an application for indefinite leave to remain.

If the application is unsuccessful, there is no free-standing right of appeal to the independent First-tier Tribunal. Rejected applicants can only apply for administrative review or judicial review, or make a new application.

The Red Cross submitted a freedom of information request to the Home Office related to Stateless applications. According to the reply received, between 1 April 2013 and 30 June 2016, a total of 1,662 people lodged a Stateless application (Draper 2016). Of these, 1,096 had previously applied for asylum. As of 30 June 2016, the total number of people who had a decision on their Stateless application was 854 and 41 people have been granted leave to remain on their Stateless application (Draper 2016).

#### **1.4 The suffering and limbo facing those who cannot be returned**

Refused asylum seekers who, through no fault of their own, cannot be returned to their country of origin risk falling into crisis. Without the right to work and with limited or no statutory support, the Red Cross sees people every week who are in desperate situations stemming from their position in society and the world as a person without immigration status. Yet the option of returning to their country of origin is not open to them.





## 2 Research aim, objectives and methodology

**T**he aim of the research was to provide a portrait of the crisis facing refused asylum seekers who cannot be returned, and to describe their experiences of living in a permanent state of limbo.

The objectives were to explore, from the viewpoint of refused asylum seekers who cannot be returned and of Red Cross staff who work with this group:

- > What living in limbo means for this group, including meeting their basic needs for money, accommodation, food and clothes.
- > What changes could improve life for this group.

The study employed a mixed-methods design, which included:

- > A desk review of existing literature and available quantitative data.

- > Semi-structured interviews with refused asylum seekers who cannot be returned and Red Cross refugee support staff who work with them.
- > An interview with a legal professional.

We also asked our refused asylum seekers for their permission to review their case records, where available. This allowed us to gather a more detailed understanding of their situations. This

was not meant as a legal analysis or fact-checking exercise. The amount of information available for each individual varied.

Some of our refused asylum seekers are disputed nationality cases. Where the country of origin is noted for our refused asylum seekers, this is their self-reported country of origin. The names of all participants have been changed and none of the photos in the report are of actual participants.

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## SOME OF OUR REFUSED ASYLUM SEEKERS

### Faheem's story

Faheem is 44 years old and comes from Palestine. Faheem has been in the UK for nine years and has no ID documents. The Palestinian mission has no record of him and refuses to recognise him as a Palestinian. Faheem has applied for assisted voluntary return (AVR) to Palestine three times. However, since he is unable to get a travel document from the Palestinian mission, his first two applications expired. Faheem's third application was rejected due to lack of documentation. The Home Office stressed it was unacceptable that Faheem had no new evidence to assist AVR in obtaining a travel document for him.

Faheem is unable to obtain a Palestinian passport, so he cannot be returned. He is currently gathering evidence to apply for leave to remain as a stateless person. Faheem is without a home and without a country. He says: "I have missed my chance of a proper life; I have no home, I have no partner, I have no job, my age is going up. My situation is miserable."

### Kasim's story

Kasim is 29 years old; he does not have an Iraqi passport or other form of ID. The Iraqi embassy has advised that it cannot assist him with documents. For Kasim to obtain a travel document, he needs to have a laissez-passer, a valid or expired passport, or the family record number in the local civil registration office. The Home Office expect Kasim to get assistance from his family in Iraq and follow procedures that permit a family member to obtain an ID on his behalf. Kasim is from Mosul and he has lost contact with his family; he cannot get their help. He is very worried about his family and is desperate to be in touch with his mother. Kasim has tried tracing his family through the Red Cross, but was told the situation in Mosul is too dangerous for International Committee of the Red Cross (ICRC) presence.

### Walid's story

Walid is 44 years old and comes from Algeria; he has been in the UK for nearly 17 years. He left Algeria during the war. Walid lost his passport a long time ago, before arriving in the UK. Walid has applied for assisted voluntary return (AVR) to Algeria but, without a travel document, he cannot be returned. He has been to the Algerian embassy twice to try to get re-documented. However, as he has been out of the country for so long, they refuse to recognise him as an Algerian national. Walid is stuck in no man's land, and has suffered two heart attacks since he has been in the UK. He is seeking advice on whether he can apply for leave to remain as a stateless person. However, Walid does not see this as a good solution; he sees it as a very last resort.

## 3 Findings

### 3.1 Our participants

A total of 22 interviews were conducted at five Red Cross refugee support services (Table 1) in October and November 2016.

**Table 1. Sites and interviews**

Red Cross Service	Refused asylum seekers (n)	Red Cross staff members (n)	Solicitor
Birmingham	2	1	
Glasgow	2	2	1
Leeds	2	1	
Leicester	7	1	
Teesside	2	1	
<b>Total</b>	<b>15</b>	<b>6</b>	<b>1</b>

Eleven of the 15 refused asylum seekers are male and four are female. They range in age from 25 to 49 years. They originate from eight different countries and their self-reported countries of origin are listed in Table 2.

**Table 2: Refused asylum seekers self-reported country of origin**

Country of origin	Refused asylum seekers (n)
Algeria	2
Eritrea	3
Ethiopia	1
Iraq	2
Palestine	3
Somalia	1
Sudan	1
Zimbabwe	2
<b>Total</b>	<b>15</b>

All 15 of the refused asylum seekers we interviewed have documentation problems and cannot be returned. Their individual stories (such as that of Anwar, on the next page) contain details of the particular problems each is experiencing. The remaining stories can be found on pages 12 and 28, and in the appendix.

## 3.2 Coming to the UK

Most of our refused asylum seekers who cannot be returned came to the UK because of problems in their country and the need to be, and feel, safe:

*I didn't know anything about the UK before I came here; I had no idea. I just knew I wanted to be safe. I wanted a safe life. (Fiyori, Eritrea)*

The amount of time for which our refused asylum seekers have been in the UK ranged from 18 months to almost 17 years. Five people have been here for more than ten years – two for close to 17 years, two for 13 years and one for 11 years. Only five of the 15 have been here for less than five years.

## 3.3 Having money

### 3.3.1 Receiving support

Two of our female participants are on Section 95 support since they have dependent children. Fiyori (Eritrea) has two sons, aged three and two. She has no means of support beyond Section 95 and said: "It is not enough when you have two small children". She worries about what will happen if her support is stopped. Enaya (Palestine) has a daughter aged five. Two other participants – Dawit (Eritrea) and Kayla (Zimbabwe) – are on Section 4 support.

### 3.3.2 Not on support or support stopped

The remaining 11 participants are not receiving any form of support. Some were on Section 4 in the past, when they had submitted a fresh claim or had applied for assisted voluntary return (AVR). Walid (Algeria) was granted Section 4 support because he had applied for AVR. However, Walid cannot get a travel document from his embassy:

*You see I go there twice and they [Algerian embassy] doesn't want to give me anything... The [UK] government, they cannot send me back because I don't have any travel document... They let me live like – between. I can't go back and I can't live here. (Walid, Algeria)*

Walid's AVR application expired and his Section 4 was stopped. He has been without support for almost five months:

*Yes, and they took everything from me. They cut my support; they cut my Azure card, my money... They cut everything... I'm without. Nothing. Nothing. No job, no support, nothing, nothing. (Walid, Algeria)*

Without support, refused asylum seekers who cannot be returned are left destitute:

*I mean, the ones that we know of, really, in our area, they're totally destitute. (Red Cross staff member, Teesside)*

A male participant from Leicester cried as he described how it feels to be destitute:

*Me, I can say, I can say, I can go one month without to get even 50p. You know, I'm struggling with life... So it's affecting me, because I got – I don't have anything, anything. (Anwar, Somalia)*

## Anwar's story

Anwar is 25 years old. He comes from Somalia and he has been in the UK for six and a half years. Anwar comes from a small fishing village on one of the islands off the east coast of Somalia and he has never had an ID. Anwar has a partner in the UK and they have two small children. He cries as he describes the pain of living in limbo. "I lost my family [in Somalia]," he says. "I came here to be happy, to start my new family, but I'm still struggling. You start a new family, but you are not happy with your new family".

Anwar feels he is a burden to his partner. In desperation, he applied for assisted voluntary return (AVR) to Somalia, but his application was rejected. The Home Office told his MP that there are no assisted returns to Somalia since the country is affected by civil unrest.

What makes Anwar's situation more complicated is the fact that the Home Office believes Anwar to originate from Kenya. However, Anwar states that he has never been to Kenya in his life. The British Red Cross have assisted, and funded, Anwar to approach the Kenyan High Commission to confirm whether he is a Kenyan national. However, the commission refuse to respond unless the Home Office approaches them directly.

Anwar desperately wants to put an end to this life in limbo. He is even considering putting in an application for AVR to Kenya, a country he has never set foot in, to try to resolve his current situation.

### 3.3.3 Other means of support

#### Working for cash in hand

Refused asylum seekers, under law, are forbidden to work:

*It's forbidden to employ you.... You can't work. It's very difficult. If they get me from anywhere I work, it's very bad for you, very bad for the owner. (Bisrat, Eritrea)*

Red Cross staff reported that some refused asylum seekers who cannot be returned rely on friends for money or may resort to illegal working:

*Some people maybe work illegally or friends give them money occasionally. (Red Cross staff member, Glasgow 1)*

*I think some of them might find odd jobs sometimes that can pay cash in hand just to survive. (Red Cross staff member, Leicester)*

The fact that refused asylum seekers are working illegally leaves them open to exploitation. However, they might not recognise it as exploitation, since they are desperate and only too grateful to have some money:

*I think that a lot of them are exploited in some of the jobs that they do, because maybe they're paid £3 an hour, £2 an hour. But for them that's not seen as exploitation; that's*

*actually a way to just get by. So in my opinion, yes, a lot of them are exploited, but they don't acknowledge it. Yes, so they're not in a position to ask for more, but in my opinion it is exploitation. (Red Cross staff member, Leicester)*

*My worry is that the people in this group are particularly vulnerable to exploitation because they're in this predicament where they can't go forward, can't go backwards and they are... if they're needing accommodation, money to get by each day then, you know, I dread to think what they may be doing and what kind of situations they're getting pushed or pulled into. (Red Cross staff member, Leeds)*

Faheem (Palestine) described his experience of working for cash in hand:

*Sometimes I look for a job. If I get work, I do it. I don't want to be homeless. I want to be like everyone else. I want to work, to be a good person. (Faheem, Palestine)*

When Faheem does find work, he knows the work will be physically demanding and badly paid:

*It helps you out, but they take your blood. It will be a hard job, heavy work. Work that a machine could do, but they don't want to spend the money. People like me will do a hard job, and will do it for less money. A job*

*that they should give £50 a day, they will give you £20. You need money. You can either have something or nothing. So you take it and you are glad just to have something. They are happy; you are happy. But it gives you a down feeling. Like you are less. (Faheem, Palestine)*

### **The Red Cross, charities and churches**

The Red Cross provides a small amount of time-limited support to this destitute group:

*Red Cross give you some money – a little bit of money – but it helps a lot. I don't need much – just a little bit of tuna and some bread. (Faheem, Palestine)*

Our refused asylum seekers mentioned support from various charities. Walid (Algeria) gets £15 per week from West End Refugee Service, a registered charity in Newcastle upon Tyne that supports asylum seekers and refugees. Kasim (Iraq) is given £10 per week by Justice First in Stockton-on-Tees, while City of Sanctuary Wakefield gives Samir (Algeria) £10 each week.

Aman (Iraq) has been referred to a local church by the Glasgow Red Cross. The church gave him some money on two occasions. He also gets some money from the community-based organisation Govan and Craigton Integration Network: "Every week she gives me £4." Aman finds it difficult to ask for money, especially as he comes from a wealthy family in Iraq:

*Really, I just feel embarrassed. I don't like to continue going, begging. Because I haven't got used to a situation like that. I was living in a very luxurious, good family. (Aman, Iraq)*

### **3.3.4 Priorities when you have money**

Faheem (Palestine) spoke of the importance of making any money you have last as long as possible:

*If you have money, you don't spend it all at once. You spend pound by pound. You squeeze that £20 pounds you got, because you don't know when you might get something again. You can't just spend it on nice food. How are you going to get food when it's gone – you can't steal it. (Faheem, Palestine)*

When he has money, Dawit (Eritrea) prioritises food. Kayla (Zimbabwe) prioritises food and toiletries. When Violet (Zimbabwe) has money, her priority is to give it to the friend she stays with to put towards groceries for the household. Walid (Algeria) buys "things like food, sandwiches sometimes; or a cheap jumper from Oxfam shop, charity shop; sometimes socks".

The lack of money can be dehumanising:

*Sometimes I keep some money to have a coffee in the morning in Caffè Nero, Costa, to feel like I'm still living. I mean I'm not an animal. They think I'm an animal. No, I'm human like anyone, yes. (Walid, Algeria)*

*You want to see people, go to coffee shop; you want to go somewhere, you can't. Sometimes, some friend say, "Can we go in coffee shop?" You shy to say, "I'm homeless". You shy to say, "I don't have money, and I don't have support". You make up something. You say, "Truly sorry, I'm busy", or something. (Kasim, Iraq)*



### 3.4 Having a home

The four participants who are on support have accommodation. Of the four, only Enaya (Palestine) has problems with her accommodation. Enaya and her daughter have been living in a studio flat for more than two years. The flat is tiny, with room only for two beds, a wardrobe and a fridge. It is not suitable for a young child. Enaya has letters from social services saying the accommodation is unsuitable and too small. The Home Office has admitted it is the wrong flat for them, but has not moved them. Enaya sobs quietly and says: "It feels very bad living there."

The remaining 11 participants have to make do. Some live with partners, some with friends, some sleep rough and some are constantly on the move.

#### 3.4.1 Living with a partner

Samir (Algeria) has been living with his girlfriend for the past year. Before that, he moved around from friend to friend or slept outside:

*Yes, too many friends, I was sleeping. Sometimes two or three days I slept outside because I had nowhere to go. Yes, I remember three, four days when I slept outside, and it was wintertime. (Samir, Algeria)*

Anwar (Somalia) has a partner and they have two children. He sometimes stays with his partner, but he does not want to be a burden to her:

*It is pressure when you live with someone and you don't have anything to produce to help her. She is giving all this money, but she don't have nothing.... She is struggling for life... She can't pay the electricity sometimes.... How do I stay with her? It's hard, because I can't produce; I can't produce nothing inside of the house. She has too much bills. Maybe I can bring something if I work.... Because I love her. So I need to do something for her, to be with her... but I'm struggling with that. (Anwar, Somalia)*

When Anwar is not with his partner, he lives with different people:

*I have to find someone to help me. I live in the sitting room, sometimes on the couch. (Anwar, Somalia)*

#### 3.4.2 Living with friends

Many of our refused asylum seekers rely on friends at some point for accommodation. One of the staff members in Glasgow has a client who "lives with

ten different people – he just bounces from place to place" (Red Cross staff member Glasgow 1).

Violet (Zimbabwe) is currently living with a friend. Sometimes she lives with relatives outside of Leicester, but she always comes back to Leicester because she is used to the city. Violet described the difficulties of not having your own home:

*You can't be yourself in somebody else's home. I don't have a room of my own. I live on the sofa. You can't have your own things. I'm happy to have somewhere to live, but not as happy as when you have your own place. (Violet, Zimbabwe)*

In Teesside, the Red Cross staff member reported: "They might have a network of friends that they rely on". However, she stressed that relying on friends all the time is not easy:

*After a number of years, I think they feel like they're putting pressure on people, because they can't bring anything. They're not getting support, so they can't even sort of contribute to the household, if you like. They feel like they're running out of options, because they feel like they're a burden, and they feel like people are getting fed up of putting them up. (Red Cross staff member, Teesside)*

According to the Red Cross staff member in Leeds, people "will go into periods where they don't have any friends that can support them".

#### 3.4.3 Sleeping rough

Aman (Iraq) is not in good health and has problems with his kidneys. He has been sleeping rough for more than a year:

*It's been one year and six months I'm living rough. I have no accommodation.... If I was fit, no health problem, it's okay if I live rough outside. But myself, my situation, I am an unhealthy man. I have a lot of problems, and this is not suitable place for me to live outside. It's very hard. (Aman, Iraq)*

Faheem (Palestine) has been homeless for a few months and lives on the street. The Red Cross refugee service in Birmingham has given him a sleeping bag. Except for a period during 2014–15 when he had support, Joshua (Ethiopia) has been sleeping rough since 2005.

*I used to sleep in town in a doorway, at the back of a hotel. They tried to block the way in.*

*I had to climb over a high fence. They broke the old hotel down; they build new thing. So me, I sleep in the canals, and some other places. Sometimes I ride my bike out of town just to go sleep, where I hide and nobody see me. I don't want nobody to see me. I'm in graveyard. England is my graveyard. (Joshua, Ethiopia)*

### 3.4.4 Night shelters

Night shelters can provide a way for asylum seekers to get off the streets, although some choose not to use them:

*I do have clients that have either been street homeless or they still sleep on the street because they choose not to stay in a night shelter. I suppose if someone is choosing to sleep on the street perhaps that indicates how difficult the night shelter is. It's a room with 25 other men. (Red Cross staff member, Glasgow 1)*

Zareb (Sudan) sleeps in the Glasgow Night Shelter, which is specifically for destitute asylum-seeking men. The shelter is closed between 8am and 8pm, and it can be a challenge to find somewhere to shelter from bad weather during the daytime. Zareb goes either to the public library or to Marie Trust, a homelessness charity in Glasgow, where he can sit inside for a few hours.

The Red Cross staff member in Leeds mentioned that, although there is a shelter in Leeds, it does not support people who have no recourse to public funds and so will not accommodate refused asylum seekers. He reported that the Leeds Red Cross refugee service has helped to open a night shelter for destitute asylum seekers as part of their destitution network in the region:

*It got piloted last year for about three or four months and it should be reopening this winter; so it's a winter shelter. That will make a big difference for destitute asylum seekers but it's a temporary solution. I believe that will only be for men only because it's an open space. (Red Cross staff member, Leeds)*

### 3.4.5 Constantly on the move

Some people resort to a variety of avenues when it comes to accommodation. The staff member in Leicester reported:

*A lot of them are just sofa-surfing, moving around different people's houses. Sometimes sleeping outside; sometimes sleeping in some*

*hostel that they find. (Red Cross staff member, Leicester)*

Bisrat (Eritrea) lost his support in August this year and he slept on the street for the first week after that. The night before we spoke to Bisrat, he had stayed with a friend, but he had no idea where he would sleep that night.

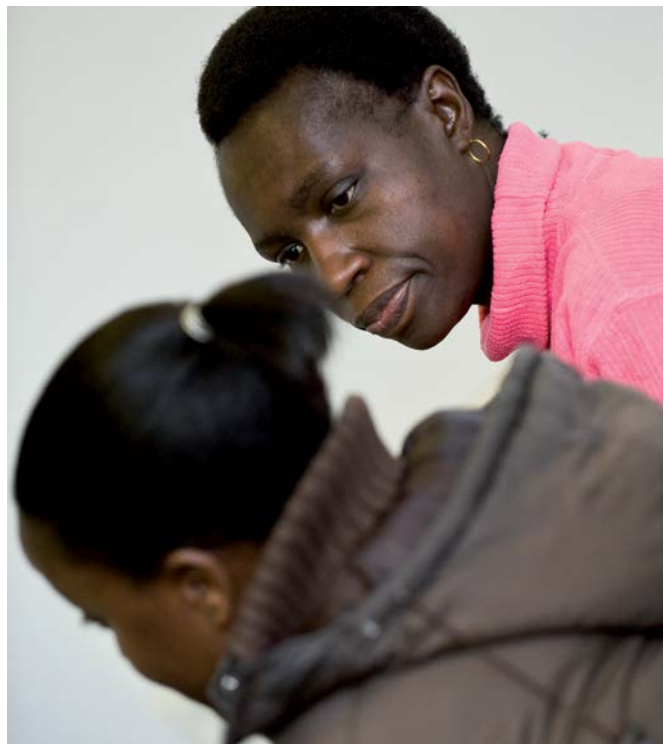
Kasim (Iraq) lost his Section 4 accommodation at the end of 2015:

*In 2015, for Christmas my accommodation get stopped. I understand now Christmas coming back again, I still am homeless. I don't have any accommodation from Home Office... now one year. It is very difficult this life. (Kasim, Iraq)*

Kasim has to rely on friends, who often have limited means themselves, or he lives on the street:

*Sometime I have place for sleep... sometime no have place. It's very hard life; very, very hard. (Kasim, Iraq)*

Walid (Algeria) has been homeless for six months. Sometimes he stays with people he knows. He is on a waiting list at Action Foundation, a charity started by City Church Newcastle. One of their projects, Action Housing, provides accommodation and support to destitute asylum seekers with no recourse to public funds. The





Red Cross also referred him to Nightstop, a charity for the homeless that provides overnight accommodation in the homes of trained and vetted volunteers in the area. It is meant as emergency accommodation though, not for long-term support. Otherwise, Walid sleeps rough:

*When I was sleeping in the street I was – I want to die really. I don't want to carry on, because it's not like – it's not easy. (Walid, Algeria)*

Qareen (Palestine) used to live with a friend:

*My friend used to help me. I lived with him for a year. He is a good man, very good. He was a comfort to me. Now he has married and I can't live with him anymore. (Qareen, Palestine)*

Qareen has been moving from place to place and is currently living in accommodation found for him by Positive Action for Refugees and Asylum Seekers (PAFRAS) in Leeds. It is not a permanent arrangement and he knows he might need to move soon:

*I don't know what to do. Tomorrow I can have to go from this house. I can be homeless. I don't know what to do. Five houses I have lived here in Leeds. Two days here. Three days there. (Qareen, Palestine)*

### 3.5 Having food to eat

Four of the participants are on support. Fiyori (Eritrea) is on support, but still finds it a struggle to afford food for herself and her two small children. Fiyori tends to go without so her children can have what they need:

*I would rather buy food for the children than for myself. So the situation is not good for me. (Fiyori, Eritrea)*

Those who are not on support rely heavily on such sources as charities, friends and food banks.

The Leicester Red Cross refugee service gives people £10 Tesco vouchers that can be used to buy food. It also gives people some food:

*If they are completely street homeless, we've got street homeless food that doesn't need to be cooked. Then, otherwise, if they have a friend that they're staying with, we would also give some food parcels to contribute to the friend's house. (Red Cross staff member, Leicester)*

The Leicester Red Cross receives a lot of support from the community:

*So a lot of food is donated from churches. Actually, they're really, really helpful and really regular in their donations. So we have a church that every Monday brings fruit and vegetables for our service users. Every Monday they're in here at ten o'clock. Same as the mosque. For Ramadan we received a lot of donations – the dates to break fast or places where the people could go to break fast all together. (Red Cross staff member, Leicester)*

Anwar (Somalia) gets food from the Leicester Red Cross: "They give me food; they give me some stuff to take for my kid." Violet (Zimbabwe) and Bisrat (Eritrea) both get food and vouchers from the Leicester Red Cross. Kayla (Zimbabwe) and Bisrat (Eritrea) also get food from the City of Sanctuary Leicester. As Bisrat sleeps rough, he cannot cook food:

*I buy food where I cook it? I don't have... I don't have the cook space. So I eat fast food. I buy fast food. (Bisrat, Eritrea)*

The Red Cross staff members in Glasgow reported that refused asylum seekers who cannot be returned rely on friends and food banks for food. One of the staff members expressed concern about the quality of food made available by food banks:

*I think in terms of the quality of that food, people are surviving on low-grade food products and long-life milk and canned fruit and vegetables. (Red Cross staff member, Glasgow 1)*

According to the Red Cross staff member in Teesside, refused asylum seekers rely heavily on charities for food. Walid (Algeria) will have a meal at the soup kitchen, or sometimes a homeless charity gives him sandwiches and other food. Kasim (Iraq) gets some food from Justice First in Stockton-on-Tees, but commented: "Sometime you can't eat. Sometime no afford you eat. You can't."

The staff member in Birmingham reported that people rely on friends, mosques, churches and SIFA Fireside, a charity for homeless people that provides meals.

*I mean, if you're asking me how they survive, I don't really know. I mean, it's very difficult I think. There are obviously food banks and stuff out there and soup kitchens, but there's*

*nothing really long-term to provide them with support. (Red Cross staff member, Birmingham)*

Faheem (Palestine) uses some of the money he gets from Birmingham Red Cross to buy food. Otherwise, he goes to the soup kitchen. Joshua (Ethiopia) commented: "I will go eat in the church in Coventry, sometimes Nuneaton... I go all around."

The Leeds Red Cross refugee service provides Morrisons food vouchers and food parcels, with service users entitled to 12 vouchers per year. Qareen (Palestine) reported that the accommodation where PAFRAS sends him sometimes has food. Alternatively, he can get a meal at Refugee Action York. Qareen has a health condition that requires him to eat regularly, but some days he does not find food. Samir (Algeria) gets food from City of Sanctuary Wakefield and the Red Cross has given him food vouchers and food parcels in the past.

Zareb (Sudan) has previously presented at the Glasgow Red Cross because he was hungry. He commented that he is not able to eat as often as he would like, although he can get breakfast at the Glasgow Night Shelter and a hot meal at the Marie Trust or Glasgow City Mission.

### 3.6 Having clothes to wear

Even those who are on support may be unable to afford to buy clothing. Fiyori (Eritrea) is on Section 95 support, but finds it a struggle to clothe her two small children:

*It is definitely not enough when it comes to clothes for the children, who grow all the time. Children need a lot of things. It is very hard. (Fiyori, Eritrea)*

Enaya (Palestine) also struggles to buy clothes for her child while on Section 95 support and has approached the Home Office for assistance with school uniform items.

Those receiving Section 4 support also find it difficult to buy clothes: "Well, you can't really buy clothes, because clothes are so expensive" (Kayla, Zimbabwe). Friends will sometimes give Kayla money to buy clothes or shoes from the charity shop.

Those who are not on support tend to rely on such sources as the Red Cross and other charities. Of the services that took part in the research, the

Leicester and Leeds Red Cross refugee support services provide some clothes:

*We give out some clothes, some donated clothes at our drop in. I don't know if there's anywhere near as much as what the demand may be. (Red Cross staff member, Leeds)*

Our participants mentioned the following charities that provide clothes: the Open Hands Trust in Leicester, City of Sanctuary Wakefield, PAFRAS in Leeds, Justice First in Stockton-on-Tees, a homeless shelter in Newcastle and a soup kitchen in Birmingham.

Two of our participants rely on friends for clothes. Qareen (Iraq) has an Iraqi friend who used to give him clothes, but his friend has now married and can no longer help.

Faheem (Palestine) tries to take care of his clothes and washes them whenever he can. He will sometimes work at the car wash and wash his clothes there. When he has earned some money, he buys clothes from the Sunday market in Birmingham.

Zareb (Sudan) worries that he does not have adequate clothing for the cold Glasgow winter. He does not know where he can go to get some warmer clothes. Aman (Iraq) commented: "I've been two years in the same clothing I have. Always I have the same clothing."

## 3.7 Health

### 3.7.1 Physical health

The three Red Cross staff members we interviewed in Glasgow and Teesside felt that people who live with friends are often in better health than those who live on the streets. In their experience, those who live on the streets are susceptible to a range of illnesses, including tuberculosis.

Some of our participants have health issues that require ongoing care. Both Zareb (Sudan) and Aman (Iraq) suffer from joint pain in their legs and kidney problems. Qareen (Palestine) has a gastrointestinal issue that will require surgery. He is waiting for the general practitioner (GP) to refer him to a specialist.

Faheem (Palestine) has some long-term health issues stemming from when he was attacked in Dover a few years ago:

*A group of five or six Englishman were there. They don't like my look or something... They called me black dog. Just like that. One of them tap me on the shoulder and, as I turn, one of them hits me with the stick of baseball. I fell straight down; I can't defend myself. They beat me up so well that I didn't recognise myself when the police bring the picture.* (Faheem, Palestine)

Faheem was in a coma for a few days and when he recovered consciousness, he couldn't walk:

*I can't control my body. My brain is not speaking to my body. It took ages, a few years, to heal. Couldn't go out. I survived, but I was really, really destroyed – mentally and physically. My brain was damaged. When I was in court in Dover, when I saw the CCTV, oh man, oh man. I don't want to think of these things.* (Faheem, Palestine)

Faheem still battles with dizziness and cannot stand for long: "I lose balance sometimes."

Violet (Zimbabwe) was being held in a detention centre in 2008 when she was diagnosed with hypertension. Kasim (Iraq) has had epilepsy since he was young. Living on the street makes it difficult for him to take his medication regularly. "Sometime this is very difficult. Sometime I forget". Kasim's epilepsy has worsened since he has been in the UK and he has had to increase the dosage of his medication. Life on the street is hard and he worries about his family back home, particularly his mother.

Walid (Algeria) has had two heart attacks since he has been in the UK. He will be on medication for life. He is currently homeless, even though his GP has written a letter to the Home Office saying that someone with his condition should not be living on the street.

Joshua (Ethiopia) reports generally feeling unwell:

*You see me, I'm not healthy. I'm not healthy. I'm not healthy. I don't feel strong, or powerful, no. I'm getting old. My health is not well... Lack of food; can't get food. Hard. It's cold, and nowhere to go.* (Joshua, Ethiopia)

Bisrat (Eritrea) lost his Section 4 accommodation in August 2016. For the first week after that he slept on the street and soon became ill:

*About a week, I sleep on the street, when the first time I left the house [Section 4*

*accommodation]. Yes, it's cold; it's very cold now. I was sick; it was very bad.* (Bisrat, Eritrea)

Bisrat worries about surviving the cold this winter: "The coming winter is very bad for me."

### 3.7.2 Mental health

#### Refused asylum seekers

We asked participants about their mental health in general. Worryingly, seven of the 15 refused asylum seekers said they had considered suicide. Qareen (Palestine) told us:

*I am sad. Life is not good. I am not living life... I have no control. I wanted to commit suicide. My friend stopped me. I don't know what is going to happen to me. I have very low moods.* (Qareen, Palestine)

Anwar (Somalia) feels it might be better if he dies. After a lot of effort, the Leicester Red Cross has managed to secure an appointment with a consultant psychiatrist.

*Sometime I feel it's better for me to pass away... Sometimes I think that God he forget me, but God, he don't forget me – still I'm alive. But still I'm not happy to live. Sometimes I hope that God does make me to pass away. I'm not happy to live... Soon I will lose my mind, really. I'm not crazy. I'm not crazy, but the way I'm going, I think I will lose my mind.* (Anwar, Somalia)

Aman (Iraq) has terrible nightmares and has considered suicide:

*I have very bad sleeping. When I'm sleeping I get like flashback, nightmare. I see things bad happen to my family... Sometimes it came to me to suicide myself. Yes, since I have not got news about my family, and I can't – I have no place to live here, that's affected me a lot.* (Aman, Iraq)

Faheem (Palestine) admits he was suicidal when he first moved to Birmingham after being badly beaten in Dover:

*Sometimes I wanted to jump from the bridge in front of the train. I was damaged. I was miserable, painful. I didn't want my life to carry on like this; I just want it to end.* (Faheem, Palestine)

At the time, Faheem was in shared Section 4 accommodation. He would wake screaming in the

night and disturb his housemates. One night, he was in such a state that his housemates took him to the hospital. A specialist prescribed sleeping tablets for him:

*It helped to put those painful things down. I used to take those tablets every single night. That is the fixing of things, just to get sleep. I took those tablets for years and years.*  
(Faheem, Palestine)

Faheem still feels broken:

*You're invisible. You don't exist. They don't care if you live or die. A person like me – over 40 – should have a family. I don't have capacity for that. I'm broken inside.* (Faheem, Palestine)

Zareb (Sudan) often talks about suicide and cries at many of his appointments with caseworkers at the Glasgow Red Cross refugee support service. On one occasion, a caseworker accompanied Zareb to hospital because she was concerned about his suicidal thoughts. Zareb has told his caseworkers that he self-harms by banging his head against a wall. He suffers from nightmares and flashbacks and is a patient of the Community Mental Health Team. He has also disclosed that he was tortured and he has been referred to Freedom from Torture for support.

Kasim (Iraq) is currently seeing a counsellor every week. He admits he thinks about “go some bridge or somewhere and go kill self... better than this life”.

*Yeah, too much I'm feeling – too much I'm tired.... I think about my life. I think about my family, what happen in Iraq.... It's my head, my brain, too tired. Too much pain.... I'm feeling, this life, I don't want any more this life.* (Kasim, Iraq)

A further seven participants reported suffering from chronic stress, insomnia, anxiety and depression.

### Concerns of Red Cross staff

All of the Red Cross staff members interviewed expressed their worries about the mental health of refused asylum seekers who cannot be returned.

One of the Glasgow staff members (Glasgow 1) reported: “Some people have experienced severe trauma and they don't want to talk about it. They want to focus on the practical stuff.” However, when you have mental health issues, dealing with the practical stuff “is in itself traumatic”. The staff member in Leicester agreed that having

mental health issues can affect a person's ability to deal with gathering evidence or putting a claim together.

The Red Cross staff member in Leicester reported: “Well, mental health problems are very widespread; I think most of our clients in one way or another have got some mental health problem.” What worries her most is the decline she sees in people's mental health:

*What frustrates me, actually, is they become worse here, which is the country where they're supposed to be finding safety. They actually get so frustrated with the system that they get really depressed. One of my clients has got psychosis now. Yes, they've got really bad situations. A few of them become really aggressive – and it's understandable.* (Red Cross staff member, Leicester)

The Red Cross staff member in Teesside also commented on the deterioration of people's mental health. She gave the example of a client she has seen over a number of years:

*I'd seen how physically and mentally he'd declined. And mentally, particularly, how he'd gone downhill; how he was threatening suicide. He'd done that to me a few times, when you notice someone who's reached that point where you think, actually, now I think he's at the point where he would do it, because he's got nothing else.... I mean, we all have people we've known who have committed suicide.*  
(Red Cross staff member, Teesside)

Staff reported various aspects they feel can negatively affect people's mental health. One of the Glasgow staff members reported that, for vulnerable male clients, “being in a night shelter has a significant impact on their mental health” (Red Cross staff member, Glasgow 2). The Glasgow Red Cross staff will try to get the person into alternative accommodation “if they seem vulnerable or have mental health problems”. The Red Cross staff member in Birmingham also worries about the mental health of refused asylum seekers sleeping in night shelters:

*They don't have a place where they can stay throughout the day. The night shelter's great, but they're having to wander essentially the streets for 12 hours of the day, which is very difficult. And the people that they actually socialise with are people in the same situation. You can see people slightly lose sight of what they're doing as well and what they're wanting*

*and what's realistic.* (Red Cross staff member, Birmingham)

The Leicester Red Cross staff member felt that disputing someone's nationality can have an effect on his or her mental health:

*Yes and I think this also has a huge impact on the mental health.... It's like a huge identity crisis.* (Red Cross staff member, Leicester)

The Red Cross staff member in Leeds felt destitution can worsen mental health issues:

*A lot of the people in this group that we've come across over the years, some of them have had quite evident mental health issues, which I think destitution is a big factor in worsening the mental health issues that they've faced.* (Red Cross staff member, Leeds)

### 3.7.3 Access to health services

Access to primary healthcare in England, Wales and Scotland is available to refused asylum seekers as to any other patient, regardless of immigration status. In Scotland and Wales, asylum seekers and refused asylum seekers are entitled to free secondary healthcare on the same terms as other ordinary residents. In England, only refused asylum seekers who receive Section 4 from the Home Office or Section 21 support from a local authority are entitled to free secondary healthcare. However, all refused asylum seekers can continue, free of charge, with any course of treatment already underway before their application was refused. Hospital treatment that has already started should continue until the person leaves the country.

The Glasgow staff members reported that people will often use a friend's address so they can register with a GP. Alternatively, they can access Hunter Street homeless health services. Besides a GP service and nurse team, Hunter Street has a mental health team and an addiction team. The Red Cross can also refer people to charitable organisations like Lifelink, which offers counselling and stress management. Similarly, the Red Cross can refer to Freedom from Torture, which offers counselling and psychotherapy to survivors of torture and organised violence. NHS Greater Glasgow and Clyde Psychological Trauma Service is also available but has a three-month waiting list.

The Leicester staff member reported that they are "very lucky" when it comes to physical health, since they have the Leicester City Assist Practice,

which offers a full GP service specifically for asylum seekers and refugees. It is much more difficult to get help for people with mental health issues. Red Cross staff try to get patients into the Open Mind service in Leicester, but there is usually a six-month wait.

The Birmingham Red Cross staff member reported that they can signpost people who are lonely to befriending organisations. They can also refer people to Healthy Minds for counselling. Helping people access a GP is generally not a problem and the Red Cross will help people to complete an HC1 form so that they can get an HC2 certificate. They will also inform people about their rights with regard to healthcare.

The staff member in Leeds expressed concern about this group of people lacking access to secondary healthcare in England. He also felt that, even when mental health services are available, accessing them can be difficult for street homeless people:

*It's quite hard to actually be in the mind frame to go somewhere every Tuesday and access a service and get help. That's actually quite tough and people's priorities often get quite muddled as well.... If they're street homeless it can become difficult for them to prioritise their health.* (Red Cross staff member, Leeds)

None of the refused asylum seekers we interviewed reported any difficulties in accessing a GP service.

## 3.8 Social support

We asked our refused asylum seekers whether they have friends who can listen to them and provide emotional support.

Six of our refused asylum seekers reported that they have no friends nor anyone else who can listen to them:

*I have no one to talk to [starts to cry].* (Qareen, Palestine)

*I don't have friends, because friends you need to have contact. So how can you contact this friend if you don't have anything?* (Anwar, Somalia)

Two of the six (Anwar and Dawit) said that, although they do not have friends, they can talk to their Red Cross caseworker.

Joshua (Ethiopia), who is street homeless, reported that he has no friends, but that is out of choice:

*I don't want to be friend with homeless people. This country, people sleeping in the street are drug people. I don't make friendships with anyone; I don't know who is good or bad.* (Joshua, Ethiopia)

Three of our refused asylum seekers reported that their support network consists of people who are in the same situation as them:

*Well, the people I associate with they are asylum seekers as well. So, yes, they're in the same position usually.* (Kayla, Zimbabwe)

They tend to talk about the situation they are in:

*Yes, we talk to each other. But we don't get any solution.* (Bisrat, Eritrea)

Kasim (Iraq) and Violet (Zimbabwe) make friends through their volunteering work. Kasim volunteers at his local Red Cross and at Justice First. He spoke about working in the Justice First office:

*When these people come in here [Justice First], everyone be like "Hi, how are you Kasim? How are you Kasim?" Everyone shake hand, yeah, and they smile.* (Kasim, Iraq)

Besides the friends she makes through volunteering at the Leicester Red Cross and the Salvation Army, Violet (Zimbabwe) is involved in the Zimbabwe Association, an independent, charitable organisation that works with asylum seekers in the UK. They meet fortnightly and talk about the current situation in Zimbabwe and in the UK. "We socialise, eat, talk" (Violet, Zimbabwe). Violet is also involved in the Restoration of Human Rights Zimbabwe group, which meets monthly.

Enaya (Palestine) and Faheem (Palestine) both find it difficult to talk to other people:

*I know a few people, but I am not telling them like how I feel.* (Faheem, Palestine)

Faheem (Palestine) also feels he has nothing to bring to a friendship:

*I don't want a lot of friends. I'm homeless. People want something from you mentally*

*and practically. I don't have anything to give.* (Faheem, Palestine)

Samir (Algeria) reported: "I don't have too many friends here". His girlfriend is his emotional support. Walid (Algeria) said: "I have some people I can talk to." Walid has some friends at West End Refugee Service and another friend who is a teacher.

### 3.9 Personal safety

Three of our refused asylum seekers reported that they do not feel safe when sleeping rough. All the Red Cross staff members we spoke to worry about the safety of those in this group who live on the streets:

*People often stay in places that aren't safe, abandoned buildings and things like that, which are cold, damp. There's no security. Dangerous access. So, yes, I think there's a myriad of different health and safety concerns surrounding people.* (Red Cross staff member, Birmingham)

The staff members in Glasgow mentioned that those who are destitute and street homeless are vulnerable to physical abuse (Red Cross staff member, Glasgow 1 and 2) and racial abuse (Red Cross staff member, Glasgow 1).

To avoid being homeless, people sometimes resort to "paying for accommodation in other ways, which can include sex and all these other things that sound like domestic servitude" (Red Cross staff member, Glasgow 1). One of the Glasgow Red Cross staff members worries particularly about her female clients. Some of them have resorted to prostitution and have ended up in A&E "beaten and abused" (Red Cross staff member, Glasgow 2):

*It's just because these people are desperate to make some money. I think it's that thing of, eventually, people get tired of helping you. And eventually you become a burden to them. Yes, I think there is a risk of exploitation. I think it's worse, obviously, for female clients.... I think the understanding is that a female client is more at risk of prostitution, exploitation through that. If she's street homeless or she's having to rely on people, there's a chance she might get into a bad relationship or become dependent on someone – or, through*

*desperation, do something that she wouldn't normally want to do. (Red Cross staff member, Glasgow 2)*

Three of our refused asylum seekers reported that, although they feel safe in the UK, feeling safe does not equate to feeling free. Fiyori (Eritrea) told us that she came to the UK to feel safe. She claimed asylum partly on religious grounds since her religion is banned in Eritrea:

*Here I am free to practice my religion freely. In that way it is good for me, but I am not really free. I want to live properly here. (Fiyori, Eritrea)*

Anwar (Somalia) commented:

*When you come to this country you say, "Okay, I'm safe now"... Here, you are safe – no one hit you, but you are not free. (Anwar, Somalia)*

Enaya (Palestine) reported that feeling safe in the UK does not equate to feeling your future is secure:

*It feels confused living here. It is safe, but the future is unknown. If something bad happens to me, who does my daughter stay with? (Enaya, Palestine)*

### 3.10 A life in limbo

A number of our participants spoke of how difficult it is to live life in limbo.

Enaya (Palestine) was offered a place at university to study law, but could not take it up because she cannot pay for her studies. This has left her feeling trapped:

*They said you are an asylum seeker; you cannot study more. For university I would be classified as an overseas student – £11,000 a year and I cannot get any finance. I want to study. I don't want life to just stop here. It's not life! I feel like I am in a prison and there is nothing I can do. (Enaya, Palestine)*

Anwar (Somalia) also feels trapped and wants to go back to Somalia:

*I'm here, but really seriously, I'm not happy here. It's better where I was [in Somalia], yeah, for me. Even now, if I can get any way to go*

*back, I'm happy. Really; seriously. Because here it's like, it's like me I'm a slave... They don't force me to do something. They don't say, "Come to do these things for us" and force me. No. But the way they treat me, it's like I'm a slave. And it's true. It's not like I'm a slave; I am a slave. Me, I can't go anywhere if I want to go anywhere. I can't go anywhere. Imagine. It's like I'm a cow with a rope around my neck; you don't get to run anywhere. It's like that. It's not freedom. When you want to go somewhere, you have to go open the gates and be led on the rope. (Anwar, Somalia)*

Anwar feels like his life is going backwards and he can't even think about tomorrow:

*My life is going wrong. My life is going like this [makes motion with his hands to signify rolling backwards]; it's not like this [makes motion with his hands to signify rolling forwards]. You know what I mean? It's rotated back... I don't have any plan, I don't think about tomorrow, what I'm going to do about tomorrow... You [the interviewer], when you finish here, you say, "I'm finished here, I'm finishing my work, I'm going to take a shower, I'm going to town to meet my friend". For me, it's not like that. When I leave here, I'm going to stay inside the house. (Anwar, Somalia)*

Samir (Algeria), on the other hand, feels like his life is passing by too quickly and he has little control over the direction it is taking:

*Yes, sometimes people here are saying "why can't he sort his life?". How? How I'm going to sort my life? I'm not working. I've got no benefit, nothing. How am I going to sort my life? I am not young. Life is going very quick. I came into this country, I was 31 years. Now I am 36. Yes, it's five years now here in England. I am in between, in between. (Samir, Algeria)*

In Faheem's case, the Palestinian mission has no record of him, so he is left in limbo:

*I'm homeless. I don't have a country. I can't go back there [Palestine]. I can't stay here. I don't have a country... I don't know what to call myself. Am I British? I've been here ten years. I don't cause problems. (Faheem, Palestine)*

Joshua (Ethiopia) is also homeless. He is desperately seeking a solution for his situation – he used the word ‘solution’ 38 times in his interview.

*I'm tired of being homeless. I claim asylum; they refuse me. If they don't want me in their country, they should take me home, find me a solution. They don't want to help me or take me home. I can't stay; they can't take me home.... I'm still in the same situation with no solutions. Solution just be homeless. This is my graveyard. This is not even prison for me; they treat me worse than a prisoner. I'm no criminal. I don't come here to commit criminal.*

*I'm not a resident of this country, but I'm here – residentially permanently homeless. Yes, that's where they left me. That's my status, and they don't have no reason or solution. Homeless is the only solution they left me with.*

*How long I'm going to be homeless? I don't know, if they already left me 12 years now. I don't think they'll find me an answer, straightforward answer: we take you home, or we do this for you. No. Just the homelessness. No solution.... Answers, there is no answers. Solutions, there is no solutions. (Joshua, Ethiopia)*

Kasim (Iraq) feels that the time he has spent waiting in the UK – unable to study or work – is worse than being sent back to Iraq and possible death. He feels that, at least, would be mercifully swift compared to the eight long years spent in limbo that have ground him down:

*Every day I'm dying.... Every day. Every day you are scared, you're thinking about yourself... you don't have support, tomorrow what will happen. It's very difficult. (Kasim, Iraq)*

Kasim feels that, after eight years of waiting, he is getting too old to move on with his life:

*When first time I'm coming I'm young.... But if now, now you give me paper, how I go be student. My head, my brain, too much get tired. (Kasim, Iraq)*

Kasim still has hope and, every year at Christmas, wonders if he will receive some good news:

*Still I wait here.... Yeah, always, every year, when Christmas coming, I say, "Oh, this one, maybe it's coming; definitely this news*

*coming. Maybe I get paper, Christmas coming". (Kasim, Iraq)*

### 3.11 Control over life

Most of our refused asylum seekers reported feeling they have no control over their lives. Their comments included:

*I don't feel like I am in control. The future is not in my hands. I don't plan, because you don't know what tomorrow holds for you. (Violet, Zimbabwe)*

*Control, I don't have control over my life, no. My control is long time gone. (Joshua, Ethiopia)*

*I have no control. [Interviewer: How does that make you feel?] Useless. Helpless. Very frustrated. (Kayla, Zimbabwe)*

### 3.12 What keeps you strong?

We asked our refused asylum seekers what keeps them strong and helps them to cope. For six of them, the answer was hope:

*I hope it will get better. I want to live a normal life like everyone else. (Qareen, Palestine)*

*My hope. Of doing well, of surviving well. (Faheem, Palestine)*

Three participants reported that their faith keeps them strong:

*I don't know. God. God maybe keeps me going, because Home Office have no conclusion or decision to resolve this problem. (Joshua, Ethiopia)*

Fiyori (Eritrea) and Enaya (Palestine) both said that they stay strong for their children:

*I have to be strong for my daughter. My daughter keeps me going. (Enaya, Palestine)*

Violet (Zimbabwe) and Kasim (Iraq), both active volunteers, reported that keeping busy helps them to cope:

*The main way I cope is by keeping busy.... I try and do as much volunteering as possible. I volunteer at the Red Cross three days a week and two days a week at the Salvation Army.... I want to help people like me – asylum*



*seekers. I can advise them where to go. It is important to me to meet people who are in the same situation. When you are at home all the time on your own, you think you are the only one. (Violet, Zimbabwe)*

Kasim (Iraq) volunteers at the Red Cross and at Justice First: "I've come to office of British Red Cross, I'm very happy. If when I finish I go outside I sad". Kasim likes to welcome people who are new to the area and show them where to go. He encourages people to get out and do things, like attending free weekly English classes at the local church:

*I take there a lot of people who are new coming here. I say, "If you stay home more and more, you'll get bored and you'll get upset". I know this. (Kasim, Iraq)*

If Kasim is granted status, he would like to work for a charity:

*I want to more and more help British Red Cross and Justice First office. I want to more*

*and more help.... I'm happy when I come in and I'm working. I want more and more have job here. Yeah, actually, actually I want to do this. (Kasim, Iraq)*

Samir (Algeria) reported that his girlfriend makes him feel stronger and helps him cope. Bisrat (Eritrea) copes by not thinking about the future; he prefers to focus on the here and now:

*So every time I think about today, not the future. If, finally, if I get a paper, if I get granted, I will think about the future, I will think about everything. (Bisrat, Eritrea)*

Anwar (Somalia) reported:

*I'm not strong. I told you, I need to go back home.... I want to be there now.... I'm not happy to live here. And I have a kid here, but I'm not happy. I have a kid, but I'm not happy with my kid. Really, serious, I'm not happy. (Anwar, Somalia)*



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## SOME OF OUR REFUSED ASYLUM SEEKERS

### Enaya's story

Enaya is 37 years old and comes from the Occupied Palestinian Territory of Gaza. She came to the UK five years ago with her husband and eight-month-old baby daughter. Her husband was stopped at the airport and returned to Palestine. Subsequently, he was arrested and killed. Enaya and her daughter were refused asylum in the UK. Enaya has approached the Palestinian mission on a number of occasions to get a passport, but an official written response from the Palestinian mission confirmed: "Due to the Oslo Accord between the Palestinian Liberation Organisation and Israel, the Palestinian Mission to the UK does not have authority to issue passports."

Furthermore, Enaya's daughter has not been registered as a Palestinian citizen. In Palestine, a child's mother cannot pass on her nationality to her child, only the father can do so by registering the child in Palestine. Unfortunately, this was not done before the family fled, which leaves her daughter stateless. The Palestinian mission has confirmed: "As per your daughter, we cannot assist you in issuing her a birth certificate or any other documents due to the fact that she is not registered in the Palestinian Registry Office, this procedure should be carried out only by her father."

Enaya remarried in the UK, but following the breakdown of her marriage after 18 months, her application for a spouse visa was rejected. She experienced domestic violence when her husband hit her and the child. She went to the police and her husband then kicked her out. Her application for further leave to remain based on domestic violence was also refused because she had not been granted a spouse visa. Enaya is seeking advice on putting in a Stateless application for herself and her daughter who is now five years old. This is a long, drawn-out process and legal aid is not available.

### Kayla's story

Kayla is from Zimbabwe and has been living in the UK for 13 years. She does not have a Zimbabwean passport. She has her birth certificate, but the Zimbabwean embassy says this is not sufficient to obtain travel documents. She needs her ID number, which is issued only in Zimbabwe when an individual becomes 16 years old. When Kayla left Zimbabwe, she was too young to obtain an ID number. She cannot go back now to get one because she does not have a travel document. The Home Office believe Kayla is from South Africa. She is trying to resolve this and has approached the South African High Commission to help establish her citizenship. Six months later, she is still awaiting a response to this request. In 2014, Kayla applied for leave to remain as a stateless person, which was refused. Meanwhile, she is living in limbo. She has no basis to stay in the UK, but she cannot be returned to either Zimbabwe or South Africa.

### Bisrat's story

Bisrat left Eritrea in 2008, aged 18 and with no documents. As a child, he lived in many different East African countries. Bisrat was born in Eritrea, but went to live in Ethiopia when he was one year old. During the 1998–2000 war between Ethiopia and Eritrea, his father was deported back to Eritrea when Bisrat was nine years old. They later went to live in Sudan and Djibouti. Having grown up in Ethiopia, Bisrat speaks Amharic. Because of this, the Home Office do not believe he is Eritrean. Bisrat is trying to establish whether he is entitled to an Ethiopian passport. He has completed the application form and sent this to the Ethiopian embassy. However, six months later, the embassy has not replied or even acknowledged his request. He is too scared to approach the Eritrean embassy. Bisrat is trying to contact an aunt in Eritrea to locate his birth certificate.

### 3.13 Documentation difficulties

The documentation difficulties experienced by each of our refused asylum seekers are detailed in their individual stories. The Red Cross staff members interviewed also commented on the documentation difficulties they have come across.

#### 3.13.1 General issues related to documentation

Staff mentioned a number of issues that can hold up voluntary return or AVR as well as the process of making a further claim, such as a Stateless application. One issue is that the person might not have the documents their embassy requires to re-document them. One of the staff members from the Glasgow Red Cross provided an example:

*If you're Palestinian, you get issued with a national identity card, and without that national identity card you can't ever get any other documents. And you can't be re-issued with that unless you're in Palestine, or a close relative can get it re-issued. So, if you're over here and you don't have that ID card, there's no way you can prove your identity. There's no way you can get other documents. If you don't have any close relatives in Palestine, you can't get it, so you end up trapped. For one of the clients, we did a family tracing to try and see if we could find the person's mother, but we weren't able to do that.... So people are effectively stuck.... Then they just end up here destitute and homeless, and there's not much you can do. (Red Cross staff member, Glasgow 2)*

One of the Red Cross staff members in Glasgow (Glasgow 1) mentioned cases in which the Home Office has impounded people's documents because they believe them to be fake. The Home Office then refuses to release the documents to the client's lawyer and the lawyer cannot consult an expert witness to verify the documents.

Other issues mentioned related to cases when people have no documents on arrival in the UK; when people have lost contact with their family in their country of origin; and when people do not know where they were born. The transient lifestyle of refused asylum seekers also makes them more likely to lose any documents they may possess:

*They might have been refused two years ago and when they were evicted from their asylum support house, left all their belongings there.... So they won't have anything. (Red Cross staff member, Birmingham)*

Through its restoring family links service, the Red Cross can provide assistance with tracing family members in the person's country of origin. They may then be able to assist with gathering documents. One of the staff members in Glasgow expressed concern about the fact that the Home Office requires a person to use the Red Cross tracing service to prove they are taking all reasonable steps to leave the UK. He questioned the ethics of making the Red Cross part of the burden of proof:

*So then that creates ethical issues – in terms of sending people here and how does the Red Cross respond to that. (Red Cross staff member, Glasgow 1)*

#### 3.13.2 Issues relating to embassies

An issue mentioned by most of the Red Cross staff members was that many people are not able to travel to their embassy (most embassies are in London), due mainly to a lack of finances. Even when they do get to the embassy, the embassy staff may refuse to see them if they have no documentation.

Embassies will often not even respond to correspondence from Red Cross caseworkers:

*I mean, these people [Joshua from Ethiopia and Faheem from Palestine] in particular, they need to communicate with their embassy or to try and get documentation. We've tried repeatedly to try and get some sort of response from the embassy to either say they are or aren't from that place. It's impossible it seems. It seems impossible. You can try and write letters, try and write emails, try and call, but we never get any response. That's to prove that that person is from that country. Yes, so that element of their case is incredibly difficult. (Red Cross staff member, Birmingham)*

The staff member from Birmingham went on to comment:

*I suppose the interesting thing with these two people is they're just very open about wanting to leave the UK.... I suppose it's really stark with them that they are very stuck. (Red Cross staff member, Birmingham)*

The staff member in Leeds mentioned some of the ways in which the Leeds Red Cross helps this group:

*The evidence [needed] would often be around proving their nationality. So we would sort of*

*work alongside lawyers to get the right kind of advice around what steps are needed to be taken, and then we would help with the sort of practical support. So that could be arranging trips to embassies, arranging for witnesses to accompany them and write statements, referring them to community groups and things like that. They [community groups] might be able to provide support and evidence that the person is a member of a particular community. When we do send them to embassies, helping them prepare what kind of documentation they need. (Red Cross staff member, Leeds)*

### 3.13.3 Disputed nationality cases

The Red Cross refugee support service frequently comes across disputed nationality cases, in which people need to obtain documents to prove their nationality:

*So there are cases where someone's nationality is disputed – cases where people need to get documents from their country of origin, and they can't get those documents. Or where someone needs proof of their nationality to be able to get documents that would mean that they're able to return home. I think they're the cases that can't proceed because they can't get evidence. So cases where there are disputes about whether somebody is Sudanese or Eritrean, if somebody simply can't get those documents then you're in this impasse with the Home Office. (Red Cross staff member, Glasgow 1)*

The staff member in Leicester mentioned a particular case:

*Well, it's like the other day I was with this lady; she's been refused because the Home Office say she's Ethiopian. She claims to be Eritrean and she's got no identification. Now she's said, "Okay, you say I'm Ethiopian; great, give me an Ethiopian passport." So we called the Ethiopian embassy here and they've said, "We're not going to give anybody a passport if they don't have an ID already that proves they're Ethiopian." So I said, "Well, she doesn't have" and they said, "Well, then we won't be able to help her." So I thought, okay, let's call the Eritrean embassy and see what they say. Same thing; they said, "Does she have Eritrean ID?" I said, "No." They said, "Well, we can't help." So the only solution that they gave is that if she finds three members of her family who have an Eritrean ID – but she's here alone. So she'll never be able to provide that evidence; so she is in limbo. (Red Cross staff member, Leicester)*

While the process of obtaining documents or proving nationality continues, the person is left destitute:

*The difficult thing about it all is the length of time that that takes, and that someone is in destitution. (Red Cross staff member, Glasgow 1)*

## 3.14 Detention

Immigration detention refers to the government practice of detaining asylum seekers and other migrants for administrative purposes, typically to establish their identities or to facilitate their immigration claims resolution and/or removal (Silverman 2016). It is an administrative process rather than a criminal procedure.

At least seven of our participants had been in detention at some point. Five were detained on arrival in the UK and claimed asylum while in detention.

Violet (Zimbabwe) arrived in the UK in 2003. She was detained in 2008 and was released from detention because the Zimbabwe Association campaigned for her release.

Joshua (Ethiopia) arrived in the UK in April 2000. He was detained in March 2005 and spent a total of four months in detention:

*They catch me for I sleep in the street rough. They arrest me and put me in police station for two weeks, and then take me to detention, and I stay there for three months. They try to remove me. They take me to airport, Heathrow, on 6 June 2005, and when I reached there they tell me that my flight was cancelled, and they don't tell me reason why. And they put me back in detention and released me a month later, only to be homeless. (Joshua, Ethiopia)*

## 3.15 Statelessness

The UK statelessness procedure was introduced in April 2013. The Birmingham, Leeds, Leicester and Teesside Red Cross refugee support services have all referred cases to the Liverpool Law Clinic, which specialises in working with stateless people. The Leeds service found that the clinic has not recently had the capacity to take on referrals. The Leeds staff member acknowledges: "It's quite a complicated application to make and to get accepted." For this reason, and because no legal aid is available, local solicitors are reluctant to take on such cases:

*So we've actually struggled to get that kind of assistance. When we've seen cases over the years where we've thought, oh, there might be something there, and we've talked to local solicitors, they've generally been unwilling to pursue that as an avenue. (Red Cross staff member, Leeds)*

Seven of our refused asylum seekers are somewhere along the Stateless application process. Anwar (Somalia) is considering a Stateless application, as is Walid (Algeria), but only as a last resort: "I don't want to have to do that. It's the last thing I was thinking about." Faheem (Palestine) is working on a Stateless application.

The Red Cross in Leicester helped send Enaya (Palestine) and her daughter to the Liverpool Law Clinic. Enaya's daughter is stateless. In Palestine, only the father can confer nationality on the child, so Enaya cannot pass her nationality to her daughter. Enaya's husband was killed before he registered their daughter. Enaya herself is unable to get a passport and has a letter from the Palestinian mission to that effect. She has told her story to students at the Liverpool Law Clinic twice, but nothing has come of it: "I feel like a mouse running in a wheel; getting nowhere."

Violet (Zimbabwe) submitted a Stateless application in March this year. Samir (Algeria) and his solicitor put in a fresh asylum claim on the basis of statelessness. The evidence was acknowledged, but the refusal made it clear that this was the wrong form for making such an application. Samir will have to make a new application on the correct form if he wants to move forward.

Kayla (Zimbabwe) and Joshua (Ethiopia) have had their Stateless applications refused.

The Leeds staff member reported that refused asylum seekers become so disillusioned that it is difficult to convince them there are options:

*I mean, there's people that we've worked with who could potentially have been looking at statelessness applications that we just can't even get past the point of trying to get their documents back from the Home Office.... Some of them you can't even get past the first hurdle and then they don't.... Because they're street homeless and they've got mental health issues, just trying to get them in to access the service to try and work on those things is impossible. For them, some of these*

*people that we've seen like that, they haven't necessarily seen what the point would be because they have possibly been through a lot of this before, accessing other services in other towns even, they've been somewhere prior to coming to Leeds. So they've become disillusioned anyway and can't really see that anything's going to go anywhere. (Red Cross staff member, Leeds)*

## 3.16 What changes would they like to see?

### 3.16.1 Refused asylum seekers

We asked our refused asylum seekers to suggest the main change that would improve their lives right now.

#### Getting status

Six of our refused asylum seekers felt that being granted status would improve their lives. Fiyori (Eritrea) believes that getting status will enable her to improve her children's lives:

*I don't have the papers, so I feel sad all the time. My children are illegals and that feels bad. I have a friend who has the papers. Her children live nicely; her children go to a good school and have all they need. If I had the papers, I could work. I could make life better. Every day I feel sad. (Fiyori, Eritrea)*

#### Being allowed to work

Four of our refused asylum seekers said specifically that being allowed to work is the change they want most:

*Being able to work. To have a normal life like everyone else. To work. To live. I don't want money from the Home Office; I don't want benefits. I want to work. I want to have a family and a house. I don't want to just sit here. I need to be normal. I don't want to be like this – no money, no house, no food. (Qareen, Palestine)*

*I was asking the Home Office to just give me permission to work. If they don't want to give me permission to stay, just give me permission to work. I go to work. Not like now. I cannot work; I cannot do anything.... If you cannot give me permission to stay, just give me permission to work until I find some solution.... If you give me permission for work, I'm going to work. I pay my rent, I pay for everything. (Samir, Algeria)*



### Going to college or university

Aman (Iraq) and Bisrat (Eritrea) would like to go to college and Bisrat dreams about being an engineer. Enaya (Palestine) was offered a place to study law but, as a refused asylum seeker, has no access to student finance:

*Why do you keep people like that? Let us study, let us work. That would make life feel different. How can you leave people like that without learning and work? If you leave people like that, they learn to hate not love.... Let us give something back; we don't just want to take. (Enaya, Palestine)*

### Having accommodation

Both Aman (Iraq) and Zareb (Sudan) feel that having somewhere to live is the most important change that would improve their lives. Zareb (Sudan), who lives in a night shelter, stressed how he just wants a quiet, safe place to be alone. He lacks privacy and wants time to himself, without other people around.

### Having money

Anwar (Somalia) feels money would change his life:

*I need money to make me happy... it's not happy. You can have money and still not be happy... but still it can give you life. You can think I will live... I will live again tomorrow. For me, today is the end, I don't think that I will live again tomorrow... When I wake up morning, I say "God bless me, still I'm alive." It's like that. I'm tired; serious. You don't know how I feel in my heart, but for me I'm tired. (Anwar, Somalia)*

### Having a solution

All that Joshua (Ethiopia) wants is a solution – whether that is going home or being granted status:

*Yes, all I need is solution. I don't need money, I don't need nice house, I don't need insurance number. I don't want nothing. I want solution. (Joshua, Ethiopia)*

### 3.16.2 Red Cross staff

We also asked caseworkers what they thought could be done to improve the situation for their clients who are living in limbo.

### Recognise the difficulty of acquiring documents and support the re-documentation process

Four of the six Red Cross staff members want the Home Office to recognise how difficult it is for people to obtain documents from embassies:

*Most embassies will not ever write you a letter saying that you were there. They're not going to give you a document. They very, very rarely will ever do that. That's one of the reasons why we send witnesses with people. But we often find that the response from the Home Office is, well, try again, try again; you need up-to-date evidence that you've tried again recently. It just can become never ending, a never-ending journey. (Red Cross staff member, Leeds)*

Beyond that recognition of difficulty, staff feel the Home Office should support the process of gathering documents, which includes providing financial assistance. The staff member in Leeds felt the Home Office should readily provide money for transport to help people get to the embassy:

*There's always issues getting transport.... I don't understand that if the Home Office want people to be able to get documentation to return, why they can't support, why they can't pay for transport, why they can't make it easier for people. (Red Cross staff member, Leeds)*

The staff member in Birmingham felt the Home Office should also be more involved in communicating with embassies around re-documentation.

### **Keep people on support**

Four staff members felt that refused asylum seekers who cannot return should be on support. Two staff stressed that charities should not be relied on to provide a safety net:

*I feel they should be offered some kind of support and accommodation.... I could be idealistic and say there should be more charities offering accommodation and better night shelters and more destitution funds, but that then all comes back to society, not the Home Office. (Red Cross staff member, Glasgow 2)*

The staff member in Teesside felt that longer-term issues, such as mental and physical health problems, will end up costing the government a significant amount if this group continues to be ignored.

One of the staff members in Glasgow felt that continuing asylum support would enable people to gather evidence:

*I think there needs to be a realistic understanding of how difficult it is for people*

*to obtain documents – I don't think what the Home Office expect reflects what people are able to do in terms of when someone is destitute. I think ultimately, if the Home Office is making a decision on evidence that people need to go and gather, then they should be supported while they're gathering that evidence.... I don't think people should be made destitute while they're looking for evidence. There should be a continuation of asylum support to enable people to gather evidence. (Red Cross staff member, Glasgow 1)*

The staff member in Leeds stressed that keeping people on support means you know where they are when they do become removable:

*And if you are serious about removing them, providing them support keeps them on your radar. Then, in the future, if they are removable then they've got them on their radar; so surely that would be better. (Red Cross staff member, Leeds)*

### **Give them the right to work**

Three staff members felt this group should be given the right to work:

*Give them right to work because that will prevent, that will stop exploitation. It will stop people from absconding, it will help their mental health – so many benefits. It will help the country because they will pay tax.... I think it just makes so much sense, even just from an economic side of things. It's not even the humanitarian side. (Red Cross staff member, Leicester)*

*Having the right to work. If they could work, make money, how much different that would be for them; they're actually contributing. (Red Cross staff member, Teesside)*

### **Raise awareness and provide training around statelessness**

Two staff members felt refused asylum seekers, legal practitioners and non-governmental organisations working with this group should be made more aware of the statelessness procedure “because I don't think a lot of people know about the possibility of asking to become stateless” (Red Cross staff member, Leicester).

*It could be helpful if there was maybe more training provided to frontline workers to pick up on things, but also to legal providers to know or advise on those, if there's potential to make a serious statelessness application, because*

*I don't really see it come up very often. (Red Cross staff member, Leeds)*

### **Provide legal aid for Stateless applications**

Two staff members felt there is a need for legal aid for Stateless applications.

### **Provide advice around AVR**

The staff member in Leeds stressed that, since the Home Office has taken the AVR programme in house again, there is no longer impartial advice on AVR. Such advice is invaluable.

### **Make people feel valued**

The staff member in Teesside felt there is a need to "make these people feel valued – people want to feel like they're doing something worthwhile". She felt this could be achieved in a number of ways, including providing volunteering opportunities, having better access to structured English and maths classes on a long-term basis, and having access to a sewing machine to make things for their children.

### **Recognise mental health issues**

One of the staff members in Glasgow (Glasgow 1) called for greater awareness and recognition of mental health issues in this group, particularly relating to trauma.

### **Consider the length of time people have been in the UK**

A number of our participants have been in the UK for more than ten years. The staff member in Leicester felt this needs to be considered:

*If you have come here ten years ago, it's not really reasonable for them to be removed and sent back to a country where maybe they've not spent loads of time, and they've got no connection there. (Red Cross staff member, Leicester)*

## **3.17 Closing comments**

Closing comments from our participants related mostly to the need for better understanding of the level of suffering experienced by refused asylum seekers who cannot be returned.

*I think there should be a greater understanding of the levels of suffering that people do experience as a result of destitution, and taking that into account and what is humane to put people through. (Red Cross staff member, Glasgow 1)*

Kasim (Iraq) would like the Home Office to walk a mile in his shoes:

*If government come and stay with some asylum seeker, homeless people, no have food, no eat, no have clothes, no have place for live, no have anything, live in the street. After, he'd understand how it is very difficult for you.... After, he understand what happen. But, you know, Home Office have this nice life. He sleep in that condition, have nice car, have nice money – he no care about me. But if he one day, two day, come to feel sleeping in outside park, or sleep in the street, and no food. After he understand how this is hard life. And if he sees people in this situation, without family, without country, without everything; if he understand this life, people, why people leave their country and come here, then he will have to think about people. (Kasim, Iraq)*

Walid (Algeria) concluded:

*I don't want to be rich, big money, nice house, nice life. No, I don't want to be rich or nice life. I need just a normal life. (Walid, Algeria)*



## 4 Conclusion

Life for refused asylum seekers who cannot be returned is bleak. They may be homeless or sofa-surfing, hungry or lacking adequate clothing. They may be struggling to access some form of healthcare. They are often experiencing all of these things. They currently have no, or an extremely limited, chance of regularisation of their status. Asylum support options are not accessible to them and this issue is likely to worsen under Section 95A. Without support, these people are vulnerable to exploitation and they are likely to drop off the radar, making it even less likely that they can be returned.

This group is stuck living in limbo. They are considered to have no right to remain in the UK, but they cannot be returned, and many stay in the country for extended periods of time. The Red Cross believes it is inhumane to abandon these people, leaving them to live in destitution for years, with no recognition of the suffering they face.



## 5 Recommendations

### 5.1 Recommendations for the Home Office

#### **Recommendation 1**

Refused asylum seekers who cannot return home due to such issues as lack of documentation should not be made destitute.

#### **Families who cannot be returned**

The Home Office should keep pregnant women and families with children on Section 95 support, regardless of their status, to prevent destitution and safeguard the best interests of the children involved.

### Single adults who cannot be returned and are applying for Section 95A

The Home Office should:

1. Provide clear, realistic and practical guidelines on what is considered as appropriate evidence of them taking reasonable steps to obtain a travel document. The guidelines should:
  - > Be specific to the person's country of origin, rather than taking a one-size-fits-all approach.
  - > Be clear as to what form of contact is acceptable – written, telephone or in-person – and specify what is considered acceptable evidence of such contact.
  - > Specify how many times a person is expected to attempt to contact the relevant embassy (or embassies) to request a travel document, within reasonable parameters.
2. Expect a person to apply for AVR only once they are in possession of the necessary travel document specified for their country of origin in the Home Office Country Returns Guide (Home Office 2016b). Only then will it be feasible to limit people to one AVR application and expect them to leave before the application expires.
3. Suspend the policy of regularly reviewing an individual's support when there is evidence that the person has done everything in their power to comply with re-documentation procedures.
4. Re-instate the right of appeal for those who are refused Section 95A support.
5. Allow people who cannot be returned to apply for Section 95A at any time, removing the restriction of only being able to apply within the 21-day grace period.
6. Take measures to ensure people who cannot be returned do not fall through the safety net when making the transition from Section 95 to Section 95A.

**Keeping this group on support will prevent destitution and protect them from potential exploitation.**

### Recommendation 2

The Home Office should share the burden of proof for taking reasonable steps to obtain a travel document.

The Home Office should:

1. Use its resources to assist in contacting the relevant embassy (or embassies) to request a travel document.
2. Provide funding for travel to embassies to facilitate the process of gathering documents. The process of applying for such funding should be simple and information about the funding should be widely available.

### Recommendation 3

The Home Office should grant discretionary leave to people who cannot be returned through no fault of their own.

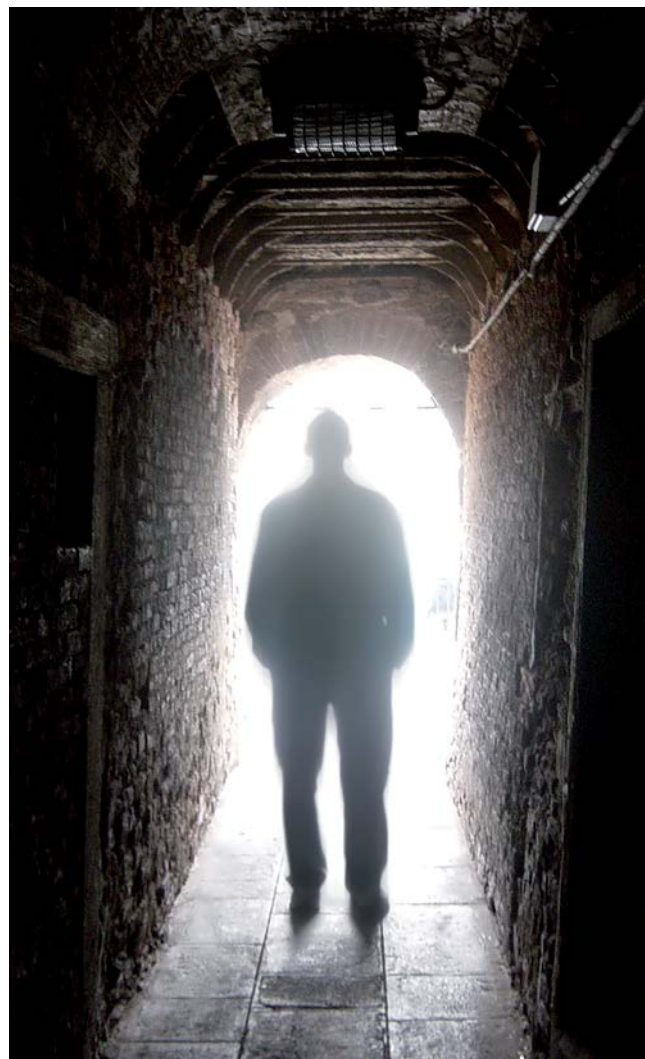
Where appeal rights exhausted individuals cannot, after a period of 12 months, be re-documented, or there is a barrier to return that is beyond their control, and they are complying with the system, they should be given discretionary leave to remain with a right to work and access higher education in the UK.

**Putting in place temporary status for this group will prevent destitution.**

## 5.2 Red Cross

The Red Cross should:

1. Use our relationships with government and parliamentarians to help solicit responses from embassies when people are failing to receive attention.
2. Independently and in partnership with other organisations operating in the sector, look to develop an operational response that supports service users during embassy appointments for the purposes of gathering evidence of their visit and to advocate on their behalf, when appropriate.
3. Review our current policy of providing 12 weeks of destitution support and take appropriate action to ensure the support we offer is sufficient to deal with the long-term destitution faced by this group.
4. Provide training for and raise awareness among our staff and volunteers on the issue of statelessness, including training on how to apply for exceptional case funding for Stateless applications.
5. Routinely capture data on this group to support wider efforts to understand how many refused asylum seekers there are who cannot be returned.





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## Appendix: Our refused asylum seekers

See page 12 for the stories of Faheem, Kasim and Walid, page 15 for Anwar's story, and page 28 for Enaya, Kayla and Bisrat.

### Aman's story

Aman is 36 years old and comes from Diyala in Iraq. He does not have ID that will allow him to obtain documentation to return to Iraq. The Home Office expects him to use his family in Iraq to help him obtain ID. Aman has lost touch with his family. He has had no news from them for many months and is very worried for their safety. The Home Office has accepted that Aman's return to Iraq is currently not feasible. However, the onus is on Aman to demonstrate why he cannot obtain documentation. Aman has contacted the Red Cross restoring family links service to try to find his family. These enquiries are still ongoing but so far have had no success.

### Dawit's story

Dawit is 29 years old and comes from Eritrea. He was born in Ethiopia, but was deported to Eritrea with his family during the war when he was 13 years old. Dawit has no Eritrean ID. The Home Office believes Dawit is Ethiopian. He is currently living in limbo in the UK and is trying to address his situation. The Red Cross provided funding for Dawit to travel to the Ethiopian embassy to try to establish his nationality. However, the embassy refused to see him and assess him. The Red Cross has also written to the Ethiopian embassy to ask its staff to interview Dawit in order to establish whether he is an Ethiopian national. Over a year later, he is still awaiting a response to this request.

### Fiyori's story

Fiyori is 25 years old and comes from Eritrea. She is in the UK with her husband, also from Eritrea, and two small children, who were both born here. The Home Office does not accept that Fiyori is Eritrean because she does not speak fluent Tigrinya. It believes she is Ethiopian. The Red Cross is supporting Fiyori in her attempts to contact the Ethiopian embassy to confirm her nationality. She has no documentation to show she is Ethiopian, and so she is unable to even get an appointment with them. Fiyori has also approached the Eritrean embassy in London.

However, because she has no ID to prove she is Eritrean, she was told that she needs three Eritrean nationals, recognised by the embassy, to confirm that she is Eritrean in order to progress any further enquiries. Fiyori cannot be returned to either Ethiopia or Eritrea without ID to obtain a travel document. She is currently stuck living in limbo in the UK.

### Joshua's story

Joshua is 38 years old and was born in Gondar, Ethiopia. He is Ethiopian by birth. His parents took him to Tanzania as a baby, where he lived with his father. Joshua has never had a passport. He has been in the UK for over 16 years. The Home Office Asylum team does not believe Joshua to be Ethiopian; they say he is Tanzanian. Joshua tried to get re-documented at the Ethiopian embassy but without success. Eleven years ago, Joshua was detained by the Home Office, which attempted to enforce his removal to Dar es Salaam, Tanzania. However, when he reached Heathrow Airport he was told that the removal had been cancelled.

In 2013, unable to prove his nationality, Joshua made a Stateless application. Two years later, this was refused. The Home Office Stateless team concluded that Joshua is of Ethiopian nationality by birth, but they were not satisfied that he had provided enough evidence to suggest that the Ethiopian embassy will not accept him as a citizen. Joshua has since visited the Ethiopian embassy again. The staff told him that without documentation they cannot make an appointment to assist him. Joshua also approached the Tanzanian embassy. He was told that it has no record of him and would need his birth certificate or passport to establish citizenship. Joshua states that he would be happy to go to Tanzania if the Home Office could organise this with the Tanzanian authorities. He does not think he has any chance of being re-documented to go to Ethiopia because he does not speak Amharic.

In 2015, Joshua submitted evidence of his embassy visits to be considered as a fresh claim for asylum. He provided his coach ticket to London and a note from the receptionist at the Ethiopian embassy stating they were unable to assist him further. He was told, once again,

that this evidence was not enough and did not amount to a fresh claim. Recently, the Red Cross contacted the Ethiopian embassy to request written confirmation that Joshua had visited it. Eight months later, no response has been received.

Joshua has made several attempts to apply for assisted voluntary return (AVR). However, his return has not been possible. Most recently, he contacted the Home Office Voluntary Departure team, who say they are trying to facilitate his return.

Joshua is desperate to find a solution to his long-term life in limbo and is willing to return to Ethiopia or Tanzania. He currently cannot be returned to either country.

### Qareen's story

Qareen is 44 years old and comes from Palestine. He has no documents to prove his nationality.

### Samir's story

Samir is 36 years old and comes from Algeria. His parents died when he was a child. Samir moved to Belgium when he was 14 years old and ended up in a children's home. He ran away from the home, but continued living in Belgium for 17 years before coming to the UK five years ago. Samir has no passport or ID from Algeria or Belgium. For over three years, Samir has been trying to leave the UK. He applied for AVR twice. Both of these applications expired since he was unable to get a travel document from the Algerian consulate within the three-month validity of the application. The Home Office refused to grant him an extension of time to do this.

Samir has been to the Algerian consulate five times to try to apply for a travel document to return to Algeria. Samir has completed the travel document application and, on one occasion, the Red Cross arranged for a volunteer from a local organisation to accompany him. She provided photos and a written statement of the visit. However, the Algerian consulate will still not cooperate because Samir has no ID. They advised that he should return to the consulate with a

completed and signed application form, photos and travel tickets provided by the Home Office. In addition, in the absence of documentation, he must provide two witness declarations from Algerian nationals, registered at the consulate in London, testifying that he is an Algerian national. Samir does not know any Algerian nationals, so it has not been possible for him to find a witness to confirm his Algerian nationality. The Red Cross has tried to assist him with finding witnesses, but none of these enquiries has been successful.

On the advice of his solicitor, in 2015, Samir submitted further evidence for his asylum claim based on statelessness. However, this evidence was not considered since he was told that he had not followed the correct format. He should have been advised to make a Stateless application.

Samir is now seeking advice on making a Stateless application, but there is no legal aid to do this. Samir is trapped in the UK and simply wants to leave.

### Violet's story

Violet is 49 years old; she is from Zimbabwe and came to the UK nearly 13 years ago. She has no identity documents and is therefore unable to obtain a Zimbabwean passport. Violet has applied for leave to remain in the UK based on statelessness, despite having no access to legal aid. Her family had to scrape together the money to help her fund a solicitor in order to apply. She is awaiting the outcome of this application.

### Zareb's story

Zareb is 29 years old and was born in Darfur, Sudan. He came to the UK with his birth certificate and both of his parents' passports. However, these documents have been confiscated by the Home Office as they are believed to be counterfeit. The embassy does not believe Zareb to originate from Sudan. Zareb is now without his documents, so he cannot take them to an expert for independent verification. He cannot establish his nationality with the Sudanese embassy or even begin enquiries to obtain a travel document to allow him to return home.



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