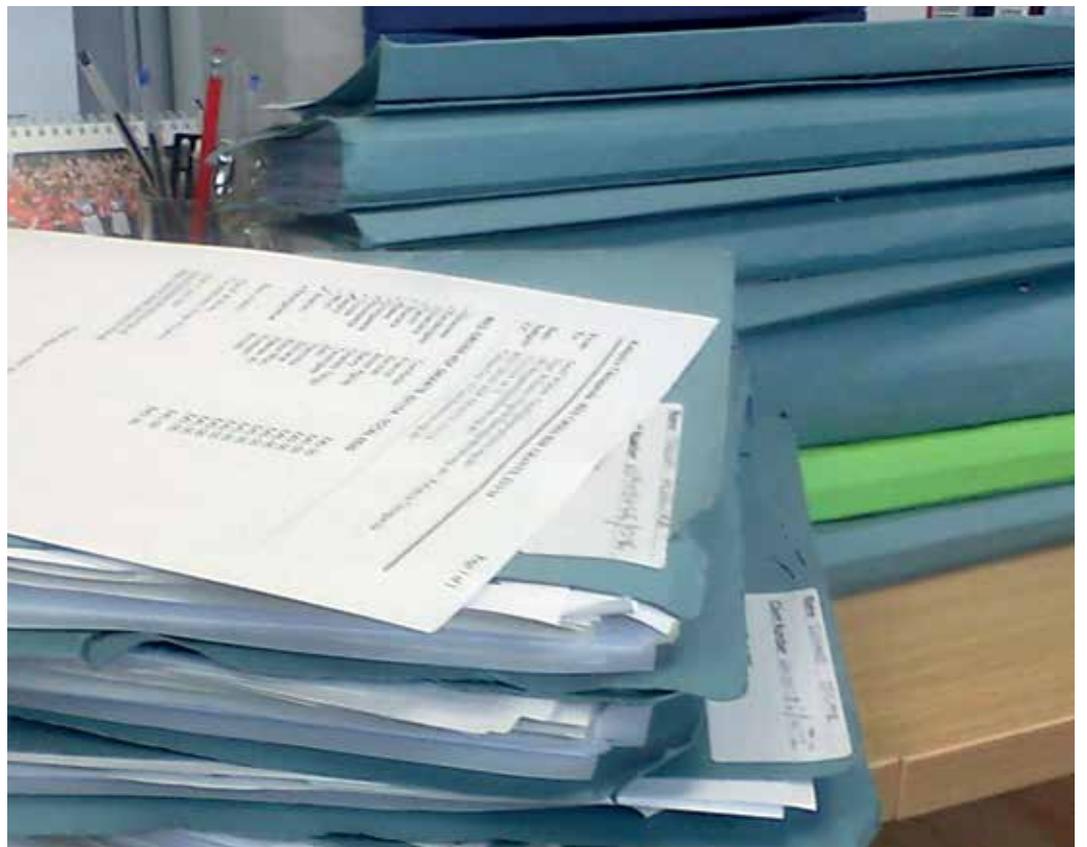


# THE MOVE-ON PERIOD: AN ORDEAL FOR NEW REFUGEES

Pauline Carnet, Catherine Blanchard and Fabio Apollonio





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**Pauline Carnet, Catherine Blanchard and Fabio Apollonio**  
Policy, research and advocacy department, British Red Cross



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## Executive Summary

'New refugees' (individuals recently granted refugee status, limited leave to remain, indefinite leave to remain, humanitarian protection, leave outside the rules, and discretionary leave status) have permission to work and to access support from the Department for Work and Pensions (DWP).

Moving from asylum to mainstream support requires the issue of many documents and the following of a complex administrative process. To allow time for this transition to occur, those on asylum support continue to receive it for 28 days. People who were not getting asylum support, or who were receiving section 4 support, may also need to enter the mainstream benefit system.

### **Research objectives**

1. To understand the difficulties experienced by new refugees when accessing mainstream benefits and the labour market.
2. To understand the effects of such difficulties, including destitution.

## Conclusion

Our findings show that moving from asylum support to mainstream benefits and employment is a real ordeal for new refugees – and usually takes much longer than the 28-day ‘grace period’ given by the government.

As a result, many new refugees – if not the majority – become destitute.

## Recommendations

- > The Home Office should send out the status letter, the NASS35 form, the Biometric Residence Permit (BRP) and the National Insurance number (NINo) at the same time.
- > The move-on period should be calculated from the date the new refugee receives both the BRP and NINo.
- > The move-on period should be extended to 40 days to avoid a break in support. To achieve this, section 94(3) of the Immigration and Asylum Act 1999 needs to be amended.
- > Ideally, individuals on asylum support should continue to receive this until they move on to mainstream benefits – irrespective of the time period. This recommendation could be piloted in one of the dispersal areas and include voluntary sector participation.
- > The DWP should update and improve the ‘Help available from Department for Work and Pensions (DWP) for people from abroad’ document (ASL.4392, Appendix D) and issue it jointly with the Home Office.
- > The DWP should better disseminate its policies relating to refugees.
- > The Jobcentre Plus (JCP) should fully train their staff on the most up-to-date DWP policies on refugees.

## Research methodology

- > The study employed a mixed-methods design, collecting and analysing both qualitative and quantitative data.
- > This allowed us to explore the journey of ‘new refugees’ en route to obtaining mainstream benefits, and identify any barriers to this happening.

## KEY FINDINGS

1. In the one-month data collection period, 14% of people seen by the British Red Cross refugee service in Birmingham were in the move-on period. All were destitute.
2. All stakeholders involved in the transition process share the responsibility for any difficulties that refugees encounter in the move-on period: the Home Office, the DWP, the JCP, and new refugees themselves.
3. Our research identified 23 factors at play during the move-on period. For some people, between five and ten different issues were affecting the process. The multiple and diverse factors explain why new refugees are left destitute shortly after being granted status.
4. There is a lack of clarity and knowledge around DWP policies related to refugees. As a result, office practice often seems to prevail over policies and legislation.
5. It can take up to 85 days from applying for benefits to receiving the first payment.

# 1 Glossary

**ARC**

Application Registration Card. A card-sized plastic card issued by the Home Office to all new asylum seekers, and to Article 3 European Convention on Human Rights (ECHR) claimants, from 31 January 2002. It replaced the standard acknowledgment letter and contains information related to the individual's identity and immigration status.

**BRP**

Biometric Residence Permit. Issued by the Home Office and sent to the individual, if not the same day, then shortly after they have been notified of their status. The BRP contains their unique biometric identifiers (such as fingerprints and a digital facial image), biographical information, as well as details of entitlements and immigration status.

**Dispersal**

*The Immigration and Asylum Act 1999* introduced a policy of dispersal of asylum seekers under a regional quota system, to relieve pressure on London and south-east England. Refugees cannot choose where they are accommodated, but they should be dispersed to an area appropriate to their language and community.

**DL**

Discretionary leave. Granted for, among others, family reasons, medical cases (eg, Article 8 and Article 3 ECHR) and some unaccompanied asylum-seeking children (UASCs).

**DWP**

Department for Work and Pensions

**ELR**

Exceptional leave to remain. Was granted to people before 1 April 2003, when it was replaced by humanitarian protection and discretionary leave.

**ESA**

Employment and Support Allowance

**HP**

Humanitarian protection. Granted when a person does not qualify for refugee status, but has a well-founded fear of persecution or faces real risk of serious harm for a non-Convention reason.

**ILR**

Indefinite leave to remain. Prior to 30 August 2005, ILR was given as standard alongside refugee status. Since 2005, people with refugee status or humanitarian protection can apply for ILR at

the end of their five years' leave to remain. Apart from this, ILR has been, and can be, granted in specific situations: to clear backlogs in the asylum process (Case Resolution, ended in July 2011) and to refugees resettled in the UK through the United Nations High Commissioner for Refugees (UNHCR) Gateway Programme.

## **IS**

Income Support

## **ISD**

Immigration Status Document. Issued to an applicant following the granting of leave when no passport is held, or where it would not be appropriate to endorse a national passport. The ISD provides details of the applicant and indicates the status that has been conferred. The ISD was abolished in 2012.

## **JCP**

Jobcentre Plus. Part of the DWP. Its role is to provide work for those who can work, and support for those who cannot.

## **JSA**

Jobseeker's Allowance

## **LOTR**

Leave outside the rules. Category of leave to remain, only granted when a person does not qualify for leave under the rules, or the humanitarian protection or discretionary leave policies. Consequently, LOTR cases are quite rare.

## **LLR**

Limited leave to remain. Since 30 August 2005, refugees receive only five years' leave to remain in the UK. This is sometimes known as the 'five-year rule'.

## **NASS**

National Asylum Support Service. The organisation formerly responsible for administering asylum support when the UK Border Agency (UKBA) was still in existence. NASS was officially abolished in July 2006 when the New Asylum Model (NAM) was introduced. However, in the refugee sector, the term 'NASS' is still very much in use.

## **NASS35**

The NASS35 form is issued to people who were previously in receipt of section 95 support. The NASS35 should be issued by UK Visas and Immigration once status is granted. It gives the dates when Home Office support started and stopped.

The NASS35 form is not required for a benefit claim to be made, but the information on the NASS35 form is required for the claim to be 'assessed' in the final stage of the benefits process.

## **NASS 61**

The NASS 61 letter states the discontinuation of asylum support.

## **NC**

National Insurance Number Centre

## **NINo**

National Insurance number

## **RIES**

Refugee Integration and Employment Service. A scheme that helped new refugees become better integrated members of British society and, in particular, helped them access employment. The scheme ended on 30 September 2011.

## **RS**

Refugee status. Refugees who meet the UN Convention criteria to be a refugee (with ILR or LLR).

## **SAL**

Standard acknowledgment letter. Issued by the Home Office to asylum seekers, it is an A4-sized document printed on special security paper and contains a unique number. It was principally used from 1991 to 2002, when it was replaced by the ARC. It is still used to acknowledge a claim for asylum in circumstances when it is not possible to issue an ARC within three days of the claim being lodged.

## **Section 4**

Section 4 support (*Immigration and Asylum Act 1999, s.4*) is given to refused asylum seekers who are destitute, and have agreed to return to their country of origin, but cannot return immediately due to circumstances beyond their control. It can also be given on human rights grounds for those who have further submissions under consideration. If the new evidence is accepted as a 'fresh claim', or new asylum claim, they may at some point be granted status. Section 4 support consists of accommodation and £35.39 a week via an Azure payment card.

## **Section 95**

Section 95 support is given to asylum seekers "who appear to the Secretary of State to be destitute or to be likely to become destitute" while their case is being determined (*Immigration and*

*Asylum Act 1999, s.95*). This support consists of accommodation, on a no-choice basis, and a cash payment of £36.62 a week (for single adults)<sup>1</sup>.

**UKVI**

UK Visas and Immigration, part of the Home Office.

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<sup>1</sup> This equates to only 51% of Income Support.



## 2 Background

The vision of the British Red Cross is a world where everyone gets the help they need in a crisis.

The Red Cross has a long tradition of providing practical and emotional support to vulnerable refugees and asylum seekers across the UK. This includes those recently granted refugee status (RS), indefinite leave to remain (ILR), humanitarian protection (HP), discretionary leave (DL) or leave outside the rules (LOTR).

People granted this status have broadly the same rights and duties as any other UK resident (although DL can be granted with no access to public funds). As such, they have permission to work, access health services, and receive support from the Department for Work and Pensions (DWP). Despite this, many new refugees fall destitute.

In 2013, there were 23,507 asylum applications. Of the 17,647 initial decisions, 37% (6,542) were granted some sort of leave to remain (Home Office, 2014).

The same year, the Red Cross supported 10,509 refugees and asylum seekers in the UK – 60% of whom (6,301) were destitute at some point during those 12 months.

We spend around £3 million on this work each year. Our refugee support services operate in 48 towns and cities around the UK, to alleviate destitution and humanitarian suffering.

## What is the ‘move-on period’ and who falls into it?

In the UK, people fleeing persecution have the right to claim asylum. Until their case is decided, the Home Office identifies them as ‘asylum seekers’. Some of these asylum seekers, who are destitute, may apply for section 95 support (see Glossary). When granted status, they will continue to receive asylum support for a ‘grace period’ of 28 days, as stated in regulation 4 of the *Asylum Support Regulations 2002*:

*4. For regulation 2(6) of the 1999 Regulations there is substituted:*

*“(6) The period prescribed under section 94(3) of the Immigration and Asylum Act 1999 (day on which a claim for asylum is determined) for the purposes of Part VI<sup>2</sup> of that Act is 28 days where paragraph (7) below applies, and 21 days in any other case.*

*(7) This paragraph applies where:*

- (a) the Secretary of State notifies the claimant that his decision is to accept the asylum claim;*
- (b) the Secretary of State notifies the claimant that his decision is to reject the asylum claim but at the same time notifies him that he is giving him limited leave to enter or remain in the United Kingdom; or*
- (c) an appeal by the claimant against the Secretary of State’s decision has been disposed of by being allowed.”*

This grace period begins “on the day on which the Secretary of State notifies the claimant of his decision on the claim; or, if the claimant has appealed against the Secretary of State’s decision, on the day on which the appeal is disposed of” (section 94(3) of the *Immigration and Asylum Act 1999*). If the decision is served by post, 30 days will be allowed (UK Visas and Immigration [UKVI], 2009: 5). All asylum support will cease at the end of that period. The government considers 28 days to be enough time to make the transition from asylum support to mainstream support, which includes finding employment and accessing benefits.

Some of those who have been recently granted status, and need to move on to the mainstream benefit system, will not have been on asylum support, or will have been receiving section 4 support (see Glossary). However, they still require the necessary documents from the Home Office to enter the DWP system.

The move-on period, for the purposes of this report, refers to the transition process for all those with newly granted status, whether they received asylum support or not.

## Stuck between two systems

Although people granted status should have immediate access to the labour market and all key mainstream benefits, this transition can prove problematic and will often take longer than the prescribed 28 days.

The last Labour government (1997-2010) recognised the difficulties that new refugees face during the 28-day grace period in its second refugee integration strategy, *Integration matters* (Home Office, 2005).

This strategy introduced a new approach to refugee integration and established the Refugee Integration and Employment Service (RIES), which provided intensive support and advice to new refugees, so that they were better able to transition into mainstream society.

The then government funded both voluntary and local authority agencies to provide a package of support, including: integration advice services (such as accessing housing, education and benefits), employment support services, and a mentoring scheme.

Between October 2008 and September 2011, 22,292 integration and employment advice sessions were provided (Doyle, 2014:10).

However, all funding for RIES was cut in 2011. The coalition government (2010-present) has not introduced a similar service, nor published a new integration strategy that focuses on refugees.

Accessing both the labour market and mainstream benefits is particularly difficult when individuals recently granted status do not have specific documents, such as the Biometric Residence Permit (BRP) and a National Insurance number (NINo) – as recently demonstrated in a Refugee Council report (Doyle, 2014). Many people become destitute because of such difficulties.

<sup>2</sup> This part refers to “support for asylum seekers”, especially section 95 support (see Glossary).

Destitution during the move-on period can have dramatic consequences. A baby boy, known as ‘EG’, starved to death as his ill mother fell unconscious for several days. The family had become destitute as she struggled to obtain benefits and support once her asylum application was approved (Westminster Safeguarding Children Board, 2012).

In 2013, the Home Affairs Select Committee (2013: 38) described the situation of destitute refugees as “especially concerning”. They recommended that: “asylum support should not be discontinued until the Department for Work and Pensions has confirmed that the recipient is receiving mainstream benefits”.

Since 2012, the First-tier Tribunal (Asylum Support) has ruled that section 95 support should continue for 28 days from the date of receiving the NINo (appeal number AS/13/10/30581) or the BRP (appeal number AS/12/07/28626/SK). Similarly, it ruled that section 4 support should continue until receipt of the BRP (appeal number AS/13/03/29/701/ZM). Although encouraging, these rulings are not binding, as they were made by individual judges.

Since neither the above mentioned recommendation nor rulings have been adopted, these failings in the 28-day move-on period are still leaving many people destitute.

## The process of claiming benefits

The same day they are granted status, or very soon after, individuals should receive a determination of asylum claim letter.<sup>3</sup> The Home Office issues this letter, notifying the asylum seeker of the positive outcome. It specifies which status has been granted and the date on which the claim was determined.

UKVI states that: “As soon as a person is granted leave as a refugee, they have immediate access to the labour market and to all key mainstream benefits” (UKVI, 2009: 3). Similarly, Jobcentre Plus (JCP) (2010: 3) guidance advises: “a refugee customer who wishes to make a claim to benefits, should do so as early as possible after being granted appropriate immigration status.” This is also explained in the document ASL.4392, entitled ‘Help available from Department for Work and Pensions (DWP) for people from abroad’ (Appendix D).

## *What is the process that people have to follow and how do they know what to do?*

When granted status, those who were on section 95 support should receive, from the Home Office, a “benefit information leaflet in an appropriate language” that is included with the NASS35 (UKVI, 2009: 10). We believe this leaflet could be either the document ASL.4392 (Appendix D) or the document ASL.3225 (Appendix E). It should be noted that, to our knowledge, this leaflet is not online, nor sent to those who are not on section 95 support.

If individuals have a NINo, they can apply online. If not, they have to call the JCP contact centre and answer a series of questions for about 40 minutes.

A NINo is a unique number – brought in by the National Insurance Scheme in 1948 – that helps track an individual’s national contributions or benefits. There are different ways that people recently granted status can get a NINo:

> **The Home Office-inspired NINo:** If the person claimed asylum after April 2004, their case owner should have prepared their NINo application, with their permission, at their original asylum interview (UKVI, 2008). In such instances, the Home Office will submit the applicant’s NINo information to the DWP once leave is granted.

Not all asylum seekers’ case owners will have prepared a NINo application at the interview. This could be for several reasons: the applicant might not have agreed to sign the form; they might not have attended the interview at all; or, if no representative was present, they may have been advised not to sign the application. In other cases, the application may have been ill-prepared and invalidated due to errors that could not be rectified.

> **The ‘benefit-inspired NINo’ (DWP, 2014b):** If new refugees do not have a NINo when claiming benefits, JCP staff will apply for a NINo on their behalf – after verifying on their computer system that no NINo has been allocated. In order to claim the NINo, the JCP must first establish the customer’s entitlement to benefit. Once established, the JCP is instructed to send a completed DCI1 form to the National Insurance Number Centre (NC), who will process the NINo claim. The NC may arrange an ‘Evidence of identity’ interview, where the customer is required to provide appropriate documents to prove their identity

<sup>3</sup> Home Office letter template references (UKVI, 2014b: 8): Grant of asylum (ASL.2167), Grant of discretionary leave (ASL.2168), Grant of humanitarian protection (ASL.2169), Grant based on family/private life (ASL.4571).

and their immigration status, before the NINo can be allocated.

- > **Individuals applying for a NINo themselves:** New refugees can apply for a NINo by calling the JCP allocation line. Individuals can only apply themselves if they are looking for work, or setting up as self-employed, and have not yet claimed benefits. In some cases, the individual may already have a NINo before claiming asylum: for example, someone already resident in the UK and who, due to a change in political and/or personal circumstances, cannot return to his/her country of origin, and has applied for asylum in the UK.

Having a NINo before claiming any benefits simplifies the procedure, as the benefits application can then be made online, rather than by telephone, and information on the claim is available electronically. However, as DWP guidance specifies (Appendix D), a NINo is not required for benefits to be processed. DWP even advises that newly granted people “should not delay in making a claim to benefit if [they] do not have a NINo” (Appendix D). The *Social Security Administration Act 1992* (DWP, 2010: 9) requires only that the applicant provides “the information or evidence enabling such a number to be allocated” to them.

After answering 40 minutes of questions on the telephone, individuals are given an appointment for an initial interview and notified of all the documents they should take with them.

For the initial interview, two things are required, irrespective of the type of benefits claimed: proof of identity and proof of immigration status. To our knowledge, there is no available DWP guidance that specifies which documents are recognised as proof of identity and immigration status, for the purpose of a benefit claim.

The only DWP guidance we could find on how to prove **identity** was in a document on benefit-inspired NINo applications. This guidance (DWP, 2014a) states that people should provide “at least one primary document” (DWP, 2014a: 1, 23) to prove their identity:

- > a passport
- > a Biometric Residence Permit (BRP)
- > a convention travel document issued by the Home Office to the refugee.

Most refugees will not have a passport or convention travel document, so the BRP will be

the only ‘primary document’ they have to prove their identity.

This DWP guidance (2014a: 2) does, however, also state that: “if an applicant cannot provide primary identification documents, their identity may still be verified”, adding that “a holistic approach” should be taken when considering the documents provided by the applicants to prove their identity. Indeed, other documents are also “acceptable evidence of identity” (DWP, 2008: 1). These include:

- > an Application Registration Card (ARC)
- > a Standard Acknowledgment Letter (SAL)
- > a NASS35.

It is unclear whether this list of documents is also valid for individuals claiming benefits.

With regard to proving **immigration status**, it is not clear whether the determination of asylum claim letter is sufficient proof of status to claim benefits. DWP guidance for new refugees (Appendix D) simply says that applicants “must” bring their BRP or their Immigration Status Document (abolished in 2012 and replaced by the BRP) with them to their first interview at the JCP.

The **Biometric Residence Permit** (BRP) is a vital document for claiming benefits, as it is “acceptable as a standalone document when demonstrating immigration status, identity, right to work and access to public benefits” (Home Office, 2012: 2).

Depending on the type of benefits they are applying for (Jobseeker’s Allowance [JSA], Income Support [IS], Employment and Support Allowance [ESA], Housing Benefit, etc), people recently granted status will be asked to provide other documents relevant to their claim (for example, a medical certificate is required for an ESA claim).

Two of these documents, the **NASS35 form** and the **letter summarising section 4 payments**, detail the asylum support that the individual received before being granted status. The Home Office issues these documents, which also note when support started, when it is due to end, and the amount of support given (UKVI, 2009).

JCP guidance (2010: 4) specifies that: “the NASS35 form is not required for a claim for benefit to commence [but] the information on form NASS35 is required for the claim to be assessed”. JCP guidance (JCP 2010: 4) advises that: “if the customer previously in receipt of s95

support does not have in their possession form NASS35 this should not delay any initial action in claim processing". It is the role of the JCP staff to complete the claim "as far as possible" and to contact the UKVI "for a replacement form NASS35 to be issued to the customer. While this information is being obtained, interim payments of benefit, at the discretion of a Jobcentre Plus decision maker, may be made" (JCP 2010: 4).

Similarly, Short Term Benefit Advances may be considered for customers with no NINo, or who have applied for a NINo but their identity has not yet been verified (DWP, 2014b: 4).

### *Receiving payments*

Whether the applicant receives welfare benefits by the end of the 28-day grace period depends on which benefits they apply for, and how well they and their local JCP adhere to the requirements of each stage in the process.

If the applicant has not received payment before the grace period ends, they may be entitled to Short-term Benefit Advances at the JCP's staff's discretion (these funds replaced interim payments on 1 April 2013).

Payments should be backdated to the day of the application. Benefits can be paid into a bank or post office account.

Opening a bank account comes with its own difficulties for those recently granted status in the UK. A Refugee Council report (Doyle, 2014) highlighted the problems with not having documents required by banks (such as a passport, driving licence or utility bill), as well as bank staff not recognising or accepting the BRP as a form of identification.

If a bank account cannot be opened, the local JCP needs to send a personal invitation document (PID) (form TC645) to the Post Office, so that the applicant can receive their benefits through a post office account. However, the applicant must already have a NINo for the benefit centre to be able to complete the form. The Post Office will usually require proof of identity, too.

Alternative methods of payment are a cashable Giro cheque, the Simple Payment card or, in certain circumstances, payment via a ten-digit number (e-Payment) sent by email, SMS, or over the telephone (HM Government, 2014a).

The Simple Payment card has to be taken to a PayPoint outlet in order to collect payment. Proof

of identity will be requested and photocopies are not accepted (HM Government, 2014a: 10).

## **The benefit system in the future**

The Red Cross is aware of the implementation of the Universal Credit system.

Universal Credit is being introduced in stages, from 2013 to 2017, across the UK. It merges six working-age benefits (Housing Benefit; IS; JSA; ESA; Child Tax Credit and Working Tax Credit; and budgeting loans and crisis loans) into a single payment (DWP, 2014c).

The benefit is currently distributed at just ten job centres, having been delayed a number of times. It will shortly be expanded to all 90 job centres in north-west England.

The Red Cross will be monitoring the Universal Credit issue closely, to identify any potential impact from this reform on new refugees.

As we have shown, the transition process is complex, involves many stakeholders, and requires the issuing and management of a number of documents.

There is a need to drill down into the detail around why refugees end up destitute during the move-on period – and this study answers that need.



## 3 Research objectives and methodology

### Research objectives

The first objective of this research study was to explore the difficulties experienced by 'new refugees' (individuals recently granted refugee status, humanitarian protection, discretionary leave, and leave outside the rules) when accessing mainstream support. Our second objective was to understand the effects of those difficulties, including destitution.

### Methodology

We explored the journey of new refugees, in order to identify barriers to obtaining mainstream support. The study employed a mixed-methods design, collecting and analysing both qualitative and quantitative data.

#### *The quantitative phase*

Two British Red Cross offices, which provide refugee support, were selected for the study. The Birmingham office has four full-time staff, four part-time staff and 12 active volunteers. Two members of staff specialise in issues related to the move-on period. Two full-time staff members and 20 active volunteers run the Plymouth office. Plymouth does not specialise in the move-on period, so it

refers new refugees to other organisations for this casework.

A short questionnaire was designed and was administered by volunteers and staff to all people who attended the two Red Cross refugee support offices over a one-month period. This allowed us to create a picture of a typical month in the two offices – with a focus on those in the move-on period within that timeframe.

We also undertook a case record review of individuals who answered the questionnaire and were identified as currently applying for, or awaiting the start of, mainstream benefits. This allowed us to obtain important additional information, such as exact dates for key events – as well as more detailed information on the barriers faced by new refugees. However, the amount of detailed information contained in the case records differed between the two offices and, indeed, for the individuals. People did not necessarily provide the Red Cross with all the documents we were interested in for this research project. Also, the selected refugee offices did not provide the same level of assistance to people who had been recently granted status.

### *The qualitative phase*

We conducted four in-depth interviews – three with individuals and one interview with a married couple. All five interviewees were identified by Red Cross staff as exemplifying the difficulties experienced by new refugees who are applying for mainstream benefits.





## 4 Key findings

### **Participants in the move-on period**

The British Red Cross refugee support in Birmingham helped 101 people during the one-month data collection period (6 January to 7 February 2014). Fourteen had been recently granted status and were in the process of moving on to mainstream benefits (Table 1). Most were waiting for a decision on their benefits claim (Table 2).

The Red Cross refugee support in Plymouth helped 55 people from 8 January to 10 February 2014 (Table 1). Of these, two people were in the move-on period – and both were waiting for their first benefits payment since receiving a positive decision (Table 2).

TABLE 1 NUMBER OF PEOPLE WITHIN THE MOVE-ON PERIOD

| Red Cross Birmingham refugee support                        | Number of people seen | Percentage |
|---|-----------------------|------------|
| People in the move-on period                                | 14                    | 14%        |
| Others  | 87                    | 86%        |
| Total number of people seen<br>6 January to 7 February 2014 | 101                   | 100%       |

Source: Questionnaire

| Red Cross Plymouth refugee support                           | Number of people seen | Percentage |
|--|-----------------------|------------|
| People in the move-on period                                 | 2                     | 4%         |
| Others   | 53                    | 96%        |
| Total number of people seen<br>8 January to 10 February 2014 | 55                    | 100%       |

Source: Questionnaire

TABLE 2 BREAKDOWN FOR PEOPLE WITHIN THE MOVE-ON PERIOD

| Red Cross Birmingham refugee support           | Number of people |
|--|------------------|
| Waiting for a decision on their benefits claim | 11               |
| Waiting for first benefit payment              | 3                |
| Total number of people in the move-on period   | 14               |

Source: Case record review

| Red Cross Plymouth refugee support             | Number of people |
|--|------------------|
| Waiting for a decision on their benefits claim | 0                |
| Waiting for first benefit payment              | 2                |
| Total number of people in the move-on period   | 2                |

Source: Questionnaire

## Having status but destitute

All 14 research participants in the move-on period, in Birmingham, were destitute. They had neither financial support nor adequate accommodation.

By the time they approach the Red Cross for support with destitution, it is unfortunately too late to avoid it.

### *Length of time without financial support after asylum support ends*

A case record review of these 14 research participants in Birmingham allowed us to determine the number of days without support for 11 of them. All 11 had been without any financial support for more than 15 days. Five of the 11 had been without financial support for between 15 and 35 days. What is most concerning is that three of them had been in that situation for more than 75 days.

In Plymouth, both research participants had been without financial support for between 15 and 35 days.

**TABLE 3** RESEARCH PARTICIPANTS IN THE MOVE-ON PERIOD AND WITHOUT FINANCIAL SUPPORT FROM THE GOVERNMENT

| Research participants – Birmingham office (n = 14) | Number of days without financial support from the government, from end of asylum support until benefits received |
|--|--|
| Research participant 1                             | 32   |
| Research participant 2                             | 76   |
| Research participant 3                             | 53   |
| Research participant 4                             | 15   |
| Research participant 5                             | 24   |
| Research participant 6                             | 25   |
| Research participant 7                             | 40*  |
| Research participant 8                             | Impossible to determine**  |
| Research participant 9                             | 80*  |
| Research participant 10                            | Impossible to determine***   |
| Research participant 11                            | 24*  |
| Research participant 12                            | 82   |
| Research participant 13                            | Impossible to determine**  |
| Research participant 14                            | 27   |

Source: Case record review

\*Approximate number of days: We know the case was resolved, but do not have the exact date that benefits were paid. We took the last day of Red Cross support as a reference date

\*\* Impossible to determine because we cannot tell from the case record if and when benefits were paid

\*\*\* Impossible to determine because the research participant's case record does not indicate the date when asylum support ended

| Research participants – Plymouth office (n = 2) | Number of days without financial support from the government, from end of asylum support until benefits received |
|---|--|
| Research participant 1                          | 17   |
| Research participant 2                          | 28   |

Source: Case record review

### *Financial support from the Red Cross*

The Red Cross refugee support in Birmingham provided these 14 individuals with £660 in support (in total), while they were in the move-on period and destitute. Eight were supported for a one-week period, but it is worrying to see that four of them needed our support for four weeks or more (Table 4).

Plymouth refugee support provided the two individuals with £80 in support over an eight-week period.

**TABLE 4** NUMBER OF WEEKS INDIVIDUALS WERE SUPPORTED BY THE RED CROSS DURING THE MOVE-ON PERIOD

| Number of weeks support provided – Birmingham office (n = 14) | Number of research participants |
|---|---------------------------------|
| 1   | 8                               |
| 2   | 2                               |
| 3   | 0                               |
| 4   | 1                               |
| 5   | 2                               |
| 6   | 1                               |
| Total   | 14                              |

Source: Case record review

| Number of weeks support provided – Plymouth office (n = 2) | Number of research participants |
|--|---------------------------------|
| 8  | 2                               |

Source: Case record review

### *Accommodation in the move-on period*

Of the 14 research participants in Birmingham who were in the move-on period, six were living in temporary accommodation and stayed in the same place every night (Table 5). Three were living with friends. One stayed with the same friend every night, while two explained that they regularly moved from one friend's accommodation to another.

For the two research participants in Plymouth, one was living with friends and staying in the same place every night. The other had spent the previous night in asylum support accommodation, on the day he completed our questionnaire. His case record does not have details of his accommodation thereafter.

**TABLE 5** ACCOMMODATION DETAILS FOR RESEARCH PARTICIPANTS IN THE MOVE-ON PERIOD

| Accommodation details – Birmingham office (n = 14)       | Number of research participants |
|--|---------------------------------|
| Living with friends                                      | 3                               |
| Local council temporary accommodation – hostel           | 2                               |
| Local council temporary accommodation – rented housing   | 2                               |
| Local council temporary accommodation – homeless shelter | 1                               |
| Local council temporary accommodation – other            | 1                               |
| Missing data   | 5                               |
| Total  | 14                              |

Source: Case record review and questionnaire

| Accommodation details – Plymouth office (n = 2) | Number of research participants |
|---|---------------------------------|
| Living with friends                             | 1                               |
| Asylum support accommodation                    | 1                               |
| Total   | 2                               |

Source: Case record review and questionnaire

## Type of benefits claimed

For this research, we concentrated on the following types of mainstream benefits: Jobseeker's Allowance (JSA), Employment and Support Allowance (ESA) and Income Support (IS). Housing Benefit, Child Benefit and Child Tax Credit were not the focus of this study, as the process of applying for these benefits, and the difficulties linked to this, are quite specific. However, we do know that three of the 14 people in Birmingham had applied for Child Benefit and Child Tax Credit.

The main type of benefits claimed by research participants in Birmingham was JSA (eight). IS was only claimed by women with dependents (four). Both people in Plymouth applied for JSA.

TABLE 6 TYPE OF BENEFITS CLAIMED

| Type of benefits claimed – Birmingham office (n = 14) | Number of research participants                    |
|---|--|
| JSA   | 8  |
| ESA   | 1  |
| IS  | 4<br>(3 of them also claimed CB and 2 claimed CTC) |
| Missing data  | 1  |

Source: Questionnaire and case record review

| Type of benefits claimed – Plymouth office (n = 2) | Number of research participants |
|--|---------------------------------|
| JSA  | 2                               |

Source: Questionnaire and case record review

## Factors at play in the move-on period

The questionnaire and case record review revealed a number of factors that affect the process of applying for benefits (Table 7). These factors help explain why people are left destitute when their asylum support ends. For all of these people (apart from one, for whom we did not have enough detailed information), more than one of these factors was present. For four of them, between five and 10 different factors came into play.

All the stakeholders involved in the transition process share in the responsibility for the difficulties that refugees encounter in the move-on period: the Home Office, the Jobcentre Plus (JCP), and the refugees themselves. Confusion and inefficiency at the JCP in particular, plays a major role in new refugees becoming destitute.

The range and number of factors and responsibilities makes it very difficult to address problematic transition cases. Trying to solve just one of these cases is very time-consuming for Red Cross refugee case workers, but their hard work is essential. New refugees would likely find themselves destitute for much longer without the assistance of organisations such as the Red Cross.



**TABLE 7** FACTORS AT PLAY IN THE MOVE-ON PERIOD – BIRMINGHAM (N = 14) AND PLYMOUTH (N = 2)

| Factor *  | Number of research participants who experienced factor: Birmingham (n = 14) | Number of research participants who experienced factor: Plymouth (n = 2) |
|---|---|--|
| Change of address after applying for benefits                                 | 8   | 1  |
| Applying within the move-on period can still be too late to avoid destitution | 7   | 1  |
| Language barriers   | 7   | -  |
| NINo issues when contacting the JCP   | 5   | -  |
| No update from JCP on application process                                     | 4   | -  |
| BRP issued more than seven days after being granted status                    | 4   | -  |
| JCP losing documents  | 3   | -  |
| JCP requesting the second part of the habitual residence test                 | 3   | 1  |
| JCP requiring NASS35 form to proceed with application                         | 3   | -  |
| Difficulty opening a bank account   | 3   | -  |
| No NINo sent with status letter   | 2   | 1  |
| Not knowing what information is required upfront                              | 2   | -  |
| JCP giving incorrect or inappropriate advice                                  | 2   | -  |
| Confusing communication from the JCP  | 1   | -  |
| JCP requiring originals of documents already provided                         | 1   | -  |
| JCP making incorrect decisions  | 1   | 1  |
| Inexplicable delay in making first payment                                    | 1   | -  |
| Lack of signature on a document   | 1   | -  |
| Concurrent systems creating confusion   | 1   | -  |
| Delay in receiving the benefits application form                              | 1   | -  |
| Misunderstanding how the system works   | 1   | -  |
| Delay in receiving the determination of asylum claim letter                   | -   | 1  |

\* More than one factor was present for all but one individual  
Source: Questionnaire and case record review

### 1. Change of address after applying for benefits

Changing address is an important factor that affects the move-on period. Once leaving their asylum support accommodation, new refugees often move to another area where they have friends, or where they believe they might more easily find a job, or simply because it is where the only homeless shelter is available. This change of address can happen after they have submitted their application for benefits. Consequently, new refugees have to go to another JCP, where their file has to be transferred. This process is known as 'live transfer'. Problems can then arise, such as the customer sending documents to the wrong JCP, and the JCP sending documents to the incorrect address for the customer.

Eight of the 14 research participants in Birmingham changed address after applying for benefits. We know from the case record review that two of them definitely notified the JCP of this change of address. We also know from the case record review, in one case, that the JCP kept sending documents to an old address.

One of the two research participants in Plymouth changed address after applying for benefits.

## 2. Applying within the move-on period can still be too late to avoid destitution

All 14 research participants in Birmingham fell destitute. However, this was not necessarily because they had made the application after the end of their asylum support. Data for 12 of these individuals show that three did apply for benefits only after their asylum support ended. Two applied the same day that their support ended. The remaining seven, however, applied before the end of their asylum support: three applied within the first three weeks after being granted status; four in the week before their asylum support ended.

Both research participants in Plymouth became destitute, as well. One applied for benefits the same day his asylum support ended; the other, eight days before the end of his support.

So why do people recently granted status apply after, when or just before their asylum support ends? We identified four possible explanations.

The first two are a delay in receiving a Biometric Residence Permit (BRP) and the belief that a National Insurance number (NINo) is required before claiming benefits. The third is a lack of understanding about the move-on period. Only three research participants in Birmingham, and one in Plymouth, knew that they had 28 days to apply for benefits before their asylum support ended (Table 8). According to Red Cross refugee case workers, this lack of understanding is partly due to limited guidance for refugees. Our case workers believe that the end of the Refugee Integration and Employment Service (RIES) is a big factor. RIES ended on 30 September 2011, when the UK Border Agency (UKBA) decided to stop funding it. RIES was a scheme to help new refugees become better-integrated members of British society – and, in particular, help them access employment.

The fourth factor is the incorrect guidance provided by JCP staff to those recently granted status. One research participant applied for benefits after the end of his asylum support because the JCP told him that he could not apply while receiving this support. This is absolutely incorrect. When considering a benefit claim, the JCP should treat payments of asylum support as income in the usual way. JCP simply has to calculate the difference between the asylum support amount and the (higher) benefit amount. The refugee customer can be paid this difference until asylum support ends, and then receive the full benefit payment. This is indicated in the guidance letter written by the Red Cross refugee support in Bristol, and amended by a partnership manager at the DWP (Appendix F).

TABLE 8 KNOWLEDGE OF THE 28-DAY 'GRACE PERIOD'

| Birmingham office (n = 14)  | Yes | No | Missing data |
|---|-----|----|--------------|
| Once you received your status, did you know that you had 28 days to apply for benefits? | 3   | 5  | 6            |

Source: Questionnaire

| Plymouth office (n =2)  | Yes | No | Missing data |
|---|-----|----|--------------|
| Once you received your status, did you know that you had 28 days to apply for benefits? | 1   | 1  | -            |

Source: Questionnaire

### 3. Language barriers

Only one person self-reported on the questionnaire that language was a barrier when applying for benefits. However, from our case record review, it is clear that language barriers led to misunderstandings for three of the 14 research participants in Birmingham. These misunderstandings included: one person not knowing about the Simple Payment card; one person filling in the incorrect application for a NINo, and not understanding that he had only applied for help to find work, and not for benefits, too; and one person not understanding a document sent to him.

Difficulties linked to language may be much higher, though. The case records for the 14 research participants in Birmingham record only three people as having “Good” English (Table 9). Seven had problems with English proficiency (“Basic”, “Very Basic”, “None”), which would likely affect the application process. In Plymouth, one person had “Good” English, while the other had a “Basic” ability to speak and understand the language.

JCP guidance for refugees (2010: 5) specifies: “If refugee customers do not speak English, or have a limited understanding of English, Jobcentre Plus will arrange for interpreter services to be available.” While interpreters should be available at all stages of the benefit claim, in reality it can be difficult to request even one. When making a claim on the telephone, there is a sequence of ten questions before being able to speak to an operator and request an interpreter.

TABLE 9 ABILITY TO SPEAK AND UNDERSTAND ENGLISH

| Birmingham office (n = 14) | Good | Basic | Very Basic | None | No info |
|----------------------------|------|-------|------------|------|---------|
| English proficiency        | 3    | 5     | 1          | 1    | 4       |

Source: Case record review

| Plymouth office (n = 2) | Good | Basic | Very Basic | None | No info |
|-------------------------|------|-------|------------|------|---------|
| English proficiency     | 1    | 1     | -          | -    | -       |

Source: Case record review

### 4. NINo issues when contacting the JCP

Five of the 14 research participants in Birmingham had experienced issues related to the NINo when contacting the JCP. The JCP asked one individual to visit the centre to proceed with a NINo application, when they had already received the NINo. The JCP asked the remaining four to provide a NINo in order to proceed with their benefit claim. Two were told this during a telephone call to the JCP contact centre.

This request is not consistent with JCP’s own policy. As explained in the policy background, a NINo is not required for any benefits to be processed. Not having a NINo should not delay a benefit claim. The customer need only provide evidence for a NINo to be allocated – with the BRP considered adequate evidence – and the JCP staff should then initiate the NINo allocation process. (See ‘benefit-inspired NINo’ in the policy background.) What is worrying is that some JCP staff still refuse to process a benefit claim without a NINo, despite Red Cross refugee staff explaining that this is not a requirement.

Unfortunately, both JCP staff and new refugees share the belief that a NINo is a requirement. New refugees sometimes choose to apply for a NINo themselves and then wait to get their NINo before applying for benefits. This was the case with four of the 14 research participants in Birmingham, and for one of those in Plymouth. Consequently, they all applied for benefits too late to avoid destitution.

TABLE 10 NINO INFORMATION

| Birmingham office (n = 14)  | Yes | No | Missing data |
|---|-----|----|--------------|
| Applied for NINo before applying for mainstream benefits                | 4   | 5  | 5            |
| Told by the JCP "We cannot pay benefits because you do not have a NINo" | 4   | 6  | 4            |

Source: Case record review and questionnaire

| Plymouth office (n =2)  | Yes | No | Missing data |
|---|-----|----|--------------|
| Applied for NINo before applying for mainstream benefits                | 1   | 1  | -            |
| Told by the JCP "We cannot pay benefits because you do not have a NINo" | -   | 2  | -            |

Source: Case record review and questionnaire

### 5. No update from JCP on application process

We found that the JCP does not always inform people when difficulties arise on their case. People only find out that there is a problem with their claim when they – or their Red Cross case worker – call the JCP. This was the case for four research participants in Birmingham.

One individual's claim was put on hold because he had not provided the JCP with his bank account details. He only found this out when he called the JCP to check on his application.

The second was told that his claim had been cancelled because he had failed to attend his appointment to 'sign on'. After making a second application, he only found out when he went to the JCP that he had to resubmit supporting documents.

When the third research participant called the JCP, he finally discovered that they needed the originals of documents, and not just the copies he had already provided.

The fourth research participant was told over the telephone that his claim was being processed, so he should receive payment within two weeks. Eight days later, the Red Cross called the JCP for an update. They told us that the benefit claim could not be processed because the new refugee had not provided his NASS35 – despite already giving a copy to his JCP advisor.

### 6. BRP issued more than seven days after being granted status

The Home Office should issue and send out a BRP to the new refugee soon after granting them status. The BRP, which indicates both their identity and right to work, is a vital document for new refugees who are trying to get a job or claim benefits.

For our research participants, we calculated the number of days between being granted status and the BRP being issued. At least four documents can be used to determine the date that status was granted: the determination of asylum claim letter; the NASS35; the NASS 61 (discontinuation of asylum support); and the BRP itself. Unlike the other four documents, the BRP does not state the date that status was granted. However, it is possible to calculate it by taking into account the 'end of validity date' on the BRP and the type of status granted.

Our case record review revealed that some people had a number of different dates for the granting of status (see Table 13 under 'Additional findings'). Consequently, we decided to use the BRP to calculate the date that status was granted. Depending on the **type** of status, we calculated the **date** of status granted as being three years, five years or ten years before the 'end of validity date' on the BRP, plus one

day. Nearly all of our 16 research participants were granted refugee status for a period of five years, or discretionary leave for three years. The two participants who were granted indefinite leave to remain have a BRP valid for five years (with refugee status) and ten years (leave outside the rules [LOTR]).

Seven of the 14 research participants in Birmingham had their BRP issued within a week of being granted status. However, three only received it within the second week, which is already halfway into the 28 days before their asylum support ends. One person had to wait 22 days before his BRP was issued. One person in Plymouth was issued his BRP fairly quickly. The other had his BRP issued before being granted status (Table 11).

**TABLE 11** LENGTH OF TIME BEFORE BRP ISSUED

| Number of days between status granted and BRP issued* | Number of research participants Birmingham office (n = 14) |
|---|--|
| 0-2   | 4  |
| 3-7   | 3  |
| 8-15  | 3  |
| 16-23   | 1  |
| Impossible to determine                               | 3  |

Source: Case record review

| Number of days between status granted and BRP issued* | Number of research participants Plymouth office (n = 2) |
|---|---|
| 6   | 1   |
| Impossible to determine                               | 1   |

Source: Case record review

## 7. JCP losing documents

The JCP asked three of the research participants in Birmingham to provide documents that they had already submitted several times, either by mail or in person. In one case, the JCP had lost the proof of college enrolment provided by both the person and the college. The remaining two participants reported that the main difficulty they experienced when applying for benefits was the JCP losing documents.

## 8. JCP requesting the second part of the habitual residence test

Three of the research participants in Birmingham, and one in Plymouth, were asked to pass the second part of the habitual residence test, despite this not being required for people with status. The habitual residence test is a two-stage process. The first focuses on the right to reside and is applied to anyone claiming JSA, ESA, IS, State Pension Credit and Housing Benefit. The second stage is the actual habitual residence test, and does not apply to people granted leave to remain.

JCP policy specifies that “Persons granted refugee status, beneficiaries of humanitarian protection (HP) and discretionary leave to remain (DL), and those in receipt of indefinite leave to enter or remain granted exceptionally outside the immigration rules (LOTR) have the right to reside and are treated as habitually resident from the date they are granted status. They do not need to meet any other additional residency requirements” (JCP, 2010: 4). Unfortunately, some JCP staff fail to understand this and may delay the process by asking unnecessary questions to new refugees.

## 9. JCP requiring NASS35 form to proceed with application

In Birmingham, one research participant reported that the JCP told her they could not pay her benefits until they received her NASS35 form – which summarises asylum support payments. The case record review revealed two other people were also asked to provide their NASS35 form. One was asked for the document 20 days after she claimed IS.



The NASS35 only explains how much and not if the JCP should pay benefits. As previously explained (see policy background), if a customer does not have the NASS35 form, **this should not delay any initial action in claim processing**. It is the role of JCP staff to ask the Home Office for a replacement NASS35 to be issued to the customer, and to make interim payment of benefits, if necessary. However, according to Red Cross case workers, many JCP staff appear to consider the NASS35 as a required document to initiate the benefit claim process.

Moreover, customers not in receipt of asylum support at the time they were granted status will not have been issued any NASS35 (eg, those who ‘sofa surf’ between the homes of friends, or those who have never applied for support), so they should not be asked to provide one.

#### **10. Difficulty opening a bank account**

Three of the 14 research participants in Birmingham had difficulty opening a bank account. Being paid benefits is more complex for those without a bank account. However, opening an account is not easy when you do not have work or a fixed address, and it can take up to six weeks to open a post office card account. Case workers also reported that some banks still do not accept the BRP as a valid form of identity. Benefits can be paid through the Simple Payment system (either card or e-Payment) or via a Giro cheque, but new refugees are not necessarily aware of this.

#### **11. No NINo sent with status letter**

The Home Office sometimes makes the application for a NINo during the asylum interview (see policy background). If granted status, the individual is then sent a NINo Update Letter along with the decision on their asylum claim, or shortly after. If a NINo has been allocated, it will be enclosed with the NINo Update Letter. As previously explained, having a NINo at the time that status is granted has a number of advantages. In particular, it allows the person to apply for benefits online, and JCP staff can track the application easily. This eases communication with the JCP contact centre, which answers telephone enquiries about paying benefits.

However, only five research participants in Birmingham had their NINo before applying for benefits. We believe all of them received their NINo through the Home Office. Both people in Plymouth had a NINo before applying for benefits. However, one had applied for a NINo himself and, therefore, did not receive it from the Home Office.

#### **12. Not knowing what information is required**

The JCP does not always make it clear upfront what information and which documents they will require from the new refugee. Two research participants in Birmingham were asked several times by the JCP to provide further information related to their benefit claim: eg, an updated medical certificate, proof of enrolment in education or training, and an LFT1 form (a form requesting details about the people you are living with, in cases where you are living with housemates). Such requests only eat further into the 28-day move-on period.

#### **13. JCP giving incorrect or inappropriate advice**

JCP staff gave incorrect advice to two of the research participants in Birmingham. One was advised to wait until a few days before the end of asylum support to put in his benefits claim – which would inevitably result in destitution, due to the time it takes to process a benefits claim. The other was advised to use a friend’s bank account, rather than being offered the Simple Payment system, which is more efficient and effective.

#### **14. Confusing communication from the JCP**

One research participant in Birmingham experienced a number of communication problems with the JCP. He received two letters requesting proof of enrolment at college, each with a different date. He also received a letter requesting a medical certificate, which he responded to – only to receive the same request a week later. In one telephone call to the JCP, he was given a date when his benefits would commence, only to receive a call the following day to inform him that there was no record of his benefits application. He also received two letters on the same day, each giving a different reason for refusing his ESA claim.

One of the letters stated: “We cannot pay you because you have not paid, or been credited with, enough National Insurance contributions.” ESA contains both a contributory and income-related element and a

claimant can receive either or both of those elements (GOV.UK, 2014).

Individuals recently granted status can only qualify for income-related ESA. As asylum seekers, they would have had no right to work and thus could not have contributed to National Insurance. Sending a refusal letter after assessing the contributory element, rather than after completing the full ESA assessment, only creates confusion. The second letter provided an incorrect decision as to why he was not entitled to ESA (see point 16).

#### **15. JCP requiring originals of documents already provided**

One research participant in Birmingham was asked by the JCP to provide the originals of documents he had already sent them as copies.

#### **16. JCP making incorrect decisions**

The research participant in Birmingham, who received two letters from the JCP (see point 14) on the same day, was told in one of them: “you are not entitled to ESA because you are in full time education”. This decision is questionable as he was, in fact, studying part-time and he, and the college, had provided the JCP with evidence of that.

One research participant in Plymouth received a letter from the JCP explaining that he was not entitled to JSA “because we [JCP] have decided that you do not meet the requirements for the right to reside test”. As explained in point 8, new refugees should not be asked to do such a test in the first place.

#### **17. Inexplicable delay in making first payment**

The JCP admitted to one research participant that there was no reason why his benefits had not been paid on time.

#### **18. Lack of signature on a document**

One research participant was told that it was problematic that he had not signed a submitted medical certificate.

#### **19. Concurrent systems creating confusion**

One research participant was told, when calling the JCP new claim team with the assistance of a Red Cross case worker, that having both a Labour Market System (LMS) number and a temporary NINo was causing confusion with his claim. The LMS is the IT system used by JCP to record customer details. Refugee customers are recorded on the LMS and their LMS record will be updated to include the Disadvantaged Groups Marker (JCP 2010).

The JCP reference to a temporary NINo is unclear. However, rather than addressing the issue themselves, the JCP team suggested that the Red Cross case worker contact the processing centre to find out what was happening. This example also illustrates that the information provided on a claim may well be inaccurate, inconsistent or incomplete. This then limits the possible actions that the person can take, based on that information.

With regard to concurrent systems, the fact that there are a number of avenues for applying for a NINo (‘benefit-inspired NINo’, ‘Home Office-inspired NINo’, ‘individuals applying for a NINo themselves’ – as explained in the policy background) may well create confusion and affect the speed of processing a claim.

#### **20. Delay in receiving the benefit application form**

One research participant reported that a delay in receiving the benefit application form was the main difficulty she experienced when applying for benefits. She reported receiving the application form more than a month after telephoning to apply for benefits.

#### **21. Misunderstanding how the system works**

One research participant in Birmingham did not understand that he had to go regularly to the JCP to sign on, and ended up having to reapply for benefits as a consequence.

#### **22. Delay in receiving the determination of asylum claim letter**

Red Cross case workers explained that new refugees sometimes fail to receive the determination of

asylum claim letter. This can be due to several reasons, such as: the letter not being sent by the Home Office; the letter being sent to their solicitor, who may not forward it on; the solicitor not having the new refugee's most recent address; or the letter getting lost.

### 23. Assistance from multiple organisations can sometimes hinder, not help

We learned from our in-depth interviews that there is often more than one agency or organisation assisting the same person. Red Cross case workers, support workers at hostels, staff from the local authority, and others, might try to assist and make telephone calls on behalf of the same person. In certain cases, instead of speeding up the process, this can create confusion, delays and duplication.

## Not enough time to avoid destitution

Twenty-eight days is not enough time to avoid the trap of destitution, given the difficulties experienced by new refugees. It generally takes longer than 28 days to receive the first payment of benefits. Our data for the nine research participants in Birmingham showed that, from the time of application to receiving the first payment, it took approximately one month for three people, two months for three others, and more than two months for the remaining three. One person had to wait almost three months (Table 12).

In Plymouth, one research participant waited 17 days to receive his benefits, while it took 28 days for the other.

TABLE 12 NUMBER OF DAYS BETWEEN BENEFITS APPLICATION AND FIRST PAYMENT

| Research participants – Birmingham office (n = 14) | Number of days between date benefits claimed and date first paid |
|--|--|
| Research participant 1                             | No information   |
| Research participant 2                             | No information   |
| Research participant 3                             | 73   |
| Research participant 4                             | No information   |
| Research participant 5                             | 24   |
| Research participant 6                             | 36-43*   |
| Research participant 7                             | 48-55*   |
| Research participant 8                             | Impossible to determine  |
| Research participant 9                             | 51-58*   |
| Research participant 10                            | 24-31*   |
| Research participant 11                            | Impossible to determine  |
| Research participant 12                            | 85   |
| Research participant 13                            | Impossible to determine  |
| Research participant 14                            | 25   |

Source: Questionnaire and case record review

\* We know that eventually the research participant received benefits, but we do not have a definite date. We, therefore, took into account the date that they last attended the Red Cross refugee service, and added one week – given that the support received from the Red Cross is for this time period.

| Research participants – Plymouth office (n = 2) | Number of days between date benefits claimed and date first paid |
|---|--|
| Research participant 1                          | 17   |
| Research participant 2                          | 28   |

Source: Case record review



## **Additional findings**

### *Findings about the JCP*

Red Cross case workers reported that discrepancies between the date that asylum was granted and the issue date of the BRP can create confusion at the JCP. JCP staff sometimes believe that these dates should be the same. This is a misunderstanding, as a BRP can be issued many days – even up to a month – after status has been granted.

Another finding was around claiming benefits without a BRP. An individual can claim benefits as soon as he/she has been granted status (refugee status, LLR, ILR, humanitarian protection, LOTR, and discretionary leave). Consequently, we understand that a refugee should be able to claim benefits before the issue of a BRP. However, Red Cross case workers reported that applying without a BRP is very difficult, even when the benefit claimant can provide a determination of asylum claim letter and an ARC card.

### *Findings about the Home Office*

The Home Office has created a lack of clarity around the date that status is granted. When reviewing case records, we found that the date was not always consistent across all Home Office documentation for that refugee.

In Birmingham, the case records of nine of the 14 research participants contained more than one document with a date for the granting of status: the determination of asylum claim letter, the discontinuation of support letter (NASS 61), the NASS35, the BRP and the information sheet covering letter. Seven of these people had more than one date for when their status was granted. The difference in terms of dates on the various documents is generally between two and seven days; in one case, the difference was 54 days.

Such inconsistency affects calculating both the move-on period dates and the BRP validity date. For example, for one person, the 28 days (date of the end of support) was calculated from the status date written on her determination letter. However, the 'end of validity' date on her BRP was calculated from the status date written on her NASS35 form.

TABLE 13 INCONSISTENT DATE FOR STATUS GRANTED ON HOME OFFICE DOCUMENTS

| Birmingham office (n = 14) | Number of documents available in the case record with a date for status granted | If multiple documents, do all document have same date for granting of status? | Difference between the dates – in number of days |
|----------------------------|---|---|--|
| Research participant 1     | 2   | No  | 6  |
| Research participant 2     | 1   | N/A   | N/A  |
| Research participant 3     | 2   | Yes   | 0  |
| Research participant 4     | 2   | Yes   | 0  |
| Research participant 5     | 3   | No  | 7  |
| Research participant 6     | 3   | No  | 2  |
| Research participant 7     | 2   | No  | 54   |
| Research participant 8     | 2   | No  | 5  |
| Research participant 9     | 3   | No  | 2  |
| Research participant 10    | 0   | N/A   | N/A  |
| Research participant 11    | 3   | No  | 1-13*  |
| Research participant 12    | 1   | N/A   | N/A  |
| Research participant 13    | 1   | N/A   | N/A  |
| Research participant 14    | 1   | N/A   | N/A  |

Source: Case record review

\* We cannot give an exact number as the case record contains three different dates for the granting of status

| Plymouth office (n = 2) | Number of documents available in the case record with a date for status granted | If multiple documents, do all document have same date for granting of status? | Difference between the dates – in number of days |
|-------------------------|---|---|--|
| Research participant 1  | 2   | No  | 5  |
| Research participant 2  | 4   | No  | 11   |

Source: Case record review

A further issue is the accuracy of the information on the BRP. As stated in UKVI Guidance notes (UKVI 2014: 4), the BRP “shows [migrant’s] immigration status and entitlements while they remain in the United Kingdom”. However, the BRP of one research participant did not mention he had refugee status and only specified leave to remain. This is hugely problematic since the BRP is “evidence of their status in the United Kingdom” (UKVI 2014: 4). A person who has been granted leave to remain and refugee status or humanitarian protection will likely want to apply for indefinite leave to remain (ILR – settlement) at a later point. He/she will then need to send his/her BRP to the Home Office one month before the end of its validity. A BRP that does not meet Home Office standards could jeopardise the application process.

Finally, as explained in the policy background, recent judgements have encouraged the Home Office to count the 28 days from the day that people granted status receive their BRP. Red Cross case workers noted that UKVI often does agree to extend asylum support during the move-on period if a BRP is not issued straightaway. UKVI does this by providing Emergency Support Tokens (ESTs) to people recently granted status, and allowing them to remain in asylum support accommodation. Such arrangements certainly reduce the risk of destitution. However, asylum support averages £36.62 per week for a single person aged 18 or over, compared to £72.40 for JSA, IS and ESA. This means that, even though they



are not destitute, thanks to the ESTs, people in this situation are getting less money than they could be entitled to.

### *Finding about the Post Office*

The Home Office biometric enrolment is done at some Crown Post Offices using their walk-in service (UKVI 2014). The aim is to provide the Home Office with biometric information, such as a head-and-shoulder photograph and fingerprints. One new refugee, with several dependents, was incorrectly asked to pay for each application during her biometric enrolment, when this process should be free. As a result, she ran out of money to feed herself and her children and had to ask charities for assistance.

### *Finding about banks and employers*

“The biometric residence permit is proof of the holder’s right to stay, work or study in the United Kingdom” (UKVI 2014: 1). It clearly indicates if an individual has the right to work, or if he/she can only work a limited number of hours per week. Moreover, the BRP ‘Guidance notes’ (UKVI 2014) explain what an employer should check on a BRP before employing an individual. Despite this, Red Cross case workers reported that both banks and employers sometimes tell refugees that the BRP is not recognised as a valid proof of leave to remain.

This is perhaps not surprising given that the recent *Immigration Act 2014* instructs landlords (section 22) and banks (section 40) to carry out status checks themselves and will subject them to increased penalty payments if done incorrectly, or not at all. Consequently, people may have become even more sceptical of the BRP.

### *Finding about the NINo centre*

One person received a NINo allocation letter with a misspelling of his surname. As a result, he had difficulty with a number of administrative tasks. However, it must be noted that the NINo centre quickly sent a corrected letter when made aware of the issue.

### *Finding about refugees who access the Red Cross*

New refugees in the move-on period often present via other areas of our services, such as family reunion – rather than approaching the Red Cross because they are facing a break in support. This highlights that all Red Cross frontline staff need some level of knowledge about the move-on period.



## 5 Case studies

### Individuals battling with the system

#### *Case study 1: John*

John arrived in the UK in April 2002. He completed and submitted his first asylum application himself and admits that language was a major problem when doing so. His claim was rejected.

John was then assisted by the Refugee Council to submit a claim for section 4 support. He was placed in accommodation as part of this asylum support. The Refugee Council assisted John with making a fresh claim, which was successful, and he was granted limited leave to remain on 20 November 2013.

John knew that, once granted asylum, he had 28 days before his Home Office support ended on 3 January 2014. So, on 13 December 2013, he attempted to apply for Jobseeker's Allowance (JSA) online. At some point, the form asked for a National Insurance number (NINo), which he did not have. John called the Jobcentre Plus (JCP) call centre and the advisor informed him that he should, in fact, apply for Employment and Support Allowance (ESA). John is currently recovering

from a liver transplant, which affects his ability to work. The call centre agent took John through the application for ESA and, a week later, he received a copy of the forms to check. John made some minor changes and returned the form, as directed, hoping for his benefits to start.

At this point, John moved from the asylum accommodation into supported living accommodation, provided by the local authority's homeless services. His NINo also arrived and he took this to his local JCP, where it was scanned. A few days later he received a request, by post, to complete a habitual residence test form. This was not, in fact, necessary, given his status under the immigration rules. However, he completed and returned the form.

Soon after this, he received another letter asking him for his NINo (which he had already submitted), medical certificates, and a letter confirming his enrolment at college. John is currently studying health and social care part time, in the hope of getting a job when he is well. John started this in September 2013. It's a one-year course, which will finish in July 2014:

*I've been helping at church; helping elderly people, helping children. So I thought maybe, if I went for health and social care, then I'll continue helping the elderly and caring. I like caring for people.... I believe at the end of July when I finish my course, I'll get started working.*

John compiled all the requested documents and handed them in to his local JCP, where they were copied and certified as true copies. John's letter from the college clearly indicated that his course is only 14 hours a week. A week later, he received a reply from the JCP, saying that he would not be paid benefits as he was a full-time student. The college telephoned the JCP to try and resolve the issue – and a JCP official agreed that 14 hours should not have been considered a full-time course.

It was already well into January by now – and John had been destitute since 3 January 2014. The supported living accommodation gave him some vouchers for a food bank and the British Red Cross refugee support gave him £15 a week in vouchers. This was still not enough to support himself adequately:

*I am just eating rubbish. Since the liver transplant I have to be careful with what I am eating, but I can't be careful when I have no*

*choice of the food I eat.*

When John contacted the JCP call centre again, to follow up on his claim, he was informed that there was no record of him having submitted any of the requested documents and that this was the reason for the delay in processing his claim. He informed the call centre agent that he had submitted everything to his local JCP, but the officer was adamant that no such documents were on the system.

On 4 February, John was told that all his documents had been found and were being held in another department. He was informed that no action was required on his part, and that the documents would be transferred internally.

On 11 February, John received a letter informing him that there was no record of him having a NINo, even though he had handed it in at the local JCP. He was informed that he needed to apply for one immediately.

*I leave what I am doing; I get a bus. I go there [to the JCP] and reach the office. The officer in charge tells me, "Sorry, you are not supposed to be here, because you have everything. You already have your National Insurance Number".*

At this point, John had been destitute for more than a month.

On 18 February, a Red Cross refugee support case worker wrote to the JCP on John's behalf. The letter described what John had been through and asked for a response within seven days, or John would be referred to a solicitor for judicial review. We interviewed John on 19 February and his despair was palpable:

*So I just don't know what to do; I'm confused. I used to see people on the streets begging and I would ask myself, how can a person become a beggar in this country? It's a developed country. But my situation where I have reached, I've realised those people who were begging, they didn't know what to do.*

*It is affecting me emotionally; I can't sleep.... We are now in half term at college and I have got a lot of homework. I sit, I try to concentrate; I can't concentrate.*

John had done everything right in this process and yet still he was destitute:



*If I got my benefits and then I finished college and I start working, I would be a happy man.*

Fortunately, John's case had a happy ending – on 25 February, he received his first ESA payment. This was backdated to 16 December 2013, but it is questionable whether this gesture truly compensated a man who did everything he was required to do, and yet was left destitute for almost eight weeks.

### *Case study 2: Mark*

Mark was granted status on 10 January 2013. He was staying in Cardiff at the time, but returned to Birmingham (where he had lived previously), after he was granted status.

Once in Birmingham, Mark stayed with a friend and applied for JSA and Housing Benefit. When Mark applied for his benefits, he already had a NINo. He had not encountered any difficulties in obtaining this.

Mark had originally come to the UK on a student visa, which was still valid in his passport. When Mark attended his appointment at the JCP, Mark was refused benefits on the basis of his student visa, despite presenting his residency permit as proof of refugee status.

The same thing happened when he claimed Housing Benefit. He was refused on the grounds that: "You are a person from abroad" (Appendix

C). The student visa allows no recourse to public funds. This means the person cannot claim most benefits, tax credits or housing assistance that are paid by the state.

When Mark appealed this decision, he was told to request a letter from the Home Office confirming his entitlements. However, the Home Office refused to provide such a letter, as the residency card is proof of refugee status and should be adequate for accessing mainstream benefits.

When Mark returned to the JCP, he was asked to present his documentation again, and then had to wait 30 days for a response. However, when he heard back from the office, they said that they needed more information and requested the same documents that had already been presented. Mark then had to wait another 30 days for a response. This cycle of events continued and the situation was still unresolved by May.

*They would write to me and tell me that my application is pending because they needed more information, and I'm like: "I gave it to you already. What do you want it for?" Then I just take it again. So I would take it back to them and I'd have to wait again.*

Throughout this time, Mark communicated with the JCP by post and in person, presenting his documents on numerous occasions. At one point, his passport was lost in the post for three weeks.

It was difficult for Mark to telephone, as this was too expensive. Without JSA, he was destitute. He was forced to rely on friends for food, and borrowed money to pay the transport costs to visit the JCP.

*I had a friend who lived nearby. So I would walk there, have one meal a day and I'd go back to my house.*

Mark contacted the Citizen's Advice Bureau, but they were only able to suggest that he obtain a letter from the Home Office – a route that had already proven unsuccessful.

In May, Mark's friend finished his exams and his tenancy came to an end. Mark was now destitute and homeless. The Housing Office agreed that Mark could access Housing Benefit. However, since there was no available housing, he was told to find his own private rental accommodation, with his benefit paid directly to the landlord.

Mark moved into a property, but there was a delay in the landlord receiving the benefit payment. As a result of not receiving the rent, the landlord became impatient. Although Mark had shown him the letters explaining the situation and the landlord understood that it was not Mark's fault,

he nevertheless suggested that Mark should find somewhere cheaper to live.

Mark sought help from the Red Cross, who wrote letters to the JCP on his behalf. Mark was granted JSA in June: five months after being granted refugee status. The Housing Benefit was eventually paid in September: eight months after Mark had been granted refugee status, and four months after he had moved in.

In Mark's words: *"The whole experience was long and bad."*

### *Case study 3: Andrew*

Andrew was granted status on 28 July 2013. The Wolverhampton Refugee and Migrant Centre helped him to make an appointment at the JCP, to apply for JSA. Andrew was told at the JCP that he needed a National Insurance number before he could access benefits. He was told that the number would arrive in the post within a matter of days. When the NINo did not arrive, Andrew called the JCP on numerous occasions.

Andrew received one month of asylum support accommodation after he was granted refugee status. However, at the end of that month, he had



still not obtained a NINo or any benefits. Andrew was therefore left homeless and destitute.

He spent 25 days staying with a friend before eventually receiving his NINo in September. During this difficult time, Andrew sought help from the Red Cross, who provided him with food vouchers and also called the JCP on his behalf.

In September, Andrew was finally able to apply for JSA. Unfortunately, his problems were not yet over. Andrew experienced further delays in receiving his benefits. He therefore remained destitute and had to rely on friends and on food vouchers from the Red Cross.

Andrew finally started receiving his benefits on 28 October: a full three months after being granted status.

Andrew noted that he had been fortunate to have friends who could help him – but pointed out that this would not be the case for everyone. What happens to those without a support network?

#### *Case study 4: Thomas and Sarah*

Thomas and Sarah, and their two teenage sons, arrived in the UK on 26 June 2009. Sarah has written a diary of their experiences since they arrived.

The family's initial asylum application was refused. They then submitted a fresh claim and applied for section 4 support. While awaiting a response, they were granted refugee status.

On 22 November 2012, Thomas received a letter from his solicitor to inform them that, on 17 November 2012, they had been granted limited leave to remain. At the time they were living in Home Office accommodation, but were not receiving any financial support.

On 23 November, Thomas called the JCP to apply for benefits. He was advised, wrongly, that he needed a NINo before he could apply for JSA. Thomas was sent forms to apply for a NINo and he sent the completed forms back on 5 December. Thomas had not yet been issued with a Biometric Residence Permit (BRP), so he could not send any identification with his application. He was sent a letter that said his NINo could not be processed without a BRP.

Thomas and his family were also being asked to leave their asylum support accommodation. On 3 January 2013, they moved into council accommodation, in the form of a hostel for

refugees and homeless people. On 4 January, the BRP arrived. On 11 January, Thomas went to apply for his NINo. On 13 January, Thomas tried to make an online claim for JSA, but he could not complete the application without a NINo.

Thomas then tried to apply for a crisis loan and was finally advised to call 0800 055 6688 to make a JSA claim. He did so on 21 January, and Thomas and Sarah were booked in for a New Jobseeker Interview on 24 January. The couple put in a joint claim. Sarah has a health condition, and was told that she did not need to sign on.

The family found it very difficult living in the council accommodation. All four of them had to live in one room, and they shared a bathroom and kitchen with the other residents of the hostel:

*Living with two adult children in a single room was very embarrassing for me and my wife.*

Their sons were now 18 and 17 years old. The hostel only provided one meal a day: a breakfast of one egg and two slices of bread per person, plus some milk for tea. Their younger son, who is now at university, was preparing for his GCSEs at the time:

*The only place to study was on his bunk bed in the room with the family. And all the time there was disturbance.... I don't know how he managed.*

During the day, when the boys were at school and college, Thomas and Sarah would spend their time going from charity to charity "hunting food". Thomas had been volunteering since May 2010, with a charity that assists asylum seekers. In return, they would give him some food. Now that he had refugee status, however, the charity no longer wanted to assist him.

Some of the other refugees in the hostel suggested that the family approach the Red Cross. In Thomas' own words: "We were so desperate, we were so helpless." The family approached their local Red Cross refugee service on 16 January 2013, and the family was given a voucher to buy food. The Red Cross case worker also suggested that Stephen apply for their JSA claim to be backdated to 23 November, as Stephen had been seeking work since that date. Stephen submitted the backdate request on 6 February, and took a photo of each page of the form on his mobile phone.

By 20 February, the family had still not received any payments from the job centre. Thomas kept

following up on the claim by telephone. He was told, on three separate occasions, that there was no documentation on record for his claim. The Red Cross case worker then wrote a letter to the JCP. It described what Thomas had been through and requested a response within seven days, or Thomas would be referred to a solicitor for judicial review.

Thomas took a copy of the letter with him, as he was due to sign on at his local JCP on the afternoon of 20 February. At the JCP that afternoon, Thomas was told that there were no documents on file for him and no record of his claim for backdated JSA. Thomas managed to persuade the JCP advisor to accept copies of his documents, but, even though he showed the advisor the photos of his original backdate claim, he was told he would have to complete another request for backdated JSA and submit it along with the Red Cross letter of complaint.

On 27 February – more than two months after being granted refugee status – the family received their first payment: JSA for Thomas, as well as a backdated amount. However, no money was received for his wife's joint claim. Thomas and Sarah attended an appointment at the local job centre on 12 March, and were told that Sarah's component of JSA would be paid the following day.

By this time, the family could no longer cope with living in the hostel: *"There is poor health and safety arrangement in the hostel."* In mid-March, an old man died in his room after a short circuit started a fire. This was the last straw for the family, who already found the accommodation *"depressing"* and lonely, as they were not allowed to have visitors at the hostel: *"It's like we have committed some crime, and are now confined in a room."*

The Red Cross put the family in touch with the Brushstrokes project, which helped the family find a privately rented home. They are now also receiving Housing Benefit. Finally, Thomas and Sarah have a room for themselves and a room for their children.

## Accompanying a new refugee to the JCP

During the data collection period, we were able to accompany a new refugee to an appointment at the JCP, after his benefit claim interview on the telephone. This allowed us to observe first-hand how a manager (the team leader of the JCP new claim service), gave this person incorrect advice



because of an apparent lack of policy knowledge. Were it not for the dedication and competency of the Red Cross case worker that day, the new refugee would have applied for benefits too late to avoid destitution.

Andrew is a Syrian refugee. He and his wife and their six children crossed the border to Jordan and then to Egypt. His family remained in Egypt, while Andrew continued his trip to the UK via Italy and France. Andrew has a master's degree in philosophy and was working in a hospital laboratory before leaving Syria.

Andrew was granted leave to remain on 6 December 2013. His BRP was issued on 28 January 2014. His asylum support was due to end on 28 February. This indicates that the Home Office now recognises the implications of a delay in sending the BRP, and are applying the new policy of allowing 28 days of support after the date the card is issued. So, as of 1 March, Andrew would be destitute.

On 6 February, Andrew called the JCP to apply for benefits. He was given an appointment for 11 February. He went to the appointment with a friend who could translate for him. That day, the JCP officer advised Andrew to come back once

his asylum support ended and explained that they could not process a claim while Andrew was still receiving government support. Andrew's friend tried to challenge this advice. The officer then called his manager, who confirmed the advice.

Andrew – following the suggestion of friends – then called the Red Cross. It was decided that a Red Cross refugee case worker would accompany Andrew to the JCP, in order to explain that the wrong advice had been given and could lead to Andrew becoming destitute. The researcher would also accompany them, as well as Andrew's friend, who would act as the translator again.

At the JCP, the Red Cross case worker introduced himself and explained his concerns about Andrew being told that the JCP could not proceed with his claim. The receptionist went and spoke to a manager (the team leader of the new claim service), who joined them five minutes later.

The Red Cross case worker explained the case and his belief that Andrew had been given the incorrect advice. The manager insisted the advice was correct and stated: "We cannot even consider his claim until his NASS support has finished." The Red Cross case worker reiterated that this was incorrect. The manager stated that the policy had recently changed – as of 1 January 2014. The Red Cross case worker asked to see the new policy. The manager then said that she would look into the matter and, as she did not want to waste anyone's time, she would get back to the Red Cross case worker by telephone.

Before leaving, the Red Cross case worker asked how quickly Andrew would get a follow-up appointment if it transpired he had been given incorrect advice. The manager said Andrew would get an appointment as soon as possible. Later that afternoon, the Red Cross case worker received a call from the JCP manager to say that the advice given to Andrew was, in fact, incorrect. A follow-up appointment was then scheduled and confirmed in the same telephone call.

This was a good outcome – but only because of the intervention of the Red Cross case worker.



## 5 Conclusions

This research project reveals that moving from asylum support to mainstream benefits and the labour market is a real ordeal for new refugees – and usually takes much longer than the 28-day ‘grace period’ allowed by the government.

All stakeholders involved in this process share the responsibility for the difficulties that refugees encounter: the Home Office, the Jobcentre Plus (JCP), and new refugees themselves.

In particular, there is a lack of clarity and knowledge around policies related to refugees. As a result, office practice often seems to prevail over legislation. Moreover, the range and number of factors and responsibilities arising during the transition process makes it very difficult to address problematic cases.

As a consequence, many new refugees – if not all – become destitute. Unfortunately, those who seek assistance from the British Red Cross usually do so too late in the process to avoid a break in support.

New refugees do not always understand the situation they are in and need to be instructed much better and much earlier in the move-on period. This is a role for the Home Office, the Department for Work and Pensions, the JCP, and the Red Cross.



## 5 Recommendations

**The British Red Cross is calling for an integrated way of working between the Home Office, the Department for Work and Pensions (DWP), Jobcentre Plus (JCP), and charities working with refugees in the move-on period.**

### **Key recommendations**

#### *The Home Office*

- > The Home Office should send out the status letter, the NASS35, the Biometric Residence Permit (BRP) and the National Insurance number (NINo) at the same time.
- > The move-on period should be calculated from the date that the new refugee receives both the BRP and the NINo.
- > The move-on period should be extended to 40 days to avoid a break in support. To achieve this, section 94(3) of the *Immigration and Asylum Act 1999* needs to be amended.
- > Ideally, individuals receiving asylum support should continue to do so until mainstream benefits are received – irrespective of the time period. This recommendation could be piloted

in one of the dispersal areas and include voluntary sector participation.

- > The Home Office and the DWP should jointly issue an updated and improved version of the 'Help available from Department for Work and Pensions (DWP) for people from abroad' document (ASL.4392, Appendix D). The updated document should be available on the government's website, so that any stakeholder can refer to it.

### *The Department for Work and Pensions*

- > The DWP should update and improve the 'Help available from Department for Work and Pensions (DWP) for people from abroad' document (ASL.4392, Appendix D) – see further recommendations below for details of the improvements that could be made. The revised document should be issued jointly by the Home Office and the DWP.
- > The DWP should better disseminate its policies related to refugees. It should also clarify which documents are acceptable proof of identity and status, and at which stage of the benefit claim they are required.

### *The Jobcentre Plus*

- > The JCP should ensure their staff are fully trained on the most up-to date DWP policies related to refugees.
- > An internal helpline, dedicated to refugee issues, should be available in every local JCP. This helpline should be manned by staff who have expertise in this issue and can provide accurate advice to local staff.
- > The JCP should ensure that benefit payments include backdated payment to the day that the claim was made.
- > The JCP should ensure that staff explain to refugees that interpreter services are available.

### *The Red Cross*

- > The Red Cross must ensure refugee support staff are fully trained on all aspects of the mainstream benefits process.

## **Further recommendations**

### *The Home Office*

- > The Home Office needs to ensure that the date of granted status is consistent across all documentation issued for a refugee.

### *The Department for Work and Pensions*

- > The DWP Social Justice team should institute external 'mystery shopping' (anonymous spot-checks) to regulate the customer service for refugees.
- > The Red Cross recommends that the document 'Help available from Department for Work and Pensions (DWP) for people from abroad' (ASL.4392, Appendix D) be updated and improved (see Appendix F for our suggestion as to what the revised document could look like). Specifically, it should:
  - > clarify that new refugees are entitled to DWP support (including benefits) from the day they are notified of status
  - > provide an exhaustive list of the documents that new refugees can use to prove their identity and their status
  - > clarify which of those documents are mandatory to claim and/or be paid benefits
  - > clarify that benefits can be paid before asylum support ends, by paying the new refugee the difference between asylum support and the benefits payment until the date that the asylum support stops
  - > explain that benefits can be paid through the Simple Payment system or Giro cheque
  - > clarify that the BRP is valid proof of identity and should be recognised by all employers and banks in the UK
  - > provide links to webpages where JCP staff can find more information about the benefits process for people who have recently been granted status
  - > state that new refugees should take the guidelines document with them when going to the JCP.

### *The Jobcentre Plus*

- > The JCP should ensure their staff know that:
  - > new refugees can claim benefits as soon as they are notified that they have been granted status
  - > new refugees do not need a NINo nor a BRP for a benefits claim to be processed
  - > new refugees who are still receiving Home Office asylum support are entitled to be paid benefits at the same time – asylum support should be treated as income, in the usual way, when calculating the benefits amount.
- > New refugees should have the option of claiming benefits over the telephone or directly at a JCP office. A claim made face-to-face may help avoid misunderstandings and make it easier to request an interpreter.
- > The JCP should ensure their staff offer the following solutions to refugee claimants who have no bank account:
  - > issuing them a personal invitation document (PID, form TC645) to help them get a post office account so they can receive their benefits
  - > sending them a Simple Payment card, with a list of local PayPoint outlets displaying the Simple Payment sign
  - > sending them a Giro cheque, cashable either at a bank or the Post Office.
- > The JCP should ensure its guidance for refugees is regularly updated.
- > The JCP should commit to developing, and building on, relationships with voluntary sector organisations who work with refugees in the move-on period. This could ease communication around, and the solving of, complex cases.

### *The Red Cross*

- > Red Cross refugee service staff should all be aware that a NINo and BRP are not necessary for a benefits claim to be processed.
- > The Red Cross should commit to using the proposed Home Office/DWP guidelines and develop further information leaflets if necessary. The Red Cross refugee support in Bristol recently designed a guidance letter (Appendix G) and are seeing improvements in the way the local JCP (with whom they have developed a relationship), are dealing with benefits claims made by refugees.
- > Local Red Cross refugee support and other voluntary organisations working with beneficiaries in the move-on period should develop, or build on, relationships with a partnership manager at each of the JCP District Offices. This could ease communication regarding complex cases. A joint BRC/JCP log sheet for people experiencing difficulties could be introduced.
- > Red Cross refugee staff working on the move-on period should create a log sheet of all the calls made to the JCP for each person.



## References

- Asylum and Immigration (Treatment of Claimants, etc.) Act 2004*, s.10., [Online], Available at: [legislation.gov.uk/ukpga/2004/19/section/10](http://legislation.gov.uk/ukpga/2004/19/section/10)
- The Asylum Support (Interim Provisions) (Amendment) Regulations 2002 (SI 2002/471)* [Online], Available at: [legislation.gov.uk/uksi/2002/471/regulation/4/made](http://legislation.gov.uk/uksi/2002/471/regulation/4/made)
- Department for Work and Pensions (2008), *HB/CTB Guidance Manual, Annex C4 Information about evidence of identity and Home Office forms / People from abroad*, [Online], Available at: [dwp.gov.uk/docs/c4annxc.pdf](http://dwp.gov.uk/docs/c4annxc.pdf)
- Department for Work and Pensions (2010), *The law relating to social security – Chapter 5 of the Social Security Administration Act 1992, claims for and payments and general administration of benefit*, [Online], Available at: [dwp.gov.uk/docs/a1-1801.pdf](http://dwp.gov.uk/docs/a1-1801.pdf)
- Department for Work and Pensions (2014a), *Documents to support a NINo application*, [Online], Available at: [gov.uk/government/uploads/system/uploads/attachment\\_data/file/270839/snap-s4-docs-to-support.pdf](http://gov.uk/government/uploads/system/uploads/attachment_data/file/270839/snap-s4-docs-to-support.pdf)
- Department for Work and Pensions (2014b), *Benefit-inspired NINo allocation – DCI1 process*, [Online], Available at: [gov.uk/government/uploads/system/uploads/attachment\\_data/file/270842/snap-s6-dci1-process.pdf](http://gov.uk/government/uploads/system/uploads/attachment_data/file/270842/snap-s6-dci1-process.pdf)
- Department for Work and Pensions (2014c), *Government policy on Universal Credit: an introduction*, [Online], Available at: [gov.uk/government/policies/simplifying-the-welfare-system-and-making-sure-work-pays/supporting-pages/introducing-universal-credit](http://gov.uk/government/policies/simplifying-the-welfare-system-and-making-sure-work-pays/supporting-pages/introducing-universal-credit)
- Doyle, Lisa (2014), *28 days later: experiences of new refugees in the UK*, Refugee Council, [Online], Available at: [refugeecouncil.org.uk/assets/0003/1769/28\\_days\\_later.pdf](http://refugeecouncil.org.uk/assets/0003/1769/28_days_later.pdf)
- First Tier Tribunal [2014] Appeal number AS/13/10/3058.
- GOV.UK (2014), *Employment and Support Allowance (ESA)*, [Online], Available at: [gov.uk/employment-support-allowance/what-youll-get](http://gov.uk/employment-support-allowance/what-youll-get)
- Home Affairs Committee (2013), *Asylum. Seventh report of Session 2013–14, Volume I*, House of Commons, [Online], Available: [publications.parliament.uk/pa/cm/cm201314/cmselect/cmhaff/71/7106.htm#n127](http://publications.parliament.uk/pa/cm/cm201314/cmselect/cmhaff/71/7106.htm#n127)
- Home Office (2005), *Integration matters: a national strategy for refugee integration*, [Online], Available at: [employabilityforum.co.uk/documents/Integration%20Matters%20Strategy.pdf](http://employabilityforum.co.uk/documents/Integration%20Matters%20Strategy.pdf)
- Home Office (2012), *Biometric Residence Permits for foreign nationals*, [Online], Available at: [workspace.imperial.ac.uk/hr/Public/Procedures/Immigration%20-%20Blog/2199-Biometric%20Residence%20Permits%20Information%20Feb%202012-%20V%201%2000.pdf](http://workspace.imperial.ac.uk/hr/Public/Procedures/Immigration%20-%20Blog/2199-Biometric%20Residence%20Permits%20Information%20Feb%202012-%20V%201%2000.pdf)
- Home Office (2014), *Immigration statistics, October to December 2013*, [Online], Available at: [gov.uk/government/publications/immigration-statistics-october-to-december-2013/immigration-statistics-october-to-december-2013](http://gov.uk/government/publications/immigration-statistics-october-to-december-2013/immigration-statistics-october-to-december-2013)
- HM Government (2014a), *Simple Payment terms and conditions*, [Online], Available at: [direct.gov.uk/prod\\_consum\\_dg/groups/dg\\_digitalassets/@dg/@en/@benefits/documents/digitalasset/dg\\_202118.pdf](http://direct.gov.uk/prod_consum_dg/groups/dg_digitalassets/@dg/@en/@benefits/documents/digitalasset/dg_202118.pdf)
- HM Government (2014b), *Questions about your Simple Payment card*, [Online], Available at: [direct.gov.uk/prod\\_consum\\_dg/groups/dg\\_digitalassets/@dg/@en/@benefits/documents/digitalasset/dg\\_202116.pdf](http://direct.gov.uk/prod_consum_dg/groups/dg_digitalassets/@dg/@en/@benefits/documents/digitalasset/dg_202116.pdf)
- Immigration Act 2014*, s.22, [Online], Available at: [legislation.gov.uk/ukpga/2014/22/section/22/enacted](http://legislation.gov.uk/ukpga/2014/22/section/22/enacted)
- Immigration Act 2014*, s.40, [Online], Available at: [legislation.gov.uk/ukpga/2014/22/section/40/enacted](http://legislation.gov.uk/ukpga/2014/22/section/40/enacted)
- Immigration and Asylum Act 1999*, s.95, [Online], Available: [legislation.gov.uk/ukpga/1999/33/section/95](http://legislation.gov.uk/ukpga/1999/33/section/95)
- Immigration and Asylum Act 1999*, s.94 (3), [Online], Available: [legislation.gov.uk/ukpga/1999/33/section/94](http://legislation.gov.uk/ukpga/1999/33/section/94)

*Immigration, Asylum and Nationality Act 2006*, s.43, [Online], Available: [legislation.gov.uk/ukpga/2006/13/section/43](http://legislation.gov.uk/ukpga/2006/13/section/43)

Jobcentre Plus (2010), *Jobcentre Plus customer journey. A guide to Jobcentre Plus services for refugees*, Department for Work and Pensions, [Online], Available at: [refugeecouncil.org.uk/assets/0001/6192/Refugee\\_Customer\\_Offerfinal.pdf](http://refugeecouncil.org.uk/assets/0001/6192/Refugee_Customer_Offerfinal.pdf)

*Nationality, Immigration and Asylum Act 2002*, s.49 (1), [Online], Available: [legislation.gov.uk/ukpga/2002/41/contents](http://legislation.gov.uk/ukpga/2002/41/contents)

Refugee Action v Secretary of State for the Home Department [2014] EWHC 1033, [Online], Available at: [matrixlaw.co.uk/uploads/other/09\\_04\\_2014\\_10\\_50\\_31\\_09.04.14.pdf](http://matrixlaw.co.uk/uploads/other/09_04_2014_10_50_31_09.04.14.pdf)

UK Visas and Immigration (2008), *Procedure for issuing a National Insurance number (NINo) to asylum claimants granted leave to enter or remain in the United Kingdom*, [Online], Available at: [gov.uk/government/uploads/system/uploads/attachment\\_data/file/257444/ninoguidance.pdf](http://gov.uk/government/uploads/system/uploads/attachment_data/file/257444/ninoguidance.pdf)

UK Visas and Immigration (2009), *Ceasing asylum support*, [Online], Available at: [gov.uk/government/uploads/system/uploads/attachment\\_data/file/257420/statuscessationguidance.pdf](http://gov.uk/government/uploads/system/uploads/attachment_data/file/257420/statuscessationguidance.pdf)

UK Visas and Immigration (2014), *Biometric residence permits: general information for applicants, employers and sponsors*, [Online], Available at: [gov.uk/government/uploads/system/uploads/attachment\\_data/file/289192/BRP\\_-\\_Generic\\_information\\_leaflet\\_April\\_2014.pdf](http://gov.uk/government/uploads/system/uploads/attachment_data/file/289192/BRP_-_Generic_information_leaflet_April_2014.pdf)

UK Visas and Immigration (2014b), *Biometric information*, [Online], Available at: [gov.uk/government/uploads/system/uploads/attachment\\_data/file/315911/Biometric\\_information\\_v19.0\\_EXT.pdf](http://gov.uk/government/uploads/system/uploads/attachment_data/file/315911/Biometric_information_v19.0_EXT.pdf)

Westminster Safeguarding Children Board (2012), *Serious case review, executive summary, Child EG*, Westminster City Council, [Online], Available at: [westminster.gov.uk/sites/default/files/uploads/workspace/assets/publications/EG-Executive-Summary-April-2012-1336483036.doc](http://westminster.gov.uk/sites/default/files/uploads/workspace/assets/publications/EG-Executive-Summary-April-2012-1336483036.doc).

## Appendix A Profile of survey respondents

The majority of research participants in the move-on period, during the month that data was collected, were aged between 20 and 29 years (Table 1).

Ten of the 16 research participants were male (Table 2). Ten were from Eritrea (Table 3). Of the six females, four had one or more children in the UK. None of the males had dependents (children, parents, or partner) in the UK.

Eleven of the 16 research participants were granted refugee status (Table 4). Two were granted discretionary leave to remain and one received leave outside the rules (LOTR).

TABLE 1 AGE

| Age category | Birmingham: number of research participants | Plymouth: number of research participants |
|--------------|---|---|
| 20-29 years  | 8   | 2   |
| 30-39 years  | 4   | -   |
| 40-49 years  | 1   | -   |
| 50-59 years  | 1   | -   |

Source: Case record review

TABLE 2 SEX

| Sex    | Birmingham: number of research participants | Plymouth: number of research participants |
|--------|---|---|
| Male   | 8   | 2   |
| Female | 6   | -   |

Source: Case record review

TABLE 3 COUNTRY OF ORIGIN

| Country of origin    | Birmingham: number of research participants | Plymouth: number of research participants |
|----------------------|---|---|
| Eritrea              | 8   | 2   |
| Sudan                | 2   | -   |
| Rwanda               | 1   | -   |
| Afghanistan/Pakistan | 1   | -   |
| Mauritius            | 1   | -   |
| Jamaica              | 1   | -   |

Source: Case record review

TABLE 4 TYPE OF STATUS GRANTED

| Type of status granted | Birmingham: number of research participants | Plymouth: number of research participants |
|------------------------|---|---|
| LLR – Refugee          | 8   | 2   |
| ILR – Refugee          | 1   | -   |
| LLR – Discretionary    | 2   | -   |
| ILR – LOTR             | 1   | -   |
| LLR – Missing data     | 1   | -   |
| Missing data           | 1   | -   |

Source: Case record review

## Appendix B Profile of interviewees

TABLE 1

| Interviewee   | Age | Country of origin | Sex    | Type of status granted |
|---------------|-----|-------------------|--------|------------------------|
| Interviewee 1 | 54  | Rwanda            | Male   | LLR – Discretionary    |
| Interviewee 2 | 24  | Uganda            | Male   | LLR – Refugee          |
| Interviewee 3 | 50  | Pakistan          | Female | LLR – Refugee          |
| Interviewee 4 | 49  | Pakistan          | Male   | LLR – Refugee          |
| Interviewee 5 | 36  | Eritrea           | Male   | LLR – Refugee          |

Source: Case record review



## Appendix D DWP guidelines sent by the Home Office to new refugees

### Help Available from Department for Work and Pensions (DWP) for People from Abroad

Important Information from DWP for people with

- Refugee status
- Humanitarian Protection status
- Discretionary Leave status
- Indefinite Leave to Enter/ Remain granted outside the Immigration rules

#### What to do now you have been granted status

You can get help and financial support through the UK benefits system if you are:

- looking for work,
- not well enough to work,
- a lone parent (including if your partner is not living with you),
- on a low income, or
- have reached the qualifying age for Pension Credit

If any of these applies you should contact the Department for Work and Pensions (DWP) as soon as possible.

#### What is the Department for Work and Pensions (DWP)?

Your grant of status includes permission to work in the UK and the Department for Work and Pensions provides help with work and benefits for people of working age and benefits for people of Pension Age. The main working age benefits are income-based Jobseeker's Allowance (JSA (IB)), income-related Employment Support Allowance (ESA (IR)) and Income Support (IS).

If you are no longer of working age, DWP provides help with access to Pension Credit, which is a top up to State Pension if your income is low. To find out if you have reached the qualifying age for Pension Credit go to [www.gov.uk](http://www.gov.uk).

#### How do I contact the Department for Work and Pensions (DWP)?

If you are of working age, you should telephone Jobcentre Plus Contact Centre on 0800 055 6688 between 8.00 am to 6.00 pm, Monday to Friday (except public holidays).

The call is free from a land line and these mobile networks: Vodafone, T-Mobile, O2, Orange, Virgin Media, Tesco Mobile, 3 and Telecom Plus. A text phone is also available on 0800 023 4888.

If you are of pension age you should telephone the Pension Service. Telephone 0800 99 1234 - lines are open 8.00 am to 6.00 pm Monday to Friday (except public holidays). A textphone is available on 0800 169 0133. Further information is available at [www.gov.uk](http://www.gov.uk).

If you have received your National Insurance Number (NINo) you can also apply for some benefits online using [www.gov.uk](http://www.gov.uk).

### What will we need to know

We will ask questions to decide how much benefit may be due to you. You can help us by telling us straightaway the type of immigration status in the UK you have been given and whether you have a NINo. This information will help us understand your needs and help prevent unnecessary questions being asked. However you should NOT delay in making a claim to benefit if you do not have a NINo.

If you have trouble understanding or speaking English, an interpreter service can be arranged. If you require a particular dialect please tell us and we will try to arrange for this need to be met. If you prefer to speak with a male or female adviser or interpreter, we will try to arrange this too.

### What happens next

If you are of working age you will usually be asked to go to the Jobcentre Plus office nearest to where you live for an interview. If you are asked to go to an interview, you must go on the day and time that is arranged.

If you are claiming Pension Credit then we will write to you with confirmation of any benefits which are due to you. If you prefer to deal with us in person then you can contact the Pension Service on 0845 6060265.

As before, if you have trouble understanding or speaking English we can make suitable interpreter services available. Just let us know in advance. You may also bring a friend or family member with you.

### What you need to take with you to the interview

When going to the Jobcentre Plus office for your interview you must take:

- Your Immigration Status Document or Biometric Residence Permit as this shows that you have permission to live and work in the UK. It shows you have the right to stay in the UK and that you are treated as habitually resident.
- Also, please bring these documents if you have them:
- Your National Insurance Number (NINo)
- Either your NASS35 or the form given to you if you received asylum support payments under Section 4 support from the UKBA.

**National Insurance Number (NINo)** - In some cases your United Kingdom Border Agency (UKBA) Case Owner will have applied for a NINo for you and you should have received a letter telling you what it is - it consists of two letters followed by six numbers and a letter for example QQ 12 34 56 A.

You do not need a NINo for your benefits claim to be processed. If you do not have a NINo, you should tell us at the start of your claim. We will search our computer system and if your NINo is not found, we will apply for a NINo on your behalf with your claim for benefit. You may be asked to go to a separate interview for the NINo where evidence of your identity and your status in the UK will be required.

**Habitual Residence Test** - Persons granted refugee status, beneficiaries of humanitarian protection (HP) and discretionary leave to remain (DL), and those in receipt of indefinite leave to enter or remain granted exceptionally outside the immigration rules (LOIR) have the right to reside and are treated as habitually resident from the date they are granted status. They do not need to meet any other additional residency requirements.

**NASS 35** - if you were getting asylum support from the UKBA when you were granted status, you should have received a NASS35 form. This explains that your support is ending and is an important document. If you have not yet received this form, please make sure you tell us and we will ask UKBA for a copy. It should not stop the claim going ahead but is needed for the claim to be completed. If there is a delay in getting the NASS35, we can consider making discretionary interim payments of benefit. If you were getting Section 4 support from UKBA, you will be sent a letter stating this instead of the NASS35 form for you to give us.

DWP

Department for  
Work and Pensions

### Benefit payments

If you are eligible, benefits are usually paid into a bank, building society or post office account. If you do not already have an account you will need to open one and we can support you to open a post office account, to help with this.

In order to open an account, the bank, building society or post office will check your identity and proof of your address. They accept a number of personal identity documents, including the documents issued by UKBA.

Proof of address can be difficult if you are living with someone else or you don't have a permanent place to live yet, but this can include a personal reference from your doctor or solicitor stating your address, a letter from a government agency such as UKBA with your name and address. If you cannot provide this, it may still be possible to open an account by completing a financial exclusion form with the bank or building society.

### Looking for work

Jobcentre Plus helps you look for work and can give you advice about how to do this. Our support is designed around your needs; it is flexible and aims to offer the right help at the right time.

At the first interview you will meet your Personal Adviser who will talk through the support and benefits available. This may include training programmes to help you find a job. If a skills need is identified such as to improve your English language ability then your Personal Adviser will, if there is one available near where you live, refer you to an English for Speakers of Other Languages' (ESOL) course. Also, if you have children, then we may be able to help you pay for any childcare provision while you attend any training courses and when you start working.

Your Personal Adviser will explain the conditions attached to different types of benefit. For example, to claim Jobseeker's Allowance you must show that you are available for and actively seeking work. You will have regular appointments with Jobcentre Plus where you need to show what you're doing to find work.

People claim Employment and Support Allowance if they have a disability or are unfit for work. If we believe that you can still look for some work then we will interview you regularly to look into ways to address how we overcome the barriers to work that your health places on your ability to go back to work. In addition we have skilled advisers that specifically support people with health problems go back to work.

### Other Benefits:

You may also be entitled to other benefits which are made available to help you cope with different circumstances. We can provide help with housing costs such as rent and council tax on the property where you live, or emergency situations, or if you have a dependent child or if the child or someone in the household is disabled who you look after. Your Personal Adviser will be able to discuss this support with you or for more information see [www.gov.uk](http://www.gov.uk)

Access to financial support can continue when you start work through Tax Credits, particularly if you are a parent. These are administered by HM Revenue & Customs (HMRC) and further information on Tax Credits can be found at [www.hmrc.gov.uk](http://www.hmrc.gov.uk)

DWP

Department for  
Work and Pensions

## Appendix E Home Office information on asylum decision

|  |   |
|--|---|
| <br>Home Office   | <h3>YOUR ASYLUM DECISION</h3> <p>Important information and advice for claimants</p> |
|  | <h4>Asylum</h4>   |
| <p>This information sheet contains important information about the decision that has been made in relation to your application for asylum in the United Kingdom. It also sets out the restrictions and entitlements of your status. It should be read in conjunction with the other documents that have been handed to you, or sent to you or your representative. This document is not a Notice of Decision, and should not be construed as such.</p>   |   |
| <h4>IMMIGRATION STATUS</h4> <p>You have been recognised as a refugee as defined by the 1951 Geneva Convention relating to the Status of Refugees and its Protocol ('Refugee Convention') and have been granted asylum in accordance with the Immigration Rules. You have permission to stay in the United Kingdom for the period of time specified on your Immigration Status Document/Biometric Residence Permit. <b>THIS INFORMATION SHEET IN ITSELF CONFERS NO LEAVE TO ENTER OR REMAIN IN THE UNITED KINGDOM AND DOES NOT CONSTITUTE PROOF OF YOUR STATUS.</b> Your Immigration Status Document/Biometric Residence Permit is your evidence of your permission to stay and has been endorsed with your leave to enter or remain in the United Kingdom. You should keep this document safe as you may have to produce it to confirm your immigration status.</p>  |   |
| <h4>EMPLOYMENT AND SOCIAL SECURITY</h4> <p><b>Persons of working age (usually under 65 for men and 60 for women).</b> You are free to take a job and do not need the permission of any Government Department before doing so. You are also free to set up in business or any professional activity within the regulations that apply to that business or profession. Jobcentre Plus can help you find a job, claim benefits, if you meet the conditions, or train for work. You can find their phone number in your local telephone directory.</p> <p><b>Persons of compulsory school age</b> You may take a part-time job if you are over 12, and providing that all the relevant national and local employment regulations are met.</p> <p><b>Persons who have reached state pension age</b> If you are a man aged 65 or a woman aged 60 you are entitled to work, however you should contact the Pensions Service for information and advice about your entitlements to benefits. If you are a man between the age of 60 – 64 you do not have to look for work and can choose to claim Pension Credit instead of Jobseekers Allowance.</p> <p><b>British Crown Dependencies</b> If you want to live or work in the Isle of Man or one of the Channel Islands you must first ask the Island's immigration authorities.</p> |   |
| <h4>HEALTH, SOCIAL SERVICES, AND EDUCATION</h4> <p>You are free to use the National Health Service and the social services, and other help provided by local authorities as you need them. You are also entitled to approach your Local Authority Housing Department for assistance with accommodation. If you want to study for a degree or other approved course you can apply for a grant from your local education authority; you will be charged only home students' fees for any further or higher education courses you take. You should contact your local education authority about any financial support for which you may be able to apply. If you need any of the services outlined above, take your Immigration Status Document with you and show it if there is any question about your entitlement to the service.</p>  |   |
| <h4>OTHER ASSISTANCE</h4> <p>Your local Voluntary Sector One Stop Service (OSS) can provide advice; details of your local Voluntary Sector OSS will be provided. Your local Citizens Advice Bureau will help you with general questions.</p>   |   |
| <h4>INTEGRATION LOAN SCHEME</h4> <p>You are also entitled to apply for an integration loan if you are 18 years of age or over. Integration loans have to be paid back but they are interest free. Loan applications should be made for items or activities that will help your integration into UK society. This could be help with housing, getting a job or education. Information on the loan and an application form should accompany this letter. If you are not in receipt of these documents, please call 020 8196 5440 or write to the Integration Loan Team, 14<sup>th</sup> Floor, (Long Corridor), Lunar House, 40 Wellesley Road, Croydon CR9 2BY. Alternatively you can download this information from the following website: <a href="http://www.gov.uk/uk-visas-immigration">www.gov.uk/uk-visas-immigration</a></p>  |   |
| <h4>WELFARE SUPPORT: ASYLUM SUPPORT</h4> <p>If you are currently in receipt of asylum support, you remain eligible to receive it for a further 28 days after the Secretary of State notifies you of her decision to grant you leave, which is deemed to be 2 days after the determination of your asylum claim. You will receive a separate letter to confirm the exact date when your asylum support will end. You should note that there is no right of appeal under section 103 of the Immigration and Asylum Act 1999 to the Asylum Support Tribunal against this decision to cease your support.</p>  |   |
| <h4>WELFARE SUPPORT: PROVIDED BY THE LOCAL AUTHORITY (CHILDREN)</h4> <p>If you are an unaccompanied child the decision to permit you to stay in the United Kingdom does not change your right to receive support through the local authority which provides care for you. It may, however, change how that care will be provided and it is important that you notify your Social Services Department that you have been given permission to stay and for how long.</p>   |   |
| <h4>POLICE REGISTRATION</h4> <p>If you were required to register with the police, you no longer need to report changes of address or other details to the police. If you were subject to this requirement, your police registration certificate is enclosed and endorsed to show that you no longer need to register.</p>  |   |
| ASL.3225   | 1   |

### TRAVEL ABROAD

You are free to travel within the United Kingdom, the Channel Islands, The Isle of Man and the Republic of Ireland. This is known as the Common Travel Area. You may also travel out of the Common Travel Area any number of times during the validity of the leave you have been granted. On your return, you will be re-admitted to the United Kingdom without having to obtain fresh leave to enter unless

- you have been absent from the United Kingdom for a continuous period of more than two years, or
- you are seeking admission in a different capacity from the one in which this leave has been granted.

Nevertheless, an investigation into your circumstances may be carried out upon your return to the United Kingdom, in order to determine whether or not the leave you have been granted should be revoked.

Obtaining, renewing or using your national passport to travel outside the United Kingdom or attempting to endorse your leave on your national passport may result in the loss of your refugee status and could lead to the curtailment of your leave to enter/remain in the United Kingdom. You may also lose your refugee status or have your leave curtailed if you return to your country of origin.

Most refugees are entitled to a Refugee Convention Travel Document. If you want to travel abroad you should apply for a Refugee Convention Travel Document from the Travel Document Section, Home Office, Lunar House, 40 Wellesley Road, Croydon, CR9 2BY (telephone 0870 241 0645). If you leave the United Kingdom with a Refugee Convention Travel Document, you will be allowed back into the country at any time while it is still valid, subject to the above.

### DEPENDANTS

If you are the principal sponsor and you are married and/or have children under the age of 18, the leave to enter or remain you have been granted entitles your spouse and minor children (who formed part of the family unit prior to you leaving your country of origin and seeking asylum) to join you in the United Kingdom. It is current Home Office policy that the sponsor is not expected to meet the normal support and accommodation requirements of the Immigration Rules. If your spouse and minor children wish to apply for family reunion, they will need to approach a British Embassy, High Commission or Consulate abroad to make an application for entry clearance to the United Kingdom. Dependants are required to make their application for family reunion before travelling to the United Kingdom.

### APPLYING FOR AN EXTENSION

Before the period of leave that you have been granted expires, you should either leave the United Kingdom or apply for an extension of stay, explaining the reasons for which you are seeking further leave. You will be eligible for indefinite leave to remain as long as you continue to qualify for leave under the Refugee Convention and subject to the policy prevailing at that time. If your application to extend your stay is refused, you will be advised of the reasons for this and of any right of appeal against that decision. In the event that you apply for an extension of stay, procedural checks will be conducted to ensure that you do not fall into any of the categories listed below as eligible for active review.

### ACTIVE REVIEW

You should be aware that your refugee status and leave to enter or remain may be subject to active review at any point. Such a review may be triggered in the following ways:

- where there is evidence that, as a result of your own actions, you no longer require protection of the Refugee Convention (for example, evidence that you have regained the protection of your country of origin or another country), or
- where there is evidence that, as a result of your own actions, you are no longer entitled to protection of the Refugee Convention (for example evidence that you have committed a particular serious crime, whether in the UK or before you came to the UK), or
- Where there is evidence that you obtained leave by deception, or
- Where there is a significant and non-temporary change in the conditions of a country in which you have a right to reside, or
- Where the circumstances in connection with which you were recognised as a refugee have ceased, or
- Where for some other reason it is considered that your presence in the UK is not conducive to the public good.

In the event that your case is to be reviewed, you will be informed in writing. The reasons for the review will be explained and you will be offered the opportunity to submit reasons as to why you should be permitted to remain in the UK.

### PENDING APPEALS

If you have an appeal pending at the time you are granted asylum it will be treated as abandoned. If your ground of appeal was that the decision was unlawful by virtue of section 19B of the Race Relations Act 1976 you may give notice that you wish to continue your appeal. You may not give notice that you wish to continue your appeal on any other ground. To prevent such an appeal becoming abandoned you must give notice to the appropriate court that you wish to continue your appeal. If you wish to continue your appeal you must give notice within 28 days of receipt of notice of your grant of asylum.

To give notice that you wish to continue an appeal in these circumstances your notice must be in a form which complies with the relevant procedure rules. If your appeal is currently pending with the Asylum and Immigration Tribunal, you may complete a form for this purpose which is available on their website: [http://www.sit.gov.uk/forms\\_and\\_guidance/forms\\_and\\_guidance.htm](http://www.sit.gov.uk/forms_and_guidance/forms_and_guidance.htm)

Any already set appeal will be set aside once the AIT is informed of the grant of leave. If you notify us within 28 days that you wish to continue with an appeal, the appeal hearing will be re-listed. The appeal will be abandoned after 28 days unless you send us the notice of intention to pursue the appeal.

## Appendix F Recommended additional guidelines for new refugees

*These guidelines were drafted by the British Red Cross. We call for the Home Office and the Department for Work and Pensions to jointly complete, adopt and issue these guidelines.*

### Please take this document with you when going to the Jobcentre Plus

You have recently been granted the following status: *[Type of status granted]*. You now have the right to work and get financial support in the UK.

If you require assistance to look for employment, call the Jobcentre Plus (JCP) on 0845 604 3719 / 0345 604 3719. For assistance with applying for benefits, call 0800 055 6688 (text telephone 0800 023 4888), between 8am and 6pm, Monday to Friday. If you do not speak English, or have a limited understanding of English, ask the JCP to arrange for **interpreter services**.

If you **do not** want to apply for benefits and do not have a National Insurance number (NINo), you can get one by calling the JCP allocation line on 0345 600 0643.

If you **want to** apply for benefits, you can and should do so as soon as you receive notification of your asylum claim determination. You must provide the JCP with:

- > Proof of **identity**, including any of the following:  
*[List of documents to be created and added by the Home Office and the DWP]*
- > Proof of **status**, including any of the following:  
*[List of documents to be created and added by the Home Office and the DWP]*
- > Your National Insurance Number (NINo) Update letter, if you have received it. **NOTE:** A NINo is **not** mandatory to claim benefits.

*If you have not received your NINo and are entitled to benefits, the JCP will ensure a NINo is processed for you by contacting the NINo centre directly and completing the DC11 form. You do not need to apply for a NINo yourself.*

- > Your NASS35 form or the letter summarising your section 4 support. **NOTE:** This only applies if you were receiving Home Office support.

*If you have not received your NASS35 form, the JCP will ask UK Visas and Immigration for a copy. Not having the NASS35 should not stop you starting the claim process, but will be needed for the claim to be completed.*

*If there is a delay in getting the NASS35, the JCP can consider making discretionary interim payments of benefits.*

When claiming benefits, note that:

- > You have the right to reside in the UK and are, therefore, exempt from the second stage of the habitual residence test.

- > Your benefit payment should include payment from the day you made your claim.
- > If you are still receiving asylum support, this amount will be subtracted from your benefits payment until the date your asylum support ends. After that, you will receive your full benefits payment.
- > If you do not have a bank account, your benefits can be paid via a Simple Payment card or a Giro cheque. If you want to open a post office account, ask the JCP to provide you with a personal invitation document (PID, form TC645) to enable you to do this.

**If you change address, make sure you inform both the JCP and your solicitor immediately.**

For more information about DWP policy regarding refugee customers: [refugeecouncil.org.uk/assets/0001/6192/Refugee\\_Customer\\_Offerfinal.pdf](https://refugeecouncil.org.uk/assets/0001/6192/Refugee_Customer_Offerfinal.pdf)

For more information on the benefit-inspired NINo application process: [gov.uk/government/uploads/system/uploads/attachment\\_data/file/270842/snap-s6-dci1-process.pdf](https://gov.uk/government/uploads/system/uploads/attachment_data/file/270842/snap-s6-dci1-process.pdf)

*The Home Office confirms that the Biometric Residence Permit (BRP) is a valid form of proof of identity and should be recognised by any employer or bank.*

## Appendix G British Red Cross guidance letter for JCP staff

This letter was recently written by the Red Cross refugee service in Bristol and signed off by a partnership manager at DWP, to ensure the letter's content was accurate and it could be shared widely.

|   |   |
|---|---|
|  <b>BritishRedCross</b>  | Unit 19<br>Easton Business Centre<br>Felix Road<br>Bristol<br>BS5 0HE |
|   | 20/06/2014  |
| To Whom It May Concern,   |   |
| Re:<br>Nino:  |   |
| <p>This service user, as a refugee with leave to remain, has the right to reside in the UK and claim benefits. Please ensure where appropriate and with the claimant's permission, that the "refugee marker" is set on their claim.</p>   |   |
| <p>They do not yet have a bank account, please issue them with a <b>Personal Invitation Document (PID, form TC645)</b> to help them get a Post Office account they can receive their benefits through.</p>  |   |
| <p>As a person with <b>refugee status with leave to remain</b>, they are exempt from the second stage of the HRT. This is confirmed in Job Centre+ guidance:</p>  |   |
| <p><b>Habitual Residence Test:</b><br/>         Persons granted refugee status, beneficiaries of humanitarian protection (HP) and discretionary leave to remain (DL) and those in receipt of indefinite leave to enter or remain granted exceptionally outside the immigration rules (LOTR) <b>have the right to reside and are treated as habitually resident</b> from the date they are granted status. They do not need to meet any other additional residency requirements.</p>   |   |
| <p><i>For reference: Jobcentre Plus internal guidance is contained in EU Rights of Residence Guidance – Habitual Residence Test. And Income Support Guide ~ Special Circumstances ~Persons from Abroad.</i></p>   |   |
| <p>They are eligible to claim benefits whilst in receipt of Asylum support.</p>   |   |
| <ul style="list-style-type: none"> <li>• Asylum seekers can claim Jobcentre Plus benefits when they are given a decision that gives them a right to 'leave to enter or remain' in the United Kingdom (UK).</li> <li>• <b>When a claimant makes a claim to a Jobcentre Plus benefit, payments of Asylum support should be treated as income in the usual way.</b> Asylum Support payments continue for 28 days after leave to remain had been granted. A claimant who claims an income based benefit during the '28 day grace period' will receive the difference between the appropriate benefit amount and the asylum support payments, but only after the date of the claim. If the claimant makes a claim to benefit after the '28 day grace period' has ended, benefit will be paid from the date of claim and not backdated to cover the '28 day grace period'.</li> <li>• Payments made by Asylum Support are detailed on the NASS35, which the claimant should bring to Jobcentre Plus.</li> </ul> |   |
| <p>In light of their circumstances, please <b>offer</b> this person <b>support</b> with job searches and accessing English classes.</p>   |   |
| <p>Many thanks,</p>   |   |
| <p>Refugee Services Coordinator<br/>         British Red Cross<br/> <a href="mailto:refugeeservicebristol@redcross.org.uk">refugeeservicebristol@redcross.org.uk</a><br/>         0117 9415 040</p>   |   |



**British Red Cross**

UK Office  
44 Moorfields  
London  
EC2Y 9AL

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and Wales (220949) and Scotland  
(SC037738)