

The Waiting Game



The impact of delayed asylum decisions



Refugee and Asylum Seeker Voice



Introduction

RAS Voice conducted research in 2017 with over 50 asylum seekers and refugees across Greater Manchester to assess the main issues facing this group. The excessive waiting time for initial asylum decisions was highlighted as an issue that negatively affected many aspects of people's lives. While the Home Office has a target of making decisions on 'straightforward' cases within 6 months, this is often not the reality for people seeking asylum. There are numerous instances of people waiting many years. For thousands of people, having to wait for an unknown length of time forces them to live in uncertainty and fear of being returned home to face persecution. It also impacts upon people's successful integration, their finances, their ability to provide for their families, and the risk of developing or exacerbating mental health issues.

This report outlines the trends and current waiting times for initial asylum decisions and provides first-hand evidence, from interviews with eight refugees and people seeking asylum, of some of the issues that arise as a result of asylum decision delays. It provides recom-

mendations that would benefit both those waiting for a decision on their asylum claims, as well as the Home Office and the UK Government.

The problem

UK Visas and Immigration (UKVI), the division within the Home Office responsible for dealing with asylum claims and applications, states that an asylum "application will usually be decided within 6 months"ⁱ unless the claim in question is complex (a 'non-straightforward' case). According to the Independent Chief Inspector of Borders and Immigration, the 'Home Office performance measure for the customer service standard is that 98% of straightforward claims will be decided within 6 months.'ⁱⁱ

This service standard was introduced in 2014 following a significant rise in the number of cases being delayed. As the chart below shows, this led to a much-improved performance in 2015, but since late 2015 the number of people waiting for over six months for a decision on their initial asylum decision has been steadily rising again. By the end of 2017, more than



UN Women/Joe Saade. CC, Flickr.

"I felt nervous and anxious. Depressed. Miserable.

The waiting time is very hard because you shift from activity and working to being without work and having a lot of free time. And you can't do anything to change this life." Aisha

ⁱ <https://www.gov.uk/claim-asylum/decision>

ⁱⁱ 'An Inspection of asylum intake and casework', David Bolt, Independent Chief Inspector of Borders and Immigration, April – August 2017 (https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/662769/An_Inspection_of_Asylum_intake_and_casework.pdf)



half (53%) of applicants had been waiting over 6 months for a decision on their case. Currently this service standard does not apply to 'non-straightforward' cases, which have been defined by the Home Office as "cases that are not 'manifestly well-founded'... perhaps involving complex case law, or situations without readily available evidence or claims concerning family groups."ⁱⁱⁱ However, it is often unclear to claimants themselves whether their case is determined to be 'non-straightforward' and nowhere are the reasons for categorising a case as such clearly stated. This means that there is a lack of accountability for the progressive rise in decision times that the UK has seen since late 2015. In the next section, we set out how damaging this can be for those who experience these delays.

The impact of waiting

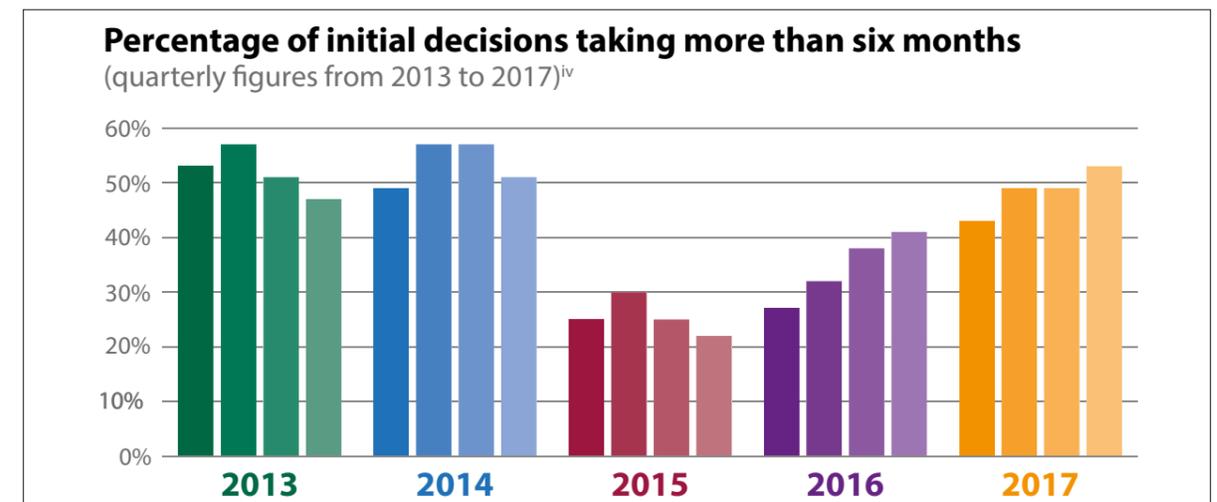
The eight people that were interviewed for this research had waited a combined total of almost 11 years for a decision on their asylum claims. Half of these (four) were still waiting for an initial decision on their claims at the time of interview.

Below we set out some of the key issues that people raised when we spoke with them about

how it felt to await a decision on their case. None of the people that we spoke to had identical cases. What was consistent amongst all the people we spoke with, however, was the sense of uncertainty and anxiety that all of them faced whilst waiting for a decision. The process had dehumanised and disempowered them to such an extent that they spoke of feeling hopeless and having no control over the situation they found themselves in. Being kept below the poverty line for undetermined amounts of time, and depriving them for long periods of any way to occupy themselves – such as work, study, and leisure activities – added to their feeling of uselessness and social exclusion.

Alexander: "It's very difficult to be waiting and not knowing what's going on because there's a certain vagueness to the situation and it's really quite crushing. It's very hard to wait for a decision that seems to be around the corner and very close but somehow it just doesn't happen and [I'm] just waiting and waiting."

Hassan: "I thought my case is... very simple and very clear and everything – and maybe a decision can be taken. Even I would not be upset if they reject it. But you're under stress from the waiting."



ⁱⁱⁱ See Home Office (2013) 'Evaluation of the Early Legal Advice Project Final Report', Research Report 70, p. 53.

^{iv} Data compiled from Immigration Statistics quarterly release: www.gov.uk/government/statistics



Hana's story



Hana applied for asylum in May 2016 and was granted refugee status in November 2017. She told us that the process had taken a great toll on her husband's mental health, and he is currently being treated for this. Hana said that she didn't understand why she was put through such stress only to eventually be granted status. "Why? If you don't like me, say 'Hana OK, take your stuff and you can go to your country' and that's it... Why [didn't you] make it easier, if you accept me?... My life is very bad. For me and my husband. It's completely changed. It doesn't change for the good, but unfortunately it changed for the worse." When we asked Hana what hope she has for the future now that she had been granted status, she told us: "Nothing. I don't have anything, you know. To be honest. No, nothing for me. No hopes. Before I had [some], but now nothing."

Health

Without exception, all the interviewees spoke of the impact that waiting for a decision on their asylum claim had on their physical and mental health.

Reza, for instance, told us that he has experienced stress and anxiety since he left Iran. He is seeing a psychiatrist regularly for treatment, and takes twelve different types of medicine; "[the waiting] is having a very adverse effect on me. Every night and every day I'm worried, and it's causing me depression and anxiety." Ahmad and Aisha also told us that they receive counselling to be able to better cope with the stress and anxiety of the asylum process. Even those who have not sought the help of professionals told us that the process had impacted upon their mental health;

"you're always under stress and worried, you know? And... always thinking. You don't feel relaxed." (Hassan).

Several of the interviewees were also constantly worried about the families they had left back home, who were still in danger and who had not expected the decision to take so long. Alexander told us "When I came to Great Britain, I left behind my family. My wife and my child... I miss them so much and it's very hard – especially if something happens there and I can't help them because I don't have any influence on the situation... I just sit and wait. It's very depressing."

Tristan's story



Tristan arrived in the UK with his wife and daughter in 2013 and claimed asylum at the airport. "The first experience was not as positive as I expected, because the immigration officer... threw my passport away and shouted at me 'why the UK and not another country?!'" Soon after their arrival they were sent to live near Manchester, and they have been there ever since. For Tristan and his family, the beginning of the process was unremarkable: "It was just routine procedure, you know." But time passed, and it was a year and seven months until Tristan was invited to his substantive interview. It was not until November 2017 that he received a decision on his case. During the almost 5 years they had been waiting, Tristan's wife was diagnosed with a brain aneurism brought on, according to doctors, by the stress she had experienced since they had arrived in the UK. "When you don't know what kind of decision the Home Office will make, when you don't know if you will stay in this country or you have to go to another country to claim asylum there, it kills you."



Finances and support

People seeking asylum receive just over £5 a day in financial support. Many of those we spoke with told us that the financial support was enough for food, but little more. Tristan, whose family had lived on support for several years, explained the material and psychological impacts of living this way for so long, not knowing when it might end:

"[Imagine how it feels] when your daughter tells you 'why are we walking all the time? Dad, why are we walking all the time and why can't we take the bus when we're going far away?... and if she wants anything in the shop, she asks us if it's too expensive... she asks even about the simple things. So it's part of her mentality and I'm really worried about her self-confidence in the future. And she's always talking about things, like for the future: 'when we have money I will do this, I will do this, I will buy this, I will buy that.'"

Five years is a long time, and it's not only about eating. Especially when you have kids and you need clothes, you need other things that you can't afford... If it's, let's say, six months – ok you can survive, you can cope with that. But when you're talking about five years it's too much."

Others had been obliged to borrow money from friends and relatives. Aisha, who was granted refugee status in January 2017, told us that she was worried about paying back her debts.

Accommodation, if requested, is provided on a no-choice basis, and people are often sent to some of the most deprived areas of the UK. They have no control over where they are accommodated and cannot move until their asylum decisions have been made. Many of the people we spoke with told us that they and their children had felt isolated in the areas that they had been moved to. Some told us that they had experienced financial difficulties travelling

to their doctor or solicitor. Hassan, whose son is blind and requires specialist assistance, was worried that if his family was moved elsewhere his son might lose the support he is receiving.

Work and education

Almost all the interviewees mentioned that not having the right to work was as one of the most difficult aspects of going through the asylum process. For many, this was because the amount of support was not sufficient. For others, working would have given them an activity to do whilst waiting for a decision on their claim:

"We're not allowed to work, so we stay at home with nothing to do... This is why my husband he's got worse, because [there's] nothing to do... When I applied for asylum I found that all the doors were closed for me." (Hana).

Several people mentioned their previous education as a reason that they found their inability to work particularly difficult. Six of the eight interviewees had graduate or post-graduate qualifications, and were eager to use them instead of wasting their skills.



Jonhildy. CC, Flickr.

"I used to work. Most of my life, you know, I worked... I have a Master's degree, and I'm sitting at home now with no... I thought I was going to move forward, but I'm coming down." (Hassan).



Decision making resources

Reports published by both the Independent Chief Inspector of Borders and Immigration, and the Home Affairs Committee both discuss the need for more timely asylum decision making, and recommend the need to increase the number of casework staff within the Home Office, as well as improving training and retention rates.

An increase in decision maker vacancies within the Home Office is clearly linked to the increased number of case decisions being delayed in recent times. 'According to AIC [Asylum Intake and Casework] managers, for much of 2016-17 casework units carried a significant number of decision maker (DM) vacancies. The number of DMs who were available to conduct interviews and make decisions [...] fell from 319 in January 2016 to 228 in July 2016. New DMs were recruited throughout the year, such that there were 352 active DMs by March 2017. These 'new' DMs told inspectors that their initial training had not prepared them adequately to do their job.'

The first recommendation of the Home Affairs Committee's report into Asylum Accommodation is to increase the number of decision makers, stating that "There are clear benefits in applications being processed quickly and these far outweigh the cost of increasing capacity in the responsible section of the Home Office, UK Visas & Immigration."

The cost of extensive delays

Unnecessary delays in the decision-making process are unfair for those involved and cost more for the taxpayer. The All Parliamentary Group on Refugees reported in April 2017 on the connection between the length of time someone waits for their asylum decision and their ability to integrate in the UK. They also highlight the economic argument for a faster process: 'It is clearly in the best interest of both taxpayers and asylum seekers, including those who will be granted refugee status, that the process is working efficiently.'

A recent Home Affairs Committee report on Asylum Accommodation also made the direct link between the increasing lengths of time the Home Office are taking to make asylum decisions and the increased cost and shortage of accommodation. In the report, the Chief Executive of Serco says "We have seen that the average time we are looking after people has increased. I can hardly get my head around the idea that we are still looking after people who have been in properties for four or five years."

Providing faster initial asylum decisions would allow people to move on with their lives and seek employment, thereby contributing to the UK economy much sooner. Alternatively, those given a negative decision could begin the process of leaving the UK, thereby also saving the UK Government the costs associated with their support.

^v Independent Chief Inspector of Borders and Immigration (2017) 'An inspection of asylum intake and casework: April-August 2017', pp 6-7.

^{vi} House of Commons Home Affairs Committee (2017) 'Asylum Accommodation: Twelfth Report of Session 2016-17', p 46.

^{vii} Para 212, *Refugees Welcome? The Experience of new refugees in the UK*, All Parliamentary Group on Refugees, April 2017 (https://www.refugeecouncil.org.uk/assets/0004/0316/APPG_on_Refugees_-_Refugees_Welcome_report.pdf)

^{viii} P7, para 11, *Asylum Accommodation*, House of Commons Home Affairs Committee, January 2017. <https://publications.parliament.uk/pa/cm201617/cmselect/cmhaff/637/637.pdf>

^{ix} Between 2013-2017 (inclusive), on average 39% of initial asylum applicants were granted some form of protection status. An average of 73% of people appealed a refusal of their asylum claim between 2012-2016 (inclusive), of whom an average of 31% were subsequently granted. It is difficult to determine the year in which appellants originally lodged their asylum application, however using these average figures approximately 53% of people applying for asylum will be granted initially or on appeal. These figures do not include people who are granted status after lodging a fresh claim.

Note: All photos have been changed to protect the Asylum seeker's identity.



Conclusion

Of the people who arrive each year seeking protection in the UK from conflict and persecution, the majority will receive some type of protection.^{ix} Of course, not everybody will be granted status. But whatever the outcome of somebody's claim, it is in the interest of both the Government and the individuals themselves that decisions on asylum applications are made as quickly as possible. This will allow them to move on and to take their next steps – whatever these may be.

Waiting will inevitably be part of even the best-run asylum process. It is essential that claimants are given the time to prepare their cases with their solicitors and that UKVI case workers take considered decisions that are, to the greatest extent possible, right first time. But asylum decisions are currently subject to excessive delays. People wait in limbo whilst decisions are made that will affect the rest of their lives and, in many cases, could be the difference between life and death.

We have outlined here the severe impact that such delays can have on the people living them. The experiences that we have presented here reflect the everyday reality for the thousands of people who are currently waiting on their asylum decision.

Recommendations

In order to address the delays, we recommend that:

- The Home Office works to address delays in the asylum process so that people are not left in limbo for extended periods. They should ensure that they are following their own policy, including the current target of resolving all 'straightforward' asylum cases within six months;
- The Home Office increases staffing resources and improves training to meet their own targets.

In order to allow people to live in dignity whilst they wait for a decision on their claim, we recommend that:

- The Home Office improves communication to everybody waiting for a decision on their asylum application, including by providing each applicant with a caseworker, and their contact details, who is able to update them on their claim, the length it will take and, where relevant, reasons for delay.
- People who do not have a decision on their asylum claim after six months should be given the right to work, unconstrained by the shortage occupation list. This would bring the UK in line with most European countries.



_ZAK6996F, CC, Flickr.

"I'm worried... Every day I think 'maybe now.' Everyday my wife says 'oh, today maybe we'll get something, good news. We'll receive our decision.' ... you're not getting support. You have children, you're worried. You'd like your children to live like the other children, you know?" Hassan



RAS Voice is a campaign group of refugees and people seeking asylum living in Greater Manchester. The group carries out advocacy and campaign activities aiming to make positive changes for all refugees and asylum seekers. RAS Voice is part of the Greater Manchester Refugee Support Partnership, and is based at Refugee Action.

We identify issues affecting refugees and people seeking asylum, develop campaigns and seek to influence decision makers to make positive change. We meet regularly and attend meetings and conferences to expand our voice. We got involved in the national Refugees Welcome campaign and attended election hustings prior to the 2017 General Election to raise questions on the treatment of asylum seekers in Greater Manchester. Recently, we have taken part in Refugee Action's Let Refugees Learn campaign to increase English language provision for refugees, speaking out in contribution to their campaign, and attending a Parliamentary event where we spoke to MPs and the Home Secretary. Currently, our campaign actions focus on reducing the waiting time for initial asylum decisions, the evidence in support of which is contained within this report.

We would like to thank all the individuals who took part in our research. In particular, we are very grateful to the 8 refugees and people seeking asylum who told us about their experiences waiting for their asylum decision.



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