WAITING IN THE DARK:
HOW THE ASYLUM SYSTEM DEHUMANISES, DISEMPOWERS AND DAMAGES
People seeking asylum arrive in the UK with almost nothing. Many have made a long and perilous journey. War and persecution have forced them to flee the homes they love. They hope and expect that they will receive a compassionate welcome. But for too many, the asylum system that they are confronted with in the UK is a hostile one, characterised by long delays, poor decisions, and a total lack of information.

This report is based on interviews with 40 people who have first-hand experience of claiming asylum. During these interviews, we were told about traumatic encounters with the Home Office, as well as poor practice at all stages of an unfair and overly adversarial system. Our research reveals a process that dehumanises, disempowers and damages those who rely on it to make life-changing decisions. We highlight some of the individual stories behind the statistics that show a huge backlog of asylum cases waiting for a decision. The consequences of these delays are disastrous for the vulnerable people who live below the poverty line, banned from working and unable to rebuild their lives for so long.

This report shows:

**Waiting more than six months – often years – for a decision on their asylum claim is taking a tremendous toll on people’s wellbeing.**

Many of the people we spoke with had waited months, if not years, for a decision on their asylum claim. Home Office figures show that more people than ever before were waiting longer than the six-month target for a decision on their claim. At the end of 2017 this comprised almost half of all people waiting for an initial decision on their asylum claim. During this time, people are prevented from working and, in many cases, studying, and struggle to survive on just over £5 a day.

The uncertainty and fear for what the future might hold puts immense strain on the health of people seeking asylum and that of their families. Many of the people interviewed said they are receiving treatment for depression and anxiety. Some of those we spoke with had been granted refugee status, but felt like they were now struggling to make up for years of wasted time.

**The waiting is killing me... You know, two years without knowing your future is very difficult and very frustrating. You can’t work, you can’t study. You’re in limbo.**

Salim

**Bad practices and poor decision-making are putting lives at risk.**

Nationally, over a third of appeals against refused asylum applications are successful. For some nationalities, Home Office decisions are shown to be wrong for over half of those who appeal. Much that goes wrong can be traced back to asylum interviews, where people should have the opportunity to speak about their experiences without fear or judgement.

But poor practice during interviews meant that many of the people we spoke to found them distressing and were anxious about subsequent contact with the Home Office. Poor interpreting was a common feature of such interviews. In the worst cases, poor interview practice was a key factor in an incorrect decision.
The substantive interview [was] an experience I don’t ever want to experience again in my life. I’d rather die. Because the lady who interviewed me, there was no sign of empathy... She wasn’t putting into consideration the fact that I had been through hell. And in my heart I wished I could let her live my life for one day, what I lived. And maybe she would have empathy to understand where I’m coming from.

Rose

People are being kept in the dark by a lack of information and legal advice.

Everyone interviewed for the report mentioned that it was impossible to obtain information from the Home Office about the progress of their case. People seeking asylum have also been hard hit by restrictions to legal aid due to the reduced availability of solicitors to work on their cases. A survey that we carried out with 50 frontline voluntary sector organisations shows nearly three quarters (71%) of organisations supporting people claiming asylum said they were finding it more difficult to refer people to legal aid immigration solicitors than six years ago, when reforms to legal aid were made.

Trying to contact the Home Office is like talking to a brick wall.

Nana

Claiming asylum will never be an easy thing to do, and waiting will inevitably be part of even the best-run asylum process. But the current system treats asylum like a punishment rather than the desperate last resort it is for those going through it. 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.

None of the people that we spoke to had identical cases. Some had arrived alone, others with their families. Some had claimed asylum on arrival; others had been in the UK for some time before the situation in their home countries deteriorated and they felt forced to seek asylum. 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.
**RECOMMENDATIONS.**

**QUALITY OF THE PROCESS.**

⇒ The Home Office must gather the right information from asylum applicants during interview, and use this to make correct decisions the first time around.

**INFORMATION AND ADVICE.**

⇒ The Home Office should improve information provision to people seeking asylum.

⇒ The Government must ensure a comprehensive and public review of current legal aid provision.

**WAITING IN DIGNITY.**

⇒ The Government should make decisions far more quickly, and achieve the targets it sets for the time taken to make decisions.

⇒ People seeking asylum, and their adult dependants, should be given the right to work after 6 months of having lodged an asylum claim or further submission, unconstrained by the shortage occupation list. They should have access to education – including free ESOL classes – from application.

⇒ If people have to wait 12 months for a decision, they should be granted Discretionary Leave to Remain.

**ACCOUNTABILITY.**

⇒ The Home Office should listen to people seeking asylum and act upon their feedback.

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**THE CURRENT SYSTEM TREATS ASYLUM LIKE A PUNISHMENT RATHER THAN THE DESPERATE LAST RESORT IT IS FOR THOSE GOING THROUGH IT.**

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**This is the first in a series of reports on asylum, produced as part of Refugee Action’s Stand up for Asylum campaign. The campaign calls for an asylum system where those who have been forced to flee the homes they loved receive compassion, a fair decision, essential support, and help to rebuild their lives.**

**Our aim in this report is to discuss issues that arise during the initial asylum decision-making process, and how these impact upon people waiting for a decision or those who have been granted refugee status.**

*Whilst our services also work with people who have been refused asylum and people in the later stages of the process (for example those applying for further submissions), such issues are not our focus in this report.*
1. INTRODUCTION.

Asylum means asking the [UK] government to protect my rights. It’s about human protections, and living freely. I can live freely [and be] who I am.

Naveed**

‘Asylum’ is a painful word [for me]. But there is a time where one can no longer live in their own country, and needs to seek refuge in another country. I had to leave behind everything in order to save my own and my children’s lives.

Mohammed

[The way that society] considers the asylum seeker, it’s like a punishment... like a shame.

John

It’s nothing that I can put into words. Nobody wants to be in this position unless they really, really have to. I feel very low. It’s quite difficult to be able to put it into words. It’s a weakness. It’s a weakness that I can’t reveal. That’s how it is to be an asylum seeker.

Ehsan

Asylum is very important to me. It’s one of the most important things for someone – someone who doesn’t have a safe place to live.

Sachini

It’s shameful if you say you are asylum seeker. It’s not easy... They treat people like liars. They think everybody is lying... It really shocked me. We are human beings, flesh and blood... Stop treating us in an unhuman way.

Samira

[Asylum is] receiving help from a stranger and having human rights. Normal human rights. [That hasn’t been my experience]. Since I came here, I [had] lots of difficulties. Which wasn’t what I expected... I’m safe here, but the process is going so slowly... In these two years that I’m living here, I haven’t received my rights, really, as an asylum seeker. A lot of the time I say my only crime was being an asylum seeker.

Sardasht

** In most cases, interviewees requested a pseudonym be used to protect their identities. To protect the anonymity of our interviewees, their images have not been used in this report.
A lot of people treat you like an outsider. There are a lot of things you can’t do. You’re isolated (from everyone else); you’re not one of them.

Prisca

For people fleeing violence, torture, and persecution in their own countries, the right to seek asylum can mean the difference between life and death. Many people who arrive in the UK to claim asylum have left behind families, homes, and all their belongings in order to reach safety. They hope and expect that their arrival in the UK will mean the end of an often long and arduous journey to seek protection.

As a state party to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol, and through frequent reaffirmations of its commitment to the Convention, the UK Government has recognised time and again its duty to protect those whose lives are at risk. But immediate protection from threat is only the beginning of what such a commitment should consist of. Safety is, of course, the primary reason why people come to the UK. But beyond this, they also hope to find a country that will treat them with dignity and compassion. Yet every day, people in the asylum process experience destitution, exclusion, and stigmatisation. The current asylum system dehumanises and damages many of those who go through it. Over the past two decades, policy and legislation that impacts on people seeking asylum has become increasingly restrictive, removing people’s ability to exercise their rights and access services. More and more people are waiting protracted lengths of time to receive a decision on their claim, meaning that they spend longer in a state of uncertainty, unable to move forward and rebuild their lives.

Refugee Action’s work brings us into contact with thousands of people seeking asylum each year, and our projects aim to help people avoid crisis and ensure that they are able to navigate the process effectively. This does not mean that those we support will necessarily be successful in their asylum claim, but it does mean that – whatever the outcome – people will be prepared for what is to come next. Currently, the asylum system is not set up to facilitate such an approach. People are left for long periods of time in a state of limbo, with many waiting years for a decision on their asylum claim. During this time they are unable to work or, in many cases, to study. Many people experience periods of destitution, which can have a serious impact on their long-term health and mean that they have difficulties engaging fully with their asylum claim. Their lives – and those of their families – are effectively on hold while they wait. And it also means that, if and when they are granted permission to remain in the UK, their integration has been unnecessarily set back.

From January to April 2018, Refugee Action spoke with 40 people who are either currently claiming asylum or have been granted refugee status following an asylum claim, in order to better understand their experiences of the asylum system. Our aim was to gain insight into some of the ‘pressure points’ of the process, and also to give a platform to the voices of those who go through the asylum process but are so often absent from wider debates around the government’s targets and service standards.

We heard mixed accounts from those we spoke to. Several people told us that they felt like they were being punished, and that they had been treated like criminals. But their only ‘crime’ was fleeing their country in search of safety in the UK. Others told us that they had been treated with respect throughout the process, but that nonetheless the waiting had damaged them and their families.

None of the people that we spoke to had identical cases. Some had arrived alone, others with their families. Some had claimed asylum at the
airport or after arriving in a lorry; others had been in the UK for several years before the situation in their home countries deteriorated and they felt forced to seek asylum. 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 demeaned and disempowered them to such an extent that they spoke of feeling hopeless and having no control over the situation they found themselves in. Many simply wanted themselves and their families to be treated like ‘normal’ people. But 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 and study – added to their feeling of uselessness and social exclusion.

LAST YEAR, AROUND 33,550 PEOPLE ARRIVED IN THE UK AND APPLIED FOR ASYLUM.
2. THE ASYLUM PROCESS: A COMPLEX WEB.

This flowchart shows the main stages in the asylum process for adult applicants. It is meant as an illustrative guide only. People can and do fall into destitution and homelessness at all stages of the process. They may also be detained indefinitely at any point until they receive confirmation of status and grant of leave.
I expected human rights. The protection of my human rights. But unfortunately... it’s easy to feel that I am an outsider and that I am unwanted.”

Hiwa

The government sees me as someone who is different, who is illegal here. I want to be legal so I can deal with things differently. Right now, if something happens to me, I won’t be able to defend myself.

Uthman

Now, I feel as though I am tied up. I feel like I am in shackles. I only felt like this once before and that was in prison. These days resemble my days in prison. I experienced torture and torment there and now I am experiencing it here in a different form. There I was imprisoned, and here I feel I am imprisoned. This is an open prison.

Ahmad

Last year, around 33,550 people arrived in the UK and applied for asylum.7 The UK receives just 5% of all asylum applications lodged in the European Union and it is likely that the majority of those who apply in any given year will be granted some form of status.8 As a party to the 1951 Convention relating to the Status of Refugees and to its 1967 Protocol, the UK is committed to respecting the right to asylum and may not return somebody to a country in which they are liable to be subjected to persecution. And, despite the Government’s increase in refugee resettlement places, the majority of those granted protection in the UK are still people who have arrived through the asylum route.9

Time and again, however, the Home Office has shown an inability to make timely and correct decisions on asylum applications. A 2010 report by the Parliamentary Ombudsman on the then UK Border Agency – ‘Fast and fair?’ – stated that “some of the biggest problems they face, reflected in the complaints we receive, are those of very long delays in dealing with applications, and huge backlogs of work.” Whilst the most serious backlogs were for the so-called ‘legacy’ cases,10 which have since been gradually dealt with by the Case Resolution Directorate, the Ombudsman also warned that: “at the same time as working to reduce the backlog of old asylum claims, the Agency have allowed large backlogs to build up in other key areas of their work, often as a result of sudden changes in priorities and switching of resources.”11 The report pointed out the “serious implications for the individuals involved, for society in general, and for the public purse” of such delays and backlogs.12 The UK Border Agency was abolished in 2013, after having been labelled a “troubled organisation” by Theresa May, the then Home Secretary.13

Despite the subsequent creation of UK Visas and Immigration, which superseded the Border Agency in some of its functions, many of the problems identified in 2010 remain. An inspection of asylum casework published by the Independent Chief Inspector of Borders and Immigration in 2017, for instance, stated that the “Home Office struggles to keep on top of the volumes of claims it receives” and recommended that the process be sufficiently resourced so as to be “capable of managing claims efficiently and effectively, without the repeated need for remedial measures to reduce backlogs and with sufficient resilience built in to minimise the impact on ‘business as usual’ of surges in demand or staff vacancies.”14
The current ‘service standard’ for asylum decisions states that a decision will be made within 6 months for ‘straightforward’ cases. However, over the past few years the number of people waiting for a decision on their asylum claim for more than six months has grown steadily. By the end of 2017, the number of people waiting over six months for a decision on an asylum claim had risen to 14,306, a 25% increase on the previous year. This is the highest annual number of people waiting since public records began, despite the fact that since 2015 asylum applications have been steadily falling.15

The proportion of people waiting over six months for a decision on their initial asylum claim has also risen since 2015, and currently almost half of main applicants waiting for an initial decision on their asylum claim have been waiting for over six months. 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.16

Of course, it is not only the timeliness of decisions, but also the quality and appropriateness of the decision-making process, that is key. Yet there are indications that quality remains below the standards that are expected from a system whose decisions have such a far-reaching impact on those who go through it. This includes, for instance, the high number of decisions overturned at appeal; in 2017, over a third of appeals against asylum decisions were allowed, meaning that the Home Office’s decision to refuse somebody’s claim was deemed incorrect by the courts. For certain nationalities, over half of all decisions were overturned; in 2017, this was the case for Afghan (52%), Libyan (61%) Somali (54%) and Yemeni (70%) cases.17

There has been considerable research into some of the main reasons for poor Home Office decision making on asylum claims, and it is not our aim to reproduce this here.18 Whilst we argue that decisions must be made more quickly, this cannot be to the detriment of quality. There will always be a fine line to walk between the quality of a decision and the speed of the decision-making process, and the Home Office should ensure that resources are available which enable fast decisions to be made that are right first time.19

Such a system must also be underpinned by dignity towards those going through it. The way that asylum claimants are treated can have a significant impact on their claims themselves and affect their ability and willingness to engage with the authorities. Several people that we spoke with described their fear of the Home Office, and the lack of information that people receive throughout the process means that they see their asylum case as a black box and the Home Office as a faceless gatekeeper.
BY THE END OF 2017, THE NUMBER OF PEOPLE WAITING OVER SIX MONTHS FOR A DECISION ON AN ASYLUM CLAIM HAD RISEN 25% ON THE PREVIOUS YEAR.

Total number of people (applicants and dependants) pending initial decision for more than 6 months.

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EARLY ACTION.

People seeking asylum in the UK tell us every day that they need help to understand the asylum system and how to escape crisis after key decisions on their claims. Frontline refugee support organisations are currently designed primarily to help people in crisis, through reactive services that offer responses to their presenting needs (food, shelter, clothing, and advice); few offer preventative services.

We know that early help approaches can transform the lives of thousands of people seeking asylum by preventing crisis.

Examples of good practice in early intervention show time and again the advantages of receiving good information as early as possible. Indeed, there have been many calls over the years to ‘front load’ information and legal advice. People seeking asylum need help earlier in their asylum journeys to avoid the crises that arise within this complex system. However, at present, too many people remain unaware and ill-prepared to deal with or avoid these crises.

This is why Refugee Action is aiming to increasingly invest in early action interventions, which aim to prevent the causes of crisis rather than simply treating its symptoms.
I didn’t know what asylum was when I arrived. I didn’t know what to expect. My priority was to get out of the airport and find out what I could do. But when I got there, I told them I needed protection. They put me in detention. In a prison. I stayed there for 24 hours. They took my fingerprints and interviewed me...

The interpreter didn’t understand me but I was too scared to tell the interviewer that I didn’t understand and that the interview was difficult for me. The whole time, I thought ‘maybe they’ll send me straight back.’ So I said nothing.

Yousef

We heard mixed accounts from those we spoke to of the behaviour and conduct of staff at different stages of the asylum process. In the best cases, people told us that they had been treated with kindness and respect from the start.

However, others had found staff disrespectful and they described encounters with the Home Office where they felt treated like liars and criminals. It is unclear whether, on arrival, people are reassured that they will not be immediately deported (in line with the principle of ‘non-refoulement’). It is essential that people are made aware, as soon as they arrive, that they will not be sent back until their asylum application has been considered, as the thought that they will be sent back is likely to cause them considerable distress, and may also affect their engagement with the Home Office. Several of the people we spoke with seemed to think, for several days, that they might be sent back:

### WHEN THINGS WORK WELL

Some of the people that we spoke with told us about their positive experiences of certain parts of the asylum process, and it was encouraging to hear people talk about what can happen when things work well.

Abdollah, for instance, told us that “as soon as they opened the [lorry] door and we came out, until this time, every single person I have met [in] the asylum process was very kind, very very kind.” Warsame, too, expressed his gratitude for his treatment since arriving in the UK: “I have been welcomed, I have been housed in a place, I have been treated with healthcare. [The asylum process] has been positive for me.” Fatima, too, emphasised the care and treatment that had been given to her daughters, and particularly her eldest, who has a disability: “[My daughters] feel safe. My eldest gets treatment. They attend school and nursery. [The Home Office] offered me this house, they give me money

Berwan was one of several people who told us that he had felt welcomed and treated with respect at the screening interview. Zainab, too, said: “At the screening they were nice. I was worried, but they looked after me... They helped me to understand what would happen. I was scared, but they explained that they wouldn’t tell [my] government.”

At its best, and when it works well, the asylum process can comfort people and provide them with the confidence and reassurance to engage with this confusing and distressing part of their lives:

“It is quite understandable that what I had faced before arriving – and the situation I was in – made me feel anxious and quite frightened, really. But the way they treated me, they cared for me, they provided me with food, with drink – and kindness. Those were the things which made me feel more comfortable and not frightened.”  (Ehsan)
In the days after I applied for asylum I felt stressed because I didn’t know what would happen to me. I was afraid that maybe they would come to me and say ‘no, you will go back to your country.’ And I just thought that if they say I need to go back to my country, I will kill myself here. Because what I will go through in my country, before they kill me, will be hell. So I was so stressed... [and one] morning, at 10am, they came, they called for me. I thought maybe they wanted to send me back to my country. I was just afraid. I said ‘but why? Why are they calling for me?’ They said I should pack my things. I said ‘oh my god, that hour has come.’ I just knew. They said pack your things and maybe they will send me back to my country. Then I got my things, got in the taxi, and they brought me to [my accommodation].

Martin

The screening interview was hellish. It was hellish. Because the environment is not friendly. Once you get in there you don’t know what happens to you. You don’t know what the next step is going to be... [but] everybody has to go through it. It’s procedure, so I had to follow the procedures. Even though the receptionist, she was very rude, very rude... I remember I had a solicitor who went with me that day. He had to write in. He said he was going to write a complaint. Because she was very very rude.

Rose

Upon arrival, or following an application if an individual is already in the UK when they claim asylum, people must undertake a short ‘screening’ interview that is aimed at establishing an individual’s identity, enabling a security check, and obtaining a basic explanation for why they are applying for asylum.
Some people told us that their screening interviews had been simple, routine procedures and that they had been treated with dignity and respect. However, this was not always the case. Others told us that they had found the screening interview a stressful experience, and that staff had been offensive and intimidating. Hiwa, for instance, told us that after spending twenty hours hidden in a lorry he found the screening interview itself tiring and difficult:

It was like a marathon. I was in a bad mental state and I really couldn’t concentrate... and I am sure they wrote many things that I never said. This experience made me really, deeply sad. It was a bad day for me.

Hiwa

Similarly, Olivia – who applied for asylum at the age of 15 but was at first wrongly assessed as being over 18 (a decision that has now been overturned), meaning that she had to go through the asylum process as an adult until she was finally recognised as being a minor – told us:

It was horrible. Sometimes when they’re asking questions, it’s like they’ve already made up their minds. And you’re trying to say one thing, but the lady kept on saying ‘this is not true, this is not true.’ Every sentence you said, she would just say ‘stop lying.’ So it was – it was really, really, really stressful.

The screening interview is the first contact that most people seeking asylum will have with the Home Office. For many, their experience at screening – and the information they receive – will define their future engagement with their asylum application. The screening interview can also have an impact on their claim further down the line; indeed, Home Office guidance states that during screening a person’s failure to directly answer a question, or to remain silent, is likely to damage the credibility of their claim.22

But several barriers exist which impact upon people’s readiness and ability to disclose sensitive information. Childcare, for instance, is unavailable for the screening interview so people must bring their children with them if they cannot find their own arrangements. John and Rose both told us that they had found it difficult to go through such a stressful process with their children present. Moreover, very few people seeking asylum will have access to legal advice before they apply for asylum and many will be unsure of what they should or should not say; often this may be because a smuggler or acquaintance has advised them that they will be sent back to their country of origin if they tell their whole story, or if they don’t tell a particular version of it. In some cases, people will not necessarily know that disclosing certain facts, for instance their sexual orientation or gender identity, may be a valid basis for claiming asylum.

Other times, people will arrive in the UK having been detained, tortured or mistreated by their own national authorities; it is to be expected that they will harbour a certain suspicion of any authorities and may therefore be reluctant to fully disclose their experiences at such an early stage in the process. Others may not know what they should or shouldn’t say. John, for instance, had been told by the interviewer at his screening interview that he didn’t need to explain his whole story; he had simply been asked to tell her if he was at risk. However, this led to misunderstandings later in the process:

During the screening, the officer who interviewed me said ‘you don’t have to explain all the reasons you are applying for asylum, just one reason, and the second interview will be your opportunity to explain all the reasons.’ But during the [substantive interview], when I was explaining why I am applying for asylum, I tried to explain the whole of the story – because the situation in Libya, it’s complicated – but the interviewer kept asking me ‘why didn’t you say this in the first interview?’
So I’m trying to explain to him: this is because I was told ‘you don’t have to tell all of the story in the beginning.’ He kept asking me the same questions, so I got the feeling he didn’t believe what I was saying. He was very suspicious... like he’s imagining I am telling a different story. I think, even myself now, that I should have explained even in one, two words each reason [during the screening interview]. So I could have avoided this – this kind of suspicious feeling from the interview.

Mohammed, similarly, was unsure of what to tell the authorities when he first arrived, for fear of being sent back to his country of origin immediately:

I wasn’t familiar with the process, so I made some mistakes [during the screening interview]. At that time, I didn’t divulge certain information... I was afraid because I didn’t know what my rights were. So I left out some things. I was afraid that they might return me back, at that point, from the airport to where I’d come from. So I left out some details which later on – in the second interview – I told them. But that complicated matters – for the authorities to believe me, that I’m credible.

Mariyan said that when she arrived in the UK from Somalia she didn’t know what the screening interview was or what ‘claiming asylum’ meant. She told us that “I wish I had had better advice when I arrived. In my first interview, [I wish someone] would have said to me that ‘what you say is on your case forever and... I should be careful and think about things first – maybe write things down to help me remember dates.” Like Mariyan, most people we interviewed told us that they didn’t know about asylum before arriving in the UK. They talked about looking for safety, and a place where their rights would be protected, but had no real knowledge of the process that they were embarking upon or its legal framework. It is unlikely that people will be able to articulate their protection needs without advice so early in the process. They may be able to explain that they are afraid of returning to their countries of origin, but expecting them to convey all the details of their cases at this early stage – especially without having first received any information or advice – is unrealistic and unreasonable.
2.2 THE SUBSTANTIVE INTERVIEW.

I was very stressed. My interview lasted seven hours. I felt restless – like I was in a prison. Like I’d been arrested.

Ahmad

It really depends on the mood of the person that interviews you. It’s whether or not he believes in you. And there’s no rules or anything. It’s just how they feel about you. It’s a personal thing. That’s my impression.

I was very stressed. My interview lasted seven hours. I felt restless – like I was in a prison. Like I’d been arrested.

Ahmad

It is at the substantive interview that asylum claimants are questioned about the details of their claim, and given the opportunity to explain in full why they are seeking asylum in the UK. The decision on a person’s asylum application will rely heavily on the information that is provided in this interview. As a result, much rides on the interview and applicants may feel anxious – particularly if they have not had the opportunity to prepare themselves adequately for what is often intrusive and, at times, interrogatory questioning. There is, moreover, some evidence to suggest that the substantive interview can increase trauma for people seeking asylum and, indeed, some of the people we spoke with described the interview as a very distressing experience.²³

[Nora]

The substantive interview [was] an experience I don’t ever want to experience again in my life. I’d rather die. Because the lady who interviewed me, there was no sign of empathy... I have been through trafficking; I came trafficked into this country – and it’s an experience that nobody should ever experience. And I’m still trying to look for answers myself, to some of the things I experienced. And I can’t get the answers. And trying to live with the fact that I can’t get answers, and somebody comes and rubs it in, it’s really an insult to injury. So when my interviewer was saying ‘how much were you being paid?’ that was the worst time for me because I don’t even know myself. And she also said ‘so why didn’t you go to the police?’ How am I supposed to go to the police? What do I know? They brought me into this country, I don’t have the freedom of going out on my own, so how was I supposed to go to the police? The questions she was asking were really hurtful. She wasn’t putting into consideration the fact that I had been through hell. And in my heart I wished I could let her live my life for one day, what I lived. And maybe she would have empathy to understand where I’m coming from.

Rose

On the whole, interviews happen in person but video conferencing is increasingly being used. Following their interview, applicants receive a transcript produced by the interviewer and, if requested in advance, may have their interview recorded in full and receive a copy.
In general, people have very little opportunity to prepare themselves for the substantive interview; several people we spoke to who were near the beginning of the asylum process told us that they were unsure about what to expect from it. Being well-equipped and well-informed is essential because it allows applicants to better understand the relevant parts of their cases, and to present their claim in the strongest way possible. It also helps applicants to have an idea of the questions they may be asked, allowing them to mentally prepare to recount parts of their lives which can be extremely painful, and to understand their rights during the interview process, including the need to obtain a transcript, ask for breaks, and request childcare.

Ideally, applicants will have contacted their solicitor when they receive notice of their interview, and will have had the opportunity to meet with them to prepare their evidence and ensure that they focus on the most relevant areas of their case during interview. However, most of the people we spoke to didn’t get told about their interview until just two weeks before, and some were only given a few days’ notice. This meant that, in some cases, they were not able to meet with their solicitors and went into their interviews feeling unprepared and unsure of what to expect. Whilst applicants may bring their legal representative to the interview with them, this is not covered under legal aid provisions so in reality very few people have a solicitor present at the interview.

Interviewees’ experiences of their substantive interviews varied. Several people told us that they had felt like the interviewer was trying to trick them:

In the interview they will try to make you do a mistake, and make it seem like you’re lying or you’re not telling the truth. They try to make you make mistakes. They ask you [one thing], then in another way they ask you [again]. And I’m not talking to somebody with my language. So it’s hard. I think the only one who believed me was myself. I know that they didn’t believe anything.

Daud

One particular issue that emerged throughout our discussions was the poor interpreting that many people had experienced during their interviews:

I didn’t explain to the interviewer that the interpreter didn’t understand me. I didn’t feel really comfortable arguing with them. I was scared – I didn’t know what to do or what to say. But after that, because I had a [recording], when I went to my solicitor they checked it, and they found things that were totally different – what I said and what the interpreter said.

Daud

Mariyan told us that she had tried to correct the interpretation during her interview but that the interviewer would not allow her to:

An interpreter came and they interviewed me. They asked me the same things again and again – they asked things in different ways. They knew I spoke English because I spoke to them in English at the screening interview. But this time... they said they had to use the interpreter. There were a couple of questions where the interpreter didn’t translate properly. I tried to tell them more precisely what I said in English but the interviewer said that I had to speak in Somali only. They would not let me correct her mistakes. He said I could only reply in Somali and that she was the one interpreting.
Bhanu, meanwhile, had not even been allocated an interpreter who spoke his language. The first time he went to the interview it was cancelled for this reason, but when he went back again two months later they still had not found the correct interpreter and told him that it would be difficult to do so. He was given the choice between postponing his interview yet again, with a possibility that the same thing would happen a third time, or carrying on in a language he didn’t speak well. He chose the second option, but said that, as a result, there were some misunderstandings during the interview.

The ability to present their case clearly, and to be understood during their interviews, is something that is of fundamental importance for those going through the asylum process.

However, even something as basic as being understood in their own language can go wrong when good quality interpreting is not provided, leading to sub-standard interviews and, in some cases, incorrect decisions that cause people considerable anguish and may take time – and resources – to correct.

Kassim arrived in the UK in July 2017, and applied for asylum shortly after. He was invited to attend a substantive interview in December 2017 and received a negative decision on his case three weeks later.

Kassim told us that during his interview there had been “poor communication between myself and the interpreter. The interpreter ruined everything... He wasn’t competent. When I received the interview transcript I said to myself ‘What is this?!’ He kept changing what I was saying.” Kassim had expected his interview to be recorded, and was not aware that his solicitor hadn’t given the 24 hours’ notice that is set out in Home Office guidance.

At his appeal, in early 2018, Kassim was recognised as a refugee and now has leave to remain. In his findings on Kassim’s case, the judge stated that: “I find that the transcription [of the substantive interview] is of a poor quality. It quite clearly does not record everything that it should have recorded. It is clear that it is a sub-standard record of the Asylum Interview.” He also asserts that “the interviewer is apparently wholly ignorant” of the situation in Kassim’s country, and that his “uninformed questions” led to the poor quality of the interview and, ultimately, the decision.
HOW CAN THE PROCESS BE IMPROVED?

- The Home Office should consider regular audits of interview practice, which include consultations with people seeking asylum.

- The information given during screening should not be used in credibility assessments made further down the line, given that most people are unable to access any advice prior to screening interviews.

- People should be given adequate notice of their substantive interviews in order to allow them to prepare this with their legal representative.

- Safeguards must be put in place to ensure that poor interpreting does not have a negative impact on a person’s asylum claim. These may include better training and quality control of interpreters.

- All interviews (screening and substantive) should be recorded by default, and shared with the applicant and their legal representative.
3. GOING IN BLIND: A LACK OF INFORMATION AND ADVICE.

3.1 INFORMATION ABOUT THE ASYLUM PROCESS.

The procedure is very difficult. It would be better if the system was different – some guidance, some information. This whole thing was new to me. There was no one to explain to me what had happened.

Salim

That would have been better than the way things are now. I would have been waiting with some hope. But now, everything is concealed. You’re just waiting: sleeping, waking up, eating; sleeping, waking up...

You don’t know what’s coming to you and when. We are just ignorant. Knowing nothing.

Warsame

It would have been better if I had known a person at the Home Office, maybe a caseworker working on my case, who I can contact and find out what’s happening. And if there could have been a time limit when you will have information.

Nana
It would be good if there was a way to contact the Home Office personally so they can explain what is happening with a person’s case and what needs to be corrected. I [wouldn't] have to be sat here for so many years without knowing anything about my case or my rights. It would be good to have direct contact with [them] and be able to ask questions about my case, why they are holding me up for so long and what their decision is. They should tell me what I have to correct. At least if people are talking, there would be a better outcome. But there is no communication, there is no one to ask a direct question to – it’s really hard. We are just in the dark.

Mariyan

Many of the problems faced by asylum applicants during the screening and interview process are the result of a lack of advice and information throughout the process and, particularly, a lack of guidance from an early stage. This is a widespread problem and means that asylum claimants are kept in a constant state of uncertainty, something described by every person we interviewed.

People in the asylum system receive very little information about both their own cases and the process in general, especially given the significance of the decision at hand. At screening, people will receive a ‘point of claim’ leaflet which sets out some key information about asylum as well as what the applicant should expect. Despite the fact that this is available in various different languages, several people we spoke with told us that they had received the information in English: “They gave me information. I received some paperwork in English. My English is not that good. I read it. I read all these papers, I understand some issues, others not.” (Hiwa). Moreover, whilst information is difficult for all applicants to obtain, certain groups are particularly affected, including women, who find it challenging to access information about their specific rights and entitlements. 24

As part of the New Asylum Model, announced in 2005 and fully established in March 2007, every asylum applicant was assigned a case owner who would be responsible for their claim from beginning to end. However, this ended in 2013 when the New Asylum Model was phased out, despite the case ownership element having been commended for “[improving] the process for managing asylum applications. By giving responsibility for concluding an application to one person without the need to pass it from office to office, and by giving clear targets for them to work to, the Agency has created a strong incentive for cases to be progressed and concluded.” 25

Applicants now lack a focal point for their asylum claim and it is unclear for most who they can contact, and how. On the whole, the most that an asylum claimant can hope for in terms of contact with the Home Office, aside from their invitation to interview, is a letter that informs them that their case will take more than six months:

We have had no contact [with the Home Office]. Nothing... [they just tell us] ‘As soon as possible.’ This is the main sentence they use.

Tristan

[The Home Office hasn’t told me why I’m waiting so long]. They just sent me a letter saying ‘sorry it’s taken six months to make a decision,’ and said that they would make a decision in the following six months. But I haven’t received anything and it’s been more than six months.

Mohammed

[Every] two months we got a letter: ‘Wait for two months, wait for two months, wait for two months.’ I think [I got] six or seven of them.

Ranjeet (waited 14 months for a decision).
With no easy or direct way to obtain information from the Home Office, people seeking asylum instead rely on their solicitors for updates and to obtain information about what to expect. When people are able to access trusted legal advice this can work well, and indeed Ranjeet told us: “[My solicitor] is really good. He explained everything [to me]. When I needed help, he always replied.”

However, many people said that their solicitors had not provided them with the information they had needed to fully understand the process, and the resources available elsewhere to educate people about the legal system are limited. In the absence of such advice, and unable to contact the Home Office about their cases, people’s information came mainly from people in their own community, or others who had been through the asylum process:

As much as I can, I gather information from other people... [They tell me] to be prepared for unpleasant people during the interview. Hiwa

The Family Key Worker Pilot: The Benefits of a Casework Approach.

From 2010 to 2012, Refugee Action ran a pilot project in Liverpool and Manchester called the Family Key Worker Pilot (FKWP), which was funded by the United Kingdom Border Agency until October 2011. The original pilot scheme, which had tested the principles and processes of a ‘Key Worker’ approach with mainly single people, had demonstrated the emerging benefits and lessons of a one-to-one case-work approach and so was subsequently expanded to include families going through the asylum process.

The key assumption of the FKWP pilot was that “by engendering trust, confidence and engagement and by increasing honest communication at timely points in the early journey of an asylum seeker, benefits accrue to the asylum seekers which ultimately increase their resilience, decrease the problems they are dealing with, and enable them to present and evidence their asylum application in the best way they can.”

The pilot’s outcomes demonstrated the following benefits:

1. Clients raised issues – including safeguarding issues – that they would not have elsewhere, increasing the possibility of follow-up by workers and leading to positive outcomes.

2. Clients were more actively able to engage with their legal case and to influence its progress.

3. Clients gained a more realistic view of potential progress and case outcome.

4. Clients were able to link into trusted sources of information and support during the asylum process.

Whilst a casework approach will not be a silver bullet, and will not resolve such issues as poor legal advice or lengthy decision-making times, it enables those going through the process to better understand their rights and entitlements, and to engage with their cases. As one beneficiary stated: “The asylum process is like walking into a darkroom. [Without the FKWP support] it would have been like being blind”.

THE FAMILY KEY WORKER PILOT: THE BENEFITS OF A CASEWORK APPROACH.
I don’t know, and everybody tells different stories. Different things.

Samira

Not knowing what is going to happen worried me. And I keep asking friends – and whoever I am able to ask – ‘what do you think might happen?’

Reza

I spoke to two people in the same position as me. They told me different stories – I didn’t know what to believe. They told me it’s horrible, and that scared me.

Olivia

This means that misinformation can spread, and in the worst cases this can be devastating for people and can have a lasting impact on their asylum case, access to support, and wellbeing.

ASYLUM GUIDES.

Refugee Action’s Asylum Guides project aims to increase the legal literacy of people who are navigating the extremely complex, confusing, and often hostile UK asylum process to bridge gaps in their understanding and increase their ability to engage meaningfully with the legal process. It developed as a result of our frontline caseworkers’ experience of working with people claiming asylum who often had little understanding of their rights or of what they should expect from the process. Trained volunteer Asylum Guides – who themselves often have experience of claiming asylum – provide people with the information, advice and support that they need to navigate the asylum process successfully.

Our aim is to support other organisations nationally to embed the Asylum Guide model in their practice, arming people seeking asylum across the UK with the legal literacy needed to engage with the system at the very start of the process, providing them with the best possible chance to access justice and secure their right to protection.

Nora was one interviewee who had benefited from the Asylum Guides project. She had found the questions asked during her interview very distressing, but told us that having somebody explain the process to her in advance had been helpful: “[My asylum guide] said to me ‘they’re going to ask about your family, your background, this and that, you know, everything.’ [Before I met her], I didn’t know anything. It would be just going in blind. But at least she explained to me a few things. So at least I knew what they were going to ask me.”
PEOPLE MUST BE INFORMED
3.2 DIFFICULTIES ACCESSING GOOD QUALITY LEGAL ADVICE.

In addition to the problems that many people faced in receiving adequate information from their solicitors, several of the people we spoke to had found it difficult to find a solicitor to deal with their case at all, presenting yet another barrier for those going through the asylum process.\(^{26}\)

NAVEED.

From the beginning of the process, Naveed had been unsure about how to apply for asylum: “At the start, I didn’t know the steps. I didn’t know how the process worked. How to do the asylum process.” He eventually sought advice from the Red Cross, who helped him to arrange an appointment at the screening unit. But after his screening interview, he remained unclear about the next steps: “\textit{They didn’t explain to me what will happen to me next... they just told me that your screening interview has been done, now you can go back to your home. I asked them what will happen, and what would happen next. They said ‘you have to just wait, and you will get a letter.’}”

Naveed knew that he needed a solicitor, but had no idea how to go about finding one and had received no assistance. He eventually received a letter inviting him to interview, just four days before the interview itself. “\textit{I didn’t know how to look for a solicitor. I went to Migrant Help... they gave me five addresses for different solicitors. They told me I had to find one. But the first two said ‘we don’t have the space for new ones.’ The third one they said ‘you must have your section 95 letter’ – at the time I didn’t have that – and the fourth one said ‘we don’t have an office nearby.’ Finally, the fifth one took me.”

Naveed’s case was initially rejected because, though the Home Office recognised that he would face persecution as a gay man in his country of origin, they did not accept that he was gay. But on appeal he was granted refugee status. Naveed told us that he hadn’t been comfortable to talk about his sexual orientation in his substantive interview. In advance of the appeal hearing, however, his solicitor had more time to gather evidence and give Naveed the confidence he needed to speak about his experiences in detail: “\textit{she gave me courage.”} Whilst perhaps not the only reason, it seems likely that finding a solicitor just a few days before his interview meant that Naveed was unable to fully prepare for it. If he had received more information from the beginning of the process about his rights, and had known what he needed to do, he may have been saved months of worry.
I don’t know anything about my solicitor. I don’t know what they do.

Bhanu

Several people told us it had taken months to find a solicitor. Alexander only found a legal representative to work on his case two days before his second interview, and told us that he had gone to numerous firms before he found one that could take him on.

Others found solicitors difficult to contact. Martin told us: “I found a solicitor, but he never called me. [When] I met him, I asked him to give me his number. He said ‘no’, he’s going to call me. But he never did. I kept on calling, calling, calling. I went to the office but when I got there his colleagues said ‘no, he’s not at work now.’ One of them told me to come back. But when I came back nobody was there.” Finally, Martin decided to contact a different solicitor on the list that he had been given. “It really took a long time. It was only yesterday that they called me – after three weeks. I had kept on calling. They said they would call after one week.”

Godfrey had also found it difficult to see his solicitor, and so he had been unable to challenge poor interpreting following his substantive interview: “When [the interpreter] explained to the Home Office Office [during my interview], he didn’t understand well [what I had said]. Like I said I’m afraid in [my country] – I said ‘the government is going to kill me.’ And he said some ‘people’ wanted to kill me.” Such nuances can be fundamental to an asylum claim, and when Godfrey eventually appealed against the decision he was awarded refugee status, but had to wait another year for this. Had his solicitor corrected the interview transcript immediately following his substantive interview, Godfrey might have received status and been able to apply for his wife and children to join him sooner: “My wife, my family… I’m [worried for] my family. They are not safe. At all. They are not well supported… I last saw them in 2015. My last born is two years old. I left when my wife was pregnant – I have never met [my son]. [Now] I need to apply for [family reunion]. They are the most important thing… But now, because I don’t have anywhere to live myself, I need to start to find out where to live. How I can get a house.”

Similarly, Fuad – who was granted refugee status in late 2017 – said he felt that his solicitor had not given enough time to his case: “Sometimes I want to call him. And sometimes I stand in front of the office [to wait for him]. And when I go and meet him, he says ‘[Fuad], that’s enough we sent your case to the Home Office so don’t come here.’ But if you don’t ask, he doesn’t tell you.”
In theory, all people at the initial stages of the asylum process should have access to legal advice through legal aid, provided they meet the means test and unless their case is “clearly hopeless” or would be an “abuse of process.”

In practice, however, many of the people that we spoke to had found it difficult to access legal advice. There were several reasons for this, including a limited understanding of why legal advice is necessary, a lack of information about how to go about finding a legal aid solicitor, and difficulty finding solicitors to take on a case. Even when people did have access to legal advice, they were often disappointed with the limited contact that their solicitor had with them.

There are several explanations for the limited time that legal aid advisers have to work on a case. The most significant, perhaps, is the fixed fee scheme that was introduced in 2007, replacing hourly payments in remunerating the time that a legal representative can spend on a client’s case under legal aid. Currently, representatives are paid to spend a total of approximately five hours on a client’s asylum claim before initial decision. The rationale for such a scheme is that “inefficient providers took more time per case, while efficient ones less time.” However, in reality the funding scheme means that solicitors often do not have the time they need to spend on a claimant’s initial decision. People who are claiming asylum are likely to be highly vulnerable and it may take time before they feel comfortable disclosing what are often distressing, highly personal, and sometimes humiliating experiences to a stranger.

This can, moreover, have a disproportionate impact on women who may have experienced forms of violence, such as domestic violence, rape, forced marriage and female genital mutilation, which are very hard to disclose and may also be more difficult to prove than other types of persecution. The shame and trauma of such experiences impacts on women’s ability and willingness to disclose such experiences, and without sufficient time to build up trust with their female clients, particularly in more complex cases, legal representatives may find it impossible to understand such cases in their entirety and therefore obtain the requisite evidence.

One-to-one relationships and communication have been highlighted by people in the asylum process as key for their interactions with their legal representatives. In all cases, collecting evidence and providing it to the Home Office takes a considerable amount of time. The consequences may be that people are not able to present the best possible case they can, leading to costs further down the line if the applicant is refused and decides to appeal the decision.

When fixed fees were introduced, legal advisers were given some flexibility as they were able to cross-subsidise complex asylum claims with simpler immigration cases. However, the introduction of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 removed most areas of immigration from the scope of legal aid and has meant it is increasingly unattractive for a business to take on asylum cases – particularly ones that may be more complex and would therefore require more time. This means that, even though people claiming asylum still have access to legal aid, they are finding it increasingly difficult to find good quality legal representatives to take on their cases.
ACCESSING LEGAL ADVICE.
Since 2012, publicly available immigration advice in the UK has shrunk following: the withdrawal of legal aid from most immigration cases; Local Authority funding cuts to law centres; the closure of Home Office-funded asylum advice services; and frontline advice organisations’ reluctance to offer immigration advice due to complex regulatory frameworks. Frontline advice organisations report operating in immigration advice deserts, or that local, quality, free immigration advice is oversubscribed.

Some people had not been aware from the beginning just how difficult it would be to navigate the complex asylum process without a legal representative. Ahmad, for instance, was given a list of solicitors at his screening interview, but “I said ‘no, I don’t need one.’ Because my issue is very clear: I’m a Syrian, and I’m claiming asylum. I thought I was easy, that I wouldn’t need a solicitor.” He did not, therefore, have any legal advice before attending his main interview. But after he heard nothing from the Home Office, he told us that he got very stressed: “I thought, ‘maybe something’s wrong here. I need a solicitor.’” He eventually managed to seek legal advice, but when we spoke to him he was still waiting for a decision, 16 months after claiming asylum: “You have to wait. That is just the worst thing that can ever happen to somebody. To stay waiting for a result.”

People who are staying in temporary accommodation provided by the Home Office, moreover, are generally advised to wait until they are transferred to more permanent accommodation before finding a solicitor. This is to avoid them having to subsequently travel to see their legal representative (if somebody finds a solicitor whilst in Liverpool and is then ‘dispersed’ to Manchester, for instance, they may find it difficult to transfer their case to a solicitor in Manchester). But, where decisions on asylum support are not made quickly enough, this can also mean delays in accessing legal advice.

Indeed, Refugee Action has previously pointed to incorrect decisions and delays in asylum support provision which cause delays at the front end of the process and can have a significant impact on people’s ability to navigate their asylum claim effectively. Several people echoed this during our discussions. Samira, for instance, had been in the UK for nearly two months when we spoke with her. She had found it impossible to find a solicitor who would take her case because she had not been given confirmation of her asylum support, despite that fact that she was staying in Initial Accommodation.

OUR RESEARCH.
From February–April 2018, Refugee Action undertook a survey of 50 organisations across the UK that we work with through our Frontline Immigration Advice Project, which offers training, resources and tailored support to charities and community organisations to enable them to provide competent, appropriately regulated immigration advice and/or information. All of these organisations work with vulnerable people seeking asylum and refugees, and our aim was to understand some of the problems that organisations had when referring individuals on to legal representatives.

We found that organisations were finding it challenging to refer people on to legal aid solicitors. Two thirds of respondents said they found it either quite difficult or very difficult to refer immigration cases on to legal aid solicitors in their area. Only 10% said that it was easy or very easy.

There was some indication, moreover, that the situation is deteriorating: when asked ‘Are you finding it more or less difficult to refer people to immigration solicitors than six years ago?’, 71% of respondents said it is more difficult, with none saying that it is becoming less difficult.
She explained that she was feeling increasingly nervous about having nobody to help on her case: “The lady [at my screening interview] told me within two weeks you need to find a solicitor. They can detain me at any time… These papers scared me. I’m very scared. Why should I be in detention? I haven’t been able to sleep since I reached the UK.”

Others received patchy information, even when they had been able to access legal representation:

“My solicitor isn’t giving me much information. They’re not answering my queries, and I don’t really know what’s in my case. They haven’t contacted me. I always contact them. The only thing I was told was not to worry, relax, and wait.

Alexander

“My solicitor said nothing to me before the interview. He said go ahead and have your interview, and come back with a copy of the interview.

Mohammed

In a report commissioned by the Solicitors’ Regulation Authority and Legal Ombudsman and published in 2016, the authors point out that “[m]ost consumers rarely access legal services, many doing so only a handful of times in their life, making the ‘knowledge gap’ between provider and consumer particularly wide, and the ability of the consumer to recognise what constitutes quality legal advice all the more difficult.” This is amplified in the case of those seeking asylum, due to vulnerabilities – such as lack of knowledge of the language and legal systems, histories of trauma, and absence of support – that can lead, in the worst cases, to exploitation.

Research has pointed to the damaging effect that lack of legal representation can have on asylum applicants; one study into the specifics in the Canadian asylum process, for instance, concluded that an inability to access legal representation can undermine the fairness of the process. Given the gravity of asylum decisions, and the complexity of current UK legislation around immigration, the impact of such barriers to accessing good quality legal advice cannot be understated.
HOW CAN PEOPLE BE OFFERED BETTER INFORMATION AND ADVICE?

The Home Office must ensure that people receive information about their rights as soon as they apply for asylum. This should include ensuring that people receive the point of claim leaflet in a language that they understand.

The Home Office should consider funding comprehensive, meaningful, independent advice on the asylum process which is available to all people in the asylum system. This must be based on engagement with people seeking asylum, and actively ensure that they understand the information. In addition, the Home Office should reintroduce a casework approach in treatment of asylum decisions.

People must be told of the importance of accessing legal advice at the beginning of the process.

Asylum support decisions should be made as quickly as possible in order to ensure that people are able to access a solicitor as early as possible.

The Home Office should consider expanding projects that allow people seeking asylum to access early legal advice.

The Government must urgently review current legal aid provision in order to identify gaps and ensure that resourcing meets need. The review of LASPO, due to be completed this year, should be one opportunity to do this.
INFORMATION AND ADVICE
4. LIVES ON HOLD: THE IMPACT OF WAITING.

What was most frustrating for me, the worst thing of all, was waiting for two and a half years, not knowing when I would get a ‘yes’ or a ‘no.’ It was this waiting time – this waiting game – that was the frustration. And anywhere I went, any door I knocked on, anyone in charge I asked ‘what is happening?’: nothing. No answer.

Ehsan

After three years you start thinking ... you’ve totally failed in your life. And you just accept that it makes no difference whether you’re alive or not, because no one cares.

Daud

[Waiting] is very difficult. Because you are unsure. Nothing’s certain, nothing’s sure about anything. And you’re anxious. It’s not a nice feeling. After I get my status I can start my life again.

Abdollah

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.

Alexander

It’s just like you’re stuck in one place. There’s one lady who claimed asylum on the same day as me. She received a decision three years ago. So she’s surprised that I’m still here, waiting. You’re just waiting and you don’t know anything.

You don’t know what you’re waiting for. You don’t know anything – you’re in the dark. It’s just torture.

Olivia (waited 4 years for a decision)

The lawyers, they just say to you ‘wait... We can’t do anything. We are waiting for news from [the Home Office].’ So we have to wait. Just wait, what can we do?

Warsame

To wait is the worst thing for me. We are not allowed to work, all day we do not have work to do, so I was feeling very, very disappointed and very disheartened.

Naveed

I don’t understand why I’ve waited so long. I don’t understand anything. I think they do that on purpose because they want me to stay in this restless situation. They want me to be stressed and nervous the whole time. Those people are trying to harm me.

Ahmad

How can I explain the waiting to you? Like everyone else, I feel stressed. Anxious... They haven’t explained how long I will have to wait.

Zainab

We don’t have any future hopes. We just live. I’m thinking about today, not tomorrow. I’m waiting for somebody to take a decision on my life.

Sachini
I learned a new word here: limbo. I was in limbo. I waited one year and seven months for a decision. Somebody joked my file is behind one of the radiators... At that time, I just wanted [any] decision. Even if it’s a negative one. Just give me a decision.

Samir

Everybody we spoke with talked of the anxiety that they had experienced whilst waiting for a decision on their asylum claim. The process had worn them down to such an extent that they spoke of feeling hopeless and having no control over the situation they found themselves in. People had been stripped of many of their rights, and most people said that all they could do was sit at home, worrying. Not allowed to work, and often unable to afford to study, they felt helpless and alone.

Nobody knew why they were waiting, and in the absence of clear information they made assumptions that displayed people’s mistrust of the Home Office and its impenetrable procedures. Prisca, for instance, told us that she imagined her case had been further delayed after she contacted her local MP, and that the Home Office had not appreciated this so “they took their anger out on me.”

Fatima applied for asylum in June 2016, and has been waiting for an answer ever since: “I’m just waiting. I’m not feeling happy, [but] I feel safe... My daughters go to school, they eat, they feel safe, there is a house. They play... But I’m still nervous, I’m still scared, and I’m still thinking. Too much. About my situation – about the decision they will take... They’re making us wait a long, long, long time. They waste our lives. I have got a PhD qualification but I can’t use it. I feel like I’ve lost everything here. I spent five years to get my [doctorate], and I’ve lost it now. No experience. No work... We’ve lost so much time. I feel hopeless... I’m just waiting.”

When we asked her if she understood why she had been waiting for so long, Fatima told us that her solicitor had contacted the Home Office, who had said ‘we don’t have time to take a decision.’ When Fatima contacted her local MP to follow up on her case, they received the same answer. “I’m just thinking ‘why?’ Why? Because there are lots of people... [who] did the interview, then got their decision. In three months. And now I am waiting – why?”

Fatima was too afraid, however, to try to contact the Home Office directly herself: “[Maybe it will] affect the decision. Maybe they will say ‘why did she call us? Why does she want to do that? Why does she need the decision? Why why why?’ I’m scared. Because, you know, your life in the UK it depends on their decision.”
[The most difficult thing] is the waiting. Waiting for the unknown. Waiting and not knowing when the waiting will end. Every day I wait and then nothing... this is very difficult.

Uthman

The waiting is killing me... You know, two years without knowing your future is very difficult and very frustrating. You can’t work, you can’t study. You’re in limbo.

Salim

You can do so much in life, you can offer a lot, you know, to the world. You can do a lot but you can’t, because your hands are tied. You can’t do anything... The waiting kills you inside. It’s like a mental torture. Thinking you cannot do anything... You are alive but you’re not alive at the same time.

Laila

There have been many discussions of the use of exclusionary tactics in order, on the one hand, to discourage people from arriving in the UK to claim asylum and, on the other, to discourage the “[promotion of] inclusion or ‘integration’ because there is no desire to include those who will subsequently be obliged to leave.” But such policies ensure that people are kept at the borders of society, marginalised and excluded. This is despite the fact that there is little to suggest that such exclusionary domestic policies are the main factors determining people’s choices of where to claim asylum.

Without the right to basic activities, and receiving just over £5 per day to live on, sometimes for years, many of those we spoke with had lost any hope that they would be able to rebuild their lives. When we asked Hana, who had been granted refugee status just weeks before, what her wishes for the future were, she told us: “Nothing. I don’t have anything... No, nothing for me. No hopes. Before I had [some], but now nothing.”
Nana waited 21 months for an initial decision on her asylum claim. She told us that she had never had any explanation from the Home Office as to the length of time she waited:

“They’ve never said ‘this is why we waited so long.’ I feel like they could have made this very same decision after two months. I waited 21 months and I’ll never know why [I waited] – that’s the most frustrating part... Maybe they made me wait to frustrate me?

“There’s only so much [my solicitor] could do. She really can’t push that much. She was writing to the Home Office, but they would reply after a month and say ‘we’re still not in a position to make a decision.’ But if they need more evidence to make a decision, they could have just asked for it.”

Nana told us that nobody had explained to her what the asylum process would be like; all her solicitor had said to her was “answer what you’ve been asked, don’t try to answer any more than that – don’t bring up anything that they don’t ask about.” But, she said, “this came back to bite me later” because, in her refusal letter, the Home Office pointed to the fact that she had mentioned something in her screening interview that had not mentioned during her substantive interview. “This made them think that I was hiding something. But this all could have been avoided. If they needed more information, they had months to ask. But I felt like, during the substantive interview, it was a tactic not to ask me about certain things.

[The interview] is not a good feeling. Straight away you feel like you’re a liar. Regardless of what you say, they don’t care. You can tell that they’re asking things because they’re written down, not because they actually want to know. It’s all based on credibility, but you have someone who has no experience of what you’ve been through who has to believe what you’re saying. It’s difficult to talk to people, and to tell them what you’ve been through. It’s hard to have somebody judge you based on what you say.

“I don’t feel like I’ve been treated fairly. The asylum process is supposed to help you – but it’s one rule for some, another for others. And nobody feels like it’s fair. Put yourselves in that person’s shoes. It’s a huge decision about people’s lives.”
Sometimes post-migratory stresses can have a greater impact on mental health outcomes than past traumas.
The traumas that many have experienced prior to reaching the UK – which may include conflict, torture, gender-based violence, imprisonment, forced labour, and family separation – mean that people often arrive with incredibly complex health needs. In many cases, the asylum process can exacerbate, rather than alleviate, the health problems of those going through it. In fact, sometimes post-migratory stresses can have a greater impact on mental health outcomes than past traumas.  

There is considerable evidence to suggest that such issues are experienced by people seeking asylum in the UK. One study undertaken in Lancashire, for instance, noted that, despite the increased risks of poor mental health amongst people seeking asylum, many face barriers accessing health services that include inadequate knowledge of services, poor systems for identifying safeguarding issues, frontline staff lacking awareness about how mental health services are accessed, and a failure on the part of mental health services to accommodate the needs of people seeking asylum. Lack of entitlement to work, language barriers and the inability to afford public transport were also identified as factors that put people at risk of social isolation, which is linked to poor mental health outcomes. Lengthy processes, moreover, are likely to result in worsening mental health amongst applicants, with progressive deterioration as time goes by.

Poor mental health outcomes are serious in themselves for the wellbeing of asylum claimants, but may also have the adverse impact of reducing an individual’s ability to engage with their asylum case. In the very worst of cases, mental health problems may undermine an applicant’s case. Forgetfulness, for instance, may be one consequence of depression and other mental health conditions, and can fundamentally damage an applicant’s credibility.

Due to all the [mental health] problems mentioned, and because I use medication, I have developed forgetfulness. I am forgetting about issues and it is affecting me. And I am wondering if I would survive a lengthy interview if I attend. My doctor has recommended that I do not have the readiness to go through a lengthy interview that might take three hours.

Reza

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, similarly, told us that he feels lost, helpless and frustrated. He recently began seeing a mental health specialist to deal with these issues: “I want to work and study and contribute to this country, but instead I am taking pills to deal with the stress.”

Many of the interviewees 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; with little to do but sit at home and worry (see below), many felt that all they could do was think about their cases.

You’re always under stress and worried, you know? And… always thinking. You don’t feel relaxed.

Hassan
Such anxieties also had an impact on people’s physical health. Mohammed’s wife, for example, had started to develop severe migraines around five months after arriving in the UK:

“[The process] has caused a lot of worry for my family. My wife frequently visits the GP and the hospital… She gets headaches which sometimes cause her to pass out… They have given her all kinds of tests and medication.” The family had been waiting almost 18 months for a decision on their claim: “The accumulated and prolonged fear and uncertainty is causing [my wife] all this anxiety.”

TRISTAN.

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 the family waited, 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.”
Another issue that arose during many of the interviews was the impact that waiting for a decision had on people’s families. Several people told us, for instance, that they had found it difficult to explain the asylum process to their children and could not answer the difficult questions that they so often asked:

[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.

Tristan

Like Tristan, several parents expressed shame at not being able to provide for their children, and were worried that their children felt different to their peers. Hassan’s 16-year-old daughter, for instance, had recently started college and received a small bursary to help her to buy books and pay for other necessities. However, because Hassan is in the asylum system his family has No Recourse to Public Funds and the college withdrew the funding after a few weeks:

Then they said – they go back and they said she is not allowed... So they stop it. She was – she was really upset... it was nothing but she was very happy. It meant something for her. You know?
When we spoke with her, Rose had been waiting for a decision on her case for over two years:

“...every knock on the door, every post that came in, I was edgy. I started suffering from anxiety... My daughter, she’s very sensitive – she noticed. She asked me one day, ‘mum, why are you always so anxious every time you see post come in?’ And I said ‘oh, you wouldn’t understand’, cause there’s no way I can explain for her to understand... You have not heard, so the anxiety eats you up. The anxiety of waiting. Now I’ve waited this long, what would be the outcome?

If I’d gotten a response earlier, maybe it would have been different, but I’ve waited this long and not knowing what is going to come is eating me up. My kids say to me ‘oh mum, why can’t we go on holiday, or –’ and I say to them ‘we don’t have papers, we don’t have the right to leave this place’ and [they’re] like ‘why?’ What do I explain to them? I don’t know what to explain to them. I’m at a loss. ‘Oh, people are going for holiday why can’t we go?’ How can we go on holiday? We’re given stipends to live on. We cannot afford holiday, because I cannot work. ‘Oh, why aren’t you working?’ I remember when I started volunteering, and I entered college. My kids were very happy, because they were seeing their mum do something.

I want to be a role model for my kids. To show them that it doesn’t matter [where you come from], as long as you’re determined... I’ve been in a place of tied hands for too long. I want [to] do things for myself. I want to be able to walk for myself, without feeling like somebody who is useless. I’m not useless.”

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:

The day that I escaped – I fled from Syria – I told my wife that I’m going to bring her over in six months’ time... I was the only one who supported my family. Also my parents. I was the only breadwinner in the family. So I told...
them ‘don’t worry, either I’ll bring you over or I’ll send you money after six months. Maximum six months. So please try to survive those six months and then I’ll try to send you money.’ 

And that hasn’t happened. [Now] they have to borrow money to survive; my father is old, he can’t work... My wife and I just want to live in safety and live as a family. That is all that we want. But here I am, stuck. I don’t have status and I haven’t been rejected either. I’ve heard nothing. I am just living in limbo... Nothing is in my control. I’ve always been in control of my life – this is the first time that I am not.

Ahmad

We spoke with Prisca in early January 2018. She has been in the asylum process since 2013, and talked to us about how it felt to have spent yet another Christmas without her children, who she had had to leave behind when she fled:

If I’m granted I know everything will be fine. I can see my children. Christmas is about family. People they sit together, they eat together... Sometimes people from church will invite me ‘come to our house for Christmas.’ I don’t go, because I can’t celebrate when my children – I don’t know what they’ve eaten.
I had a lot of free time. A lot of time to think and worry. The waiting time is very hard because you shift from activity to having a lot of free time. And you can’t do anything to change your situation.

Aisha

I don’t know how to occupy myself. That’s why I volunteer, I also attend college. But I would really like to work normally.

Alexander

I was feeling like I’m spending my life in a jail. I was in a house, but... I was very lonely all day. I don’t have a friend to talk to. I was living very far away from the city centre. So it was a kind of a detention centre, it is kind of a jail, where I’m living. Because we don’t have [anything] there, no television, no internet. And they don’t allow us to work. I would have liked to work to [have something to do]. Because that would be very good for my health. If I’m in my room, I’m getting stressed and all the things come into my mind, so that can affect my health.

Naveed

The things that you enjoy in ordinary life – like education, or social life – is not possible when you are an asylum seeker... Like every parent, who wants to provide things for their children, I would like to work and earn money so I can [do that].

Mohammed

Imagine [it] yourself: you’re given £36 per week, you’re sharing a house with several strangers, and you’re waiting for this decision. It’s nothing but a prison. An open prison. That’s what it was. I couldn’t do anything.

Ehsan

It’s difficult for me. I don’t have legal status so can’t [access] education. I requested a work permit but I haven’t received a reply... They should allow people to work and study. We should be busy. Otherwise it’s depressing.

Salim (waiting 2 years)

No, I haven’t got any activities in my life. I’m just waiting. The only thing I do at the moment is waiting. After I get my status I can start my life again.

Abdollah

I am 24-years-old. I should be able to rely on myself, be independent. But instead, people give me money. I feel like I am begging... I am forced to live like this – I don’t have a choice.

Uthman

You’re in limbo. There’s nothing to do. You can’t work. If you’re going to make me wait that long, at least give me the opportunity to provide for myself.

Nana
Being deprived of the right to work emerged as one of the main issues for those we spoke to. People seeking asylum only have the right to ask for permission to work after they have been waiting for a decision on their asylum claim for over a year, if the delay is not thought to be the “fault” of the claimant themselves, and even then their employment is restricted to jobs on the shortage occupation list, which includes such professions as ‘classical ballet dancer’, ‘nuclear medicine practitioner’, and ‘geoenvironmental specialist’. This means that, in reality, very few people are able to work, even when they have been waiting over a year for their decision. Despite the fact that they are going through the same anguish as somebody seeking asylum in their own right, adult dependants are not allowed to apply for permission to work, something that is likely to impact particularly on women who are more likely to be the dependants of their partners.

We should at least have the right to set up our life, to work while we wait. If I am allowed to work, it would help me a lot. It would also help me integrate better. I would do any job. Even if I don’t get a job in my own profession or for my level, I would still do any job… I could do so much. This would make me proud of myself and it would help me a lot. It would help me support my kids and mum. I would help feed them.

Mariyan

I was never a burden on anyone [in the past]. If they give me permission to work, I will dive right in.

Ahmad

Despite the fact that people seeking asylum are in theory permitted to take up volunteering roles with charitable organisations, several interviewees had been told they were not allowed to do this due to a lack of understanding of the rules, meaning that organisations err on the side of caution and are wary of taking on people in the asylum system as volunteers:

When I went and asked [to volunteer], they said ‘can we see your ID?’ I gave them the only ID I’ve got – that [shows] that I’m asylum seeker. And they said ‘no it’s not allowed. You can’t [volunteer] here.’

Ahmad

For many people studying was also a means to occupy themselves, and would mean that they had some way to develop their skills whilst they waited for a decision, as well as enabling their integration following a positive decision:

Before I started going to college, I was really depressed. [Going to college has made a difference] because it’s just being with other people. It sort of makes you feel safe, and just makes you think you’re not alone. But when you’re just in your house, just thinking of your asylum process...

Olivia

Indeed, many of the people we spoke to had been able to access education since they arrived, and several had been able to go to college. Laila and Ranjeet – who both arrived as children in the UK as part of their parents’ asylum claims, and both went on to claim asylum in their own right after they turned 18...
– told us that they had been able to go to school in the UK and have a ‘normal’ life. However, Laila told us that when she turned 18 this all changed:

[Before I was 18] I was studying so life was normal, like other people. And then obviously life just stopped... It kind of cornered me from everybody else. It made me feel like I’m different from others and I can’t do a lot in life because I finished my high school then I finished my college, but then I couldn’t go to uni. And I couldn’t work either. So it... made me feel like I’ve got something wrong with me. Obviously, I wanted to finish off my studies and I had so many plans, but I couldn’t move forward [with my life].

Others expressed their frustration that they had not even been able to study while they waited for a decision. In particular, several of the interviewees told us that they would have liked to have had access to English language lessons earlier on in the process. Currently, people seeking asylum in England may only register for ESOL (English for Speakers of Other Languages) classes after six months of waiting for a decision on their asylum claim. Given the long waiting lists for ESOL, many are likely to access courses far later than this. Moreover, current funding rules state that people seeking asylum are only eligible for partial funding to cover 50% of their course. Such fees risk being prohibitively expensive for those living on just £37.75 per week.
**4.4 ASYLUM SUPPORT.**

We are grateful for the £37 per week, but [with our children] we can’t afford to do normal things.

Mohammed

Issues with asylum support provision also emerged as key amongst interviewees. Indeed, Refugee Action’s experiences of working with people on accessing asylum support show that often people are unable to engage fully with their asylum applications as a result of worrying about issues with their asylum support, which risk leaving them and their families homeless or without enough money to eat.

I’m worried by everything. Everything. I have my first meeting about support on Friday... it’s been difficult to get the documents.

Yousef

The levels of support were also problematic for many of the people we spoke with. Most people waiting for a decision on their asylum claim are not allowed to work, so must rely entirely on support they receive from the government. As of February 2018 this amounts to just £37.75 per week per person, an increase of 80p per week on previous levels and the first change to the rate of asylum support since 2015. ‘Essential’ needs are identified as being food and non-alcoholic drinks, toiletries, healthcare and household cleaning items. Limited allowance is also made for clothing, however, given the fact that this allowance is distributed gradually, someone receiving asylum support would have to wait a whole year before they have enough money to buy a full set of clothes. Travel and communication are not considered ‘essential’, despite the fact that asylum accommodation is often located outside of city centres and on the whole people have to pay themselves if they want to access the internet or a telephone to keep in touch with their families or legal representatives. Most of those we spoke with told us that the money they received covered food, but nothing more. If they wanted to take a bus they would have to go without eating that day.

We are getting £5 a day – that is very low. And we have to manage all of our expenses with this. We have to buy food, we have to pay for travel – because most of the libraries are in the city centre, and I live very far away so I have to take the bus. But if I want to go to the city centre by bus, it’s about £4.50 for a day pass. So all my money goes on that. So what will I eat?”

Naveed

The shops are far. We have shops around the [area] but they’re expensive shops. So going to the shop, I walk 45 minutes to the shop, I buy food. To carry. That’s another problem because you cannot get a bus. The money will get finished, just one trip is £2... so you must trek. Anywhere you go, you trek... Things other than food? I can’t even... buy clothes. I cannot buy any [clothes] in any shop. No way. I have never bought clothes or shoes. I only get them from the Red Cross... if we don’t have those organisations, we can’t survive.

Martin

You know that I receive £35, and this is not enough for us or for anybody. It’s really not enough for a very simple, reasonable life. I asked for a bus ticket [to go to my school] – because I really like to study English, I really like to integrate and pick up the English language – but they refused. So I walk daily one hour there, and one hour back. So just because I’m keen to study English, to integrate in the country.

Hiwa
At the beginning I was very happy. But because of the PTSD and the depression, sometimes I can’t feel happy. My feelings are up and down. I’m worried. Today is the last day of my NASS support and I don’t know what will happen. I’m worried.

Aisha

When I first got here, I cried because I was happy. I thought I would finally be able to relax and to rebuild my life here. [But] I feel that my morale has been destroyed. I am 24 years old and I can’t do anything... All my ambitions and dreams are frozen. The days are passing me by and I worry that more time will pass and I am wasting my life... They should aim to help us develop so that once we have status, we can start to give back. [This would] help us forget the past and focus on the future... I have aspirations now, but if I only get status in four years let’s say, these aspirations will be gone and my ability to implement them will have changed too. I can do a lot now, but this will change over time and as I wait.

Uthman
When I applied for asylum and I find all the doors [were] closed for me... And when I got status I felt at first I will be happy and my life would change, you know, I can work and [so can] my husband. But unfortunately, nothing has happened. I couldn’t find a job. Maybe I need [to give it]. But I can’t wait anymore.

Hana

Two years is [a lot]. I could have been working, I could have been in college or university or anywhere but... you can’t really move. You see lots of energy in yourself, and you think you might be positive for society, and do something, to let you be active, but they just don’t let you do anything.

Sardasht

The impact of the asylum process, and the long delays that people are often subject to, do not vanish when somebody is granted refugee status. Twelve of the people we spoke to as part of this research had been recognised as refugees or needing some form of protection.

The policies of deterrence that successive governments have introduced over the past 20 years to discourage people coming to claim asylum in the UK also have an impact on those who are eventually granted status and given permission to stay in the UK. Having to wait for months or even years for a decision on their asylum claim means that people experience long delays in accessing opportunities that could better equip them to rebuild their lives. This can particularly impact upon their prospects of finding work, and indeed evidence shows that lengthy asylum processes can serve to decrease the employment prospects of those granted refugee status.

Caleb, meanwhile, was granted asylum in December 2017 after two years of waiting. He told us:

"The waiting was hard... My social life is completely destroyed, I [haven’t] moved forward in my education. Sitting for two years demoralises you. As a human being, can you imagine sitting at home for two years? It was very hard... During two years, I missed out on many things. Now I’ve started to plan. I couldn’t do that before. Now I’m trying to recover my potential... [the waiting] made it more difficult. But I will try my best."
HOW CAN THE ASYLUM PROCESS ALLOW PEOPLE TO LIVE IN DIGNITY?

The Government should ensure that nobody is forced to wait more than six months for a decision on their initial asylum claim. Even the six months set out in current service standards is a long time for somebody to put their life on hold waiting for a decision that could mean the difference between life and death.

Asylum support rates should be restored to at least 70% of mainstream benefits.

The Home Office should give people seeking asylum and their adult dependants the right to work when they have been waiting over six months for a decision from the Home Office on their initial claim or further submission. This must be unconstrained by the Shortage Occupation List.

People should be automatically given Discretionary Leave to Remain if they have been waiting over 12 months for a decision. This will ensure that people no longer have to spend years living in limbo.

People seeking asylum should be given the right to access free English language learning from the point of claiming asylum. This would bring England and Wales in line with current practice in Scotland and Northern Ireland.
5. CONCLUSION AND RECOMMENDATIONS.

For many of the people we spoke with, the asylum system has been a complex web of hostility and mistrust. We were told about daunting encounters with the Home Office, as well as poor practice at all stages of the process which leads to widespread perceptions of an unfair and overly adversarial system.

People who had been through the process told us that they had received little information about what to expect, and had not known where to turn to find out more about their claims. In the best cases, legal representatives guided people through the different stages of the process; but many of the people we spoke to had found it difficult to access legal advice or had found that their solicitors did not have the time to keep them updated on a regular basis.

Over the past two decades, the rights of those in the asylum system have been gradually eroded and whilst waiting on their claims people have little opportunity to move on with their lives. As one interviewee put it: “They waste our lives.”

Claiming asylum will never be an easy thing to do, and waiting will inevitably be part of even the best-run asylum process. But the current system treats asylum like a punishment rather than the last resort it is for those going through it, and 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.

Recommendations.

QUALITY OF THE PROCESS.

➔ The Home Office must gather the right information from asylum applicants during interview, and use this to make correct decisions the first time around.

INFORMATION AND ADVICE.

➔ The Home Office should improve information provision to people seeking asylum.

➔ The Government must ensure a comprehensive and public review of current legal aid provision.

WAITING IN DIGNITY.

➔ The Government should make decisions far more quickly, and achieve the targets it sets for the time taken to make decisions.

➔ People seeking asylum, and their adult dependants, should be given the right to work after 6 months of having lodged an asylum claim or further submission, unconstrained by the shortage occupation list. They should have access to education – including free ESOL classes – from application.

➔ If people have to wait 12 months for a decision, they should be granted Discretionary Leave to Remain.

ACCOUNTABILITY.

➔ The Home Office should listen to people seeking asylum and act upon their feedback.
From January to April 2018, Refugee Action spoke with 40 people who are currently claiming asylum or have been granted refugee status following an asylum claim, in order to better understand their experiences of the asylum system. Particular thanks go to the members of RAS Voice, a campaign group of refugees and people seeking asylum living in Greater Manchester, who carried out eight of the interviews featured in this report.

We greatly appreciate the contribution of the 50 frontline organisations across the UK who responded to the survey on gaps in legal aid provision. We are also grateful to staff from Asylum Aid/Migrants Resource Centre, Refugee Council, and the UK Lesbian and Gay Immigration Group for their feedback on the report.

Methodology

From January to April 2018, Refugee Action spoke with 40 people who are currently claiming asylum, as well as people who have been granted refugee status following an asylum claim, in order to better understand their experiences of the asylum system. Our aim was to gain insight into some of the ‘pressure points’ of the process, and to give a platform to the voices of those who go through the asylum process but are so often absent from wider debates around the government’s targets and service standards.

The research involved semi-structured interviews with people who had been identified through Refugee Action’s services using purposive sampling. Of the interviewees, 14 (35%) were women. Whilst we had initially aimed to interview equal numbers of men and women this did not prove practically possible. However, the proportion of men and women interviewed as part of this research reflects statistics on asylum applications; from 2008 to 2016, women represented on average one third of all asylum applications from main applicants and dependants.

The people we spoke with had a range of backgrounds and experiences; they came from a number of different countries, were at different stages of the asylum process, and had claimed asylum for a variety of reasons. We particularly chose to speak with people who had the following profiles (and some people fitted several of these categories):

- People in the asylum system who had been waiting for a decision on their initial asylum claim for more than six months (in order to understand experiences of waiting for a decision);
- People with refugee or humanitarian protection status who had waited for a decision for more than six months (in order to understand the impact that waiting had had on their subsequent integration);
- People who had been in the asylum system for less than three months (in order to speak about their expectations of the process);
- People whose substantive interviews had been identified by a Refugee Action caseworker as demonstrating bad practice (in order to speak about interview experiences).

Interviewees were identified through Refugee Action’s services in Bradford, Liverpool, London and Manchester. Several of the people we spoke with lived in nearby towns and cities. Interviewees were provided with a one-off payment of £10 in the form of a voucher, in
order to thank them for their time, and travel expenses were paid. Most of the interviews were carried out in Refugee Action’s offices or another neutral space, with several interviews undertaken in clients’ homes. Some interviews were conducted over the telephone where clients found this more convenient.

Refugee Action staff members conducted these interviews, with eight of the interviews conducted by members of the RAS Voice campaigns group, assisted by a Refugee Action staff member. Interviews lasted between 45 and 120 minutes. Female interviewees were always interviewed by a female interviewer and interpreters were used when required.

Recognising that many had found Home Office interviews to be distressing experiences, or were daunted by the prospect of such interviews, our intention was to create an informal and encouraging environment in which people felt confident to discuss their experiences. It was made clear to interviewees that the discussions would centre around what had happened to them since arriving in the UK, in order to reassure them that they did not have to speak about traumatic pre-migratory events.

During each interview the following was explained in detail to each interviewee:

- That the interview would have no impact upon the interviewee’s relationship with Refugee Action, and that they could choose to leave (or not answer certain questions) at any point.

- With permission the interviews were recorded, and interviewees were also asked to sign a consent form which was read to them prior to the interview.

- Many of the interviewees brought up ongoing issues and concerns with their asylum claims and related issues during interviews, and in such cases the interviewer made sure to follow up with this and, if necessary, either signpost the interviewee to a relevant organisation or book the applicant in for an appointment with one of Refugee Action’s caseworkers. The staff that participated in this research are trained to handle delicate situations with our clients, and conducted themselves accordingly.

- It is worth noting that several of the interviewees had been identified through Refugee Action’s services that assist people with their support applications, so this may partly explain the large number of people that highlighted asylum support as a particular challenge they had faced during the asylum process.

- We are making no claims that the experiences documented here are universal, however the experiences of our frontline staff – as well as other organisations we work with on a regular basis – suggest that too many people are dehumanised, disempowered and damaged by the asylum process. Moreover, those who come to see Refugee Action or similar organisations are, to a degree, the ‘lucky ones’; they receive information about the process and are given support to contact solicitors and to access other services. There are undoubtedly countless other people who have to navigate this complex and often protracted process without support, advice, and information.
According to public figures, which are available from 2010. See Immigration Statistics, October to December 2017 second edition, available at https://www.gov.uk/government/statistics/immigration-statistics-october-to-december-2017. Annual figures are used here; quarterly figures showed that in Q4 2017 the total number of people (main applicants and dependants) waiting for a decision on an asylum claim dropped slightly, from 14,399 in Q3 to 14,306. At the end of 2017, the number of main applicants (not including dependants) waiting more than six months for a decision on their claim stood at 10,366. This was a 17% increase on the previous year. Figures for Q4 2017 (10,366) were a slight decrease from those for Q3 (10,582).


There is extensive research and commentary regarding the policies that have been introduced since the late 1990s in order to place restrictions on people seeking asylum. These have included reducing asylum support rates, restricting individuals’ freedom to settle in a place of their choosing, and effectively withdrawing the right to work from those in the asylum process. See in particular L. Schuster (2004) The Exclusion of Asylum Seekers in Europe, Centre on Migration, Policy and Society Working Paper No. 1, University of Oxford, available at: https://www.compas.ox.ac.uk/media/WP-2004-001-Shuster_Asyylum_Europe.pdf; also J. Allsopp, N. Sigona and J. Phillimore (2014) Poverty among refugees and asylum seekers in the UK, IRIS Working Paper Series No. 1/2014; also S. Parker (2015) Failing Behind: The Decline of the Rights of Asylum Seekers in the UK and its impact on Their Day-to-day Lives, eSharp Issue 251.

Adults seeking asylum may be returned to ‘safe’ third countries they travelled through on their journey to the UK. Home Office guidance on ‘Safe third country cases: asylum applications’ (2013) available at: https://www.gov.uk/government/publications/safe-third-country-cases-to-consider-asylum-application-process.

The ‘move-on’ period refers to the transition process for those who have been granted refugee or humanitarian protection status following an asylum claim.


In 2017, there were 33,512 applications (including main applicants and dependants). The figure for main applicants only was 26,350. See Immigration Statistics, op cit.

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 status. 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.

In 2017, 6,212 refugees were resettled under the Government’s various schemes, whereas 8,555 people (main applicants and dependants) were granted status following a successful asylum claim. This figure does not include those granted status on appeal.

For an explanation of ‘legacy cases’ – later known as Case Resolution cases – see Refugee Council (2009) Case Resolution Update, Briefing, available at: https://www.refugeecouncil.org.uk/assets/0001/5814/RC_briefing_-_Case_resolution_update.pdf


Ibid.


As noted above, quarterly figures showed that in Q4 2017 the total number of people (main applicants and dependants) waiting for a decision on an asylum claim dropped slightly, from 14,399 in Q3 to 14,306. At the end of 2017, the number of main applicants (not including dependants) waiting more than six months for a decision on their claim stood at 10,366. This was a 17% increase on the previous year. Figures for Q4 2017 (10,366) were a slight decrease from those for Q3 (10,582).

The Home Office defines non-straightforward cases as “cases that are not ‘manifestly well-founded’... perhaps involving complex case law, or situations without readily observable evidence or claims concerning family groups.” See Home Office (2013) Evaluation of the Early Legal Advice Project Final Report, Research Report 70, p. 53. It is unclear how triaging of such cases is carried out in practice.

Armenia, El Salvador, Grenada, Honduras, Kosovo, Kyrgyzstan, Liberia, Macedonia, Serbia, Seychelles, St. Vincent and the Grenadines, South Sudan and Turkmenistan also had appeal overturn rates of over 50%, however the number of appeal determinations were small (21 for El Salvador and less than 10 for the other countries mentioned). See Immigration Statistics, October to December 2017 second edition, op cit.

See for instance Amnesty International and Still Human Still Here (2013) A ? of Credibility: Why so many initial asylum decisions are overturned on appeal in the UK, available at: https://www.amnesty.org.uk/files/a_question_of_credibility_final_0.pdf. This report highlighted errors in applying the credibility assessment which were


States parties to the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol are bound by the principle of non-refoulement, which is enshrined in Article 33 of the 1951 Convention and provides that: “No Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his [or her] life or freedom would be threatened on account of his [or her] race, religion, nationality, membership of a particular social group or political opinion.” See UNHCR (1977) Note on Non-Refoulement (Submitted by the High Commissioner), EC/SCP/2, available at: http://www.unhcr.org/uk/excom/scip/3ae68ccd10/NOTE-non-refoulementSubmitted-high-commissioner.html.


See the Protection Gap Advocates campaign, available at: https://www.asylumaid.org.uk/protectiongap/protection-gap-advocates/


Ibid.


In theory, Samira should have been able to access legal aid even without written confirmation of her section 95 support. However, in practice, some legal representatives are reluctant to accept people without such confirmation given the difficulty in showing that they meet the means test for legal aid provision.

Respondents were based in the following geographical locations of the UK: East of England (4); East Midlands (3); London (11); Northern Ireland (1); North East (2); North West (7); Scotland (3); South East (2); South West (3); Wales (1); West Midlands (4); Yorkshire and the Humber (9).

Of the 50 organisations who responded to the survey, 38 responded to this question and 12 did not provide an answer.


36 See C. Yeo (2018) How complex are the UK immigration rules and is this a problem?, Free Movement blog post, available at: https://www.freemovement.org.uk/how-complex-are-the-uk-immigration-rules-and-is-this-a-problem/  
38 Studies that have broached this question – including research commissioned by the Home Office itself – conclude that, in all cases, forced migration is overwhelmingly driven by push factors. Where those fleeing violence and persecution are given a choice as to their destination, the elements shaping their decisions are generally determined by previous links between their own country and the UK (including colonialism), the ability to speak English, presence of relatives and friends in the host country, and the belief that the host country is generally safe, tolerant and democratic – rather than a specific knowledge of the conditions of reception upon arrival. See V. Robinson and J. Segrott (2002) ‘Understanding the decision-making of asylum seekers’, Home Office Research Study 243 (London). Also H. Crawley (2010) ‘Chance or choice? Understanding why asylum seekers come to the UK’, British Refugee Council (London), available at: https://www.refugeecouncil.org.uk/assets/0001/5702/rcchance.pdf  
40 See for instance J. Phillimore, E. Ergun, L. Goodson and D. Hennessy (2007) “They do not understand the problem I have”: Refugee well being and mental health, Centre for Urban and Regional Studies, Birmingham New Communities Network and Community Resource and Information Service (Birmingham).  
43 For further reading on disclosure of information and memory in the asylum system, see publications by the Centre for the study of Emotion & Law, available at: http://csel.org.uk/  
46 Such policies include withdrawal of the right to work from most people in the asylum process and reduction of asylum support levels. Such policies are ostensibly introduced to reduce ‘pull factors’ for those arriving in the UK, despite the fact that there is no evidence to suggest that such policies constitute a ‘pull factor’. Studies that have broached this question – including research commissioned by the Home Office itself – conclude that, in all cases, forced migration is overwhelmingly driven by push factors, op cit.  
47 J. Hainmueller, D. Hangartner and D. Lawrence (2016) When lives are put on hold: Lengthy asylum processes decrease employment among refugees, Science Advances, 2,8, available at: http://advances.sciencemag.org/content/2/8/e1600432  
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To find out more about the Stand Up For Asylum campaign, visit www.refugee-action.org.uk/standupforasylum

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