

THE CONVERSATION

Academic rigour, journalistic flair

Work ban forces asylum seekers into destitution – but we now have a chance to change this policy

February 22, 2019 10.53am GMT



Ready to get to work. wavebreakmedia/ Shutterstock

Author



Alex Powell

PhD Candidate, City, University of London

One of the ugly realities of the British asylum system lies in the work ban placed on people awaiting a decision on their asylum claim. The ban on working often forces people to rely on friends and family, or, worse, into destitution. This restriction is often justified by the mistaken notion that it will limit the number of people claiming asylum in the UK.

Following a sustained campaign, and two private members bills spearheaded by Labour MP Catherine West and Liberal Democrat Christine Jardine, parliament will have an opportunity to challenge this damaging policy.

The current law allows people claiming asylum in the UK to work if, and only if, they have not received a decision on their asylum claim within 12 months. Even then they are required to apply to the Home Office for permission. If a person is permitted to seek employment, they may only take up positions on a list of shortage occupations, which includes roles such as petroleum engineer or software developer. This leaves many asylum seekers with a de-facto total ban on working.

The two bills, still currently being drafted, are likely to make relatively similar provisions with both reducing the length of the ban on asylum seekers working – it has been suggested to three and six

months respectively. Both will also seek to allow applications to roles beyond those on the shortage occupation list.

Barred from working

Limitations on the ability to work have hugely corrosive effects on the lives of people claiming asylum. For example, Jaspal* a participant in my ongoing research on LGBTQ+ asylum seekers, likened the treatment he received in the UK with the discrimination he endured in his country of origin. He told me:

Regardless of where you are, it is discrimination ... I felt like I ran away from being persecuted for being gay and now I am being persecuted here just for claiming asylum. I didn't do anything that was unlawful or anything.

Another person I interviewed, called Salim* claimed that the restriction on working partly fuelled anti-refugee rhetoric within the UK.

I want to work, to contribute, and be a part of society. But I am not allowed. You see all these people trying to claim that individuals fleeing the war in Syria are just here to take and the reality is that the UK government won't allow them to contribute, they won't allow me to contribute either. It's ridiculous and it makes it very hard to survive. How are we supposed to survive?

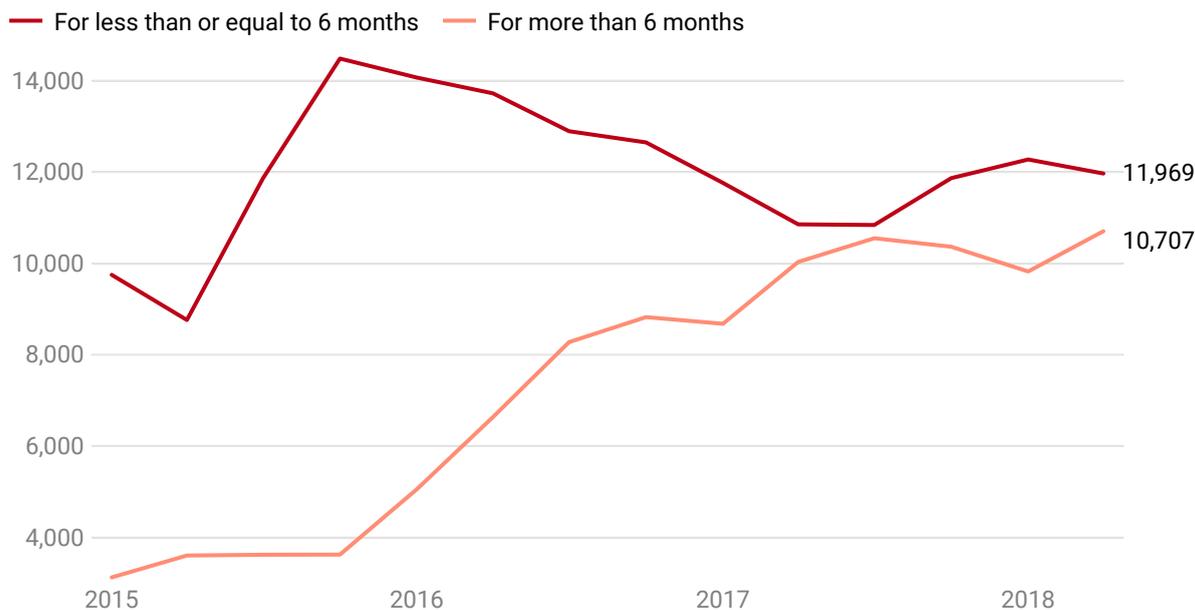
What these two accounts make clear is that asylum seekers themselves view the current work restrictions as barring them from full participation in society, firmly identifying the policy as a form of discrimination and exclusion. This chimes with the findings of a report from the campaign coalition **Lift the Ban**, which identified the working ban as a significant cause of social exclusion among asylum seekers.

But this is only part of the picture. Even more concerning are the cases in which people are forced into destitution by their inability to work or claim adequate state support. Asylum claimants are eligible for just £5.39 subsistence payment a day in support. This means many struggle to cover their basic needs. In November 2018, the Equality and Human Rights Commission revealed that many asylum seekers are being forced to choose between eating or paying to attend essential medical appointments.

The Lift The Ban report documented that 52% of the 246 people the coalition surveyed were forced to rely on food banks at some point during their claim. This is made worse by the fact that many asylum seekers are being forced to wait months before they can start receiving their subsistence payment. The reality is that in many cases, asylum seekers are simply being forced into destitution and desperation by the ban on working.

The wait for an initial asylum decision

Total pending initial decisions, by time of wait



Source: UK Home Office, asylum data tables volume 1, August 2018 • [Get the data](#)

Chance for change

Things do not have to be this way. The criteria under which someone is designated a refugee are outlined under the Refugee Convention of 1951, amended by a 1967 protocol. The core criteria are that the claimant cannot, or is not willing, to return to their country of origin because they have a well-founded fear of persecution relating to their race, religion, nationality, membership of a particular social group, or political opinion.

Accounting for this, all asylum seekers are potentially traumatised people who have come to the UK requesting sanctuary. Many will have suffered horrific wrongs, while others will be fearful of what the future might hold. The wait for an asylum claim, often in extreme poverty, only exacerbates the anxiety.

The UK has a moral and legal duty to help these people – but is instead currently forcing them into destitution and desperation. This must change. The bills currently before parliament offer the chance of a brighter future – let's hope that other MPs are willing to welcome that future.

**Names have been changed to protect anonymity.*


[Refugees](#)
[Asylum seekers](#)
[UK parliament](#)
[Food banks](#)
[Asylum seekers and work](#)
[UK immigration](#)