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## **Asylum policy under New Labour**

### **Alice Bloch and Liza Schuster**

The issue of asylum and immigration has been one of the main policy areas of successive New Labour governments who have introduced three pieces of primary legislation in this area during their two terms in government: Immigration and Asylum Act, 1999; Nationality, Asylum and Immigration Act, 2002 and Asylum and Immigration Act, 2004. One significant aspect of policy in this area has been the exclusion of asylum seekers from mainstream social security provision and, for some, exclusion from any provision, which has resulted in increasing numbers of destitute asylum seekers.

The recent focus on asylum and welfare has developed as a consequence of increasing numbers of asylum seekers entering the UK and other European countries since the late 1980s. The debate around asylum quickly became linked to welfare as it was argued by press and politicians that the majority of asylum seekers were in fact economic migrants drawn to the UK and other European states by the promise of welfare benefits (Bloch and Schuster, 2002). The curtailment of welfare in this context was seen as a mechanism for discouraging potential asylum seekers (Thr nhardt, 1999). Legislation under New Labour governments has built on Conservative attempts to separate asylum seekers from mainstream social security provision under the Asylum and Immigration Act, 1996.

Although policy in the area of asylum has been far-reaching this paper will focus on changing welfare provision over the last seven years and the resultant increase in poverty and destitution for some asylum seekers. It will set out the main policy priorities and the rationale for policy changes, before assessing these changes. The paper will then suggest the forward in this area of policy.

#### *Main policy priorities*

For British policy makers, demonstrating control of asylum migration has meant reducing the number of asylum seekers arriving in Britain. Strategies for control include tighter surveillance at channel ports, placing immigration officers at Eurostar terminals in Paris, Lille and Brussels, as well as the extension of Carriers' Liability and the continued expansion of visa controls (e.g. imposing visa restrictions on people entering the UK from Zimbabwe in 2002). However, reducing the welfare support provided for asylum seekers is also seen as a key element of the strategy to reduce asylum migration.

When New Labour came into office in 1997 they inherited an asylum system that already had two categories of entitlement. Asylum seekers who applied at the port of entry were eligible for 90% of income support while those who applied from within the country were not eligible for cash benefits. Much of the responsibility for supporting destitute asylum seekers fell on local authorities who had a statutory duty to single asylum seekers under the 1948 National Assistance Act and to families under the 1989 Children Act. Support was often in the form of vouchers and food handouts. In addition asylum seekers were entitled to work legally and could only apply for permission to work once they had been

in the UK for six months. New Labour inherited a system that already left some asylum seekers without benefits and unable to work legally.

#### *Asylum policy study New Labour*

The first piece of legislation introduced by New Labour, the 1999 Immigration and Asylum Act, sought to return responsibility for asylum seekers to central government. The Act introduced the National Asylum Support Service (NASS) to administer a cashless voucher system and the dispersal of asylum seekers around the UK. After pressure from a number of organisations and groups, a small cash element of £10 was included and the rest was provided in vouchers that could be redeemed at designated supermarkets. The value of the total voucher/cash package was 70% of income support. The voucher system not only prevented asylum seekers from participating in normal everyday activities which use cash (Sales, 2002) but also resulted in the stigmatisation of asylum seekers marking them out clearly as different and dependent.

The reporting of the difficulties faced by those trying to use vouchers led to a Home Office review of the voucher system (Eagle *et al* 2002) and its eventual abolition. From April 2002, asylum seekers' vouchers became exchangeable for cash, though still only at a level worth 70% of income support. NASS provided accommodation for those who could prove they were destitute to dispersal areas around the country on a no choice basis, removing some asylum seekers from social or community networks or specialist support (Mynott 2002). Asylum seekers who either refused to go to the allocated area or absconded forfeited their right to accommodation. The Audit Commission (2000) published a report warning that the conditions in which asylum seekers are being housed was unsafe and in some instances exposed them to racist attacks. Moreover, in July 2002 asylum seekers were no longer entitled to apply for permission to work and were excluded from the legal access to labour market for the duration of their case.

In the second term in office, the new Home Secretary David Blunkett announced in a statement on asylum, migration and nationality that, 'I do not intend to tinker with the existing system but to bring about radical and fundamental reform' (*Home Office Press Release* 29<sup>th</sup> October 2003). In so doing he had, within days of taking office, made migration and asylum a priority area and soon after announced plans for a new migration bill (Schuster and Solomos, 2004).

The Nationality, Immigration and Asylum Act was introduced in 2002. Included in this Act was the controversial Section 55. Under Section 55, access to NASS support for in-country applicants was restricted to those who could prove that they had made their application for asylum 'as soon as reasonably practicable' after arriving in the UK. The result was that 9,000 asylum seekers were denied the most basic support in 2003 (Refugee Council, 2004a).

A report by the Greater London Authority noted that 'Section 55 is imposing severe strains on refugee community households and neighbourhoods in London, and on refugee community organisations' (2004:5) and called for 'repeal of Section 55' (2004:7). Although, Section 55 remains in places, a case at the Court of Appeal in May 2004 found the Home office to be in breach of the human rights of three asylum seekers and the government was forced to modify its practice. Now, asylum seekers can only be denied support if NASS are satisfied that they have alternative means of support.

The most recent piece of legislation, the Asylum and Immigration (Treatment of Claimants, etc) Act, 2004 again targets the provision for asylum seekers and includes a clause that removes access to basic support for asylum seekers at the end of the appeal process – including support for those with dependent children, which means that some children of asylum seekers will be taken into care (Section 5, 2004 Act). Children continue to be particularly vulnerable under New Labour Government's since the UK has entered a reservation to the UN Convention on the Rights of the Child, exempting them from its protection. In July 2004 the Joint Committee on Human Rights in a report on the Children's Bill before Parliament expressed grave concerns about the exclusion of immigration and asylum agencies from the Bill, arguing 'that these omissions should be remedied in order to ensure equal treatment for asylum-seeking children' and continuing 'we find it impossible to avoid the conclusion that the government's position is that the welfare of asylum-seeking children is secondary to the need to maintain effective immigration control' (Joint Committee on Human Rights, 2004, para. 92 & 94)

#### *Assessment of policy*

There have been three noticeable changes following the new legislation. On the positive side, there has been a significant reduction in the backlog of cases waiting for a decision and linked to this is the much quicker determination process. The backlog is at its lowest level for a decade (Heath *et al*, 2004). Secondly, from the perspective of the Home Office, the numbers of asylum seekers entering the UK has declined which is seen as a positive outcome and an indication of the success of policy. In 2001 there were 71, 025 applicants, in 2002 there were 84,130 and in 2003 there were 49,405. However, it would be far too simplistic to assume a direct causal link between declining numbers and limited access to welfare. Recent studies have shown that asylum seekers have very limited information about either the entry policies or welfare policies of the European countries in which they seek asylum (Koser and Pinkerton 2002, Robinson and Segrott 2002) and that the fluctuation in numbers is more closely linked to the situation in sending countries (Castles *et al*, 2003, Zetter *et al*, 2003). For example, in 2003 the major sending countries were Iraq, Zimbabwe, Somalia, China and Iran (Heath *et al*, 2004).

Finally, a major negative consequence of New Labour's policy, which has been the focus of this paper, has been the marginalisation of asylum seeking individuals and families through the incremental curtailment of social support, dispersal and lack of legal access to the labour market.

#### *What should be done next?*

The fluctuations in the numbers of asylum seekers entering the UK along with the declining numbers in Europe in general offer the government an opportunity to rethink the direction of asylum policy. Reintegrating asylum seekers back into the benefits system and allowing them to work legally while their case is being determined would help to ensure that this group of sometimes highly skilled and educated people (Kirk, 2004) do not lose their skills base and are able to contribute to British society and maintain their self-esteem. It would reduce the levels of destitution faced by some, as well as exposure to the irregular and undocumented labour market. This would in turn remove people from the benefits system, reducing the amount of support paid by NASS and would avoid accusations of 'sponging'. Such a strategy would ensure that those who are eventually granted leave to remain will be able to integrate more quickly rather than having been left in limbo, losing their skills and becoming marginalised from the rest of society.

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