

THE FACTS ABOUT ASYLUM

The issue of asylum is rarely out of the press. Much of the coverage is unbalanced or untrue. Terms such as 'asylum seeker', 'illegal immigrant', 'economic migrant' are used interchangeably to mislead people.

Who is a refugee or an asylum seeker?

Under international law, the word 'refugee' has a precise meaning, as set out in the 1951 United Nations Convention Relating to Refugees, signed by 138 countries including the UK. A refugee is defined as someone who:

- has a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group, or political opinion;
- is outside the country they belong to or normally reside in, and
- is unable or unwilling to return home for fear of persecution.

Some refugees have fled from countries where they are persecuted simply for being a member of a religious or ethnic group e.g. Ahmadi Muslims and Christians in Pakistan; others were in the UK as visitors or students when political changes in their home country made it dangerous to return.

Whilst someone is waiting to their application for refugee status to be considered by the Government, they are known as an "asylum seeker". The Government is trying to change the Convention to make it easier to refuse asylum applications.

The Nottingham & Nottinghamshire Refugee Forum believes that everyone applying for asylum should have their application heard fairly and in a non-racist manner

Is an asylum seeker, an illegal immigrant?

No. They are not illegal immigrants as they have a legal right to seek asylum in the UK and remain in the country for the duration of their asylum claim.

Where do Britain's asylum seekers come from?

Asylum seekers come from the world's trouble spots. Reports show that people are driven to seek asylum by war, ethnic violence, repression & human rights abuse. The numbers of asylum seekers arriving in the UK inevitably reflects the international situation at the time. In 2003, 39% of asylum seekers came from five countries: Somalia, Iran, Iraq, China and Zimbabwe, reflecting the situations there.

Myth - Why do all asylum seekers come to the UK?

Fact - They don't. The Home Office received 38,535

applications for asylum in the first 9 months of 2003; this may seem a lot, but it is not when compared with the number of asylum seekers and refugees (around 13 million) worldwide. The Government's own figures (produced Nov 2003) show that the UK ranks only 8th out of all the European countries in terms of asylum applicants per 1000 inhabitants (1.7 per thousand).

So where do asylum seekers go?

Only around 1 in 20 of the world's refugees are in Europe. Millions seek asylum in countries that neighbour where they originate. The UNHCR provided figures showing there are nearly two million Afghan refugees in Iran and 1.2 million in Pakistan. Guinea, which has a population of fewer than 7 million, supports 500,000 refugees from Sierra Leone and Liberia - a ratio 50 times that of the UK. Some of the poorest countries in the world support the largest numbers of refugees. Most asylum seekers don't choose their country of asylum: where they end up depends mostly on how quickly they flee and by what means. Of those who are able to choose, important factors include; existing communities, historic bonds & knowledge of language. Most have little or no knowledge of regulations about work/support in the UK.

Myth - "Asylum Seekers are bogus"

"Around 80 per cent of those who claim refugee status are eventually judged to be bogus". Mail on Sunday, 14/10/01

Fact - The Refugee Council estimated that the final rate of positive decisions was around 51% (2001) taking into account applicants who were successful either at application or appeal. That the initial positive decision rate is so much lower than the final one is a reflection of the poor quality of decision-making at the initial stage and shows why appeals are necessary and should be allowed.

"Why are applications refused then?"

The asylum determination system presents a number of obstacles for asylum seekers in the UK:

- Some asylum seekers are interviewed as soon as they arrive in the UK. They have no opportunity to get legal advice. They may be in a state of shock or trauma due to their experiences.
- Asylum seekers who are not interviewed immediately are given the 19 page Statement of Evidence Form (SEF) to complete **in English within 10 working days**. It is often difficult for asylum seekers to find interpreters to help them complete the form. If they fail to meet the deadline, the Home Office will not even look at the merits of the claim,

and refuse the application outright. This means asylum seekers may be returned to their country of origin to face persecution, even death, without having their cases considered. At the end of 2000, 35% of applications were refused in this way.

- The Home Office routinely decides that some asylum applications are without merit. The Home Office has now drawn up a list of countries that they say are safe. Rejected claims from those countries (e.g. Sri Lanka, where there is a long civil war) have no right of appeal. The Government is considering making Pakistan a safe country. These cases are fast-tracked and may then have limited appeal rights. Such cases are also more likely to be detained.

The Claim "Our town's too nice for refugees...they will try to escape, rapists and thieves will terrorise us" *Daily Express*, 23/3/02

Fact - A report published by the Association of Chief Police Officers confirmed there is **no** evidence for a higher rate of crime among refugees & asylum seekers. In fact, having fled from their home country, they are more likely to become victims of crime in the UK. There have been many attacks on dispersed asylum seekers around Britain, including the murder of an asylum seeker in Glasgow (2001). That murder prompted the UNHCR to condemn the British media for provoking racial hatred.

"How much money do asylum seekers get?"

Some asylum seekers get no support at all because the Home Office says they did not claim as "soon as reasonably practicable" – even when the claim was the day of arrival. From July-September, 2,810 people were denied all support. Asylum seekers are only entitled to the equivalent of 70% of basic income support. A single asylum seeker receives £37.71 a week although some asylum seekers receive even less (around £30 week).

Myth - "Asylum seekers don't contribute anything. They don't work"

Fact - **The Government does not allow applicants to work.** Yet many are doctors & nurses and have much needed skills. Due to the crisis in the NHS the Government is considering how to use them. Given the opportunity to work, asylum seekers would make significant contributions to the economy & culture of the UK. A Home Office report shows that people born outside the UK, including asylum seekers, contribute £2.6 billion a year more to the economy in taxes and national insurance than they consume in benefits and public services. The Government says it needs 120,000 workers a year from abroad to fill the skill shortage and has recognised that failure to use the available skills means a substantial loss to the country as a whole.

However, the Government just wants to pick and choose with no regard for the dangers for those it deports. The recent announcement about an amnesty for a small number of families is actually about saving money. The Refugee Forum believes the amnesty should be extended to single people whose cases fall into the same criteria.

"Why do asylum seekers use smugglers?"

The law in the UK make it extremely difficult for individuals to legally access the asylum system. E.g.

- visa restrictions have been imposed on many refugee-producing countries even though it is difficult for people fleeing persecution to obtain documentation or they place themselves at risk if they request it
- EU governments have introduced strict controls at ports and airports, and fines for those found bringing asylum seekers into the UK without the correct documents.

The fact that someone has arrived here illegally does not undermine the credibility of their claim - the reverse is often true. Desperate people fleeing persecution may need to resort to such measures, as restrictive immigration controls bar them from entering legally and they can put themselves at risk if the dictatorship they are fleeing knows their plans. In doing so, they put themselves at serious risk of extortion, exploitation and physical harm.

Should all asylum seekers be detained?

The UK detains more asylum seekers than any other European state. (1,575 as at 27 Sept 2003). Asylum seekers can be detained at any time, for any reason and with no time limits. The Refugee Forum opposes the arbitrary detention of asylum seekers. They should not be locked up for no crime. Detaining all asylum seekers is contrary to UNHCR guidelines and may contravene UK Human Rights Act 2000. Detention is extremely expensive. The Government estimates that detaining all asylum seekers on arrival could cost £2 billion in start-up costs, with annual running costs of over £1 billion.

Don't asylum seekers jump up the council waiting list?

When an asylum seeker is given refugee status or exceptional leave to remain they must leave their temporary accommodation and go onto the waiting list with along with everyone else. The housing crisis in Britain means more homes are needed for all.

What happens when asylum seekers' applications are successful?

When asylum seekers are recognised as refugees they have exactly the same rights as UK citizens.