

SEEKING ASYLUM

WOMEN'S EXPERIENCES OF HOME OFFICE DECISION
MAKING, DESTITUTION AND MENTAL HEALTH ISSUES



women
with hope

ACKNOWLEDGEMENTS

BAOBAB WOMEN'S PROJECT

Advocacy and assistance for refugee and migrant women

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EXECUTIVE SUMMARY

This report was composed by a network of asylum seeker-led NGOs in the West Midlands, in collaboration with Refugee Rights Europe and TRP Solicitors. The report was originally written as a contribution to the United Nations CEDAW Committee, during its reporting and monitoring process of the United Kingdom's

fulfillment of the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW). The aim of our CEDAW shadow report was to ensure the representation of the voices of women who may not be visible to the bureaucrats who write the official CEDAW State party report.

In February 2019, we released a longer, and lightly edited, version of the same report, to ensure an even wider reach of asylum-seeking women's voices – which are far too seldom heard or considered.

THE REPORT PROVIDES:

Information on the real-life situation of asylum-seeking women

Evidence of violations of the human rights of women

Information regarding inadequacies and gaps in laws and policies and their implementation

Information about obstacles to the realisation of the human rights of women

THESE KEY ISSUES, WHICH ARE OUTLINED IN GREATER DEPTH WITHIN THE REPORT, ARE:

INADEQUATE ASYLUM PROCESSING SYSTEM

The decision-making processes and procedures implemented by the Home Office constitute a barrier to the equal standing of asylum-seeking women in society. As outlined in the report, the Government's actions are ineffective, due to delays and administrative problems; a lack of understanding and widespread disbelief of women's stories, of the violence they have and will suffer, their identities and political affiliations; lack of legal aid funds for quality legal representation, and a lack of quality advisors addressing gender issues; insufficient engagement with support organisations.

LACK OF ACCESS TO EMPLOYMENT

The UK's immigration legislation removes asylum-seeking women's right to employment. Historically those seeking protection were allowed to work, but in the Nationality, Immigration and Asylum Act 2002, this right was removed, and the National Asylum Support Service was implemented. Meanwhile, those migrant women with the right to work would face other barriers impeding their full employment rights, e.g. by making them more likely to end up in

lower paid, part-time and insecure jobs. Being prevented from the right to employment, women tend to be disempowered and see their skills and energy being eroded, often with resulting mental health problems. It also criminalises those who do work and facilitates forms of modern slavery which exploit vulnerable people.

MENTAL HEALTH CONCERNS

A key concern highlighted in this report relates to women's mental health. Refugees and asylum seekers (RAS) are more likely to experience poor mental health than the local population, presenting higher rates of depression, PTSD and anxiety. Their vulnerable mental health is often due to experiences preceding migration (such as war trauma) but also to those following the beginning of migration (e.g. family separation) and negative experiences in the receiving countries, which include difficulties with asylum procedures, unemployment, poor housing, social isolation and discrimination. As for RAS women specifically, studies have shown that they are more likely to suffer from depression, also related to periods before and after pregnancy. As outlined in this report, RAS women's mental health conditions are also exacerbated by the

current policies and practices of the Home Office. For instance, it has been shown that the Home Office's Dispersal Policy tend to relocate RAS women in remote and often inadequate accommodation, often separated from their families, hence causing emotional distress. Despite this situation, refugee and asylum seekers are nevertheless less likely to receive the appropriate support needed. One of the main reasons for this is that the UK government currently fails to screen asylum seekers and refugees for mental health issues, hence limiting the possibility of early interventions that can reduce them, other barriers being language and communication, or the fact that asylum seekers may not be at ease when talking about their experiences with a stranger, while differing cultural interpretations about psychological distress can also lead to poor healthcare intervention.

DESTITUTION

Amongst other shortcomings relating to social and economic rights, the key violation of asylum-seeking women's human rights in the UK relates to destitution. The status of asylum-seeking women means that they have no right to access mainstream economic and social benefits in the UK; they are allocated benefits provided by Asylum Support Teams

while they have a valid claim pending with the Home Office. Refused asylum seeking women are left destitute without any means of support. Destitution violates women's economic and social benefit rights, and the effect on women is devastating: including a detrimental impact on asylum seekers' social standing, a loss of self-esteem and acute physical and mental health problems. Asylum seeking women oftentimes face exploitation and find themselves reliant on communities and charities. They rotate around the asylum system, moving from asylum support to destitution, representing their cases to get support then often being refused again.

VIOLENCE AGAINST WOMEN

Asylum-seeking women are some of the most vulnerable survivors of violence and abuse, given that they face a greater risk of destitution and poverty. It is well-established that perpetrators in many contexts reinforce their power by using women's insecure immigration status and lack of access to housing and financial means to threaten them, leaving many too afraid to seek help, as sufficient safeguards and remedies are not currently in place. Abusers are often free to manipulate women's powerlessness (due to their insecure immigration status and fear

of repercussions) with impunity. While the Domestic Abuse Bill 2019¹ sets out to protect and support victims and ensure agencies effectively respond to domestic abuse, we are concerned that it risks leaving migrant women behind, failing to provide them with the protections they need to break out of cycles of violence. The UK Government, by allowing immigration enforcement to remain a pervasive priority, risks deterring migrant women from reporting abuse due to fear of deportation or other repercussions.



"WE WISH TO PROGRESS EFFORTS TO ELIMINATE DISCRIMINATION TOWARDS ASYLUM SEEKING WOMEN"

Having ratified the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), the UK Government has affirmed the principle of the inadmissibility of discrimination and proclaims that all human beings are born free

and equal in dignity and rights. However, the UK Government would need to take a number of important steps to ensure that everyone, irrespective of immigration status, can access the rights and freedoms set forth therein. We wish to progress efforts to eliminate

discrimination towards asylum seeking women, who are trying to find sanctuary and exercise the right to live in the UK with the same opportunities to others, regardless of nationality, or the right to remain.

¹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/772202/CCS1218158068-Web_Accessible.pdf

INTRODUCTION



"INSTEAD OF CALLING US NAMES SUCH AS ILLEGAL, BLAH BLAH BLAH, THE SYSTEM SHOULD START TO ACCEPT US AS HUMAN BEINGS - IS THAT A BIG ASK?"

CARAG MEMBER

This report was composed by a network of asylum seeker-led NGOs in the West Midlands, in collaboration with Refugee Rights Europe and TRP Solicitors. The report was originally written as a contribution to the United Nations CEDAW Committee, during its reporting and monitoring process of the United Kingdom's fulfillment of the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW).

The aim of our CEDAW shadow report was to ensure the representation of the voices of women who may not be visible to the bureaucrats who write the official CEDAW State party report. In February 2019, we released a longer, and slightly edited, version of the same report, to ensure wider reach of women's voices which are far too seldom heard.

The Equality and Human Rights Commission submission to the UN Committee on the Elimination of All Forms of Discrimination Against Women moreover highlighted in June 2018 that some groups are disproportionately subjected to VAWG. It is beyond doubt

"MY CONFIDENCE WAS BROKEN, MADE ME TOTALLY DIFFERENT, THOUGHT THE HOME OFFICE WOULD SAY YES BUT THEY SAID NO."

REFUSED ASYLUM SEEKING WOMAN

that this applies to asylum seeking women in the UK, who often lack access to legal entitlements and protection due to their immigration status.

Asylum seeking women in the UK typically face a continuum of discrimination and violence. Structural inequalities brought on by the current immigration system leave many women marginalised, destitute, and exposed to various forms of abuse. Indeed, nationality and immigration status supersede women's rights. In this report, we aim to highlight why it is important for women to be recognised as people first and a nationality second.

Highlighting problems has been a lot easier than suggesting solutions, or at least suggesting solutions which are practical and not based on ideal scenarios with limitless time and resources. The difficulty in finding a solution cannot, however, bring the search for a solution to an end. It means we must think bigger, work faster, and try harder to fix what is clearly not working.

"WHEN YOU THINK YOU'RE HERE, YOU THINK THAT YOU'RE IN A COUNTRY WHERE YOU THINK THEY'LL UNDERSTAND THE REASONS WHY YOU'RE HERE...BUT RATHER THEY MAKE IT WORSE."

ASYLUM SEEKING WOMAN

METHODOLOGY

This report has been developed through the use of mixed methods. The backbone of the report is made up of the work of women's group members in the West Midlands, who have been meeting regularly over the past three years, with new groups joining as they emerged, regularly discussing issues women face day to day. The groups identified and came to a consensus on the main issues affecting women in the region, and these were echoed and corroborated by our national partner organisations, such as TRP Solicitors and Refugee Rights Europe.

THE GROUPS IDENTIFIED AND CAME TO A CONSENSUS ON THE MAIN ISSUES AFFECTING WOMEN IN THE REGION.

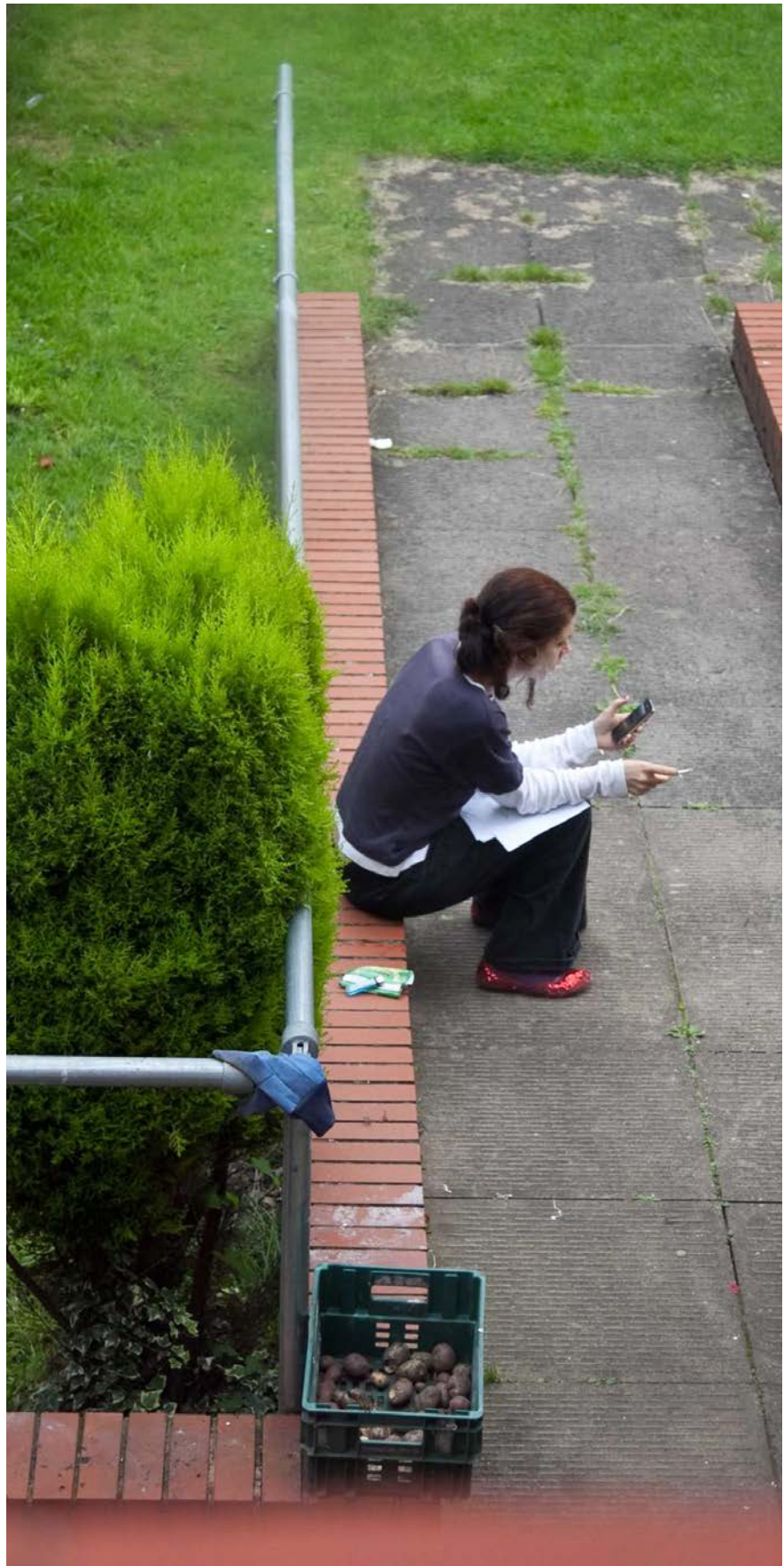
Several of the main sections of this report are anchored in interviews with refugee and asylum seeking women in the West Midlands, as well as interviews with legal aid solicitors, and advocates. This has been indicated throughout the report in footnotes where relevant.

The section about asylum accommodation standards was collected in Birmingham from February until October 2018. The data collection process consisted of two components, a semi-structured survey and a series of 44 open-ended follow-up discussions. Over the research period, 34 surveys were conducted by Baobab Women's Project team members in Birmingham, in close collaboration with the Meena Centre.

THE SECTION ABOUT ASYLUM ACCOMMODATION STANDARDS WAS COLLECTED IN BIRMINGHAM FROM FEBRUARY UNTIL OCTOBER 2018.

Additional information and analyses throughout the report have been derived from extensive desk research conducted by Baobab Women's Project and Refugee Rights Europe in view of the CEDAW review and in line with the reporting requirements.

This report, to the best of our knowledge, represents one of the most detailed contemporary accounts of asylum seeking women's experiences in the UK, outlining some of the most critical shortcomings which ought to be imminently addressed by the UK Home Office.



THE ASYLUM PROCESSING SYSTEM

While the issues of gender related persecution and violence have found a place on the international agenda, the protection provided remains ineffective due to the increased securitization of asylum across Europe². Asylum policies have come to normalize deportation, detention, and dispersal³ of those who are portrayed as 'threats'⁴, while the 'persecution and insecurities faced by women seeking asylum are often ignored because their voices remain unheard in the dominant discourses concerning immigration and asylum'⁵.

The status of RAS women in the UK is increasingly complex and diversified⁶, while developments in granting asylum based

PERSECUTION AND INSECURITIES FACED BY WOMEN SEEKING ASYLUM ARE OFTEN IGNORED BECAUSE THEIR VOICES REMAIN UNHEARD IN THE DOMINANT DISCOURSES CONCERNING IMMIGRATION AND ASYLUM

on gender-specific persecutions remain inconsistent.⁷ Obstacles and contributing factors preventing women from enjoying the right to nationality include long delays in the asylum processing system, bureaucracy, a lack of understanding about trauma, poor provision of suitable interpreters, and a lack of transparent information about the process.

Limited legal aid resources for women contribute to a lack of understanding about the asylum process in the UK, preventing access to high quality legal advice and the competent presentation of their cases. Research by Refugee Action found that 'drastic cuts in legal aid provision are tipping the scales of justice and putting lives at risk'⁸ while NACCOM warn that 'for those in the asylum system, being able to access legal advice can mean the difference between being sent back to a country where they face certain death or being given the opportunity to live safely in the UK'.

THE STATUS OF RAS WOMEN IN THE UK IS INCREASINGLY COMPLEX AND DIVERSIFIED, WHILE DEVELOPMENTS IN GRANTING ASYLUM BASED ON GENDER-SPECIFIC PERSECUTIONS REMAIN INCONSISTENT.

The Home Office has met with widespread criticism for making poor quality decisions based on inaccurate country information, failing to consider medical reports, and poor decisions about people's credibility (Amnesty International⁹, Asylum Aid¹⁰)¹¹. In short, the UK asylum process and decision-making are inconsistent and opaque, having been described as a 'lottery' by Home Office whistle blowers.

"FOR THOSE IN THE ASYLUM SYSTEM, BEING ABLE TO ACCESS LEGAL ADVICE CAN MEAN THE DIFFERENCE BETWEEN BEING SENT BACK TO A COUNTRY WHERE THEY FACE CERTAIN DEATH OR BEING GIVEN THE OPPORTUNITY TO LIVE SAFELY IN THE UK."

NACCOM

Many asylum policies cause further harm to those seeking protection¹². The UK immigration system requires claims for asylum to be made upon arrival, which fails to account for the time asylum seekers need to process trauma. Women who have experienced sexual violence will often hesitate to disclose this information due to cultural stigma, personal shame, a mistrust of authority figures, or due to Home Office interviewers and/or interpreters being male¹³. Asylum seekers

with a history of sexual violence have reported more difficulties in disclosing personal information, were more likely to dissociate during Home Office interviews, and scored significantly higher on measures of PTSD¹⁴. These are substantial obstacles to accessing the right to nationality.

WOMEN FEEL THEY ARE ROUTINELY DISBELIEVED, AND FEAR BEING SENT TO UNSAFE THIRD COUNTRIES OR TOLD TO RETURN TO THE COUNTRY THEY WERE SEEKING PROTECTION FROM.

Women feel they are routinely disbelieved, and fear being sent to unsafe third countries or told to return to the country they were seeking protection from. Without the right of residence, asylum seeking women are at increased risk of destitution and detention, as well as poor health outcomes¹⁵.

"THE INDIVIDUALS WE SUPPORT ARE FACED WITH HARROWING PROCESSES, MANY OF WHOM HAVE EXPERIENCED RAPE, GENDER-BASED VIOLENCE, TRAFFICKING AND EXPLOITATION. THERE IS SO LITTLE SUPPORT FOR THESE WONDERFUL WOMEN WHO BECOME ISOLATED AND MANY BECOME DESTITUTE AND FACE POSSIBLE RE-TRAFFICKING HERE IN THE UK.."

MEENA Centre

² Freedman J. (2012) Taking Gender Seriously in asylum and Refugee Policies. In: Khory K.R. (eds) Global Migration. Palgrave Macmillan, New York

³ Bloch, A. and L. Schuster. 2005. 'At the Extremes of Exclusion: Deportation, Detention and Dispersal.' Ethnic and Racial Studies 28:3, 491-512

⁴ Freedman J. (2012) Taking Gender Seriously in asylum and Refugee Policies. In: Khory K.R. (eds) Global Migration. Palgrave Macmillan, New York

⁵ Freedman J. (2012) Taking Gender Seriously in asylum and Refugee Policies. In: Khory K.R. (eds) Global Migration. Palgrave Macmillan, New York

⁶ Kofman, Eleonore/ Raghuram, Parvati/ Merfield, Matt (2005): Gendered Migrations: towards gender sensitive policies in the UK. London: Institute of Public Policy Research asylum and Migration Papers 6

⁷ Freedman, J (2008) 'Women's Right to asylum: Protecting the Rights of Female asylum Seekers in Europe?', Human Rights Review, vol. 9, no. 4, p. 413

⁸ Hale, Stephen (2018) 'Tipping the Scales, Access to Justice in the asylum System'. London: Refugee Action

⁹ Amnesty International 2004 Get It Right. How Home Office Decision-Making Fails Refugees. London: Amnesty International

¹⁰ asylum Aid 1999 Still No Reason At All. Home Office Decisions on asylum Claims. London: asylum Aid

¹¹ Bogner, D., Herlihy, J. and Brewin, C. (2010) 'Refugees' Experiences of Home Office Interviews: A Qualitative Study on the Disclosure of Sensitive Personal Information', Journal of Ethnic & Migration Studies, 36(3), pp. 519-535

¹² Bohmer, C., Shuman, A. (2008). Rejecting Refugees. London: Routledge. <https://doi.org/10.4324/9780203937228>

¹³ Burnett, A. and Peel, M. 2001. 'Asylum-seekers and refugees in Britain: the health of survivors of torture and organised violence'. British Medical Journal, 322(7286): 606-9

¹⁴ Bögner, D., Herlihy, J. and Brewin, C.R. 2007. 'The impact of sexual violence on disclosure during Home Office interviews'. British Journal of Psychiatry, 191: 75-81

¹⁵ Fazel, M., Wheeler, J., & Danesh, J. (2005). Prevalence of serious mental disorder in 7,000 refugees resettled in Western countries: A systematic review. The Lancet, 365, 1309-1314



EXPERIENCES OF THE IMMIGRATION SYSTEM AMONG RAS WOMEN IN BIRMINGHAM¹⁶

We heard from RAS women and professionals who worked with them, who reiterated much of what is found in the literature above. Prominent issues faced in gaining the right to nationality were little understanding of and

delays in the asylum process, limited access to effective legal representation, and anti-migrant sentiment, while the consequences of this right being withheld included destitution, detention, and further trauma.

ASYLUM SYSTEM DELAYS

Long delays in asylum application processing is one of the most significant issues coupled with poor decisions about credibility, preventing asylum seekers from beginning recovery from their trauma, and causing significant stress. The Home Office claims it has a 6-month target to make initial decisions on 'straightforward' asylum claims. However, the chief inspector of borders and immigration found that almost half of all claims were 'non-straightforward', and that half of these applicants had been waiting more than 12 months as of March 2017, despite the overall number of applications dropping¹⁷.

An Egyptian woman related:

"I came to the UK by a passport and I was caught at London airport and detained straight away. The Immigration office said I came illegally, though I came with a valid passport and with a visa. In my country I was detained for more than 2 months in a solitary detention with limited food access, no essential items, they tortured me, and I was sexually abused.

I was told to go back to my country and they bought a ticket for me to return. I was in shock and collapsed, I missed that flight and was taken to another detention centre until the Home Office made a decision on my case. Later on, I was allowed to claim asylum and get help from Freedom from Torture. I was depressed and didn't want to eat food for a long time, I was scared to get close to people. It took me 5 years, many refusals and appeals before getting refugee protection."

A woman from Sudan related that:

"The Home Office have ignored me since 2016 when I claimed asylum. I came to the UK in 2012 by a visa before my visa expired in 2017 I claimed asylum. I actually came to the UK on family reunion. I was separated from my husband. I am a victim of violence. I am facing rent arrears and poverty as I only receive child tax credit for my children. What can be done? I am not an asylum seeker, they made me apply for it,

because I separated from my husband, they should just allow me to have my Indefinite Leave to Remain since I have been here for more than 6 years, and I came to the UK by visa to be able to live in peace, because I am mentally, emotionally, physically suffering because I have no one to rely on, and I have 3 children. I need help, I have language barrier."

RAS women spoke about how they are unable to move forwards with their lives, forced to live below the poverty line in a state of uncertainty:

"I just need to know what will happen to me!"

¹⁶. This section draws on interviews with 8 RAS women, 2 legal aid solicitors, and 1 advocate

¹⁷. Bolt, David (2017) 'An inspection of asylum intake and casework April - August 2017'

LACK OF INFORMATION ABOUT THE IMMIGRATION SYSTEM

We spoke with an Ethiopian woman whose claim had been in progress for three years, and in that time, she had not been given an interview with the Home Office. Her solicitor suggested she submit a pre-action protocol letter for judicial review, but she refused out of fear. **With limited understanding of the asylum system in the UK**, coupled with anti-migrant sentiment, she was concerned that

speaking against the authorities would harm her ability to access her right to nationality and therefore safety.

Immigration solicitors reported to us numerous occasions when Home Office staff weren't aware of Home Office guidelines and needed to be referred to them e.g. not allowing interviewees to have a person present

in the interview for emotional support. In this instance the solicitor had printed off the Home Office guidelines in advance and had to present this to the interviewing officer. When those who operate the system are unaware of their own procedures and protocol, it is easy to understand how difficult it would be for traumatized asylum seekers to comprehend a complex process.

DISBELIEF OF WOMEN'S EXPERIENCES

An advice worker summarised that many women's refusals are based on disbelief, a lack of understanding of their experiences, and **minimisation of the harm they have suffered**. RAS women are described as 'liars' when they have been unable to provide difficult to obtain evidence in support of their claims.

An African woman stated:

"They say I'm lying, evidence is not strong. Show us photos of you and your girlfriend in your country. When you show the photos from home they say no, this is just a friendly photo, it doesn't show you in a relationship. How can you take an intimate photo in public in a country that homosexuality means death? There

is lack of education in people that decide on your case. They argue over nothing although in their head they believe they know everything about you. Zero common sense. No compassion when hearing difficult stories to tell."

An Eritrean woman seeking protection explained:

"You are told that what you say [during the initial interview does not need to be] detailed like what you are telling at the substantive [interview], but then they question credibility [in the substantive interview] as you didn't say everything at first."



"THEY REFUSED MY CASE IN 2009 AND TOLD ME TO GO BACK TO MY COUNTRY VOLUNTARY."

ERITREAN WOMAN



"I WAS GIVEN 14 DAYS TO APPEAL, MY SOLICITOR FORGOT TO APPEAL ON MY BEHALF."

ANONYMOUS

POOR LEGAL REPRESENTATION

A team of immigration solicitors reported their concerns about the impact of anti-migrant sentiment in the UK on the Home Office and a flawed immigration system. They described both screening and substantive interviews as **dehumanising experiences designed to treat the claimant as a 'criminal'**, wherein interviewing officers would consistently interrupt and distract asylum seekers, hindering an already difficult process of disclosing information. One provider described UK immigration as **'a violent system designed to stop people providing information'**. Obstacles to disclosure (such as interpreters with an incomprehensible dialect, lack of childcare facilities in interviewing centres, and re-traumatisation) are given little consideration.

"When we are unable to provide enough evidence, our cases are then refused, leaving us without any support, stranded and destitute. With no other options but to return to our home countries which we flee from".

This not only raises significant issues with the asylum process and accessing the right to nationality but highlights the vital importance of effective legal representation in the face of a **'system designed to grind you down'**. Skilled solicitors will support asylum seekers in submitting timely and appropriate evidence in support of applications. More significantly

for women, competent solicitors will request that interviews are rearranged when survivors of sexual violence are uncomfortable with male interviewing officers, or the interpreter is male and from her country of origin where she suffered abuse.

"They refused me, I was given 14 days to appeal, my solicitor forgot to appeal on my behalf, they took my house, and I didn't know who to turn to, I didn't speak English then".

A Zimbabwean woman who was refused protection was represented by a solicitor who failed to perform even a simple google search which provided evidence of her political activities. We spoke to a woman who had paid a solicitor to submit her claim, but weeks later had heard nothing from him, could not contact him on the phone number he had provided, and did not have copies of her file which he was in possession of. There is little recourse when solicitors are unethical or ill equipped: once asylum seekers are refused and deported, it is very difficult to submit a complaint against the solicitor. Or indeed track down a solicitor who has disappeared.

However, finding competent legal support is challenging, especially considering the **significant drop in the number of providers offering legal aid representation** for immigration and asylum cases since 2005.

There was an even greater reduction in the number of not-for-profit providers, with only 36% remaining in 2018 compared with 2005. The remaining providers are therefore working beyond capacity to represent asylum seekers who are receiving 'bad legal advice, not feeling supported, and feeling intimidated'.

Part of the issue with the limited capacity of immigration advisers is the difficulty in navigating the legal aid system. Cuts in Legal Aid mean it is generally not available for matters not relating to the core asylum issue. This means that where women might have had children in the UK and developed a family or private life here which ought to be considered alongside their asylum matter, there is not funding in place to explore these issues. It requires legal practitioners to artificially detach and untangle the issues in play and to limit non-chargeable work.

In addition, obtaining funding for disbursements (medical reports, country expert reports etc.) can be a time-consuming battle. It also does not guarantee payment once the file is assessed by the Legal Aid Agency and further time must be devoted to fighting for payment on Legal Aid files. This system has discouraged a number of practitioners from taking on Legal Aid cases and a number of firms have given up their Legal Aid contract altogether.¹⁸

¹⁸ <https://www.bbc.co.uk/news/uk-46357169>

RECOMMENDATIONS AND CONCLUDING REMARKS

The UK's Violence against Women and Girls Strategy 2016-2020 approach to improving the asylum system states:

"We are continuing to ensure that women subject to immigration control receive the support that they need. We have improved our guidance to immigration staff so that asylum caseworkers take all gender-specific factors into account, including for example FGM, and that they pursue sensitive lines of enquiry. Mandatory training for those making decisions on asylum cases has been reinforced with training on sexual

violence, including the links between VAWG and memory loss.

This new action plan reflects the fact that we take the needs of those seeking asylum seriously and we will ensure that the asylum process is as gender sensitive as possible by making improvements when and where it is appropriate to do so."



The extent and effectiveness of government action is problematic however, and in our opinion, insufficient. The following issues persist:

Delays and administrative problems in the immigration process

Disbelief of women's stories, of the violence they have and will suffer, their identities and political affiliations

Lack of legal aid funds for quality legal representation, and a lack of quality advisors addressing gender issues

A lack of transparent information on the UK asylum process and little engagement with women to help them understand their cases



Our recommendations for government action under each of the issues that have been identified are:

DELAYS AND ADMINISTRATIVE PROBLEMS

- Increased resources must be provided so that the Home Office is able to meet its own target of making asylum decisions within 6 months without a compromise on the quality of decisions made.
- Consideration must be given to the conditions in which women are trying to access their right to nationality, namely Home Office interviews. It must be made clear that interviews can be rearranged if male interviewing officers and/or interpreters will hinder the disclosure of information that is essential to the asylum claim.
- A lack of suitable interpreters is especially problematic when cultural norms or past trauma may prevent a woman from expressing issues with interpretation e.g. a dialect which is very different and difficult to understand. An asylum seeker with little to

no English will of course not be able to detect issues with inaccurate interpretation, which will later be raised as an issue of credibility against the claimant.

DISBELIEF OF WOMEN'S STORIES, OF THE VIOLENCE THEY HAVE AND WILL SUFFER, THEIR IDENTITIES AND POLITICAL AFFILIATIONS

- Caseworkers need to be re-educated, with training ideally delivered in partnership with women with lived experience of the asylum system, as well as legal and general support workers.

LACK OF LEGAL AID FUNDS FOR QUALITY LEGAL REPRESENTATION, AND A LACK OF QUALITY ADVISORS ADDRESSING GENDER ISSUES

- Increasing legal aid available would have a significant impact and making immigration law an attractive field to work in, rather than one where representatives are over capacity with every case.

A LACK OF UNDERSTANDING BY WOMEN ON THEIR CASES

- Provide English language support to process and understand their experiences and the system they have arrived in. It also relates to legal advisors having time to explain their cases to them and providing comprehensive communication and support.

- Working with women to develop their understanding of what constitutes protection, and what good legal representation involves. Women also need accurate information before exiting their country, so they can obtain evidence on abuse and violence and not anticipate they will be believed.

BELIEF OF AND WORKING WITH SUPPORT ORGANISATIONS IS IMPERATIVE

- The Home Office need to communicate with organisations who are the best, and often the only, voice for vulnerable and disempowered asylum seeking women, and the reality of their lived experiences.

ACCESS TO EMPLOYMENT

The Home Office's 'Permission to work and volunteering for asylum seekers'¹⁹ sets out the conditions in relation to employment legislation: those who claim asylum in the UK are not normally allowed to work whilst their claim is being considered. The Home Office may grant permission to work in accordance with this policy to asylum seekers whose claim has been outstanding for more than 12 months through no fault of their own. This is in stark contrast to countries such as Germany and Austria where the right to work is given after 3 months, or even Canada where there is no restriction on the right to work, in order to promote integration.²⁰ An Eritrean asylum seeking woman stated:

"I want to study nursing. I want to work and take care of people and feel good about spending my own wages for my children."

Those who are allowed to work in the UK are restricted to jobs on the shortage occupation list published by the Home Office e.g. skilled classical ballet dancers or a radioactive waste manager.²¹ Few people would be qualified to fulfill such specialised roles, and women who are low skilled migrants and have not had their qualifications recognised in the UK are particularly disadvantaged.

Any permission to work granted comes to an end if a claim is refused and any appeals rights are exhausted because at that point, they are expected to leave the UK. This violates women's right to employment as, not only are they are barred from employment for at least 12 months, but in cases that take over a year to process (around a half²²), women are restricted by having little knowledge of the ability to apply for the right to work, and the will of solicitors to make this application.

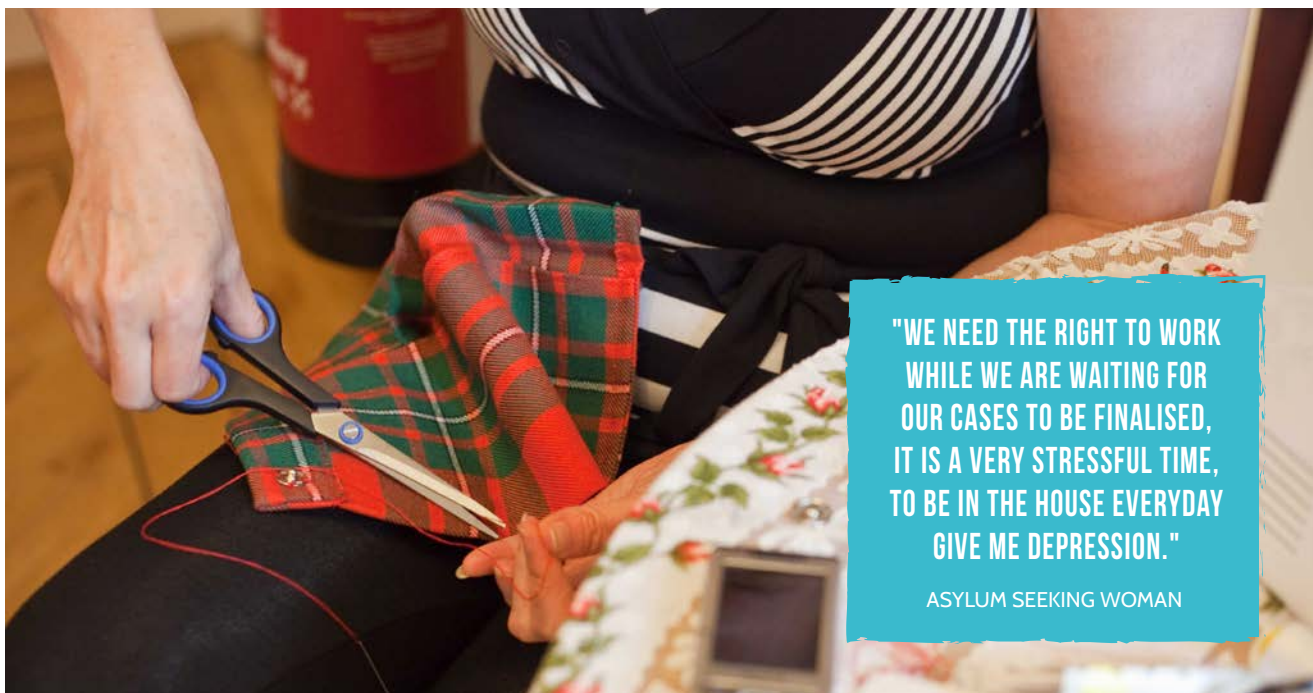
There is no data on how many asylum seekers are, or are not, granted the right to work, or anything specific on asylum seeking women working in the UK. The Office on National Statistics collects data on numbers of people who applied for asylum, or were refused, appealed or withdrew their claim or returned home, as well as asylum support. The Lift the Ban coalition²³ suggests that 11,000 people whose cases have been pending for more than 6 months would benefit from legislation change.

"The current policy excluding people seeking asylum from working undermines attempts to ensure that they are able to effectively integrate once they are granted refugee status... The Government is creating a situation whereby people are

forced to live in limbo for long periods of time and are unable to put their talents to use. Their many and varied skills are being wasted, at best; at worst, they are being lost..."²⁴

The main obstacle preventing women from enjoying the right to employment is the immigration legislation that removes their right to work. Historically those seeking protection were allowed to work, but in the Nationality, Immigration and Asylum Act 2002 this right was removed and the National Asylum Support Service was implemented. Women would also face the same barriers as UK national BAME women as detailed in the Equality and Human Rights Commission Report.²⁵ The report finds that women are more likely to be in lower paid, part-time, and insecure jobs. The effect of this is two-fold: firstly, it disempowers women, eroding their skills and energy to work, often with resulting mental health problems. It also criminalises those who do work and facilitates forms of modern slavery which exploit vulnerable people:

"The experience of severely exploitative labour, including forced labour, is often unavoidable for refugees and asylum seekers in order to meet the basic needs of themselves and their families."²⁷



"WE NEED THE RIGHT TO WORK WHILE WE ARE WAITING FOR OUR CASES TO BE FINALISED, IT IS A VERY STRESSFUL TIME, TO BE IN THE HOUSE EVERYDAY GIVE ME DEPRESSION."

ASYLUM SEEKING WOMAN

¹⁹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/583192/Permission-to-work-v7.pdf

²⁰ <http://lifttheban.co.uk/wp-content/uploads/2018/10/Lift-the-Ban-report.pdf>

²¹ <https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-k-shortage-occupation-list>

²² <https://www.theguardian.com/uk-news/2018/dec/05/sajid-javid-would-like-to-review-ban-on-asylum-seekers-working-in-the-uk>

²³ <http://lifttheban.co.uk/wp-content/uploads/2018/10/Lift-the-Ban-UPDATED-Briefing-for-Parliamentarians.pdf>

²⁴ <http://lifttheban.co.uk/wp-content/uploads/2018/10/Lift-the-Ban-report.pdf>

The UK government installed provision in Part IV of the Immigration and Asylum Act 1999, 'Section 95', which states that the Secretary of State may provide or arrange for the provision of support for asylum seekers or dependents of asylum seekers who appear to the Secretary of State to be destitute. 'Section 4' of the same Act allows for the provision of subsistence vouchers and housing to asylum seekers who have had their claim refused and who meet the eligibility criteria. Most commonly, this will relate to persons for whom the provision of accommodation is necessary to prevent a breach of their human rights. In practice, this generally applies to those who have made further submissions on their asylum claims which are outstanding with the Home Office.

We feel this provision is not appropriate as it **alienates and excludes an exceptionally vulnerable group of women**. We support the Lift the Ban Coalition's arguments for reform which suggests that giving the right to work would support integration, provide routes out of poverty, give people dignity, prevent wastage of talent and skill, and bring the UK in line with other comparable countries. It is estimated that:

"If 50% of people who are currently waiting more than six months for a decision on their initial asylum application are able to work full time on the national average wage, the Government would receive an extra £31.6 million per year from their tax and National Insurance contributions. If they

*are moved off subsistence (cash) support but retain support for accommodation, the Government would save £10.8 million per year."*²⁸

The UK government states that it encourages asylum seekers to volunteer whilst their claim is being considered. The Government suggests that women, by volunteering for a charity or public sector organisation, can support their local community and will find it easier to integrate into society. We believe that allowing asylum seekers to volunteer can improve their ability to find employment later but does not facilitate women supporting themselves independently. The same measures taken to address barriers faced by UK national BAME women should be extended to asylum seekers waiting for a decision on their right to remain.



"I WANT TO WORK AND TAKE CARE OF PEOPLE AND FEEL GOOD ABOUT SPENDING MY OWN WAGES FOR MY CHILDREN."

ERITREAN ASYLUM SEEKING WOMAN

RECOMMENDATIONS AND CONCLUDING REMARKS

In terms of addressing women's economic empowerment internationally, we support the UK government's position in the state report to CEDAW:

"DFID are tackling the specific barriers faced by girls and women such as lower human capital and access to assets; discriminatory behaviours and laws; and the unequal distribution of care work. DFID will build on the recommendations of the UN High Level Panel on Women's Economic Empowerment (HLP), to which

the UK has been central. Over the next five years DFID will work in partnership with British and international businesses to support implementation of the HLP recommendations through a Work and Opportunities for Women programme."

"AS ASYLUM SEEKERS WOMEN ARE VULNERABLE, THE GOVERNMENT SHOULD GIVE PRIORITY [...] SOME OF US ARE ABUSED BY MEN BECAUSE OF THEIR STATUS, NO FOOD, NO HOUSE, WORKLESS..."

ASYLUM SEEKING WOMAN

²⁵ http://www.star-network.org.uk/images/uploads/documents/28.11.08_-_Almamy_Taa_-_talk_notes_.pdf

²⁶ https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/GBR/INT_CEDAW_IFL_GBR_31480_E.pdf

²⁷ Hannah Lewis et al. (2013) Precarious lives: Experiences of forced labour among refugees and asylum seekers in England, Research Report, University of Leeds.

²⁸ <http://lifttheban.co.uk/wp-content/uploads/2018/10/Lift-the-Ban-report.pdf>

ASYLUM SEEKERS' AND REFUGEES' MENTAL HEALTH

Refugees and asylum seekers (RAS) are more likely to experience poor mental health than the local population (Tribe²⁹, 2002), presenting higher rates of depression, PTSD and anxiety (Fazel et al³⁰, 2005; Keyes, 2000; Mental Health Foundation³¹, 2016; Steel et al³², 2009; Tempany³³, 2009; Turrini et al³⁴, 2017). Their vulnerable mental health is due to experiences preceding migration (such as war trauma) but also to those following the beginning of migration (e.g. family separation) and negative experiences in the receiving countries, which include difficulties with asylum procedures, unemployment, poor housing, social isolation and discrimination (Porter and Haslam³⁵ 2005; Steel et al³⁶, 2009).

REFUGEES AND ASYLUM SEEKERS (RAS) ARE MORE LIKELY TO EXPERIENCE POOR MENTAL HEALTH.

As for RAS women specifically, studies have shown that they are more likely to suffer from depression, also related to periods before and after pregnancy (Dransfield and Clark³⁷, 2018; Morgan et al³⁸, 2017). Domestic violence and female genital mutilation (FGM) are gender-specific practices that heavily affect RAS women's mental health (Woodward et al³⁹, 2016). RAS women's mental health conditions are also exacerbated by the current policies and practices of the Home Office. For instance, it has been shown that the Home Office's Dispersal Policy tend to relocate

RAS women in remote and often inadequate accommodation, often separated from their families, hence causing emotional distress (Kamel⁴⁰, 2014).

THE UK GOVERNMENT CURRENTLY FAILS TO SCREEN ASYLUM SEEKERS AND REFUGEES FOR MENTAL HEALTH ISSUES.

Despite this situation, refugee and asylum seekers are nevertheless less likely to receive the appropriate support needed (Aspinall and Watters⁴¹ 2010). One of the main reasons for this is that the UK government currently fails to screen asylum seekers and refugees for mental health issues, hence limiting the possibility of early interventions that



"NASS SUPPORT HOUSES ARE LIKE A PRISON, NOWHERE TO GO, NO SUPPORT, NEW TOWN, FEAR OF SIGNING AS YOU [MIGHT] BE DETAINED, VULNERABILITIES MAKE YOU WEAK, DIZZINESS, RAPE EXPERIENCES, MISCARRIAGE."

ASYLUM SEEKING WOMAN

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"WAITING FOR 10 YEARS
TOTALLY BREAKS DOWN
MENTAL HEALTH."

ASYLUM SEEKING WOMAN

can reduce them (Jefferies⁴², 2018; Polcher and Calloway⁴³, 2016). Other barriers to the access to mental healthcare include language and communication (Dransfield and Clark⁴⁴, 2018). On top of this, Tribe⁴⁵ (2007) argues that asylum seekers may not be at ease when talking about their experiences with a stranger, sometimes as a result of having been forced to flee their countries for speaking out about their views. Differing cultural interpretations about psychological distress can also lead to poor healthcare intervention (Kamel, 2014). For example, those suffering from mental health conditions – such as, depression, postnatal depression, anxiety and stress or post-traumatic stress disorder (PTSD) – are not necessarily capable of understanding and expressing what they experience through the terms employed by Western psychology (Ibid.).

Moreover, UK refugee communities might be more accustomed to *"function-focused and problem-focused coping styles ('How are you*

doing?' and 'What do you need to do?') than the emotion-focus ('How are you feeling?') more typically associated with counselling and with a Western, but not generally a non-Western, cultural idiom" (Summerfield⁴⁶, 2001, p.162). A tendency among UK refugee and Black, Asian and Minority Ethnic (BAME) communities to see the family and close social networks as crucial in offering support and nurturing problem-solving strategies (Summerfield, 2001) also lead them to access healthcare services at a more critical later stage than local and White users (Loewenthal⁴⁷ et al., 2012).

**THOSE SUFFERING FROM
MENTAL HEALTH CONDITIONS...
ARE NOT NECESSARILY CAPABLE
OF UNDERSTANDING AND E
XPRESSING WHAT THEY EXPERIENCE
THROUGH THE TERMS EMPLOYED BY
WESTERN PSYCHOLOGY.**

The poor understanding of these issues further increases barriers to mental health and to the development of psychological/ talking therapies, which in fact are not very effective among RAS and BAME communities (Loewenthal et al., 2012; Jefferies, 2018). However, Eastmond⁴⁸ (1998) observed that unemployment can be more important to mental health than access to healthcare support. This is because, even when healthcare access is guaranteed, *"there may be risks that the host society offers refugees a sick role rather than what is really sought: opportunities for meaningful citizenship as part of rebuilding a way of life"* (Summerfield, 2001, p. 162). Overall, the literature highlights three major factors that negatively affect the mental health of RAS in the UK: government asylum policies; poor access to healthcare; unemployment.

⁴² Jefferies, L. (2018) Population Health Needs Analysis – UK asylum Seekers and Refugees. *Links to Health and Social Care* Vol3(2), pp. 84-108.

⁴³ Polcher, K. and Calloway, S. (2016) Addressing the Need for Mental Health Screening of Newly Resettled Refugees. *Journal of Primary Care and Community Health*, [online] 7(3), pp.199-203.

⁴⁴ Dransfield, R and Clark, L. (2018) An exploration of the mental health needs of asylum seeking women and children in the UK: implications for health visiting practice. *Community Practitioner*. ISSN 1462-2815.

⁴⁵ Tribe, R. (2007) Working with interpreters. *The Psychologist*, 20(3), 159-161.

⁴⁶ Summerfield, D. (2001). asylum seekers, refugees and mental health services in the UK. *Psychiatric Bulletin*, 25(5), 161-163.

⁴⁷ Loewenthal, D., Mohamed, A., Mukhopadhyay, S., Ganesh, K. and Thomas, R. (2012) Reducing the barriers to accessing psychological therapies for Bengali, Urdu, Tamil and Somali communities in the UK: some implications for training, policy, and practice. *British Journal of Guidance and Counselling* 40(1), pp.43-66.

⁴⁸ Eastmond, M. (1998) Nationalist discourses and the construction of difference: Bosnian Muslim refugees in Sweden. *Journal of Refugee Studies*, 11, 161--181.

EXPERIENCES OF MENTAL HEALTH AMONG RAS WOMEN IN THE WEST MIDLANDS

What we observed confirmed a number of aspects highlighted in the literature discussed above. RAS women report to experience the following mental health issues: loneliness and isolation; depression; PTSD; stress and anxiety; anger. Some also reported also: suicidal thoughts; being forgetful; sleeping problems; having flash backs. A RAS woman advocate for CARAG (Coventry Asylum and Refugee Action Group) said that the most common mental health issues are: *“Depression and subsequent suicidal thoughts. Everything that is happening then just makes you angry”*. A legal adviser working with RAS women claimed:

“In my experience, depression, suicidal thoughts and PTSD affect the mental health of women asylum seekers most. I have seen anger less. The women I have met have often lost the energy to be angry and are in a state of despondency.”

All women went through traumatising experiences before applying for asylum, either in their home countries or in the UK (such as war, persecution related to sexual orientation, sexual slavery). Moreover, since they have been forced to flee their countries they often do not have family or close friends in the country of arrival and therefore they feel very often lonely and isolated. As mentioned above, the dispersal policies of the British government further exacerbate this feeling of loneliness and state of isolation. An Ethiopian asylum seeker recently relocated to Birmingham said that she did not know who to ask for help for her mental health problem

“because I’m new here”. Another Ethiopian asylum seeker said: *“I’m not happy of my life, I don’t have friends, I don’t have anybody here”*. An Algerian refugee said that getting pregnant for her was a way to feel less lonely, and that helped her improving her mental health:

“It got better during the pregnancy because I was feeling happy that I will have someone with me [...] so after I got pregnant with my first baby I got better in my thinking”.

Our analysis focused on RAS women’s mental health state in the UK and highlighted a number of elements that contribute to the worsening of their mental health during the process of asylum application and afterwards. All the women we talked to lament the negative experience of the asylum interview. Those who do not speak English well complained about the interpreters, for instance a Cameroonian asylum seeker said:

“The interpreter was speaking French, but not really... [...] I didn’t even understand what she was saying. When I read the document I realised that the interpreter was putting me in a bad light and now I don’t know how to justify this”.

The lack of accurate translation from the interpreters can worsen even further the experience of the interviews, which is often reported as “horrible”, “unpleasant” or “bad”. All women reported that they did not feel listened to or understood during the interview.

An Ethiopian asylum seeker said that she felt she wasn’t given the chance to explain herself. Others complained about the hostile and insensitive attitudes of the interviewers. A Cameroonian asylum seeker said:

“If you take some time to answer, then you find [in the rejection letter] that you took too much time to answer... but I cannot remember everything I’ve done in my life!”

A Nigerian migrant⁵⁰ underlined a similar experience:

“Once I was there and I said the 2nd of April and they said, ‘it was the 3rd’ and I said ‘sorry, yes, I meant to say the 3rd of April’ and they said ‘sorry, you lost your credibility’. But the brain gets tired, we’ve been there for more than 3 hours!”

Another aspect that contributes to the feeling of not being understood is the fact that the questions asked during the interview often do not consider cultural differences in experiencing the built environment and interviewers expect the applicants to be able to recall their memories through terms that are common for British and Western urban planning standards. A Cameroonian asylum seeker said:

“They ask incredibly detailed questions, I found them really difficult... such as, what was the name of the road you were living in and what was the number of

“IT GOT BETTER DURING THE PREGNANCY BECAUSE I WAS FEELING HAPPY THAT I WILL HAVE SOMEONE WITH ME.”

ALGERIAN REFUGEE



49. This section draws on interviews with 5 RAS women, 1 legal adviser, and 1 advocate.

50. I use the term ‘migrant’ here because this person was recently granted leave to remain for family reasons after her application for asylum had been rejected for the last 6 years.



"THEY TREATED ME AS A BAD PERSON, THEY DIDN'T TAKE ME SERIOUSLY."

ALGERIAN REFUGEE

some of the buildings down the road... but I don't know! I can tell you the bus I used to take but not that... in our country is different, here everybody knows the number, the postcode, but back in my country it's not like this. There, everybody build their own house, while here everything's already built."

The British government in the Eighth periodic report submitted to CEDAW (2017, p.18) states:

"There is a training programme for all asylum caseworkers, which specifically includes gender based harm and gender sensitive approaches to issues such as trauma and memory loss so that interviews are conducted in an appropriate and sensitive way."

However, the evidences we collected show that this is not the case, officials on the day of the interview often behave in an insensitive and careless manner. *"The interviewer wasn't listening"* (Ethiopian asylum seeker) and *"It feels like they're asking me the same question but they're not accepting my response"* (Nigerian migrant) are two common ways of describing the day of the asylum interview. A Nigerian migrant argued that:

"They should understand when someone is getting agitated, angry... try and calm it down! It's not easy, people easily break down, but they don't care. I've heard stories of people saying, 'oh we've seen so many of these, here's the tissues, when you're ready let us know! How would that person be comfortable in that room?"

She also reported that she felt blamed and judged by the interviewer for her past conduct:

"For instance, they asked the question 'why did you need to see this person for the second time?' and I said, 'there was an issue, we met, and we said there was forgiveness'. If I could read through him that he had such intention, I wouldn't even meet in the first place, but because we're family I felt everything was OK [...] and she said, 'you should know' but how would I know?"

The feeling of being treated as a 'criminal' or as a 'liar' is pervasive among the RAS women we talk to. This was confirmed by a legal adviser working with RAS women, who stated:

"The process of claiming asylum forces asylum seeking women to discuss issues which are often painful to remember and a source of deep shame/humiliation. To disclose these traumatic events and then be branded a 'liar' or 'not credible' carries its own trauma and for one of my clients, is the most distressing thing about the process. She appears exhausted and exasperated to have disclosed the deepest and darkest moments of her life and to not be believed. She has done everything in her power to explain and to prove her case, but it falls back to her word and her word is deemed insufficient owing to very minor inconsistencies. The Home Office repeatedly use such inconsistencies to weigh against the asylum seeker, ignoring later explanations and ignoring even their own guidance on issues of memory loss and disclosure for individuals overcoming

significant trauma and abuse. My client is entirely powerless against a system stacked against her."

An Algerian refugee also highlighted this point:

"The first interview wasn't OK because I was telling things and changing so they thought I was lying or that I wasn't really sick... they treated me as a bad person, they didn't take me seriously."

Even when asylum seekers provide evidences in support of what they say, they perceive a constant hostile attitude from the interviewer, who questions everything they say as if they were lying. A RAS woman advocate for CARAG said:

"They say she's lying, evidence is not strong. Show us photos of you and your girlfriend in your country. When you show the photos from home they say no, this is just a friendly photo, it doesn't show you were in a relationship. How can you take an intimate photo in the public in a country that homosexuality equals death? So, for me all I see is lack of education in people that decide on your case. They argue over nothing although in their head they believe they know everything about you. Zero common sense. No compassion when hear about some stories."

This also underscores the problem discussed above, i.e. that interviewers often do not acknowledge that there might be some cultural or political differences in dealing with similar experiences (in this case, taking intimate pictures of a same-sex partner).



For this reason, the whole process can be very stressful and demeaning. As a Cameroonian asylum seeker reported:

“Why all this? In my country people who murder someone, people who steal, they are sent in front of a judge... but why do this to someone who is a good person?”

Overall, with regard to the asylum process, RAS women agree that they do not feel treated as proper human beings. Some even argued: *“We are treated as lesser humans. We had lives before coming here”* (RAS woman advocate, CARAG) and *“They don’t treat us like humans, but like numbers!”* (Nigerian migrant). This stretches also beyond the moment of the interview and include access to healthcare. A Cameroonian asylum seeker lamented the lack of treatment for a problem she has in one shoulder. She said that when she goes to the GP:

“When you speak to someone, they always think you have some problem with the papers... and this hurts me, it’s like everything is based on the asylum process [...] They think all your problems are about your asylum application... but I’m a human being as everyone else, I can feel pain too...”

The fact that the ‘legal status’ is a requirement for a series of other rights creates obstacles for the access to healthcare and education, and prevents them from accessing employment, which worsen the mental health of RAS women. Many RAS complained about the difficulties in registering with a GP, someone

said *“when we go to the GP they don’t accept us because we don’t have ID, proof of address etc.”* (Algerian refugee). Education and employment are also considered crucial for the quality of life. As a Cameroonian asylum seeker said:

“For instance, I don’t have the right to education anymore... but when you go to school you can concentrate on homework, you’re forced to use your brain, when you come back from school you need to get some food etc. It helps you to make the time pass... and you’re also tired, so you can sleep. But when you don’t go to school, your head is like [she doesn’t finish the sentence] ... for example, when I go to bed, I sleep maximum 3 hours.”

She added that for her getting the refugee status is important, but only because this can then help her to get on with her life, with education and a job:

“Having the papers might help... but also going to school, to university, having a normal life, help! It helps you feeling better, feeling that you’re busy, but if you don’t have the papers you can’t go to school... if you don’t have the papers you feel ill! Fine, the papers are important... but if you’re paralysed, you might as well have your papers but you can’t go to school, you have the papers but you can’t meet people, they are useless... if you don’t have a social life, you’re useless [...] If you don’t have the refugee status, you can’t go to school, you can’t work... what life is that? [...] What am I supposed to

do, then? I ask myself this question every day.”

She concludes:

“When they tell you that you don’t even have the right to education what can you do if not live once again the ordeals of the past? [...] I ask the government that they change methods, that they leave people go to school and work... and if you work you can even pay the school for yourself! Even without the papers... and then the papers will come. Because otherwise it’s like only because we don’t have the papers we cannot have a life... it’s not normal!”

Work and education are fundamental in maintaining a healthy mental state for asylum seekers. As an Ethiopian asylum seeker said: *“I want to work, go to college, so I can be busy... but now I’m not, I’m at home, thinking about my case, my family... it’s not good”*. Not having anything to do exacerbates the already high uncertainty of the lives of asylum seekers. As a Nigerian migrant described this situation: *“Even if we’re walking down the street, we’re not different from prisoners, it’s just in there, it’s not going away”*. A Cameroonian asylum seeker reported that:

“I don’t know the future, I don’t know the present... when it’s the new year, you always ask yourself what you can achieve. I am unable to answer this question [...] I’m scared of my past, I’m scared of the future.”

The protraction of the asylum process clearly exacerbates this feeling of uncertainty and anxiety, as a legal adviser working with RAS women stated:

"Delay is by far the biggest issue. It prevents asylum seekers from being able to move forward from their trauma. Difficult parts of their past may be brought to the surface as a result of the immigration process and then that trauma is suspended around them while waiting for a decision. One lady I work with told me that she has a panic attack (sweating, heart beating too fast, cannot breathe properly) every time she receives post, and that as time goes on, the suspense of not knowing her fate makes this worse."

A Cameroonian asylum seeker reflects on this state of 'suspension':


"If your life is suspended like this, it makes you think a lot... you don't know when everything will pass, you don't know if you'll stay, if your health will get better... Before I came here I imagined this to be better... I mean, my life improved, but sometimes I wonder if it's really worth it [...] But, sometimes we say that life is time, and maybe the time that you don't have yet will be better... but it's not easy."

Another element of uncertainty and anxiety relates to the immigration reporting centres where asylum seekers are required to sign periodically. The Cameroonian asylum seeker said:

"Every time you go and sign you never know... I don't even want to remember how it feels, because when you go it's like if you could never be back because they can take you, and when they take you it means detention, and if you don't know anyone, a lawyer that can take your case, you can be deported... and in my country, as you arrive, they take you to prison... you literally live in constant anxiety!"

A Nigerian migrant also tells about the precautions one needs to take before reporting to the immigration centre:

"Especially when you need to go to Solihull to sign, it's like a day of reckoning, you don't know what's gonna happen... so what we do is saying you have to have a buddy who can come together or exchange numbers and make sure you tell somebody you're going to sign so in case you're not seen at a certain time they would swing into action."

A photograph of a person's hands holding an open book with Arabic text. The book is resting on a white lace fabric. A teal-colored text box is overlaid on the top part of the image, containing a quote and the name 'ALGERIAN REFUGEE'.

"IF I CAN'T STAY IN THE UK, THEN IT WOULD BE BETTER TO TAKE MY OWN LIFE BECAUSE IT'S NOT POSSIBLE FOR ME TO LIVE IN MY HOME COUNTRY."

ALGERIAN REFUGEE

Anxiety is therefore produced by the high uncertainty experienced during the asylum process: asylum seekers do not know if they will be able to stay or not, they do not know when they will receive the response to their application, they do not know how the interview is and what they will be asked, they do not know if they will be believed, they do not know what is accepted as credible evidence. The threat of deportation also adds up to this anxiety, mostly for RAS women who risk their lives in their country of origin. A Cameroonian asylum seeker, who had been persecuted for her sexual orientation, said: "If I can't stay in the UK, then it would be better to take my own life because it's not possible for me to live in my home country". This especially shows the limits of the steps the UK government claims are being taken to reduce discrimination faced by LGBT people (UK Government, 2017, p.8).

All these negative experiences RAS women go through during the asylum process have also strong consequences on their poor future mental health and also the mental health of their children. A Nigerian migrant, who spent 7 years as undocumented and over 6 years as an asylum seeker in the UK said she feels resentful for the time she wasted during the asylum application, when she could have worked:

"I'm still having these flashbacks, even if I've got my status, it's still there... I feel angry, I feel depressed, I feel so many years have been wasted for nothing, for no fault of mine [...]. It's annoying because when I was fit and fine I didn't have the opportunity to work and now I've got the status but medically or fitness-wise I'm not too OK so now it's a fight between me and Universal Credit... 'you have to find a job'... so I've still got this on the back of my mind 'you have to be at Solihull'... now you have to be at job centre, you have to answer stupid questions [...]. My status now is as good as useless, so why wouldn't I be depressed, why wouldn't I have flashback, why wouldn't I be angry at the slight thing?"

She also feels like once again she is going through the traumatic experience of needing to prove herself and not being believed with the process of claiming Universal Credit. She compared the asylum process to a cut that leaves an indelible scar:

"This is not life! you keep saying that you want papers, you want to get regularised, but you get it and now I am as good as nothing [...]. I'm good at hiding, but I'm suffering! [...]. It's there, I don't think it's ever going to leave me... shall I say

traumatised? It's like it's there, it's like a cut, you're scared for life... the scar, who's going to take it off? The moment you see the scar you keep thinking about it, you have flash backs..."

In addition to the effects that the asylum process had on her, also her daughter suffered from it. She said:

"If it was just me I wouldn't mind but it's also my daughter... you wouldn't believe when my daughter turned 7 she was so excited she said, 'mommy today is my birthday, I'm 7... does that mean they're not going to ask us to leave the country again?' Can you imagine what that child must have been thinking?! That broke me down that shattered me, I was shocked... I never expected that from my child... that alone is enough to destroy a child [...] She could hold it against them... she might not say it now but in the future, she might mention something..."

She also recalled one of the most traumatising experiences that her daughter and she went through, when they were notified that they had to be removed:

"Once they said they wanted to have a meeting with me, I was in Nottingham, they came, and they said, 'where is your daughter?' on a school day, she was at school and they said, 'we would like your daughter to be in this meeting' but 'excuse me! she's a child'. They insisted, I had to go to the school to bring my child home, can you imagine that?! And I asked them 'would you put your child through this?' and my child was there and what they handed me was two tickets, one for yourself and one for your daughter on so so so you have to be at the airport. And if we find you're not there, we come unannounced and we get you arrested. Tell me what that would do to a child?! At that time, she was just 5-6 years old."

Once again, this shows how the officials dealing with RAS women and children are often not careful or sensitive, despite the training they undertook, as described in the Eighth report submitted to CEDAW (UK Government, 2017).

These negative experiences during the asylum process can be further exacerbated by two elements: one is detention, and the other one is the negative attitude towards RAS diffused among the local population. An Algerian refugee was put in detention for 6-7 months during her asylum application. She got the refugee status in the end, but she really struggled both mentally and physically during

the period of detention and still today suffers from the effects that this experience had on her current mental health:

"When I applied for asylum I was sick, I was stressed, I felt depressed... before my life was not good, but when I applied for asylum it got worse because they took me to detention but I was very ill at that time, my mental health was 80% but they didn't treat me well, maybe because they thought I was lying, they were treating me like a criminal... they refused to make me see my GP. In my life now, I struggle because of that... for example if I have an interview of if you put me in a room and you close the door I feel really sick and I panic and I stress because of that time in detention when I wasn't feeling well."


This example clearly shows how, unlike what is claimed in the Eighth report submitted to CEDAW (UK Government, 2017, p.17), the UK government is not guaranteeing that prison and secure accommodation service providers respond appropriately to meet women's need, nor it is "ensuring the delivery of high quality equitable healthcare provision within prison settings", unlike the report says.

She continued, illustrating the effects that her experience in detention had on her current mental health condition:

"Now that I got status I feel better but still, to be honest, I don't know if I find myself in a stressful situation if I will manage or if I will be back as before... this is still in my mind, I don't know why, even if now I have my daughters with me, which makes my life better, so I can think about them not only about my past... but I have this problem which is, if I have bad time in my life or if I have any problem, I worry because of my experience with the Home Office and in detention..."

Finally, RAS women can feel stigmatised during the asylum process. A Nigerian migrant said:

"When you go somewhere sometimes you're worried about taking out your ARC card, the moment they see it you need to see the look they give you...that alone is like you're not accepted for reasons best known to them which is not your fault. If they asked questions, you could give them information...they don't care if you're dying or if you're fleeing from persecution, they're not interested, all they think is money, house, jobs."



"BEFORE MY LIFE WAS NOT GOOD, BUT WHEN I APPLIED FOR ASYLUM IT GOT WORSE BECAUSE THEY TOOK ME TO DETENTION."

ALGERIAN REFUGEE

RECOMMENDATIONS AND CONCLUDING REMARKS

This report section focused on the aspects that negatively affect RAS women's mental health during the asylum process in the UK. As shown by the literature, the often-traumatising experiences they go through before or during the migration journey have a central role in their poor mental health state. However, the asylum process in the UK can make their poor mental health conditions much worse. As a Nigerian migrant said: *"When you think you're here, you think that you're in a country where you think they'll understand the reasons why you're here... but rather they make it worse"*. Also, an Algerian refugee would like to let the UK government know that: *"I had a very bad time with them and now I feel affected in my life because of that, mostly detention"*. Overall, the RAS women, lawyers and advocates we talked to highlighted the following as the most important elements affecting RAS women's mental health during the asylum process (and beyond):

Dispersal policies worsen RAS women's loneliness;

The interview produces often long-term feelings of being misunderstood, treated like a criminal and a liar (this can be exacerbated by the poor translation of interpreters);

The hostile attitude of the interviewers often transforms the interview in a traumatising experience;

Difficult access to healthcare, education, and the impossibility to work produce a feeling of being 'suspended' and make the waiting for the application outcome even more difficult;

The delay and the waiting for the asylum application outcome increases anxiety (also exacerbated by monitoring practices to which RAS are subject to, such as the signature at the immigration reporting centres);

Asylum officials are often not careful in dealing with emotional states of RAS women and with the children involved in the situation;

Detention is a very traumatising experience;

The negative attitude spread among the local population make RAS women often feel stigmatised.

All these aspects contribute to the poor mental health of RAS women. As a Cameroonian asylum seeker put it, in a simple yet very honest and concise manner: *"Being an asylum seeker is hard"*.

ECONOMIC AND SOCIAL RIGHTS

Asylum seeking women have no right to access mainstream economic and social benefits in the UK; they are allocated benefits provided by Asylum Support Teams while they have a valid claim pending with the Home Office. Refused asylum seeking women are left destitute without any means of support. Destitution violates women's CEDAW Article 13 economic and social benefit rights.

In the UK State report⁵¹ there is no mention of destitute asylum seekers in the writings on Support for low income families:

"151. UK Government has put in place a number of measures to support families on low income including the introduction of the National Living Wage (NLW), tax-free childcare, flexible-working and increasing programmes to support women's return to work."



PROVISION OF SUPPORT FOR ASYLUM SEEKERS

In considering adequate standards of living and social security in the context of the CEDAW Articles, the Equality and Human Rights Commission report⁵² states that according to the homelessness charity, Crisis, in 2017 an estimated 236,000 individuals in Great Britain were homeless, an increase of 33% since 2011. Evidence suggests that women sleeping rough may be particularly vulnerable.

Published statistics according to the Joseph Rowntree Foundation⁵³ from the Home Office show asylum applications peaking in 2015, although still running at a higher level in 2017 than in 2012-13. At the same time the number of asylum seekers being supported by the Home Office rose from 21,000 in 2013 and 30,500 in 2015 to 39,000 in 2017. This population is a key group in looking at destitution risk as their support is in a sense precarious, being contingent upon the outcome of their asylum claim. Refused asylum seekers face even higher risks of destitution. An asylum seeking woman stated:

"They can suddenly tell you and your child you have to leave, without thinking about where we will go, how we will live."

"And because you want to be safe you end up feeling like a criminal, trying to hide and then you become homeless."

The Government states that if people are refused asylum, they must return to their country of nationality; however, a large number of people cannot be forcibly removed. It has been estimated that 90% of refused asylum seekers remain in the UK and brave destitution rather than electing to leave.⁵⁴ People choosing to live underground lives rather than returning to their country are often vulnerable and exploited. A new social category of 'asylum seekers', separated in policy and discourse from refugees, stigmatises them as 'bogus' and 'undeserving'.⁵⁵

In many cases, however, a person's claim is refused for reasons far beyond their control. Poor decision making by the Home Office factors into this, as does insufficient or inadequate legal assistance and even constraints once legal assistance is in place. For example, the Legal Aid Agency will typically refuse to grant funding for expert reports 'pre-decision' – 'pre-decision' here being synonymous with 'pre-refusal' of the initial asylum claim.

The immediate obstacle is the refusal of their right to remain in the UK as refugees. The extension of this relates to their exclusion of social, economic benefits and the right to work. Historically this exclusion in terms of social policy came from six Acts of Parliament brought into force between 1993 and 2006 which denied asylum seekers access to employment and the welfare state, ostensibly to deter refugees from seeking asylum in the UK⁵⁶. The asylum system systematically denies women's rights to basic necessities. An asylum seeking woman stated:

"Money for menstruation pads is a problem. I went to friends, didn't tell them I didn't have pads, just went there and said, oh, I'm on, even though sometimes I wasn't menstruating. I get pads, go home and keep them for when I need them."

The category of refused asylum seeking women, classified as liable to be detained with no recourse to public funds, are most at risk. There is no accurate data on the number of destitute women in this position and this forms a major gap in state data collecting.

⁵¹ https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fGBR%2f8&Lang=en

⁵² https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/GBR/INT_CEDAW_IFL_GBR_31480_E.pdf

⁵³ <https://www.jrf.org.uk/report/destitution-uk-2018>

⁵⁴ Blitz, B.K. and Otero-Iglesias, M. (2011) 'Stateless by Any Other Name: Refused asylum seekers in the United Kingdom' *Journal of Ethnic and Migration Studies* Vol 37, Iss. 4, pp 657-573

⁵⁵ Sales (2002) 'The deserving and the undeserving? Refugees, asylum seekers and welfare in Britain' *Critical Social Policy* Vol. 22 No. 3 pp 456-478

⁵⁶ Ginsberg, N. 2nd Ed (2009) 'Race, Ethnicity and Social Policy' Bochel et al. Ed *Social Policy, Themes Issues and Debates* England: Pearson Education Limited

LIVING STANDARDS IN ASYLUM ACCOMMODATION

"IT'S IMPORTANT THAT HOUSING PROVIDERS MAKE CONTACT WITH LANDLORDS AND OWNERS TO MAKE SURE THE HOUSE IS SUITABLE FOR HUMANS, SOME ARE VERY, VERY BAD."

ASYLUM SEEKING WOMAN

Within the context of the Home Office re-tendering process for asylum accommodation contracts in autumn 2018, Refugee Rights Europe, MEENA Centre for Women and Children, and the Baobab Project in Birmingham, investigated asylum accommodation provision for asylum seeking women in Britain.⁵⁷ The research found that the Home Office and its contractors have failed to ensure safe, hygienic and dignified housing for asylum seekers in Britain, and calls for serious efforts by the Home Office to ensure a transparent approach in which

accommodation providers are held to account over the coming years.

The research findings revealed unacceptable hygiene standards and widespread problems with vermin. Many of the asylum seeking women interviewed said they felt unsafe in their accommodation, and complaints and grievance procedures appear to be largely dysfunctional. Several women were experiencing health problems which they attributed to the unsanitary conditions in their bedroom and communal areas. For instance:

41%

of respondents did not feel safe inside the accommodation

50%

of respondents said they found their accommodation 'dirty' or 'very dirty' when they moved in

66%

of respondents reporting that they had seen vermin

31%

of respondents reported having witnessed violence within the accommodation

29%

of respondents said that they had signed a document when moving in, which they did not understand. They were either scared of asking questions, or too desperate to finally move in

32%

of respondents did not feel safe raising complaints about their accommodation to their landlord or housing officer, most of them because they were afraid of losing their accommodation

Asylum accommodation for women in Britain does not represent any form of safe haven for people having gone through unimaginable hardship. Housing providers and staff must be able to respond effectively to the specific safeguarding needs of women, mothers and individuals with special needs, and therefore need to be trained in complex trauma as well as sexual and gender-based violence, trafficking, and related issues.

Asylum accommodation for women in Britain does not currently meet decent and secure living standards. It is imperative that accommodation providers conduct regular checks to ensure that living standards are adequate and do not pose any risk to

residents' health, which is not currently taking place in an adequate manner:

Vermin, mould, and other common problems are usually not addressed effectively, and residents report being turned away or reprimanded when attempting to report major issues within the accommodation.

Rather than women housing welfare officers and security staff, male staff is generally deployed, with little to no experience working with vulnerable groups. This must be rectified.

Information on accessible support services are not currently accessible to all women in asylum accommodation. This should be made available to asylum seeking women throughout their process, and within the framework of their accommodation.

With new asylum accommodation contracts on the horizon in 2019, the UK Home Office must hold the new contractors accountable and ensure that individuals seeking sanctuary in the UK are provided with humane living conditions.



"THE HOME OFFICE CONTINUES TO OFFER MINIMUM SUPPORT, INAPPROPRIATE HOUSING, LACK OF MEANINGFUL COUNSELLING AND A SHOCKING LACK OF SENSITIVITY REGARDING WOMEN'S EXPERIENCES."

MEENA Centre

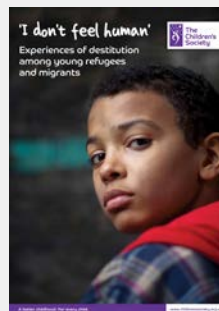
NON-STATE INPUT AND CONSIDERATIONS

There are many reports from organisations into destitution of refused asylum seekers outlining the obstacles preventing them enjoying the right to basic necessities, these include:



REFUGEE ACTION THE DESTITUTION TRAP 2006

Refugee Action's⁵⁸ report describes destitution from personal perspectives. It considers the fairness and the impact of destitution alongside questioning whether the current government policy of exclusion is working.



THE CHILDREN'S SOCIETY I DON'T FEEL HUMAN 2012

The Children's Society's⁵⁹ study focuses on destitution in the West Midlands. This charity produced a follow-up report⁶⁰ (2012) which provided personal testimonies from destitute families and support organisations to show severe destitution, deprivation and exploitation among asylum seekers, refugees and migrant children.



OXFAM COPING WITH DESTITUTION 2011

Crawley's⁶¹ Oxfam report provides a comprehensive and detailed description and analysis on survival and livelihood strategies of refused asylum seekers.

⁵⁸ Refugee Action (2006) The Destitution Trap http://www.refugee-action.org.uk/about/resources/660_the_destitution_trap_-_2006_report

⁵⁹ The Children's Society (2008) Living on the Edge of Despair: Destitution amongst asylum seeking and refugee children http://www.childrenssociety.org.uk/sites/default/files/tcs/research_docs/Living_on_the_edge_of_despair_destitution_amongst_asylum_seekin_g_and_refugee_children.pdf

⁶⁰ The Children's Society (2012) 'I don't feel human' experiences of destitution among refugee, asylum seeking and migrant children http://www.childrenssociety.org.uk/sites/default/files/tcs/research_docs/thechildrenssociety_idontfeelhuman_final.pdf

⁶¹ Crawley, H. Hemmings, J. and Price, N. (2011) Coping with Destitution: Survival and Livelihood strategies of refused asylum seekers living in the UK Swansea University: Centre for Migration Policy Research: Oxfam Research Report

The effect of destitution on women is devastating. Research with destitute asylum seeking women found there to be an impact on asylum seekers' social positions, a fall in self-esteem and negative physical and mental health problems. asylum seeking women

face the increased risk of exploitation and find themselves reliant on communities and charities. They rotate around the asylum system, moving from asylum support to destitution, putting forward their cases to get support and then often being refused again.

Within the research conducted, several key issues were raised by women who had been in this position of destitution and/or were facing it:

"THEY DEHUMANISED ME; I WAS TREATED LIKE CATTLE GOING TO A DIP, THEY DON'T CARE, YOU'VE NO VOICE, NO CHOICE, NO FREEDOM."

"MY CONFIDENCE WAS BROKEN, IT MADE ME TOTALLY DIFFERENT. I THOUGHT THE HOME OFFICE WOULD SAY YES BUT THEY SAID NO."

" 'HE SAID, MY WIFE IS BACK HOME, YOU CAN COME AND SLEEP WITH ME.' 'EXPLOITED IN 100 DIFFERENT WAYS.' "

"IT'S DIFFICULT; PEOPLE HAD A LIFE BEFORE COMING HERE, NOW I'M LIKE A BEGGAR."

"UNDERWEAR IS A DIFFICULT THING TO EXPLAIN TO ANYONE; THINGS ARE INTIMATE AND PERSONAL. YOU'VE GOT ENOUGH TO BUY UNDERWEAR, THEN YOU DON'T HAVE MONEY FOR MILK, BREAD, BUTTER...."

"I MADE RELATIONSHIPS THAT ARE NOT WANTED BUT I HAD NOWHERE TO SLEEP; I WAS EXPLOITED."

"EVERY TIME I WAS MADE HOMELESS, I FELT VULNERABLE AS A WOMAN; UNSAFE AND INSECURE."

"NOT HAVING ANYONE TO TALK TO OR HAVING ANYWHERE TO TURN WHEN YOU NEED HELP IS A PROBLEM"

"AS A WOMAN YOU CANNOT SLEEP ON THE ROAD, YOU CANNOT SLEEP OUTSIDE."

"MY COMMUNITY NEVER ACCEPTED ME BECAUSE OF MY STATUS."

"I FEEL VULNERABLE IN THE WAY I AM TREATED BY MEN AND BY OTHER WOMEN IN BETTER POSITIONS TO MYSELF."

"TEMPORARY ACCOMMODATION: HELPS PEOPLE NOT TO BE A PROSTITUTE."

"FOR FIVE YEARS I WAS DESTITUTE BEFORE I HEARD ABOUT CHARITIES."

"IT IS HARDER FOR WOMEN. WE ARE VULNERABLE, VERY VULNERABLE. THE THINGS I'VE EXPERIENCED SINCE I CLAIMED ASYLUM, I NEVER THOUGHT I'D EXPERIENCE. I'VE LEARNT FROM THEM BUT AM SADDENED I HAD THOSE EXPERIENCES AND THEY'VE AFFECTED ME HOW THEY HAVE"

"IT'S PUSHING ME TO DO THINGS I WOULD NEVER HAVE THOUGHT I WOULD DO IN MY ENTIRE LIFE. THINGS THAT ARE AGAINST MY VALUES AND MY BELIEFS. I PRAY I DO NOT GET WORSE BUT, AS WE ALL KNOW, DESPERATE SITUATION CALLS FOR DESPERATE SOLUTIONS."

"ASYLUM SUPPORT SENT ME TO BIRMINGHAM AND SO I HAD TO LEAVE ALL MY STUFF BEHIND ME. I DIDN'T HAVE ANYONE TO TELL I DIDN'T HAVE A BRA — I ENTERED SHOPS AND BRAS WERE £10-15, BY TIME I BOUGHT FOOD — I WOULD STAND AT THE TILL, REALISE FOOD MORE NEEDED THAN A BRA, TRIED AGAIN THE NEXT WEEK."

"WE ARE JUST NUMBERS TO THEM, THEY DO NOT SEE US AS PEOPLE."

The dangers of women being destitute is that they become vulnerable and victims to more crimes and violence. A local legal adviser observed the main problem and causes of destitution were:

'Fresh claims can take a long time to put together for 'failed' asylum seekers owing to the high legal threshold that must be met. This often means that there is no basis on which NASS accommodation can continue, leaving often vulnerable women without any means of support.

In my experience, the main problem with this links back to [mental health and disempowerment](#). The asylum seekers I have dealt with have spoken of the fear of sleeping on the street and the specific vulnerability they feel as women. This can, and has, led to situations where a woman feels so unsafe that she chooses to trust somebody she thinks can help, only to be exploited by that individual. For women who are survivors of rape/sexual violence, being street homeless resurfaces several fears, vulnerabilities and painful memories at a time when they do not necessarily have support mechanisms in place.

There is also an element of shame. One client recently on learning her application was refused cried for half an hour in the office because she thought this would now mean she was going to have to leave her accommodation. She emotionally recalled having to sleep in a bus stop in the past with blood coming down her legs because she had no sanitary products to deal with her period. This is a dehumanising experience and one no woman should have to face, let alone a woman who is seeking asylum in a 'safe' country.'

THE STATE RESPONSE

The UK government continues to enforce destitution as a policy after the refusal of asylum claims. The Home Office⁶² (2015: 3) asserts:

"The United Kingdom is committed to fulfilling its international obligations to meet minimum standards for asylum seekers who would otherwise be destitute until their asylum claim has been finally determined."

We feel this approach is highly misleading and does not consider the complexities of women's lives. There is [inconsistent and unsubstantiated decision making on asylum claims](#), or the refusal of support, or delays in support. Major problems in this system are identified as follows:

PROBLEM ONE

Our project referred women, previously refused asylum, living in charity accommodation, to competent solicitors, of which 100% were granted refugee status by tribunal judges. Women with less prolific health issues, or those who lack evidence to prove their stories, rotate between submitting a case and being refused. [Not one woman we assist has left the UK voluntarily and all suffer destitution, some for up to 20 years.](#)

PROBLEM TWO

The Home Office fail to provide support for women applying for section 4 asylum support in an appropriate time limit. We usually apply and are asked for further evidence multiple times, which the Home Office are often already in receipt of. It takes more than 6 weeks to get a decision and housing if the case is not refused. If we need to take the Home Office to the Asylum Support Tribunal, of which we have a 100% success rate in getting support for women, it takes approximately a further 2 weeks. We have instructed a community care advisor 4 times in the last 3 months to expedite a decision on support, which was granted on each occasion.

PROBLEM THREE

There are difficulties in accessing asylum support via their funded telephone advice service (ASAP & Refuge Council⁶³ 2018). We have found ourselves at number 92 in a telephone queue assisting women to call Migrant Help, [without the ability to directly contact the Home Office teams](#). Personnel and departments within the Home Office also seem to pop up and then disappear with constant departmental changes being made

PROBLEM FOUR

At times they stop asylum support payments for women, and we are forced to legally challenge them via a community care solicitor to provide what they are legally entitled to.

PROBLEM FIVE

There appears to be a [gatekeeping of resources](#) that it is very difficult to gain access to for individuals and needs a constant relationship and knowledge building from professionals and most importantly legal avenues for gaining protection.

⁶² https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/451088/Reforming_support_for_failed_asylum_seekers_and_other_illegal_migrants_-_Consultation_Document.pdf

⁶³ http://www.asaproject.org/uploads/Safe_from_violence_in_the_UK_ASAP-RC_report_.pdf

RECOMMENDATIONS AND CONCLUDING REMARKS

The government do work with the voluntary sector to improve their working practices, via stakeholder forums, but this is not enough. Measuring the effectiveness of asylum support policy and practice is done by the charity and academic, research bodies, who all generally call for action to relieve the problems.

- The Citizen's Advice Bureau (2006) report highlights problems with Section 4 (asylum support, explained on page 12) delayed administration, poor Home Office decision-making and the New Asylum Model system.
- ICAR Briefing by Morrell (2006) suggests it is intentional government policy to cause destitution for asylum seekers to create incentives for voluntary return. Statistics are given to illustrate the number of destitute asylum seekers in different places in the UK, including Birmingham. The briefing discusses the causes, effects, initiatives towards and legal challenges that destitute asylum seekers face.

- The Joseph Rowntree Foundation (JRF) has produced a report on this topic (Lewis⁶⁴ 2009). The survey shows high levels of destitution, for prolonged periods of time. The report concludes that the previous JRF report's recommendations into destitution from 2007 are implemented.
- In Scotland the Refugee Survival Trust (RST) reports (RST and British Red Cross 2009⁶⁵ and 2011⁶⁶) consider the policies, practices and responses regarding asylum and destitution in Scotland. The 2011 report has the same recommendations as the 2009 report, indicating the difficulties of influencing policy change in this area.
- The British Red Cross and Boaz Trust⁶⁷ (2013) destitution report in Manchester provides a similar summary of issues, recommending governmental change and strategic partnerships.



⁶⁴ Lewis, H. (2009) Still destitute: A worsening problem for refused asylum seekers York: The Joseph Rowntree Charitable Trust

⁶⁵ Refugee Survival Trust and British Red Cross (2009) 21 Days Later <http://www.rst.org.uk/wp-content/uploads/2012/11/21-Days-Later.pdf>

⁶⁶ Refugee Survival Trust and British Red Cross (2011) 21 Months Later <http://www.rst.org.uk/wp-content/uploads/2012/11/21ML-2011-final.pdf>

⁶⁷ British Red Cross and Boaz Trust (2013) A decade of destitution: time to make a change [http://www.redcross.org.uk/-/media/BritishRedCross/Documents/W ha t%20we%20do/UK%20services/Greater%20Manchester%20destitution n%20report.pdf](http://www.redcross.org.uk/-/media/BritishRedCross/Documents/W%20ha%20we%20do/UK%20services/Greater%20Manchester%20destitution%20report.pdf)

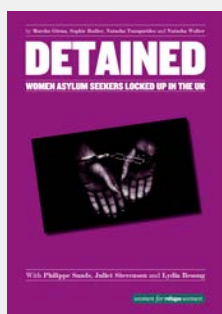
Women's and asylum projects across the UK provide assistance and mutual self-help specifically to asylum seeking women to alleviate destitution. [Our recommendation is that the Home Office listen more to these groups and to individuals facing destitution to resolve the core problems.](#)

Some groups address gender-based violence as well as other reasons people seek refuge. One leading group at London's Crossroads Women's Centre is the All African Women's Group; outside the region there is also Women Asylum Seekers Together in Manchester. Documents and Web posts written by these

groups (Crossroads Women's Centre / WAST 2015) illustrate their support and solidarity with those who have suffered rape and sexual violence as well as discrimination and disbelief within the asylum system.



Some groups also compile detailed reports into why women claim asylum and the treatment of these women; studies include:



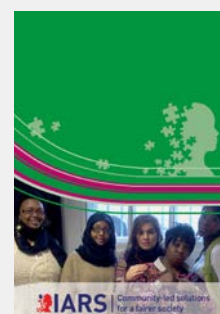
WOMEN FOR REFUGEE WOMEN DETAINED 2014

Women for Refugee Women reports, include 'Refused: The experiences of women denied asylum in the UK' (Dorling et al⁶⁸. 2012), and 'Detained: women asylum seekers locked up in the UK' (Girma et al⁶⁹. 2014).



ASYLUM AID I FEEL LIKE AS A WOMEN I AM NOT WELCOME 2012

Asylum Aid research reports on asylum and gender issues, including 'I feel like as a woman I'm not welcome' (2012⁷⁰), 'Unsustainable' (2011⁷¹) and 'Relocation, Relocation' (2008⁷²).



IARS ABUSE NO MORE 2013

IARS, user-led research reports on the experiences of women who have been survivors of abuse and power 'Abused No More: The Voices of Refugee and Asylum Seeking Women' (Challenger 2013⁷³).

⁶⁸ Dorling, K. Girma, M. and Walter, N. Women for Refugee Women (2012) 'Refused: The experiences of women denied asylum in the UK' <http://www.refugeewomen.co.uk/images/refused.pdf>

⁶⁹ Girma, M. Radice, S. Tsangarides, N. and Walter, N. Women for Refugee Women (2014) 'Detained: Women asylum seekers locked up in the UK' http://refugeewomen.com/wp-content/uploads/2014/01/W_RW_Detained.pdf

⁷⁰ asylum Aid (2012) 'I feel like as a woman I'm not welcome' <http://www.asylumaid.org.uk/i-feel-like-as-a-woman-3/>

⁷¹ asylum Aid 'Unsustainable' (2011) <http://www.asylumaid.org.uk/wp-content/uploads/2013/02/unsustainableweb.pdf>

⁷² Bennett (2008) Relocation, Relocation London: asylum

⁷³ Challenger, H. (2013) 'Abused No More: The Voices of Refugee and asylum Seeking Women' IARS Publications: London

Public awareness of asylum seekers is a **politically and racially charged environment**, although there is also a lot of excellent activism on women's issues creating solidarity support. More should be done to highlight these efforts. There needs to be an institutional will to implement changes from the top down, via the Home Office.

In short, access to accommodation, food, and basic sanitation are human rights issues. No

one should be deliberately made destitute and vulnerable women ought to be protected from this. The reality is that the intended effect of the Home Office policy of enforced destitution for failed asylum seekers does not work – they do not leave the UK.

Rather, women asylum seekers are **forced to choose one harm over another**: whatever danger awaits them in their country of origin against the risk to them in the UK as destitute

women. The latter is favoured more often than not, and such persons continue to fight for their lives, wellbeing, and the right to seek refuge in a safe country. The UK government must stop refusing to protect such persons and the law must be reinterpreted with some humanity.



VIOLENCE AGAINST WOMEN

VIOLENCE AGAINST ASYLUM SEEKING, REFUGEE, AND MIGRANT WOMEN

In light of General Recommendation 19, and the UN Secretary-General's in-depth Study on All Forms of Violence Against Women,⁷⁴ it is deeply concerning that the UK does not effectively safeguard asylum seeking, refugee, and migrant women adequately from violence. Indeed, evidence suggests that the UK Government's Ending violence against women and girls 2016-2020 strategy has failed to ensure that migrant women are safe from violence, as outlined below.

EVIDENCE SUGGESTS THAT THE UK GOVERNMENT'S ENDING VIOLENCE AGAINST WOMEN AND GIRLS 2016-2020 STRATEGY HAS FAILED.

Migrant women are some of the most vulnerable survivors of domestic abuse, given that they face a greater risk of destitution and poverty. It is well-established that perpetrators in many contexts reinforce their

power by using women's insecure immigration status and lack of access to housing and financial means to threaten them, leaving many too afraid to seek help, as sufficient safeguards and remedies are not currently in place. Abusers are often free to manipulate women's powerlessness (due to their insecure immigration status and fear of repercussions) with impunity.



DOMESTIC ABUSE BILL 2019

While the Domestic Abuse Bill 2019⁷⁵ sets out to protect and support victims and ensure agencies effectively respond to domestic abuse, we are concerned that it risks leaving migrant women behind, failing to provide them with the protections they need to break out of cycles of violence.

BRITISH POLICE FORCES MUST CEASE TO SHARE DETAILS OF SURVIVORS OF DOMESTIC VIOLENCE WITH THE HOME OFFICE FOR IMMIGRATION PURPOSES.

The UK Government, by allowing immigration enforcement to remain a pervasive priority, risks deterring migrant women from reporting abuse due to fear of deportation or other repercussions. British police forces must cease to share details of survivors of domestic violence with the Home Office for immigration purposes, as its continuation provides perpetrators with a tool to control their victims. This, effectively, could be understood as state complicity in cycles of abuse. The UK must guarantee safe reporting pathways, a system of full confidentiality and protection for all women who report abuse, irrespective

of their immigration status. It is imperative that such policy applies to all services, including police, GPs and other statutory services.

THE UK MUST GUARANTEE SAFE REPORTING PATHWAYS, A SYSTEM OF FULL CONFIDENTIALITY AND PROTECTION FOR ALL WOMEN.

We recommend that the CEDAW Committee consults further concerns raised, and recommendations made, by the NGO coalition Step Up Migrant Women (SUMW).⁷⁶

⁷⁴ <http://www.un.org/womenwatch/daw/vaw/SGstudyvaw.htm>

⁷⁵ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/772202/CCS1218158068-Web_Accessible.pdf

⁷⁶ <https://www.amnesty.org.uk/press-releases/uk-governments-domestic-violence-reforms-risk-failing-migrant-women>

TRAINING, AWARENESS-RAISING AND SUPPORTING VULNERABLE GROUPS

The UK Government must make further efforts to safeguard asylum seeking, refugee and migrant women as part of its VAWG strategy. While it pledges, in the 2016-2020 strategy, to provide “*mandatory training for those making decisions on asylum cases has been reinforced with training on sexual violence, including the links between VAWG and memory loss*”, we are alarmed by reports that women who disclose domestic violence, rape, or other forms of gender-based persecution to the Home Office when they make their asylum claim continue to face disbelief and detention, as reported by the UN Special Rapporteur on Violence Against Women in May 2015.⁷⁷

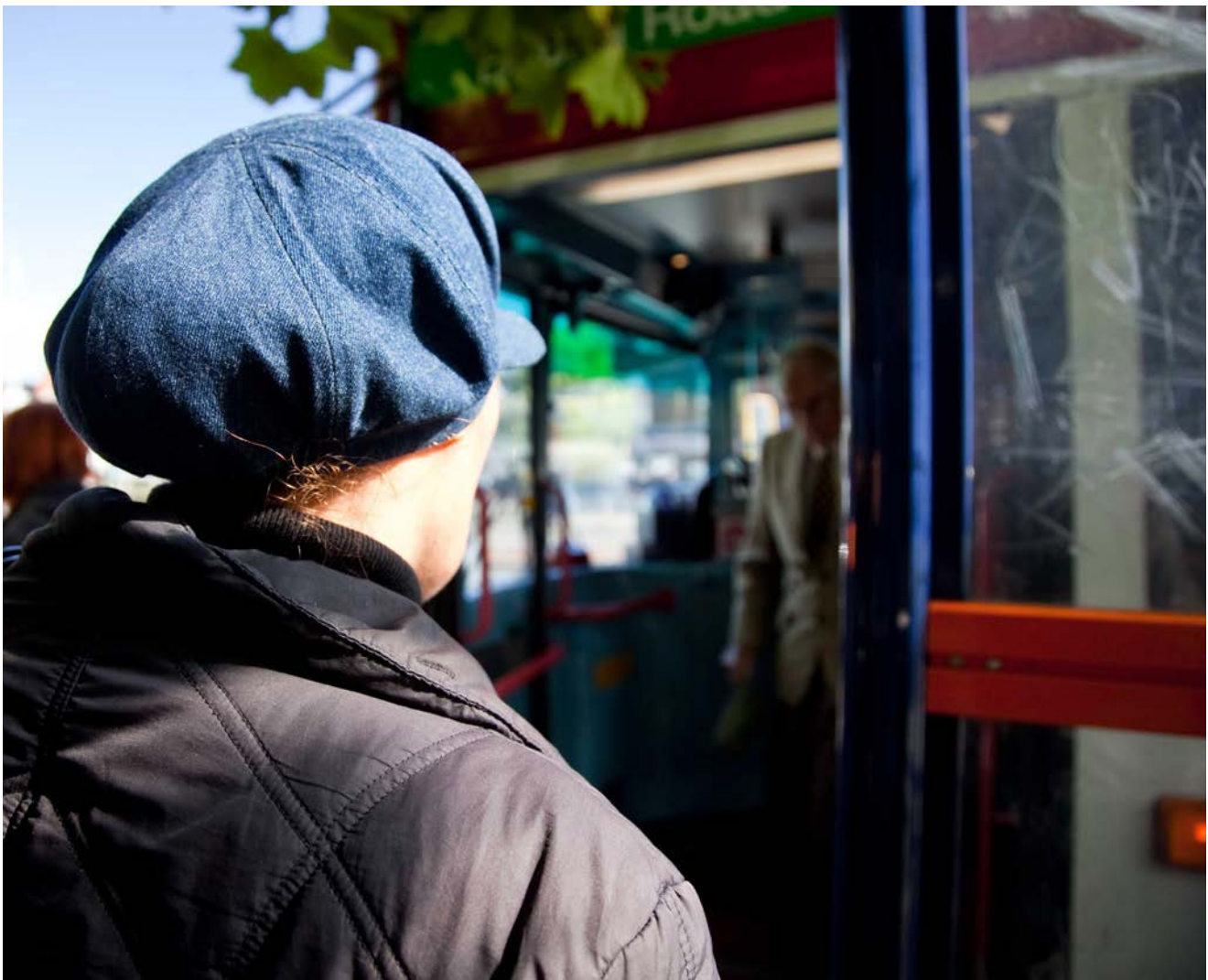
THE ACCOMMODATION PROVIDER MUST THEREFORE ENSURE THAT THE WELLBEING AND DIGNITY OF ITS CLIENTS IS SAFEGUARDED.

With regards to access to support services, research evidence from women’s asylum accommodation in Britain⁷⁸ highlights that housing providers and staff are generally unable to respond effectively to the specific safeguarding needs of women. It is imperative that the UK Government, as part of its VAWG strategy and other initiatives, holds to account the Home Office and its contractors to ensure that housing providers and staff are trained in complex trauma as well as matters of rape, sexual and gender-based violence, trafficking, and related issues. Women housing welfare officers and security staff must be appointed, as well as accommodation youth workers supporting individuals and monitoring the mental health of 18-25-year-olds.

Victims of torture, physical or sexual violence or trafficking, and those with physical or mental health needs - should not be forced

WOMEN HOUSING WELFARE OFFICERS AND SECURITY STAFF MUST BE APPOINTED, AS WELL AS ACCOMMODATION YOUTH WORKERS SUPPORTING INDIVIDUALS AND MONITORING THE MENTAL HEALTH OF 18-25-YEAR-OLDS.

to live in large-scale Houses of Multiple Occupancies (HMOs). Asylum accommodation should always be a safe haven for individuals awaiting the outcome of their asylum claim. The accommodation provider must therefore ensure that the wellbeing and dignity of its clients is safeguarded, and any allegations of bullying, violence, or gender-based violence and/or discrimination must be addressed urgently.



⁷⁷. <https://www.asylumaid.org.uk/uk-is-still-failing-survivors-of-rape-and-torture-seeking-sanctuary-says-un-report-on-violence-against-women/>

⁷⁸. http://refugeerights.org.uk/wp-content/uploads/2018/11/RRE_FinallySafe.pdf

CONCLUSION AND RECOMMENDATIONS

This report was originally written as a contribution to the United Nations CEDAW Committee, during its reporting and monitoring process of the United Kingdom's fulfillment of the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW).

The aim of our CEDAW shadow report was to ensure the representation of the voices of women who may not be visible to the bureaucrats who write the official CEDAW State party report. This has ensured the representation of the voices of women who may not be visible to the bureaucrats who

write the State party report. Largely based on asylum seeking women's first-hand accounts, the report laid bare serious shortcomings in the UK Government's attempts to meet the standards set out by the Convention on the Elimination of All Forms of Discrimination against Women, in particular:

Inadequate Home Office decision-making procedures

Asylum seeking women being prevented from enjoying the right to employment

The severe mental health situation for asylum seeking women

The acute risk and occurrence of destitution

Asylum seeking women not being adequately protected against VAWG



Our key recommendation, which were elaborated in much greater detail throughout the report, include:

ASYLUM PROCESSING AND HOME OFFICE DECISION-MAKING

An immigration law that refuses protection to a large number of people is not adequate and needs to be reinterpreted with greater sense of humanity and commitment to international human rights standards.

ACCESS TO EMPLOYMENT

The UK Government ought to stop denying asylum seekers the right to employment. We call for reform by granting asylum seekers the right to work, which would support integration, provide routes out of poverty, give people dignity, stop wastage of those only able to get support, and bring the UK in line with other comparable countries.

MENTAL HEALTH

The UK Government ought to address the policies which contribute negatively towards asylum seekers mental health problems.

Firstly, the current dispersal policies are found to worsen RAS women's loneliness and ought to be revised. Secondly, the culture of disbelief and hostility within the asylum interview produces must be urgently addressed, including issues relating to poor interpretation. Access to healthcare, education, and work needs to be urgently improved in order to alleviate suffering during the asylum waiting period. Furthermore, the length of the asylum process itself must be urgently addressed to reduce unnecessary delays causing anxiety. Alternatives to immigration detention must be used wherever possible, and the UK Government must bring an imminent end to indefinite detention.

DESTITUTION

Vulnerable women must never be released from accommodation without alternative and suitable accommodation in place. There needs to be an institutional will to implement these changes from the top down, via the Home Office. The latter ought to engage with and listen meaningfully to women's and

asylum projects across the UK that provide assistance and mutual self-help to asylum seeking women to alleviate destitution, and to individuals facing destitution themselves – in order to resolve core issues.

VIOLENCE AGAINST WOMEN

The Domestic Violence Bill 2019 is an opportunity to protect all women in UK society, and must not leave anyone behind. To this end, British police forces must cease to share details of survivors of domestic violence with the Home Office for immigration purposes, as its continuation provides perpetrators with a tool to control their victims. This, effectively, could be understood as state complicity in cycles of abuse. The UK must guarantee safe reporting pathways, a system of full confidentiality and protection for all women who report abuse, irrespective of their immigration status. It is imperative that such policy applies to all services, including police, GPs and other statutory services.



We are aware that highlighting problems is easier than suggesting solutions, or at least suggesting solutions which are practical and not based on ideal scenarios with limitless time and resources. Nonetheless, as front-line organisations working with asylum seeking women on a daily basis, we are convinced that the difficulty in finding a solution cannot bring the search for a solution to an end. It means

we must think bigger, work more effectively, and try harder to fix what is clearly not working.

In short, the UK Government must make every effort to ensure that the CEDAW applies to all women living in the UK, irrespective of immigration status.

