



A briefing from The Children's Society Highlighting the gap between asylum support and mainstream benefits

Introduction

The Children's Society supports nearly 50,000 children and young people every year through our specialist services and children's centres. We work with almost 2,000 young refugees and migrants through 10 specialist centres across England as well as through children's centres and other mainstream services.

We are concerned that levels of support available to asylum seekers and their families are shockingly low, forcing around 10,000 children to live far below the poverty level. Many families cannot even afford the basics, including clothing and powdered milk or nappies for their babies.

This briefing illustrates the gulf between what people receive via the standard benefit system and support available to asylum seekers. In some cases, asylum support is around half that received through the mainstream benefits system, and nearly a third of what they would need in order to be lifted out of poverty.

Children are particularly disadvantaged. Many of those we work with are made destitute without access to accommodation or institutional support, and their parents are not allowed to work.¹

According to the UN *Convention on the Rights of the Child* the best interest of the child should be a primary consideration in all actions concerning them. This applies to all children within the state's jurisdiction without discrimination of any kind including national, ethnic or social origin or other status. The UK Border Agency also has a statutory duty under Section 55 of the *Borders, Citizenship and Immigration Act 2009* to safeguard and promote children's welfare.²

The government urgently needs to review and adjust levels of asylum support to ensure that no child is forced to grow up in severe poverty because of immigration control and to ensure that their best interests are met.

¹ Pinter, I. (2012) 'I don't feel human: Experiences of destitution among young refugees and migrants'. London: The Children's Society. http://www.childrensociety.org.uk/sites/default/files/tcs/research_docs/thechildrensociety_idontfeelhuman_final.pdf

² Section 55 statutory guidance: Every Child Matters - Change for Children (November 2009)

<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/legislation/bci-act1/change-for-children.pdf?view=Binary>

Summary

- *Asylum seeking families with dependent children are often entitled to receive asylum support under Section 95 of the Immigration and Asylum Act 1999, until their claim is decided, and they are either granted leave to remain, or if they are refused asylum, until they leave the United Kingdom.*
- *Such levels of support are typically much lower than those provided through the mainstream benefits system. **In some cases it is around half of what the family would be entitled to receive under Income Support.***
- *Rates of support are well below what would be required to escape poverty. In some cases, a family may need nearly **three times as much as they receive through asylum support to be lifted out of poverty. In most cases parents are not allowed to work to lift their families out of poverty.***
- *Children and families may not receive **any additional cash support on account of disabilities** under Section 95. This means that they will struggle to afford the additional costs of disability.*
- *16 and 17 year olds **receive a considerably lower level of cash support than children under 16** despite normally being treated as children within the mainstream benefits system.*
- *If a child is born after an asylum claim has been refused, the parents are only eligible for what is known as **Section 4 support which is considerably lower than support provided under Section 95, forcing them further into severe poverty.***

1. Rates of asylum support

Most people who claim asylum are destitute when they arrive in the UK. They are not permitted to work but they can access asylum support as set out in the Immigration and Asylum Act 1999 under Section 95 and Section 4.

Section 95 sets out that once they have submitted their asylum claim support is provided in the form of accommodation and/or cash support (see Appendix 2). Families with children remain entitled to this help until they are granted refugee status, when they become eligible for mainstream benefits and are allowed to work, or if they are refused asylum, until they leave voluntarily or are forcibly removed from the UK.

The amount of Section 95 support which they receive depends on their household circumstances. The current rates of support are shown in Table 1.

Single adults or couples without children, on the other hand, will lose their Section 95 support and accommodation when their claim is refused. If an adult has a child after their asylum claim is refused they are not entitled to Section 95 support. Therefore, we often find that families with children who are born after the asylum claim is refused, mainly lone mothers, are left homeless and destitute.

These families, however, may be able to access Section 4 support under the Immigration and Asylum Act 1999, which is meant to provide short-term voucher-based support to adults who are destitute, if they meet specific strict requirements (see Appendix 2). Examples would include if they are taking all reasonable steps to leave the UK, if there is no viable route of return or if there is a physical or medical reason why they cannot travel.³ Section 4 support rates are considerably lower than those provided under Section 95, as set out below.

2. Section 95 support

Table 1 compares rates of asylum support under Section 95 of the Immigration and Asylum Act 1999 with personal allowances provided through Income Support (IS), within the mainstream benefits system.

Table 1: Section 95 Asylum Support and IS rates (2011/12)

	Income Support rate	Asylum support	Proportion of IS levels
Single adult (25+)	£67.50	£36.62	54%
Single adult (18-25)	£53.45	£36.62	69%
Couple (18+, no children)	£105.95	£72.52	68%
Couple (18+, children)	£123.35	£72.52	59%
Lone Parent (18+)	£84.90	£43.94	52%
Child 16+	£62.33	£39.80	64%
Child 4-15	£62.33	£52.96	85%
Child under 3	£62.33	£55.96	90%
Child under 1	£62.33	£57.96	93%
Disabled child (additional)	£53.62	£0	0%
Single disabled adult (additional)	£28.85	£0	0%
Couple with disabled adult (additional)	£41.10	£0	0%

The personal allowances shown here are additive, so with Income Support a lone parent with a 15-year-old child would receive £84.90+£62.33= £147.23 per week. If the child is disabled, they may be entitled to receive a further £53.62. How these

³ The requirements are set out in the Immigration and Asylum (Provision of Accommodation to Failed Asylum-Seekers) Regulations 2005. For more information see: www.ukba.homeoffice.gov.uk/asylum/support/apply/section4/

personal allowances translate into levels of support for some example families is set out in Appendix 1.

As can be seen, rates of Section 95 financial support are substantially lower than those provided through the "mainstream" benefits system. For example, Section 95 support for a lone parent with a child aged 16 is £83.74 per week -- £63.49 less than the comparable Income Support rate, and there would generally be no additional support for a disabled child (see section 2b for further details).

2a. Levels of support for children

Levels of support for asylum seeking children vary depending on the age of the child. Mothers with very young children may be entitled to higher levels of support than older children. An additional £5 is provided for a child under one and £3 extra for a child aged 1-3. The Children's Society supports the provision of additional support for families with very young children, to take account of the additional costs that they face.

Children aged 16 and 17, however, receive a considerably lower level of support than younger children - £13.16 per week less. There is no logic in this especially given that in most cases children aged 16 and 17 are still considered children within the mainstream benefits system. **It is important that within the asylum support system families with older children continue to receive the higher levels of support.**

2b. Support for families affected by disabilities

The current understanding of the health needs of refugees living in the UK is limited as data collection regarding refugee health is piecemeal. However, there is evidence of the significant impacts on their health as a result of experiencing human rights abuses, migration and asylum. According to the British Medical Association⁴ one in six refugees suffers from physical health problems severe enough to affect their lives and two-thirds experience significant mental distress. The Royal College of Psychiatrists has also stated that "*The psychological health of refugees and asylum seekers currently worsens on contact with the UK asylum system.*"⁵ More recent research has highlighted that asylum seekers and refugees are more likely to experience poor health than the rest of the population⁶.

Despite this evidence Asylum support for families with disabled children is particularly low compared to standard Income Support rates. This is because although the comparable Income Support rates include some additional levels of support on account of disabilities, there is no equivalent additional entitlement to extra support through Section 95 or Section 4 where a member of the family has a disability and where this has not qualified the person or family for local authority support.⁷

⁴ British Medical Association (2002). Asylum seekers meeting their healthcare needs. British Medical Association Board of Science and Education.

⁵ The Royal College of Psychiatrists (2007) Improving services for refugees and asylum seekers: position statement. www.rcpsych.ac.uk/docs/Refugee%20asylum%20seeker%20consensus%20final.doc

⁶ Maffia, C. and Conway, S. (2008) Supporting the health of refugees and people seeking asylum. Getting it Right. Unite

⁷ This could include provision under Section 21 of the National Assistance Act 1948 or under Section 17 of the Children Act 1989.

2c. Reasonable deductions from Income Support rates

In some cases it is reasonable to make some deductions from Income Support levels for asylum seekers receiving support under Section 95. This is especially true where the accommodation provided includes service charges which would not be included under Housing Benefit in the mainstream benefits system. In such cases, families would be expected to cover these costs through their Income Support or other benefits received for their living expenses.

However, Asylum Support rates do not reflect the standard levels of deduction within the benefits system where rent for a property includes utility bills. For a family occupying more than one room⁸, deductions for fuel costs, which are the key utility deductions, may be made either according to a rental agreement if they are identifiable, or at the following "standard" rates⁹:

Heating:	£21.55
Hot water:	£2.50
Lighting	£1.75
Cooking:	£2.50
Total:	£28.30

In addition, deductions may be made for water rates (average household water rates are around £7.23 per week for 2012.¹⁰)

This gives a total of around £35.50 per week deductions from Housing Benefit for rents for more than one room accommodation that includes fuel and water charges.

Rates of Section 95 support are typically considerably lower than IS with these rates of deduction. For example, asylum support for a couple with a 15-year-old child is £60.20 per week lower than standard IS rates.

We believe that asylum support rates should be aligned with the mainstream benefits system, and that standard rates of deduction should be used to determine any deductions made from the level of support provided.

3. Section 4 support

As highlighted above, if an adult has a child after their asylum claim is refused they are only eligible to receive Section 4 support which is meant to provide short-term voucher-based assistance. It is paid at a standard rate of £35.39 per person, with small additions for pregnant women and very young children. There are also additional clothing allowances available for children up to the age of 16. However,

⁸ For one room only, deductions of £12.90 are made for heating alone, or heating combined with hot water/lighting, and £2.50 for fuel for cooking.

⁹ For financial year 2011/12

¹⁰ http://www.ofwat.gov.uk/mediacentre/pressnotices2008/prs_pn0112bills

overall the support rates are far lower than those provided under Section 95, as set out in Table 2 below.

Table 2. Section 4 Asylum Support and IS support rates (2011/12)

	Income Support rate	Section 4 Asylum support¹¹	Proportion of IS levels
Single adult (25+)	£67.50	£35.39	52%
Single adult (18-25)	£53.45	£35.39	66%
Couple (18+, no children)	£105.95	£70.78	67%
Couple (18+, children)	£123.35	£70.78	57%
Lone Parent (18+)	£84.90	£35.39	42%
Pregnant woman	£67.50	£38.39	57%
Child 16+	£62.33	£35.39	57%
Child 4-15	£62.33	£40.39	65%
Child under 3	£62.33	£43.39	70%
Child under 1	£62.33	£45.39	73%
Disabled child (additional)	£53.62	£0	0%
Single disabled adult (additional)	£28.85	£0	0%
Couple with disabled adult (additional)	£41.10	£0	0%

It is notable that children lose considerably more compared to Section 95 asylum support levels than adults do. For example, for a couple with no children, Section 4 support is only £1.74 per week less than Section 95 support. However, for a lone parent with one child it is £31.12 lower.

The government highlighted the inadequacy of Section 4 support for children in a recent court case¹²: '*[the Secretary of State] accurately describes Section 4 as providing "an austere regime, effectively of last resort, which is made available to failed asylum seekers to provide a minimum level of humanitarian support"*.'

However, according to information provided by the Home Office through a Freedom of Information Act request, of the 3,715 refused asylum seekers (including dependents) in receipt of Section 4 support on 3 April 2011, 21% or 765 were children and most of these (86% or 656) were very young children under five years old. Forty per cent of those in receipt of Section 4 support in April 2011 had been living in these conditions for over two years, and 12% of cases had been on this support for four to six years.

¹¹ Including additional allowances for pregnant women and clothing allowances for dependent children

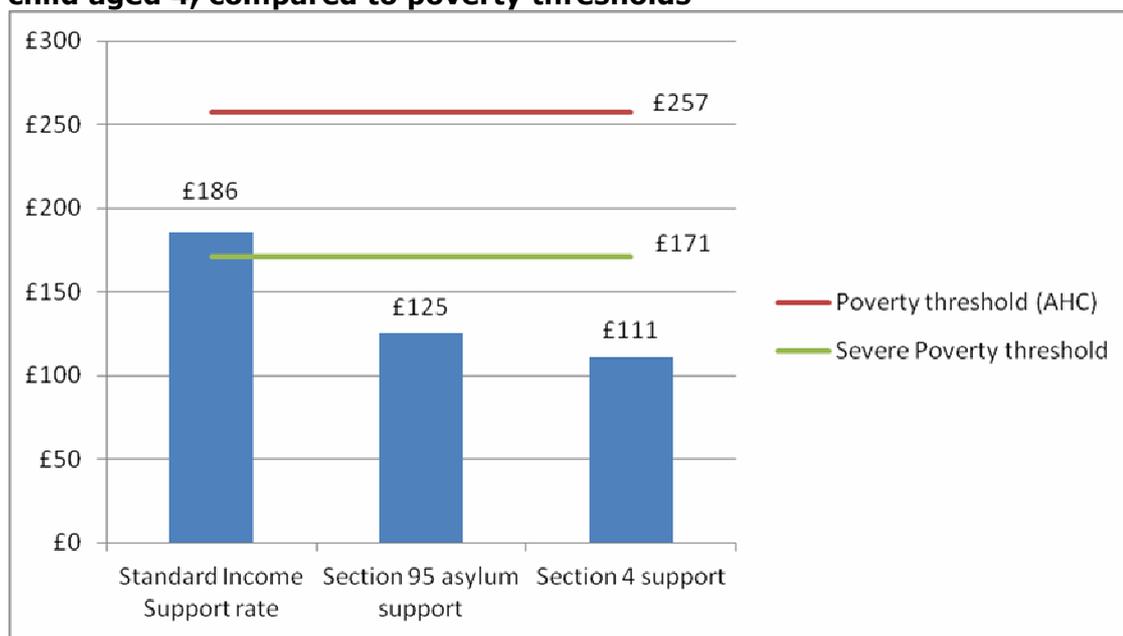
¹² R (VC) v Newcastle City Council [2011] EWHC 2673 judgement: www.bailii.org/cgi-bin/markup.cgi?doc=/ew/cases/EWHC/Admin/2011/2673.html&query=newcastle&method=boolean

4. Comparison of Asylum Support to poverty levels

Standard rates of benefit support are typically well below relative poverty thresholds. Rates of support for asylum seekers are considerably lower still.

For example, as shown in Figure 1, Section 95 support for a couple with a four-year-old child is 67% of the equivalent Income Support level, and slightly less than half of what they would need to escape poverty.¹³ It is less than three quarters of what the household would need to escape “severe” poverty.¹⁴

Fig 1. IS, Asylum Support under Section 95 and Section 4 support, for a couple with one child aged 4, compared to poverty thresholds



Because of lower rates of asylum support for families with children aged 16-17 than younger children, and higher poverty thresholds for these families, the comparison is bleaker still. On Section 95 support, a couple with a 16 year old child would receive 37% of what they would need to escape poverty (see Appendix 1).

5. Conclusion and recommendations:

The current rates of asylum support are extremely low and not sufficiently aligned with the mainstream benefits system. In some cases families would need nearly three times as much just to be lifted above the poverty line.

The following recommendations, including estimated costings (see Appendix 3), would provide a more rational approach to asylum support, which would more closely align the system of support with the mainstream benefits system and ensure that children’s needs were met.

¹³ 60% of equivalised median income, after housing costs have been deducted. Based on most recent available data (HBAI 2009/10)

¹⁴ 40% of equivalised median income, after housing costs have been deducted. Based on most recent available data (HBAI 2009/10)

i. Cash support based on Income Support levels with relevant deductions

The current policy intention appears to be that Section 95 support is aligned at 70% of Income Support rates. This was originally set during the passage of the Immigration and Asylum Act Bill 1999, when it was noted that "*the link to the amount of income support benefits to be generally quite helpful*"¹⁵. In a more recent parliamentary question, the Immigration Minister noted that "financial support is available to destitute asylum seekers and their dependants in order to meet their essential living needs".¹⁶ This is not the case at present. Few family groups receive 70% of Income Support rates, and some such as families with 16-year-old children on Section 95 receive considerably less. Furthermore, the current levels of support do not meet the essential living needs of children.

The rationale for reduced rates compared to Income Support is that claimants theoretically receive asylum support for short periods of time, and asylum seeker families would not normally be expected to pay utility bills.¹⁷

However, in reality these families can spend long periods receiving Section 95 support whilst waiting for a final decision on their claim. Many families within the mainstream benefits system may spend very short amounts of time receiving out of work benefits but do not face a deduction as a result.

Whilst it is reasonable to make some level of reduction in cash support for those families which do not have to pay utility bills, the level of these deductions should be aligned with those used in the mainstream benefits system where utility bills are covered within rent payments. We estimate that this would cost around £7 million per year.

ii. Disability

Income Support may include additions on account of children or adults with disabilities within the family. However, rates of asylum support include no such additions. Many asylum seeking families face ill health and disabilities which may incur considerable additional living costs, including where the ill health and/or disability does not qualify the family for local authority support.

Asylum seekers affected by disabilities should get additional support to help them with additional costs of living.

An additional entitlement to financial support of £20 per week for asylum seekers with disabilities would cost around £10 million per year.

¹⁵ See evidence from Mike O'Brien, Immigration Minister the Special Standing Committee on the Immigration and Asylum Bill on 11 May 1999.

¹⁶ House of Commons Debate, 15 March 2012, c370W

<http://www.publications.parliament.uk/pa/cm201212/cmhansrd/cm120315/text/120315w0001.htm#12031549001156>

¹⁷ "The levels of subsistence support reflect the temporary nature of support to an asylum seeker and the fact they have access to fully furnished, rent free accommodation with utilities and council tax included." (Home Office response to a letter from the Red Cross to the Home Secretary on changes to support rates, 23 September, 2009. Quoted in *Still Human Still Here* submission for the United Nations Universal Periodic Review of the UK, May 2012 – (n.b. Housing and Council Tax Benefit is not included within Income Support rates, households in receipt of IS would normally also be entitled to have eligible rent and council tax paid in full. Although deductions may be made for utilities, they would not normally be made for furnishings.)

iii. 16 and 17 year olds

Within the mainstream benefits system, 16 and 17 year olds are normally treated as dependent children rather than independent adults. The government has indicated that the standard age of entitlement for the new Universal Credit will be 18 rather than 16.

However, additional support for asylum seeking children (within both Section 95, and through additional clothing allowances, Section 4) stops when children reach 16.

This is neither appropriate nor aligned with government policy in other areas of welfare policy. Rates of Section 95 support for 16 and 17 year olds should be raised to £53 per week to align them with support for under-16s. We estimate that this would cost around £700,000 per year.

iv. Support for families facing return

The Children's Society believes it not fair that some asylum seeking children and families face a considerably lower rate of support under Section 4 once their claim has been refused and they remain in Britain waiting to return to their home country. We are especially concerned that this predominantly affects lone mothers with very young children in their crucial early years of life who are particularly hard hit by the reduced rates of assistance. The impact of poverty on children, particularly in their early years, is well-documented and has been recognised by the government in its strategy to tackle child poverty. We believe that this limited support for families could have serious consequences on children's welfare and development.

The government should enable families with children born after their asylum claim has been refused to receive at least Section 95 support as it would were the child born prior to the claim being refused.

We estimate that this would cost around £800,000 per year.

**Appendix 1: Household IS/
asylum support rates and relevant
poverty thresholds**

Household type	Section 95 Asylum Support				Section 4 support¹⁸			
	Standard Income Support rate	Poverty threshold (AHC ¹⁹)	Cash amount	Proportion of standard benefit rate	Proportion of poverty threshold	Cash amount	Proportion of standard benefit rate	Proportion of poverty threshold
<i>Lone parent, one child aged 16</i>	£147.23	£214.00	£83.74	57%	39%	£70.78	48%	33%
<i>Lone parent, one child aged 15</i>	£147.23	£214.00	£96.90	66%	45%	£75.78	51%	35%
<i>Lone parent, one child aged 6 months</i>	£147.23	£167.00	£101.90	69%	61%	£80.78	55%	48%
<i>Couple, one child aged 16</i>	£185.68	£304.00	£112.32	60%	37%	£106.17	57%	35%
<i>Couple, one child aged 15</i>	£185.68	£304.00	£125.48	68%	41%	£111.17	60%	37%
<i>Couple, one child aged 6 months</i>	£185.68	£257.00	£130.48	70%	51%	£116.17	63%	45%
<i>Lone parent, one disabled child (receiving midrate care) aged 15</i>	£200.85	£214.00	£96.90	48%	45%	£75.78	38%	35%
<i>Couple, one disabled child (receiving mid-rate care) aged 15</i>	£239.30	£304.00	£125.48	52%	41%	£111.17	46%	37%

¹⁸ n.b. Families with older children on Section 4 support are rare, since if they have children at the point their asylum claim is refused, they may continue to receive Section 95 support until they leave the country.

¹⁹ After housing costs

Appendix 2: Rates of asylum support

Section 95 support

- Qualifying couple (married or in a civil partnership): £72.52
- Lone parent aged 18 or over: £43.94
- Single person aged 18 or over, excluding lone parent: £36.62
- Person aged at least 16, but under 18 (except a member of a qualifying couple): £39.80
- Person aged under 16: £52.96
- A baby under 12 months receives an extra £5 a week.
- Pregnant women and children aged between one and three years receive an extra £3 a week.
- Pregnant women may be able to receive a one-off £300 maternity payment, if they meet certain requirements, to help with the costs of having the baby.
- Maternity payments may only be applied for close to the baby's due date, either eight weeks (or less) before the baby is due, or within six weeks after the birth.

Section 4 support

- Standard rate of £35.39 per person
- Pregnant women receiving Section 4 support may be able to claim a one-off £250 maternity payment. They may claim this payment eight weeks before the birth and up to six weeks after the birth. A pregnant woman on Section 4 support is entitled to receive £3 extra a week for the duration of her pregnancy.
- Women receiving Section 4 support may claim additional weekly payments of £5 a week for babies under 12 months, and £3 a week for children between one and three. They may also claim a clothing allowance for dependent children under the age of 16, which is given in addition to the payments received for children under three years old.
- As those receiving Section 4 do not receive cash – their payments are received on the Azure payment card - they may request help to cover some travel costs under certain circumstances.

Equivalent Income Support rate

- Single 18+: £67.50
- Couple 18+: £105.95
- Family Premium: £17.40
- Dependent children: £62.33

- Disabled child: £53.62
- Sure Start Maternity Grant: £500

Appendix 3: Costing changes to asylum support.

Change	Assumptions	Cost
<p>1. Section 95 support for 16 and 17 year olds should be raised to £53 per week to align them with support for under 16s.</p>	<p>In Dec 2011 there were a total of 20,894 people in receipt of Section 95 support²⁰. We estimate around half of these (10,000) are children.</p> <p>Estimating around 10% of these children to be 16-17 year olds, we might suppose there to be around 1000 16-17 year old asylum seeking children in receipt of Section 95 support.</p> <p>Aligning support for 16 and 17 year olds with younger children would give each child around an additional £13 per week.</p> <p>Therefore the overall additional cost is $£13 * 1000 * 52 = £700,000$</p>	<p>£700,000 p.a</p>
<p>2. Where asylum seekers are affected by disabilities they should receive an additional Section 95 support to help them with additional costs of living.</p>	<p>There is evidence of the significant impacts upon their health as a result of experiencing human rights abuses, migration and asylum. According to the British Medical Association²¹ one in six refugees suffer with physical health needs severe enough to affect their lives and two-thirds experience significant mental distress.</p> <p>If approximately half of asylum seekers had health problems of a severity to incur significant additional financial costs, that would be 10,000 people.</p>	<p>The overall cost would depend on the additional level of support provided. If an additional £20 per week were provided to each of these people, this would cost around £10 million p.a.</p>

²⁰ <http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/immigration-asylum-research/immigration-tabs-q4-2011/asylum3-q4-2011-tabs?view=Binary>
(table as.17.q)

²¹ British Medical Association (2002). Asylum seekers meeting their healthcare needs. British Medical Association Board of Science and Education.

<p>3. The government should enable families with children born after their asylum claim has been refused to receive Section 95 support as they would if the child had been born prior to the claim being refused.</p>	<p>There are 761 children in families receiving section 4 support²². Supposing a similar number of adults in these families, this would mean around 1500 people in families with children receive section 4 support.</p> <p>Estimating a cost of around £10 per person per week to move these people from section 4 to section 95²³ support, it would cost around £800,000 overall to move these families from section 4 to section 95 support.</p>	<p>£800,000 p.a.</p>
<p>4. Section 95 support should be based on mainstream IS levels, with deductions for utility bills included in accommodation in line with those used in the mainstream benefits system where utility bills are covered within rent payments.</p>	<p>The cost of this is very difficult to calculate, because it would depend on the individual circumstances of different asylum seeking households. However, we would estimate that for most families with children there would be some level of gain.</p> <p>There are 5253 families with children receiving Section 95 Asylum Support²⁴. Assuming each family gained an average of £25 as a result of the change (approximately the gain for a Lone Parent with 2 children aged 4-15, based on a standard deduction rate of £35.50 from IS levels²⁵.) Then the overall additional cost would be around £7 million.</p>	<p>£7 million p.a.</p>

²² 3rd Feb 2012, response from UKBA to FOI request from The Children's Society

²³ See tables 1 and 2 for levels of support under section 95 and section 4. The costs of moving a lone parent or couple with children from section 4 to section 95 support would be under £10 per week, and the costs of children would be slightly in excess of £10 per week.

²⁴ <http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/immigration-asylum-research/immigration-tabs-q4-2011/asylum3-q4-2011-tabs?view=Binary> (table as.17.q)

²⁵ Based on The Children's Society benefit calculations