

## **Scrutiny Board (Environment and Neighbourhoods) Inquiry into Asylum Seeker Case Resolution**

**Summary report of the working group meeting held on 27<sup>th</sup> October 2008.**

### **1.0 Introduction**

- 1.1 A working group of the Board met on 27<sup>th</sup> October 2008 to consider evidence in line with session one of the Board's Inquiry into Asylum Seeker Case Resolution
- 1.2 Session one of the Board's Inquiry focused on the following areas:
- Details of the Government's case resolution policy and process in a Leeds and wider regional context;
  - Baseline data on the number of asylum seekers within Leeds who qualify for the case resolution programme;
  - Data showing the number of positively resolved cases as per the authority and the private rented sector of resolved case resolution cases;
  - Current and potential impact upon homelessness figures of resolved case resolution case.
- 1.3 The Director of Environment and Neighbourhoods provided a report covering the above areas. The following Members and officers attended the working group meeting to discuss the evidence submitted:

Councillor B Anderson (Chair of the Scrutiny Board)  
Councillor A Gabriel  
Councillor J Marjoram  
Angela Brogden (Principal Scrutiny Adviser)  
Tom Wiltshire (Head of Housing Needs and Options)  
Sharon Hague (Asylum Services Manager)

- 1.4 A summary of the key issues raised by the working group is set out below.

### **2.0 Main issues raised**

The Government's case resolution policy and process in a Leeds and wider regional context.

- 2.1 The working group learned that in July 2006 the Home Secretary made a statement to clear a backlog of 450,000 legacy records relating to pre April 2007 unresolved asylum cases by July 2011. The working group acknowledged that the term 'records' was important as this was not necessarily referring to individuals.
- 2.2 It was highlighted that the priorities for this case resolution programme was to focus on those who pose a risk to the public, those who could more easily be

removed, those in receipt of UK Borders Agency (UKBA) support and those who may be granted leave to remain.

- 2.3 The working group noted that the programme was initially to be undertaken over several tranches. The first tranche began in October 2007 and focused on supported family cases over 4 years old, and was due to be completed by March 2008. There were approximately 1,060 families in the first tranche in Yorkshire & Humberside, with 279 of these being in Leeds across both public and private sector contracts. This made up a total of 981 individuals, with approximately 95% of all these cases being resolved through the granting of status. However, the working group was informed that, for Leeds, the time frame had slipped and there are currently about 5% of the original cohort still awaiting resolution.
- 2.4 The working group also learned that UKBA have now taken a decision to not proceed in tranches which focus on specific groups. Instead, UKBA will now be resolving records on an ongoing basis across all family structures and support mechanisms. This followed consultation and feedback from stakeholders regarding the impacts and pressures created by focusing this programme on specific groups, as in the first tranche.

Baseline data on the number of asylum seekers within Leeds who qualify for the case resolution programme.

- 2.5 The working group learned that the information provided by UKBA indicates that there are approximately 3500 records for Leeds which will require resolution before 2011. It was noted that these records could relate to families and therefore involve more than 3500 individuals. The working group questioned whether this information could be provided on an area basis and were informed that this was currently being raised with the UKBA.
- 2.6 It was also stressed to the working group that these figures do not necessarily relate to actual cases either and that the work undertaken so far during this programme projects that more than 40% of these records will be either "ghosts" (those individuals who cannot be located by UKBA and are believed to be no longer residing in the UK), duplicates, or administrative errors.
- 2.7 The working group expressed concern about the validity of the data coming from the UKBA and agreed to raise this with representatives from the UKBA as part of the second session of the inquiry.
- 2.8 However, the working group was pleased to learn that from January 2009 all local authority areas will have a named Case Resolution Directorate case owner to which cases in each area will be allocated. This will allow much closer working between the authorities and UKBA, enabling clearer communications and any issues or concerns to be addressed quickly and directly.

- 2.9 During the discussion, particular reference was made to those asylum seekers in receipt of Section 4 support from the UKBA who qualify for the case resolution programme. The working group learned that Section 4 support is provided in the form of self catering accommodation with vouchers to the value of £35 per week to purchase food and essential toiletries, and is provided to a failed asylum seeker who is destitute and also satisfies one or more of the following conditions:-
- They are taking all reasonable steps to leave the UK or to place themselves in a position where they are able to leave the UK, e.g. sign up for a voluntary return or demonstrate that they are complying with attempts to obtain travel documents to facilitate departure.
  - They are unable to leave the UK because of a physical impediment to travel or for some other medical reason
  - They are unable to leave the UK because in the opinion of the Secretary of State there is currently no viable route of return available
  - The provision of accommodation is necessary for the purposes of avoiding a breach of their human rights.
- 2.10 It was highlighted that many people have remained on Section 4 support for extended periods of time, often running to years, even though the regulations provide for a 3 monthly review of an individual's circumstances to satisfy the Home Office that an individual is still eligible for continuing Section 4 support.
- 2.11 The working group was informed that in September 2008, UKBA had announced that the Case Resolution Directorate team in Yorkshire & Humber and North East would be reviewing the continuing entitlement to support all those households currently supported under Section 4 in the region, between 4,000 – 5,000 cases across the entire region. This review is targeted for completion before March 31<sup>st</sup> 2009 either alongside or prior to their cases being resolved.
- 2.12 The working group also learned that the information provided by UKBA indicates that there are approximately 800 Section 4 cases to be reviewed in Leeds before the end of December 2008. It is envisaged that a large number of these cases will no longer be eligible for support under the regulations.
- 2.13 The working group noted that the review of these cases will not be combined with a resolution for most and that when an individual's Section 4 support is terminated, they are expected to maintain contact with UKBA so they can be encouraged to return home or either be removed or granted status when their cases are worked upon. The working group raised concerns about the implications of this approach, as it was believed that many individuals whose support is terminated will not maintain contact with UKBA and will 'disappear' and enter the 'black market' to support themselves, thus creating difficulties in

regard to knowing where individuals are to enable their cases to be successfully resolved through removal or the granting of status.

- 2.14 It was considered likely that these individuals would remain in Leeds given that no other local authority is obliged to support them as the legal responsibility remains with the metropolitan district they originated from. Concerns were therefore raised about the welfare of these individuals, particularly in relation to their ongoing health needs and living accommodation. It was highlighted to the working group that such individuals were likely to either reside with friends or move into the private rented sector where they could be taken advantage of by unscrupulous landlords given their vulnerability and limited options available. However, it was stressed that the extent of this problem was difficult to quantify and monitor given that there is no real data available relating to these individuals. References were made to the Council's Housing Enforcement Team as they were more likely to pick up any issues raised about poor housing conditions within the private rented sector. The working group agreed that it would be appropriate for the Scrutiny Board to approach this Team as part of the inquiry and also acknowledged the links between this inquiry and the Board's ongoing inquiry into Private Rented Sector Housing.
- 2.15 It was stressed to the working group that it was the responsibility of the Home Office to remove those individuals whose applications had been declined. The working group noted that officers from the Council had previously discussed with UKBA the potential impacts for the authority in regard to community pressures from those who become destitute, and financial impacts derived from approaches to the LA for support and assistance because there are support needs above and beyond destitution or have dependant children.
- 2.16 The Council sought assurances from UKBA that they had prepared for these difficulties and put in place a strategy for monitoring these individuals and maintaining contact. Whilst this was not clarified by UKBA, the working group was informed that the current understanding is that a case can be resolved as a "ghost" record when no contact or record of an individual can be found for over 6 months. However, the working group felt that a 'ghost' record did not necessarily mean that the individual had left the area. The working group considered it vital for the UKBA to find a more satisfactory solution for such individuals than simply terminate their Section 4 support and agreed to discuss this further with UKBA as part of this ongoing inquiry.

Data showing the number of positively resolved cases as per the authority and the private rented sector of resolved case resolution cases.

- 2.17 The working group was informed that within the initial family tranche, Leeds was seeking to resolve 279 cases. It was apparent that the majority of these cases would be granted some form of leave to remain and therefore become eligible for further housing assistance. The working group noted that this presented a major potential pressure on the housing supply, particularly as all

the cases involved families and would in effect create up to 279 homeless families to whom the authority owed a potential duty under the Homeless legislation.

- 2.18 It was highlighted that these 279 cases were split between the public and private sector providers, with 104 supported by Leeds City Council. It was also noted that the volume of approaches would also result in an increase in the numbers in temporary accommodation. Additional volumes in temporary accommodation will increase the cost to the authority of this provision, although it was noted that all the families involved would qualify for full housing benefit and therefore initially this will not be a major budget pressure.

Current and potential impact upon homelessness figures of resolved case resolution case.

- 2.19 The working group learned that for those in private sector accommodation, the homeless prevention approach would be adopted. Key to this was to seek to manage this transition in a planned way and secure a permanent housing outcome through assured short hold tenancies. However, due to the volume of cases involved, it was anticipated that the majority would still approach the homeless service for assistance.

Other potential impacts for the City.

- 2.20 The working group acknowledged that it is not possible to assess the full impact that both Case Resolution Directorate and the section 4 reviews will have on the City, due to a lack of information regarding the outcomes for those cases being resolved or reviewed. However, as part of the planning process consideration should be given to the following potential impacts:-

Housing - Accommodation and support needs of those granted status outside the rules – although at this stage it is impossible to predict how many families and individuals will be granted status.

Community Cohesion - Community impacts deriving from those who have their support terminated and subsequently become destitute with no means of supporting themselves. E.g. overcrowding, rough sleeping, crime and impact on front line voluntary sector services and faith organisations. It is likely that this outcome will apply to the majority of those section 4 cases highlighted above.

Financial - Financial impacts on the local authority due to approaches from those who no longer qualify for UKBA support, but have dependant children or satisfy the destitute plus criteria. Again it is impossible to assess the potential costs which may derive from these approaches without understanding how many cases will have their support ceased, what needs those families and individuals have and how long following cessation of support before their case is fully resolved.

- 2.21 The authority has been provided with potential numbers of cases and records which will be case worked and resolved through the CRD process, however, without fully understanding the outcomes for those supported or how many other cases are residing unsupported in the city it is difficult to plan and assess the volume of resources required to effectively manage the implementation of this programme. Further meetings and consultation events for stakeholders are being held by UKBA and information from these discussions will be provided to the Scrutiny Board and form part of the authorities plans to manage the programme.