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Welsh Refugee Council response to the Independent Chief Inspector of Borders and Immigration Call for Evidence into Asylum Accommodation (March 2018).

1. Welsh Refugee Council.

1.1 At Welsh Refugee Council, we have been successfully empowering asylum seekers and refugees to build new futures in Wales for almost 30 years. We are the leading organisation providing support nationally with a physical presence in the dispersal cities of Cardiff, Newport, Swansea and Wrexham, in Merthyr Tydfil, Rhondda Cynon Taff and Bridgend through the Syrian Vulnerable Person's Relocation Scheme and across other local authorities via web and telephone-based support. We support and speak out on behalf of all people who flee persecution, conflict and oppression from around the world and are committed to ensuring they remain at the heart of and drive our work. We deliver direct specialist support services to people seeking asylum and people with refugee status. Our services include the Welsh Government funded Asylum Rights Programme and Move-On services, as well as a Comic Relief funded specialist paralegal service for vulnerable women.

1.2 We work extensively with a range of community, voluntary & statutory sector partners & strive to contribute to the creation of a society where respect & equality for all are paramount & where human rights are enjoyed. We are an active member of both the Welsh Refugee Coalition¹ & Nation of Sanctuary² movement in Wales.

1.3 Welsh Refugee Council has raised issues relating to asylum housing in Wales over many years. Since August 2017, via casework delivered through the Asylum Rights Programme, we have been able to collect evidence to identify issues and advocate for change more systematically than has been the case in recent years. Unfortunately, we confirm that many of the issues identified in the 2017 Home Affairs Select Committee Report on Asylum Accommodation remain unchanged.

1.4 In addition to the areas outlined below from section 2 onwards, we value the opportunity to highlight the following as key areas of concern:

1.4.1 **Jurisdiction for asylum accommodation.** Under the Wales Act 2017, all policy relating to housing is recognised as being non-reserved, with the exception of asylum accommodation which has led to two-tier provision: people seeking asylum in Wales are forced to endure sub-standard housing which would not be of an acceptable standard for any other publicly funded accommodation. **Welsh Refugee Council calls for asylum accommodation to be devolved in line with housing policy for non-asylum seekers.**

1.4.2 **Scrutiny of current and future asylum accommodation.** In addition to concerns that asylum accommodation is anomalous in terms of jurisdiction for housing, Welsh Refugee Council has serious concerns about the scrutiny of current COMPASS contracts, as well as of the forthcoming Asylum Accommodation and Support Contracts.

a. We are concerned about the contracts given the poor accommodation experiences endured by people seeking asylum in Wales due to the performance of current contract holders and that, despite a wealth of advocacy to improve these poor experiences, no guarantees of scrutiny have been built into forthcoming contracts.

1 A coalition of organisations working in Wales with asylum seekers & refugees at all stages of their journey, & with the communities in which they live. We work together in the interests of asylum seekers & refugees, to ensure that our limited resources can be used to best effect & to speak with one voice on policies & practices affecting people seeking safety in Wales.

2 <https://cityofsanctuary.org/>



b. We are disappointed at the lack of engagement and consultation around the new contracts by the Home Office: opportunities for consultation were oriented around those who currently provide asylum accommodation, with third sector organisations largely excluded. Interest in not-for profit provision of asylum accommodation and in learning from almost 15 years of Welsh Government funded move-on provision in Wales appears to have been overlooked. We're disappointed that the Home Office have seemingly disregarded specific Equality Act duties in Wales around the duty to meaningfully engage, have due regard for feedback generated or undertake an Equality Impact Assessment.

c. The fact that these contracts extend over a decade adds weight to our concerns.

d. Welsh Refugee Council, in line with Scottish Refugee Council, call on the Home Office to:

- **Ensure asylum accommodation contracts are independently reviewed after 3 years to check whether they are performing well, need reform or need to be halted.**
- **Provide for an independent oversight and accountability mechanism to Local Authorities in terms of how this public service of housing is planned, procured, implemented and scrutinised in their areas and**
- **Ensure that Local Authorities and communities involved in asylum dispersal are fairly and fully financially resourced in order to ensure the long-term sustainability of the dispersal system, recognising their role as key stakeholders in the provision of asylum accommodation and integration into communities.**

1.4.3 **Independent advice and advocacy.** In order for people to be able to access their rights and entitlements, for standards to be scrutinised and for accommodation providers to be accountable for the public funding they receive, independent advice and advocacy is critical. The Asylum Rights Programme, a partnership of seven organisations across Wales, managed by the Welsh Refugee Council provides face to face advocacy and support to those in the asylum system. This face to face service is critical in providing reassurance to sanctuary seekers that their asylum claim will not be affected by making an accommodation compliant; can help complete and submit complaint forms to accommodation providers using interpreters where required to ensure that clients are able to effectively and accurately communicate their concerns; can view photos of issues within properties and can submit these with complaints; and can liaise with other frontline staff, for example health visitors, who visit properties to note issues and concerns. Our Move-on service provides similar face to face advocacy and support for people who receive positive decisions on their asylum claims. This service is critical in preventing homelessness when people transition from asylum to social or private sector housing.

2. Initial allocation of asylum accommodation

2.1 Initial accommodation standards including impact on vulnerability, particularly pregnancy and maternity

2.1.1 Issues with Initial Accommodation standards fall into five categories: access to and exclusion from Initial Accommodation, environmental, food, behavioural issues and concerns for children and young people.

2.1.2 Welsh Refugee Council have seen a number of clients who are homeless as a result of being evicted from Initial Accommodation. In most cases these clients are new to the UK and the city of Cardiff and do not have support networks to support them. Evictions have taken place for alleged misconduct, including being accused of theft or threatening behaviour towards staff. Whilst we accept that managers of Initial Accommodation have a duty of care towards their staff and other service users, we understand that the assumption very much is



that a person is guilty and there is no opportunity to prove innocence as there is no right to appeal the decision or the eviction. One individual who was released on bail prior to a full hearing following an alleged incident in Initial Accommodation and was homeless until Welsh Refugee Council intervened to clarify a minor point in his bail conditions, something which had taken UKVI almost a week. On another occasion, a report of “threatening behaviour” towards a staff member resulted in an individual being made homeless and banned from all Initial Accommodation across the UK. The version of events from the staff member involved was challenged by other members of staff, however this wasn’t enough to overturn the ban.

- **Welsh Refugee Council calls for a clear policy on the provision of emergency accommodation where individuals have been evicted from Initial Accommodation on the grounds of alleged misconduct.**

2.1.3 With regards the environment, Welsh Refugee Council work with people regularly who report poor room conditions, a lack of security and privacy due to an absence of locks on doors which allow other people to walk in and difficulties room sharing with strangers, particularly where linguistic and faith backgrounds differ.

2.1.4 a. Food is provided at set and limited times throughout the day. Due to the numbers of people who can be accommodated in Initial Accommodation and the needs of some families, Initial Accommodation can be provided in housing or B&Bs which are not on the main Initial Accommodation site in Cardiff (Lynx House). Some families therefore need to walk from wherever they are staying to Lynx House at mealtimes to access food. The scheduling of food times can present problems for breastfeeding mothers not to have access to food between the hours of 6pm (evening meal) and 8am (breakfast).

b. When food is available, people have highlighted the limited choice and poor nutritional value.

c. We understand that cultural and faith related dietary requirements are provided for, as are health related requirements (e.g. allergies), as long as these are communicated to staff in Initial Accommodation. Based on reports received by Welsh Refugee Council, people residing in Initial Accommodation could be better informed about what food *is* available and that food requirements *need to be communicated* to the accommodation provider. Ongoing communication is required as dietary requirements might only become clear as people residing in Initial Accommodation develop a familiarity with what is offered and what is available.

2.1.5 With regards behavioural issues, Welsh Refugee Council work with people who report a lack of information on activities, organizations and the locality in which they find themselves.

2.1.6 Regarding children and young people residing in Initial Accommodation, Welsh Refugee Council have seen children and families who:

a. cannot access full time education, unless they lived in Cardiff prior to their asylum claim and have the agreement of Cardiff Council to continue in the school attended prior to the asylum claim - though they aren’t entitled to bus fares or free school meals. This contravenes Article 28 of the UNCRC which recognises the right of the child to education.

b. report a lack of play facilities for children and young people. Article 31 of the UNCRC recognises the right of the child to play and leisure. That there is no space provided for this in Initial Accommodation means that children residing there are denied this right.

c. spend longer than 19 days in Initial Accommodation. One woman, with a young baby spent 90 days in Lynx House.



Welsh Refugee Council call on the Home Office to:

- **Ensure all families are dispersed out of Initial Accommodation into appropriate accommodation within 19 days.**
- **Ensure all children access education in their dispersal area as soon as practicable to honour UNHRC requirements.**
- **Ensure play provision is available to all children residing in Initial Accommodation.**

2.2 Extent to which accommodation providers meet the specific needs of pregnant women/new mothers

2.2.1 Welsh Refugee Council has experience supporting women during pregnancy and in early motherhood. We have examples of Home Office information on pregnancy not being shared with accommodation providers and of accommodation providers, even where relevant information has been provided by the Home Office, providing inappropriate housing.

a. Regarding the need for communication between UKVI and accommodation providers. Welsh Refugee Council supported one woman whose application for Section 4 support took almost 2 months to be processed by UKVI. She was granted support on the basis of her pregnancy, though after waiting almost 2 weeks to be moved to a property (from being homeless), it became clear that UKVI had not informed the accommodation provider she was pregnant resulting in her being allocated a property in another city, despite being 38 weeks pregnant. Through liaison with her midwife and with the accommodation provider, we were able to prevent this move, but as there was no other property available she was placed in emergency accommodation.

b. A pregnant woman was dispersed whilst 7 months pregnant. She raised concerns about the size of the room she was allocated, concerned that it wouldn't accommodate her and her baby. This situation created much anxiety and meant the woman wasn't able to sleep. The accommodation provider did agree to move her once a suitable property became available. The process is disruptive and could have been avoided if she'd been dispersed to appropriate accommodation.

c. A new mother reported sharing a 3-bedroom house with 6 other family members. In total there were 4 adult females, a teenage boy, two female children and a baby. The woman was sharing a room with her baby, another adult female family member and child. This provision is arguably overcrowded and not conducive to meeting the needs of a new mother.

d. A family with new mother housed on a steep hill. The mother has had numerous operations on her wrists and struggles to push her baby's pram up the steep hill. Relocation requests with supporting medical evidence have been made.

2.3 Effective practice in relation to dispersal or the allocation of accommodation

2.3.1 The 'no choice basis' on which dispersed accommodation (Section 95 and Section 4) is offered is unnecessarily restrictive and ineffective. It disregards local connections, networks, support and disrupts integration.

2.3.2 People must generally agree to dispersed accommodation without prior sight of the condition or location of the property. Where the property is in a poor state of repair or is inappropriate people refuse to accept it, are deemed failed to travel and lose eligibility for support.

2.3.3 There are examples of people understanding that they could view properties prior to accepting them, though falling foul of the system when they refused such properties on entirely rational and reasonable grounds. For example, one individual understood from the manager of Initial Accommodation, via an interpreter, that he could go to another city, have a



look at the dispersal property and if he didn't feel happy he could return to Initial Accommodation and another property made available. The individual refused the property, returned to Cardiff where he'd been living for 2 years, only to be marked as 'failed to travel' and therefore had support withdrawn. Welsh Refugee Council successfully challenged this decision and the client was offered dispersal accommodation, though the property was the same entirely unsuitable property he had originally been offered.

2.3.4 There needs to be more flexibility and sensitivity when allocating spaces in shared housing to avoid conflict. Conflict can occur for many reasons including cultural, faith and linguistic differences which can to be considered when allocating shared housing, especially where bedrooms are shared, to avoid future problems. It is also important for housing providers to be informed if a client has a history of mental health problems or of violent behaviour in order that appropriate housing can be offered – housing which addresses the needs of the individual concerned and which seeks to avoid conflict amongst others sharing the accommodation. Where conflicts do arise, it is important to acknowledge that people generally do not want to complain in case the complaint jeopardises their asylum claim and so a threshold for acceptable, communal behaviour has often been significantly surpassed. It is therefore critical that reported conflicts are addressed and timely remedies sought to minimise distress to residents and to minimise negative impacts on neighbours and communities.

2.3.5 The property mentioned in 2.3.3 houses a man with serious behavioural problems and mental health difficulties. Over many months, this man has threatened all other tenants with violence, including with a knife. He smokes cannabis regularly and plays music loudly throughout the night. The housing provider is aware of this, a lot of advocacy has been done to try and move him out of the property, but he remains, making everyone else's life frightening, stressful and miserable. In another property, we are working with a person who is scared of another resident and who they suspect has mental health problems. This person shouts and screams at others living in the house and prevents them from using the bathroom. This is affecting the mental health of the individual who has raised the issue, though they are reluctant to take it further as they fear being charged by their GP for a letter confirming the state of their mental health.

2.3.6 As Home Office calculations of asylum support rates don't account for what can be significant travel costs, dispersal accommodation should reflect this, particularly regarding proximity to critical services such as schools, health providers, ESOL and advice providers. It also doesn't take account of costs to travel to and from solicitor's appointments, for example Wrexham does not have any immigration solicitors who will take legal aid clients. This means asylum claimants in the city have to find solicitors in Manchester, Liverpool or Cardiff. While in theory costs should be covered by solicitors through legal aid, this isn't always the case.

2.3.7 A further issue is that upon dispersal, people often do not receive adequate information or orientation required to facilitate integration, wellbeing, health or community cohesion. There is mixed practice across Wales in the way that useful local information is provided for asylum seekers in Home Office properties. People need very basic information about where they are living such as street maps, the location of the local Post Office, the nearest bus stops, locations of supermarket/food store where culturally appropriate and low-cost goods can be purchased and details of relevant health, advice and support services. This information should be available in a language understood by people dispersed to any given locality. There are various initiatives across Wales aimed at addressing this need for information and orientation³, though accommodation providers are best placed to provide basic and critical information.

³ <https://swansea.cityofsanctuary.org/swanseawelcomeproject>



2.3.8 Beyond the basic and critical information, accommodation managers vary in their approach to ongoing orientation and support. Housing managers (e.g. in Newport and Wrexham) are proactive in signposting and liaising with Welsh Refugee Council's Asylum Rights Programme and Move-on Services to ensure issues with asylum support are resolved in as timely a manner as possible.

3. Home Office current dispersal policy and its geographical limitations

3.1 Any issues related to dispersal to particular areas

3.1.1 Wales' four dispersal cities are well established. Any planned extension of dispersal into other Local Authority areas should take account of learning from public and third sector providers in these established areas, as well as incorporate learning from the SVPRS scheme in any proposed new dispersal area.

3.1.2 Key considerations in determining the appropriateness of new dispersal areas should be: access to physical and mental health services, access to legal aid solicitors (or at least funding and transport routes to access), opportunities for faith-based practice and expression, opportunities for community support, proximity to low-cost and culturally appropriate grocery provision, and access to housing and the labour market for those people receiving status and permission to work. As highlighted in 2.3.6, the limited financial support available to people and therefore their budgetary constraints, needs to be factored in to such considerations. Consideration should also be given to the facilities and support required by people who may receive a refusal on their asylum claim and who may become homeless and destitute as a result.

4.0 Accommodation Standards

4.1 Assessment of standards set by the Home Office for asylum accommodation

The quality and safety of housing is a **major issue** for many people seeking asylum as accommodation is often unhygienic, inappropriate and a source of much anxiety for people living in it.

4.1.1 Issues with dispersed asylum accommodation fall into two categories: physical and behavioural.

4.1.2 With regards physical issues, Welsh Refugee Council's Asylum Rights Programme frequently supports people to address:

a. Poor standards of accommodation. For example:

- Bug infestations. People often initially try to deal with the problem themselves, though on a budget of £37.75 a week (less if supported by Section 4), spending money on insect repellent impacts detrimentally in other ways such as food intake.
- Damp, mouldy and leaking properties (see Appendix 1). Our Asylum Rights Programme has supported a family with 2 children with water running down the walls which was creating damp. This was resolved after advocacy by a move to another property. Another family was supported with advocacy regarding water running down the walls near plug sockets.

b. A lack of property maintenance with broken fixtures and fittings, including unsafe floors, boilers, cookers and showers not working, sinks falling off walls, carpet and lino curling up at the edges, stained and dirty carpets, as well as inadequate furniture.

- In one Welsh city, a blocked toilet was resolved by making a formal complaint after repeated communications with the accommodation provider failed to resolve the issue. Whilst the family waited for the repair, the children were forced to use carrier bags in place of a toilet.
- Another family was unable to use their shower for months whilst repairs were repeatedly called for.



- c. Consideration of disability is not always made prior to dispersal. Once a person is dispersed, it can take lengthy periods of time and much liaison with Social Services for the need for adjustments to be assessed and implemented or a move to another property agreed and made.
- d. Accommodation that is too small and which is overcrowded. Housing providers may naturally be making use of all rooms in a property, though in many houses, there are normal sized rooms and a much smaller one. In these smaller rooms, there is often only room for a bed and possibly a small cupboard. Such rooms may be appropriate for guests or for storage, though are not necessarily appropriate for longer term, habitual use. Examples of overcrowding include:
- An individual who was imprisoned in his own country living in a room so small that he can touch two opposite walls by stretching out his hands. He reports anxiety, stress, fear and depression as a result and cannot sleep.
- e. A lack of privacy: room and house sharing.
- Strangers are allocated shared bedrooms which is undignified, lacks privacy and can lead to problems. A typical example is a 54-year-old individual from Iran and 23-year-old individual from Eritrea, neither of whom speak English leading to conflict and stress.
 - A woman having no key to her room for over 7 months, despite communications with the accommodation provider to issue one. The lack of key means this woman cannot lock her room and keep her belongings safe.
 - A woman and her room-sharing partner taking it in turns to sleep in the living room, as one of them snores so much that the other can't sleep. Her new room-share partner is not willing to do this, so she (20 weeks pregnant) is sleeping on the sofa every night and struggling to sleep at all.
 - Single parents feeling that they must stay in their room with their child if they are sharing a house. They feel that they have been housed with strangers they do not get on with and/or nervous so stay in their room and do not use shared living spaces.
- f. A lack of cleaning equipment and products. Not having access to cleaning equipment (e.g. vacuum cleaners) and products, especially whilst living in properties that are damp and dirty pushes people deeper into poverty. It can also impact on health and wellbeing, with children being particularly susceptible.
- Our Asylum Rights Programme has supported a family where the housing conditions and chronic dust have been negatively impacting the health of a child with asthma. This has been ongoing for months, with the state of the property exacerbated by the lack of vacuum cleaner. The situation is also impacting negatively on the mother's mental wellbeing as she feels trapped in poor living conditions and is worried about the impact it is having on her son.
- g. A space for smokers in larger HMOs that is not on the main street which draws attention to the premises and exposes residents to abuse and hate crime.

4.1.3 With regards behavioural issues, standards of service provision are also a serious concern with many of Welsh Refugee Council's clients reporting their accommodation provider having little appreciation of the difficulties faced by people seeking asylum or their reasons for seeking asylum. There is a common perception that there is a greater focus on internal targets and profit generation than on providing a service that protects and supports vulnerable people. Asylum accommodation is a source of worry and anxiety for people living there, aggravating pre-existing experiences of trauma, rather than providing a place of sanctuary.



4.1.4 Further, there is great disparity in the way that people seeking asylum are treated by accommodation provider staff. Some people have very positive relationships with the accommodation staff they have contact with, are escorted to Welsh Refugee Council offices for appointments and are introduced to our Move-On team upon receipt of status. Others report being treated with disrespect, being shouted at, bullied, threatened (e.g. with loss of accommodation) and harassed. Such behaviour has been described to Welsh Refugee Council on many occasions as 'military' and 'abusive' in nature. Welsh Refugee Council has noted a gender bias related to this disparity in treatment which we are monitoring.

4.1.5 On a positive note, we welcome the engagement of housing providers with the local Health and Wellbeing Boards established in each of the dispersal areas to share safeguarding concerns.

4.2 Effectiveness of inspection regimes of asylum accommodation by either accommodation provider or the Home Office

4.2.1 It has been highlighted above that accommodation standards fall below standard and it is Welsh Refugee Council's desire to see an effective inspection regime that addresses and remedies these shortcomings, whilst also respecting and balancing people's need for privacy. This should, in the first instance, fall to the accommodation provider and be complemented by an effective mechanism for escalation should the accommodation provider fail.

4.2.2 Welsh Refugee Council feel that any such inspection regime would require ongoing, positive relationships between people housed in properties and those managing them. Such relationships are also critical to ensuring effective safeguarding for people vulnerable children and adults who might require access to health and wellbeing services or slip through the net into exploitation.

4.3 Effectiveness of the complaints process

4.3.1 Welsh Refugee Council welcomes the central recording and logging of complaints by the accommodation provider, though we are concerned about the length of time taken for some complaints to be resolved, particularly where these relate to structural issues with the property like damage to walls, staircases and damp etc.

4.3.2 Additionally, whilst some accommodation provider staff are responsive and supportive regarding issues that are raised informally, in our experience, such approaches depend on individuals rather than organisational culture.

4.3.3 The importance of independent advocacy in raising and resolving complaints cannot be overstated. Without a caseworker or advocate, some people would struggle to raise an issue, for reasons of language, confidence or reservations about the complaint impacting on their asylum claim.

Regarding accommodation standards, Welsh Refugee Council calls on the Home Office to:

- **Take a person-centred approach to assessing needs and to the provision of accommodation (to include, for example, consideration of medical needs and treatment, as well as support networks).**
- **Communicate all relevant information regarding needs to accommodation providers.**

and on accommodation providers to:

- **Ensure all properties are fit for habitation before moving people in and are properly maintained during habitation.**
- **Ensure people are provided with relevant accommodation & orientation information.**



- Ensure that issues arising during residency are addressed and resolved in a timely manner (e.g. within contractual timescales for reactive maintenance).
- Ensure that organisational culture respects the diversity and vulnerabilities of residents, acts consistently re safeguarding and actively promotes humane practice.

5.0 End of process – grant/refuse asylum

5.1 Notification of asylum claim decision by the Home Office, including impact of decision delays on accommodation provision.

5.1.1 When people are granted status they need sufficient time to get their papers & onward, safe, secure housing sorted out before having to move out of Home Office accommodation. This would be greatly facilitated by:

- **Asylum accommodation and financial support continuing beyond the current 28 day move-on period - where benefits have been applied for - until the first benefit payment has been made.**
- **Formally extending the move-on period from 28 to 56 days.**
- **Ensuring that forthcoming advice contracts have adequate, person-centred support for move-on and that learning from almost 15 years of move-on provision in Wales is incorporated.**
- **Ensuring that destitution is considered when making decisions on applying conditions to leave, rather than assigning a NRPf condition which is likely to be challenged.**

5.1.2 Where people's asylum claim has been rejected, people need time to respond. Contact will need to be made with legal advisors, to formulate plans and to access advice services, all of which can be complex and difficult to undertake quickly. Moving on after a refusal would be greatly facilitated by:

- **Aligning the move-on period for refusals with grants of status.**
- **Ensuring that letters refusing a grant of status are sent to the correct representative.**
- **Eviction letters signposting people to where they can get help and advice, in their dispersal area.**
- **Investing in independent advice on Voluntary Return options.**

Conclusion

Welsh Government recognises that integration begins upon arrival in Wales and people seeking asylum across Wales are considered to be neighbours, friends and future colleagues. The cumulative impacts of poor housing, disempowering treatment and a lack of choice and voice threaten the wellbeing of people at a vulnerable time in their lives and undermines attempts by communities, third and public sector agencies and Welsh Government to create the conditions of safety and sanctuary envisioned across Wales.

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1 March 2018

Appendix 1: Examples of damp and poor states of repair in asylum accommodation in Wales.



