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Accommodating 'others'? Housing dispersed, forced migrants in the UK

Abstract

Utilising insights from a qualitative study in the city of Leeds, UK this paper considers issues related to the housing of dispersed forced migrants. The tiering of housing entitlement that exist within the generic population of dispersed forced migrants (a consequence upon of the particular socio-legal status assigned to individuals), and its role in rendering migrants susceptible to homelessness is outlined. The adequacy/standard of accommodation made available to forced migrants is discussed. It is concluded that current arrangements fail to meet the basic housing needs of many forced migrants. Any future improvement in this situation will require a significant shift in government policy.

Key words: Asylum seekers, refugees, welfare rights

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Short biography:

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Accommodating 'others'? Housing dispersed, forced migrants in the UK

Introduction

The period 1995–2005 has seen unprecedented numbers (567,835 people) applying for asylum in the UK (Home Office, 2006; 2005a). Historically, the majority of forced migrants reside in and around London (Pearl and Zetter, 2002), but rules introduced in the Immigration and Asylum Act (1999) have seen considerable numbers of asylum seekers 'dispersed' to towns and cities across Britain. Housing and forced migration remains an under researched area, particularly in respect of empirical studies that prioritise the insights of forced migrants and those responsible for their accommodation. This paper explores housing issues in relation to dispersed forced migrants by utilising insights from a qualitative study in the city of Leeds, West Yorkshire (UK). It is evident, however, that many of the issues and concerns raised in the Leeds study have a much wider resonance. Throughout the paper the term forced migrant is used as a general label to include the socio-legal categories of international migrant under discussion, namely; refugees, asylum seekers, those with humanitarian leave to remain, and failed asylum seekers/'overstayers'. As Gubbay (1999) recognises, migrant communities are often characterised by 'hierarchies of vulnerability' vis a vis their rights within host nations. Whilst it is acknowledged that forced migrants may face common disadvantages (see Kilkey, 2005), within the generic population a stratified system of housing entitlement exists in respect of the four identified groups.

Recent legislation can be seen as a systematic attempt to remove asylum seekers from mainstream welfare provision and the continuing omission of asylum seekers (as non citizens), from the government's wider social inclusion agenda remains a deliberate element of

immigration policy (Hills and Stewart, 2005). Furthermore, the housing problems of forced migrants are also often exacerbated because most are “members of minority ethnic communities within the UK and broadly experience the same societal and economic difficulties that are experienced by other minorities” (Craig et al. 2004b :7).

The paper is divided into four subsequent sections. Part one outlines relevant legislative developments. It also summarises the importance of socio-legal status in defining the housing related rights and opportunities available to forced migrants. Part two explores dispersal policy within a local context via an outline of the National Asylum Support Service (NASS) housing arrangements in Leeds. A brief description of the methods used in the study which informs the paper is also given. Part three considers the adequacy of NASS provision and highlights concerns about the standard of accommodation and housing related support available to dispersed asylum seekers. The impact of both positive and negative changes in socio-legal status and forced migrants’ susceptibility to homelessness are discussed in part four. In conclusion, it is argued that future improvement in the housing of forced migrants in the UK unlikely given the British government’s continued ‘tough’ approach to asylum policy.

The redefinition and reduction of forced migrants’ housing rights

The housing rights of forced migrants have been subject to considerable change and reduction in the last decade. The Asylum and Immigration Act (1996) effectively removed (with few exceptions), asylum seekers’ rights to access permanent local authority (LA) accommodation or seek help as homeless persons. It also shifted the costs of supporting asylum seekers from the national social security system onto LAs; a move which increased destitution levels (Sales, 2002; Zetter and Pearl, 2002). As the numbers of forced migrants increased, LAs’ budgets and

services (most notably in London and the South East of England where the majority of forced migrants were housed), came under mounting pressure. This factor, allied to rising tension between some established local communities and asylum seekers, heralded the Immigration and Asylum Act (1999). This legislation removed the duty for meeting asylum seekers' needs from LAs and placed it with the newly created National Asylum Support System (NASS), which was charged with co-ordinating and funding the accommodation and financial support of all asylum seekers arriving in the UK (Robinson, et al. 2003).

The ensuing Nationality, Immigration and Asylum Act (2002) (NIAA) retained the NASS system of dispersal but initiated other important changes. Most controversially Section 55 of the NIAA left thousands of forced migrants who, on entering the UK did not apply for asylum 'as soon as is reasonably practicable'¹ effectively homeless and destitute (GLA, 2004; IAP, 2004; Refugee Council, 2004a; Shelter, 2003). Although Section 55 has since been successfully challenged in the courts, on the basis that it breaches Article 3 of the European Convention on Human Rights, its legacy lingers. In the first quarter of 2006, 205 applicants (out of a total of 875) referred to NASS for Section 55 assessment were deemed ineligible for NASS support (Home Office, 2006).

The Asylum and Immigration (Treatment of Claimants etc.) Act (2004) further curtailed forced migrants' housing rights. New powers to terminate NASS support for failed asylum seekers/'overstayers' with dependant children were introduced. A new obligation on adult failed asylum seekers with young families to accept voluntary repatriation or face the possibility of destitution and their children being taken into care was also instigated. Access for failed asylum seekers to 'hardcase' accommodation also became conditional on them performing specified

¹ Originally defined as within 48 hours of entering the UK, subsequently extended to 72 hours.

community activities. Finally, the Act, for housing purposes, established, an automatic local connection between NASS accommodated migrants and their dispersal area (IND, 2004a, b).

A tiering of housing entitlement

Immigration status has long been used to restrict or formally exclude certain migrants from access to housing (Waddington, 1998) and it is often a key factor in defining a migrant's vulnerability to homelessness (Edgar et al. 2004). The legislative changes of the past decade, outlined above, have widened the gulf between the social rights enjoyed by UK citizens and those available to forced migrants. As Figure 1 illustrates, the particular socio-legal status that is assigned to an individual forced migrant at various times in the asylum process effectively defines the housing rights and opportunities available to each migrant.

Insert Figure 1 here

Destitute asylum seekers can apply for NASS support. Following an induction period spent in emergency accommodation, NASS permits clients to choose one of two support options; accommodation and subsistence or subsistence only. For those who require housing, eligibility is conditional on migrants accepting compulsory, no choice, 'dispersal' to a specified location across the UK. NASS meets its housing responsibilities by subcontracting to a variety of accommodation providers including LAs, private companies/landlords and to a lesser extent other registered social landlords (RSLs) (Sales, 2002). The original aim of dispersing migrants to particular cluster areas on the basis of common language appears to have been superseded by a drive to secure cheap, empty housing (Carter and El-Hassan, 2003; Robinson et al. 2003; Finch, 2001).

In principle refugees and those with humanitarian protection (HP) status enjoy the same housing rights and options as UK citizens. However, in practice several factors may curtail available housing opportunities. Changes introduced in September 2005 rescinded refugees' automatic right to indefinite leave to remain and replaced it an initial period of temporary leave to remain in the UK. The government is on record as stating that if the situation in a person's country of origin "has not improved after 5 years we would grant them permanent status otherwise we expect them to return." (Home Office, 2005b :23). The new temporary nature of refugee/HP status removes the option of taking out a mortgage; so housing choices are essentially limited to the social or private rented sectors. Changes introduced under the Asylum and Immigration (Treatment of Claimants etc.) Act (2004) establish, for housing purposes, an automatic local connection between NASS accommodated migrants and their dispersal area (IND, 2004a, b). This was introduced to alleviate pressure on LAs and accommodation in the South East of England as, previously, many of those granted refugee or HP status have subsequently left their dispersal area and gravitated towards London (Home Office, 2004b). However, for successful asylum claimants, future rights to social housing and/or homelessness provisions are effectively limited to their local (i.e. dispersal) area. As subsequent discussions illustrate, whilst a positive change in status (to either refugee or HP), theoretically brings with it enhanced housing related rights, tangible opportunities to exercise those rights are limited by the short transition period allowed for the move from NASS accommodation to mainstream provision and/or the shortage of available social housing within a defined dispersal area.

Failed asylum seekers must leave NASS accommodation within 28 days of notification by the Home Office. Such migrants, under specified circumstances, (e.g. no safe route for return, illness), may be able to access 'hardcase' support under Section 4 of the IAA (1999). This is

intentionally offered “in the most basic way possible” (HMG, 2004: 25) while arrangements to remove failed asylum seekers are finalised and is highly conditional (see figure 1). The tight eligibility criteria of Section 4 and administrative deficiencies in NASS have resulted in substantial numbers of failed asylum seekers in urgent need of accommodation being denied support (CAB, 2002). Many others have simply left NASS accommodation and effectively disappeared. Parliament has recognised that there are ‘considerable numbers’ whose claim has failed, living in unknown locations without any rights to shelter or basic welfare (HAC Report, 2004). The impact of new rules ² which permit LAs to provide ‘hardcase’ accommodation to failed asylum seekers who are unable to leave the UK remains unknown, but homelessness and destitution continues to be a reality for many (ICAR, 2006).

Housing forced migrants in Leeds

The Yorkshire and Humberside Regional Consortium for Asylum Seekers and Refugees (established in 2000), consists of ten local authorities and fulfils several important housing roles. It negotiates and manages housing and support contracts with NASS on behalf of LAs and consortium members have a duty to provide suitable accommodation. It is also charged with drafting and implementing an integration strategy for refugees entering the community. Finally, the consortium also has responsibilities in connection to the harassment of forced migrants and any community tensions that may arise between those dispersed to the region and the local host population (YHRCASR, 2003).

² Clause 37 of the Immigration, Asylum and Nationality Act (2006).

Yorkshire and Humberside has the highest regional population (22% of the UK total)³, of NASS accommodated asylum seekers (Home Office, 2006) with the region's biggest number resident in Leeds. The most up to date, statistics show 1,879 dispersed asylum seekers living in Leeds (YHRCASR, 2006a)⁴. Forced migrants are mainly housed in the Leeds 7, 8, 9 and 11 postcode districts. Additionally the Leeds Destitution Steering Group estimate that at least a further 3000 failed asylum seekers were resident in Leeds in June 2006.

As a member of the consortium Leeds City Council (LCC) was contracted to provide 336 properties to NASS until October 2005. In June 2003 the council also negotiated a separate contract with the Home Office to provide 65 spaces in the 'Hillside' induction centre for newly dispersed asylum seekers (LCC, 2004). Three other agencies were also contracted to supply appropriate accommodation to dispersed asylum seekers; the Angel Group, Clearsprings, (private companies) and a not for profit organisation, Safehaven Yorkshire. These three landlords provided approximately two thirds of asylum seekers' accommodation in Leeds, some of which they procured through sub letting arrangements with other local, private landlords (Wilson, 2001). Since July 2006 new accommodation contracts have been negotiated by NASS. In future the ten local authorities in the Yorkshire and Humberside Consortium will provide approximately half of NASS accommodation in the region. The rest will be provided by three private companies Angel Group, United Property Management and Priority Properties Northwest (YHRCASR, 2006b).

The Leeds study: an overview of methods and sampling

³ The North West of England (17%) and Scotland (15%) also house significant proportions of the NASS accommodated population of asylum seekers (Home Office 2006).

⁴ There are also another 205 asylum seekers receiving NASS 'subsistence only' support in Leeds (Home Office, 2006).

The Leeds research used qualitative techniques (Ritchie and Lewis, 2003; Mason, 2002) to explore the role of formal and informal welfare agencies and the strategies of forced migrants themselves in meeting housing and financial needs. In total thirty four respondents (23 forced migrants and 11 key informants involved in the delivery of welfare services for forced migrants) took part in the fieldwork which consisted of two sets of qualitative interviews and a mini focus group. In order to capture a diversity of forced migrants a purposive non random sampling technique was used to select respondents. Subsequently, interviews were conducted with 5 refugees, 7 asylum seekers, 6 people with subsidiary humanitarian protection status and 5 failed asylum seekers/overstayers'. Thirteen of the forced migrants were male and ten were female with ages ranged between 21 and 57 years. Respondents identified 9 countries of origin; Afghanistan, Democratic Republic of Congo, Iran, Iraq, Iraqi Kurdistan, Kosovo, Pakistan, Somalia, and Zimbabwe.⁵

Interviews were conducted in Leeds in 2004 and lasted on average 60 minutes. Two ethical principles underpinned the fieldwork; informed consent and confidentiality. All migrants were offered the use of a suitable interpreter but the majority (21) chose to be interviewed in English. Interviews were recorded on audiotape and transcribed verbatim. Subsequent transcripts were anonymised, assigned a code number (e.g FM1, KI2) and analysed using grid analysis and thematic coding techniques (Ritchie et al. 2003). A Nudist 6 computer software package was used to assist this process.

The inadequacy of NASS housing

⁵ In order to ensure respondents' anonymity personal information concerning the gender, nationality etc. of each forced migrant is omitted. A fuller discussion of sampling, data gathering/analysis and ethical considerations is available at [http:](http://) (web reference deleted to ensure anonymity of author at referee stage).

When discussing the adequacy and standard of NASS housing only one of the 6 asylum seekers experiencing NASS provision at time of interview deemed their accommodation to be satisfactory. Others were more critical.

When you arrive here as an asylum seeker they put you in a house where the carpet is very dirty, they can't clean the carpet! Where your room is leaking when it's raining, where the kitchen is not good. So everything becomes very bad for you and you feel really, really bad. I came here looking for safety and security but they are putting me in this house[despairingly](FM22 asylum seeker).

The most damning tale was related by an asylum seeker who for three years had (legally) worked in Leeds at a NASS contracted private housing provider. He related a number of grievances about the housing system, ranging from the complexity and length of time taken to deal with complaints to the inadequacy of provision.

One family... one lady with two babies her house was leaking from the toilet, from the bathroom. The carpets were very, very bad, they were torn everywhere. The sofas were very, very bad condition, believe me if you threw it away nobody would take it... The kitchen was leaking water, the wallpaper all came off from the lounge because of the water. The water was coming down, she had TV it was coming on top of the [electricity] sockets...it was very dangerous. I took it to NASS five or six times about this family and nothing really happened...[finally] The ceiling came down on the floor and they changed her house (FM19 asylum seeker).

A more mixed response arose when forced migrants who had subsequently left NASS accommodation discussed their past experiences. Approximately 50% of these respondents declared NASS supplied accommodation to be adequate, but serious shortcomings were highlighted by the remaining half. Issues routinely raised included poor standards of

accommodation, overcrowding, a lack of orientation and support services, and providers disregarding asylum seekers' complaints about standards or poor repair.

Actually it was very, very bad ... my room we are two persons in one bed; single bed for six months ... At that time I can't speak English, just yes/no. We are going every time to social services, we didn't know anywhere. Where is [private housing provider]? Where is Refugee Council? We didn't know nothing... They [private housing provider] promise us we will come to check your house but they didn't ... one blanket for two people. If [we get] two blankets I can go on the floor ... Nothing.....

[Respondent continues] On Christmas Day we hadn't had electric for two or three weeks ... the water in the kitchen, it was leaking into the electricity... They said yes we are coming to fix it but they didn't. At night time it exploded. The neighbour called somebody to come to check... They didn't come back for two or three weeks (FM15 failed asylum seeker/'overstayer').

The inadequacies of NASS provision highlighted by respondents are indicative of a wider issue across the UK. A range of studies and reviews suggest that substandard accommodation and poor client support are persistent and widespread problems (NAO, 2005; Perry, 2005, 2003; Craig et al. 2004a, b; Spencer, 2004; Robinson et al. 2003; Garvie, 2001; Wilson, 2001).

NASS housing: a public/private divide?

Deficiencies in the quality of housing and related support supplied by NASS contracted private providers feature in previous research. Garvie's (2001) study is highly critical of the private rented sector. Wilson (2001) also found that some dispersed asylum seekers housed by the private sector appeared to receive little orientation and/or ongoing support. More recent work suggests that private companies focused on generating profits from NASS contracts (rather

than providing suitable accommodation and services), may also be a contribute to ongoing housing problems (Perry, 2005, 2003; Graig et al. 2004a, b). Whilst LAs cannot be seen as totally exempt from criticism (Pearl and Zetter, 2002), our study supports the view that, on occasions, a two tier system exists with local authorities providing a better level of housing service than private providers. In our discussions with respondents complaints were more prevalent among those migrants who were housed by private companies rather than the local authority. As our fieldwork drew to a close the Home Office was also reported as investigating complaints against a particular company (see Willis, 2004).

Several of the key informants in the Leeds study also noted that a lack of central guidance from NASS (particularly in the early days of dispersal), allowed private companies to provide an inadequate or inappropriate housing service.

Local authority housing tends to be reasonably good, ex council houses in not particularly desirable areas that they will do up. They'll have all the basics and a fairly good standard. When the whole dispersal thing started off private housing providers were a different kettle of fish and they would, and still do contract to a another landlord, who will contract to another landlord and you have a whole series of landlords going down to a person who might have one or two houses and there was no monitoring down there and some of the conditions were pretty much appalling ... Things have improved over time. Private housing providers, who have made a fair deal of money out of this,... NASS have started to check on things (K12, the Leeds manager of a national charity).

Earlier criticisms of standards appear to be having some effect on policy. From late 2004 NASS instigated a policy of 100% property inspection linked to steps to ensure the routine maintenance and repair of accommodation (Craig et al. 2004b). It is clear, however, that NASS's inexperience in managing housing, and its willingness to devolve power to individual

private contractors (who then sub-contract to others), has led to variable and, on occasions, sub standard provision.

NASS is certainly not very experienced yet... so the kind of housing management issues that a social housing provider or social landlord and local authority would be familiar with, overcrowding, transfers, those sorts of issues its just not experienced in dealing with and, therefore, hasn't worked out its policies. It relies very much on providers to do the sensible thing.. if they don't know what the sensible thing is there is no knowledge and experience base back at NASS to give them proper guidance (K110, housing official).

Stansfield (2001) makes a similar point when discussing private contractors. Whereas RSLs such as housing associations and LAs may possess the staff, experience, and knowledge to provide adequate housing and support services to vulnerable groups, both NASS, and many of the private companies it has concluded contracts with, appear to lack substantive expertise. This is perhaps one root of subsequent problems.

Dispersal policy has been characterised as "little more than a scramble to locate vacant and reasonably priced accommodation" (Robinson et al. 2003: 146). Faced with growing numbers of asylum applicants, the UK government established NASS as a new and distinct body to oversee the provision of housing and support for dispersed forced migrants. NASS was a hasty solution to pressing problems. The resultant 'fragmentation of service delivery' (Zetter and Pearl, 2000) and the inadequate and substandard housing endured by some asylum seekers are outcomes of a poorly conceived policy, implemented with little strategic direction (Pearl and Zetter, 2002).

The underlying reasons for the continuing failure of the NASS system to meet the basic housing needs of all its clients need to be addressed. New Labour has long advocated 'joined

up' government and inter-agency partnerships as an appropriate response to housing and associated policy (Lund, 2002). NASS, which seeks to provide local dispersal accommodation by entering into contracts with range of public, private and voluntary actors, could be characterised, somewhat optimistically, as a 'joined up' network of governance. A more critical analysis which emphasises the complexity of current arrangements as a potential cause of many of the housing problems faced by NASS clients may, however, be more appropriate (Author, 2005).

Changes in status as a trigger to homelessness

One effect of the development of the separate NASS housing system for asylum seekers is that the resolution of individuals' asylum claims and their subsequent transition in socio-legal status renders many forced migrants susceptible to homelessness and/or destitution. For those who receive a positive decision (i.e. are granted refugee or humanitarian protection (HP) status), this is due to the short (28 day) transition period allowed for the move from the NASS system into mainstream accommodation and a general shortage of available social housing.

Several key informants stated that a lack of co-ordination between agencies often leads to much shorter periods of notice, consequently finding new accommodation is often impossible (cf. Perry, 2003; Craig et al. 2004a; YHSCAR, 2003). In 2003 Leeds Council received a total of 337 housing applications from people who recorded their cause of homelessness as being a refugee. In the same year the Council received an additional 276 requests for re-housing from refugees (LCC, 2004). Four of our 11 respondents with refugee or humanitarian leave status lived in various hostels or slept on friends' floors before finding a new home. Others were still waiting to secure mainstream accommodation at time of interview.

[Respondent is told] 'You have to move. NASS won't pay [housing contractor] any more rent.' I said where am I going to go? And he said go to a hostel. I told him I cant... but he said go. I left and was homeless (FM20 refugee).

I'm still in a hostel [after 1 year], I don't know what to do to plan for the future...If I get my own house I can get a job and go to college change some things in my life (FM17 discretionary leave to remain).

Aside from a vulnerability to homelessness, those who gain refugee/HP status face multiple disadvantages when trying to secure mainstream accommodation. Many find themselves allocated to areas where social housing is already under severe pressure (Perry, 2005). Single males with leave to remain are often not priority cases for re-housing (YHCASR, 2003) and, as respondents reported in our study, families or those with impairments often struggle to find suitable housing. Within Leeds a number of RSLs have been attempting to meet the needs of new refugees (Perry, 2005). More generally, however, in spite of their remit to support vulnerable groups, RSLs across the UK have yet to play a major role in meeting the housing needs of refugees (Grewal, 2004).

The limited housing options of those who receive a positive outcome to their asylum claim are clear;

It's a lot more difficult to access suitable accommodation as a refugee as the housing stocks get lower and lower in the city. ...[but] you don't have any other options. There isn't an option to buy because you've got no capital. More often than not you've not had secure employment so that is just not an option. Private rented, as we all know, can be hit and miss across the city. Quite often they need a bond... so quite often it's not always a reasonable.... and the council stock is slowly dwindling. So it's low demand areas really where people are more likely to be able to access accommodation quite quickly.

Areas that people don't want to live in for one reason or another or where the houses aren't as nice as other parts of the city (K15 manager, local authority housing provider).

Furthermore, as previously noted, the capacity for refugees to secure social housing or homelessness support by moving to other, perhaps more favourable, locations has been curtailed by the new rules of 'local connection' recently established in the Asylum and Immigration (Treatment of Claimants etc.) Act (2004).

Although there are no current plans to increase the 28 day period the government has stated that it aims to prevent homelessness among refugees and ensure their access to suitable housing in the longer term. The 'SUNRISE' programme which is currently being piloted⁶ involves the production of a 'personal integration plan' in the 28 day period and follow up visits from a support worker for successful asylum claimants in the ensuing twelve months. An interest free 'refugee integration loan' administered in the same way as the Social Fund will also be made available. It is envisaged that migrants will use this to pay landlords' deposits and other housing set up costs.

Homelessness and destitution among failed asylum seekers

As forced migrants' susceptibility to homelessness is becoming nationally recognised (Shelter, 2004; Spencer, 2004) emergent policies aimed at providing solutions to those who are granted leave to remain are to be welcomed. The outlook for those who receive a negative asylum decision, however, remains bleak. The government is clear that the SUNRISE programme is

⁶ In Glasgow, West London, Manchester, Leeds and Sheffield.

specifically targeted at refugees or those with HP status rather than failed asylum seekers/'overstayers'. Those whose claims are turned down, but who are not returned to their country of origin (either because they go into hiding or because the government is not enforcing their return for human rights reasons), effectively have no rights to welfare; nor are they allowed to take up paid employment. All five of the failed asylum seekers/'overstayers' and the Section 55 asylum seeker within our study were homeless at time of interview. This sometimes led to periods of rough sleeping on the streets.

To be honest sometimes, depending on the weather conditions we just find something to see us through to the next morning... just find a corner to sleep in... At one stage it was terrible, very cold in the night and we didn't have enough to cover ourselves and it was traumatic. All night you are shaking, you are trembling (FM18 section 55 asylum seeker).

Those with some form of (usually illegal) paid work often rent rooms on an insecure short term basis from 'friends'. Such 'friendships' are routinely the result of the chance recognition of a fellow national in the street (cf. Craig et al. 2004b).

On the streets it's easy to talk to anyone, 'hi hi please if you know somebody with a room just tell me. This is my telephone number, contact me please'... It depends, sometimes two months, three months I am living in one house. If you like each other you stay in the house but if I get a problem with them I have to change (FM15 failed asylum seeker/'overstayer').

You can't go to the city council or somewhere else and tell them I need a house, you have to live in somebody else's house. .. My friend got a city council house. I live in his house and I have to pay more because they know I can't find another house, that's why they're pushing me to pay more (FM12 failed asylum seeker/'overstayer').

Transitory accommodation arrangements are part of everyday life for failed asylum seekers and other undocumented migrants who are trying to keep one step ahead of the immigration authorities (Edgar et al. 2004). FM15 had lodged with 8 or 9 different people in a short period at the time of interview. Accommodation can be offered free, or for a nominal charge, but on some occasions the interactions have a distinctly economic dimension. FM12 was paying £40 per week plus utility bills whilst taking a room with a refugee who had secured a social housing flat for £45 a week rent. The weak position of undocumented migrants vis a vis the housing market and rights to social housing renders them vulnerable to exploitation from bad landlords and also other less principled migrants. As Gibney (2004 p.103) notes,

The ties of ethnicity and nationality that so often serve to make survival without proper documentation possible can just as quickly turn into fetters that facilitate exploitation (cited by Edgar et al. 2001 p.13).

Forced migrants who are working illegally and who are otherwise faced with the street have few alternatives, other than applying for 'hardcase' support. Two failed asylum seekers/'overstayers' within the study who were sleeping on various people's floors at the time of interview had pursued this option but been refused. Others ruled it out on the grounds that any ensuing repatriation would render them open to persecution on return to their homeland.

Those forced migrants who lack the ability to informally pay rent are totally reliant on charitable provision to secure basic shelter. In Leeds the charity 'Shortstop' provides limited emergency accommodation; similar schemes operate elsewhere (Housing Today, 2004). However, it was widely acknowledged by respondents in our study that failed asylum seekers/'overstayers' increasingly rely on other forced migrants, to meet their basic housing needs (cf. Craig et al. 2004b; Spencer, 2004). Shelter is provided by other asylum seekers living in NASS

accommodation or by migrants whose socio-legal status enables them to access mainstream social housing.

A house that should accommodate 2 people has actually got 20 people staying in it because they've not let their friends sleep on the streets. They've invited them into their own NASS accommodation, so there's a lot of overcrowding going on (KI5 manager, local authority housing provider).

I know of some houses where 10 people live together because one of them gets 4 years and the council give him a house and another 9 people are refused. They don't have any other place to go, they stay with a friend (FM11 granted exceptional leave to remain.)

Beyond overcrowding issues, when asylum seekers provide shelter for others they are in breach of NASS regulations and run the risk of losing their own accommodation. The importance of mutual support was tacitly acknowledged by a government minister (Beverly Hughes) who, when defending the withdrawal of support under Section 55 rules, stated "that the vast majority of those who are refused support do not become destitute, finding support from friends, family or community groups" (Home Office, 2003 p3).

The potentially positive role of refugee community organisations (RCOs) in providing support for forced migrants has been widely noted (Carter & El-Hassan, 2003; Zetter and Pearl, 2000; Carey-Wood 1997) and a number of key informants discussed their growing role in providing basic shelter for destitute forced migrants. It is clear, however, that ad hoc support provided by RCOs is insufficient to meet increasing needs. The transitory and informal nature of many RCOs, (Kelly, 2003) and their limited funding, indicate that many are ill equipped to take on a bigger role in meeting housing needs (Zetter and Pearl, 2004).

As many failed asylum seekers simply disappear when their claim is turned down the national extent of destitution among forced migrants remains unknown. It appears, however, that substantial numbers are homeless. In April 2004 the London boroughs were supporting 34,818 destitute asylum seekers (Brangwyn, 2004) and a snapshot survey records 504 incidences of destitute forced migrants seeking help from five agencies within Leeds between 15th November and 17th December 2004 (LDSG, 2005). The suspension of Section 55, recent increases in repatriation rates and proposals to fast track claims and removal procedures (Home Office, 2005b) may, in time, reduce the overall numbers involved. At present, however, many of the estimated 250,000 (Migration Watch, 2004) migrants who receive a negative asylum decision, disappear into a twilight world in which they sleep rough or on friends floors and/or enter into informal short term sub-letting arrangements.

Conclusions

Problems persist in relation to both the NASS system of accommodation and policies aimed at enhancing the settlement and integration of refugees. A survey of refugee services highlighted that housing was the biggest issue of concern among refugees with 64% of respondents stating it was *the* key area requiring improvement (Peckham et al. 2004). Craig et al. similarly note that "above all other areas of provision, housing was singled out for the most criticism" (2004b: 69).

Kilkey (2005) notes that forced migrants share many common experiences of disadvantage regardless of their specific social-legal status and argues that such distinctions are often meaningless and counterproductive. This present paper has illustrated that to varying degrees all forced migrants regardless of particular status are potentially vulnerable to poor or substandard housing, homelessness and isolation. Furthermore, racists and those overtly

hostile to people who are seeking refuge in the UK do not appear over concerned with the details of socio-legal differentiation. It is, therefore, often appropriate to pursue strategies that build rights to security, housing and basic welfare for all forced migrants as part of wider race equality and anti-racism frameworks (Kilkey, 2005; Perry 2005). To some extent the allocation of specific socio-legal categories is an artificial exercise, but it is far from meaningless. The vulnerability of forced migrants to homelessness in particular is linked to socio-legal status (Edgar et al. 2004). The allocation of a specific socio-legal category has an important conditioning effect on the rights and options available to particular forced migrants at any given time. This is most starkly illustrated when an individual receives notification that their asylum claim has failed. NASS provision ceases and rights to even the most basic shelter and support are denied unless migrants co-operate with enforced repatriation.

The track record of both public and private housing agencies in relation to dispersed forced migrants is, at best, mixed (Phillips, 2004; Perry, 2003), at worse inadequate (Pearl and Zetter, 2002). The system of NASS support focuses solely on minimal provision. Asylum seekers' housing options are further limited because they are not allowed to undertake paid work. They are routinely housed in poor, under resourced neighbourhoods where they may face resentment and hostility. Subsidies allocated by central government to LAs in respect of providing services for forced migrants do not meet the full costs involved. Furthermore, the complexity of the NASS system, hurried decision making and a lack of communication between the various agencies involved all hinder the delivery of high quality housing provision (Perry, 2005; Craig et al. 2004a). Against the backdrop of falling numbers of asylum applicants, NASS has recently renegotiated its original five year contracts. Past concerns about the failures of certain private companies to provide adequate accommodation and support appear to have

been sidelined and NASS remains committed to maintaining a 'mixed economy' of local authority and private housing providers (Home Office, 2005c).

There are, however, limits to what housing agencies, whether public or private, can achieve in the presently hostile policy environment (Perry, 2003). Currently, large numbers of asylum seekers rely on highly conditional, and at times inadequate, NASS provision. Additionally, a significant but unknown number of failed asylum seekers have no rights to access social housing or homelessness provisions and remain reliant on the charity of their contemporaries and/or illegal work to meet basic housing needs. Meanwhile those granted refugee or humanitarian protection status must compete for scarce resources with other vulnerable groups for scarce housing provision. The Leeds study highlights that for many dispersed forced migrants serious housing problems persist. Concerns about the standard of accommodation, susceptibility to homelessness and limited relationships with new neighbours remain enduring features of many dispersed forced migrant' lives. A more fundamental shift outside the confines of housing policy will need to occur if significant improvement is to be made in the future. This remains unlikely given the government's continuing commitment to be 'as tough as old boots' on asylum (see Flynn, 2003). In 2000 an Audit Commission report concluded that,

Current arrangements offer no guarantee that asylum seekers needs will be met comprehensively or consistently, due to shortcomings at local and national levels (2000:11).

In spite of the best efforts of some, and a limited degree of progress in certain areas (cf. Phillips, 2006), it would be hard to avoid a similar conclusion today.

| | | | | |
|---------------------------|------------------------|-------------------------------|-----------------------------|----------------------|
| Socio-legal status | Right to remain | Housing related rights | Conditioning factors | Right to work |
|---------------------------|------------------------|-------------------------------|-----------------------------|----------------------|

| | | | | |
|--|--|--|--|-----------------|
| <i>Refugee</i> (those whose claim for asylum has been accepted) | Temporary - 5 years in the first instance ⁷ | Can join local authority waiting lists Access to Housing Benefit Can seek support as a homeless person | Temporary right to remain limits option of owner occupation | Yes |
| Humanitarian protection/discretionary leave (granted to those the gov. recognises would be in danger if returned to country of origin) | Temporary - up to 3 years (removable/renewable) | Can join local authority waiting lists Access to Housing Benefit Can seek support as a homeless person | Temporary right to remain limits option of owner occupation | Yes |
| <i>Asylum seeker</i> (those making a claim for refugee status) | For length of claim | NASS accommodation | Must be destitute No choice dispersal | No ⁸ |
| <i>Failed asylum seeker</i> (those whose claim for refugee status has been refused) | No right to remain | None <u>or</u> in certain circumstances Section 4 'Hardcase' support | Must be destitute Acceptance (potentially) of secondary dispersal across UK Signing a voluntary repatriation document Performance of specified community duties | No |

Figure 1. Forced migrants and the tiering of housing entitlements

¹ Prior to changes announced in 2005 individuals granted refugee status were given indefinite leave to remain in the UK. All the refugees in our study had indefinite leave. Since September 1st 2005 all refugees (with the exception of the small number who enter under the Gateway Protection Programme who retain indefinite leave to remain), are granted 5 years temporary leave. The government position is now such that if the situation in a person's country of origin "has not improved after 5 years we would grant them permanent status otherwise we expect them to return" (Home Office, 2005b :23).

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⁸ Under Article 11 of European Council Directive 2003/9/EC any asylum seeker who has not received an initial decision within 12 months of their claim is able to apply to the Home Office for permission to work.

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