At a glance

For a long time now, the voluntary and community sector has been highlighting the problem of newly-recognised refugees facing long delays in receiving their benefits. Delays cause much hardship for refugees and their families and put a considerable strain on charitable organisations.

The Syrian VPR Scheme, which resettles a number of Syrian refugees in Northern Ireland, has shone a fresh focus on the issue.

The picture is fairly complex and there are many factors that cause delays for refugees. This paper summarises the issues and proposes three next steps towards resolving this problem.

As articulated by the Refugee Asylum Forum, no refugee should experience destitution due to administrative delays in the benefit system.
Introduction

The voluntary and community sector has highlighted the problem of delays in refugees obtaining benefits over a prolonged period. The Syrian Vulnerable Persons Relocation (VPR) Scheme, which resettles a number of Syrian refugees in Northern Ireland, has shone a fresh focus on the issue. While the first group of Syrian VPR refugees experienced delays with their benefits, the Department for Communities (previously Department for Social Development) was able to ensure prompt payment for the second group. This is a very welcome development.

Northern Ireland’s participation in the Syrian VPR scheme demonstrates that delays are not inevitable and affords an opportunity to address this problem ‘once and for all’ in a way that benefits all refugees.

This brief paper outlines the current difficulties and proposes three recommendations as the next steps to achieve a resolution to this problem for all refugees making their lives in Northern Ireland.

A number of steps have been taken by statutory/government agencies and the voluntary and community sector to address the problem of delays. These steps, listed at Appendix 1, demonstrate the considerable amount of partnership work and collaboration to date. Despite these efforts, problems persist.

What is the problem?

Once an asylum seeker receives refugee status, asylum support is withdrawn. This happens 28 days following the grant of refugee status. Effectively, the refugee has one month to secure housing, employment and/or benefits before support is withdrawn. Many refugees are unable to successfully navigate the numerous processes in such a short time. As a result, they become destitute and entirely reliant on charitable support despite having clear statutory entitlement to support.\footnote{Home Office guidance states: ‘As soon as a person is granted leave as a refugee, they have immediate access to the labour market and to all key mainstream benefits’. UKVI, Ceasing asylum support (2009). Destitution arising from administrative processes could engage a number of statutory duties (and ultimately, liabilities). For example, the Home Office has a duty to the wellbeing of a child under section 55 of the Borders, Citizenship and Immigration Act 2009; DHSSPS has a general duty to safeguard and promote the interests of children under Article 18 of the Children’s Order 1995 as well as a general duty for the prevention of illness under Article 7 of the Health, Personal and Social Services Order 1972 (destitution that gives rise to street homelessness could threaten a person’s health.) Reliance on charitable support can go on for many months while entitlement to benefits is secured. This creates huge hardship for refugees. It also places considerable demands on the charities and detracts from their efforts in assisting those with no statutory entitlement to support.} Reliance on charitable support can go on for many months while entitlement to benefits is secured. This creates huge hardship for refugees. It also places considerable demands on the charities and detracts from their efforts in assisting those with no statutory entitlement to support.
The exact cause of benefit delays is not always easy to identify, not least because the picture is fairly complicated: a number of stakeholders are involved and a number of processes are happening simultaneously. In 2014, the Red Cross identified 23 different factors that make the benefit journey for refugees more complicated than for the average claimant and thus cause delay.² These can be summarised as follows:

- Existing services and mechanisms are not always offered to refugees or used, e.g.:
  - Referral to the Fast Track process whereby applications submitted to Jobs & Benefit Office can be forwarded to HMRC
  - Use of Interim Payments where relevant
  - Backdating of Tax Credits where relevant
  - Offering Crisis Loans

- There are a range of misunderstandings about whether:
  - Refugees need to wait until asylum support has ceased before benefit applications can be processed
  - Being in possession of a national insurance number is necessary for the benefit application to progress
  - Likewise, whether a bank account is needed
  - The Genuine Prospects of Work test and the three month residency rule is applicable to refugees

- There is a lack of understanding on the refugee’s part about the process and about their responsibilities such as notifying JBO of a change of address.

The most difficult process has consistently been with the HMRC administered benefits, namely Child Benefit and Child Tax Credit. NICRAS recently published ten detailed case studies that reveal that refugees wait between six weeks and almost two years before receiving their full entitlement to benefit, with HMRC-administered benefits being particularly problematic.³ This chimes with the Law Centre’s casework experience of persistent delays. HMRC benefits often comprise the bulk of a family’s income (especially for lone parent households) and so delays in payments are felt very acutely.

A wider problem

As demonstrated in the Red Cross report, benefit delays affecting refugees is a UK-wide problem. The Department for Work and Pensions’ own research confirms that 28 days is not

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sufficient for a refugee to lodge a claim and receive their first payment. The Work and
Pensions Committee has found that current processes and guidance are not working
effectively and has called on DWP to take action. DWP has not yet issued its response.

Delays in receiving benefits cause real hardship: now is the time to act.

Recommendations: three next steps

Step 1. The Law Centre recommends that the Department for Communities should revive
its 2011 Working Group and bring together officials from DfC/SSA/HMRC with
members of the Refugee and Asylum Forum to identify required changes to policy
and practice. The group could review all reports and recommendations to date -
including those formulated by Red Cross and NICRAS and the experiences of the
Extern service and the Syrian VPR scheme - and identify a way forward. HMRC-
administered benefits should be an initial focus of this Working Group.

Step 2. The Law Centre recommends that the Department for Communities should insert a
refugee ‘marker’ into the benefit process. This would enable individual applications
to be tracked over a specified time period. This monitoring would enable decision
makers to better understand current difficulties and would help identify and address
causes of delay.

Step 3. The Law Centre recommends that the Department for Communities should
recognise refugees as a priority customer group. This is already done in GB by
Jobcentre Plus. It would be consistent with the Equality Commission’s
recommendation that refugees may require ‘specific targeted action’.

Conclusion

The Red Cross report (2014) found that “all stakeholders involved in the transition process
share the responsibility for any difficulties that the refugees encounter – the new refugees
included”. The success of the Syrian VPR scheme is in part due to effective partnership
between government departments and the voluntary and community sector. The
recommendations outline above will allow for all those involved to build on this
collaboration and acknowledge our shared responsibility to improving the current process.

4 DWP, Asylum Seekers Transition to Mainstream Benefits: Deep Dive Investigation Results and Recommendations, July 2013, p.7. The 28 day period is found in immigration legislation.
7 ECNI, Racial Equality Policy: Priorities & Recommendations (May 2014), para. 8.15
8 Red Cross Move-On Report, Executive Summary, p. 8
APPENDIX – Timeline of actions to date

2010

- **Northern Ireland Community of Refugees & Asylum Seekers (NICRAS)** first highlights the issue of delays in HMRC benefits and the impact this has on refugees at the All Party Assembly Group on Ethnic Minority Communities.⁹

2011

- **Social Security Agency** convenes a Working Group to look at the issues. The Working Group, which includes representatives from NICRAS and Law Centre (NI), delivers a number of actions in 2012, including:
  - Clarification as to the various agencies’ responsibilities to refugees;
  - The publication of a ‘Refugee Customer Journey’;
  - The publication of detailed ‘Refugee Process’ maps;
  - A Key Contacts Sheet for the various agencies.
  - The implementation of the Fast Track process in Northern Ireland whereby certain benefit applications are automatically forwarded to HMRC.

- **OFMDFM** launches the Emergency/Crisis Fund to assist vulnerable migrants. An evaluation of the fund showed that the cause of destitution in almost 20% of cases was linked to benefits.¹⁰ This included refugees in the transition stage.

2012

- **Law Centre (NI)** initiates its first legal action against HMRC delays. This results in a long overdue payment to a Somali family. Subsequent legal action in other cases benefits individual families but the wider issue of delays remains unchanged.

- The **OFMDFM Immigration Sub Group** considers refugee transition in detail and discusses the need for a support service for refugees.

- **NI Housing Executive** (a member of the Immigration Sub Group) Supporting People starts funding the Extern Multi-Disciplinary Homeless Support Team to provide a targeted service for newly recognised refugees.

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⁹ Meeting of 9 March 2010

2013

- The **Home Office** agrees that the 28 day asylum support curtailment period would not begin until the refugee had received their Biometric Residence Permit, which is an essential identity document for benefit purposes.

- The **NI Strategic Migration Partnership (NISMP)** highlights the need for a Refugee Marker in 2013 in its proposal for a Refugee Integration Strategy.\(^\text{11}\)

2014

- **Belfast City Council** commissions Law Centre (NI) to write a Transition Guide to improve knowledge of the process among refugees and their advisers.\(^\text{12}\) This initiative was commended by a recent Westminster Committee.\(^\text{13}\)

- **NISMP** works with the Home Office and NIHE to try and streamline the referral process between agencies at the point of granting refugee status.

- **Red Cross** publishes ‘The Move-On Period: An Ordeal for New Refugees’, which provides a UK-wide perspective of benefit delays for refugees.\(^\text{14}\)

- The **Equality Commission** recommends that the barriers faced by refugees in accessing benefits are assessed.\(^\text{15}\)

- **Law Centre (NI)** submits a paper to DSD that calls for a refugee ‘marker’ to be inserted into the benefit process, so as to enable effective monitoring and to help pinpoint the cause of delay in each case.

- **Westminster Work and Pensions Committee** calls on DWP to take action to address the delays.\(^\text{16}\)

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\(^\text{15}\) ECNI, *Racial Equality Policy: Priorities & Recommendations* (May 2014), para.8 15

2015

- The **Refugee and Asylum Forum**’s Five Actions / SAFER? campaign calls for specific action on this issue: *Stop Destitution: refugees and their children should not be left with no money and no home because of administrative delays*. The Five Actions are endorsed by **Belfast City Council** and many MLAs.17

- The **OFMDFM Crisis Fund** is reactivated at the end of 2015 and will run until April 2016. It is anticipated that recipients of the fund will include many refugees in the transition stage.

- In December, Northern Ireland welcomes the first 51 Syrians through the **Vulnerable Persons Relocation** scheme. Benefit applications are prioritised by Department for Social Development. The benefits administered by the Social Security Agency are processed and paid swiftly but families experience delays with their HRMC benefits.

- Belfast City Council’s **Belfast Migrant Forum** notes the difficulties with refugee transition and agrees to write to Home Office to request that all refugees are informed of the **Extern** service.18

2016

- **NICRAS** publishes ten detailed case studies of individuals and families who experienced destitution on grant of refugee status.19 The shortest period of destitution was six weeks and the longest almost two years. The report starkly illustrates the complexity of the various processes and the hardship that occurs.

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17 Northern Ireland Assembly debate *Syrian Humanitarian Crisis* (22 September 2015)
18 Belfast Migrant Forum Meeting 29 February 2016
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