

Executive summary

- i. Serious and systemic problems with the standard of service provided by the National Asylum Support Service (NASS) remain unresolved. This is despite assurances by Ministers that problems with the *past* performance of NASS have been rectified by a number of internal administrative reforms of NASS since late-2001.
- ii. In February 2002, a NACAB report – *Process error: CAB clients' experience of the National Asylum Support Service* – recommended that NASS, which has no local counter services, should be fully decentralised so as to provide an efficient and responsive service at a local level. Ministers rejected the proposal, claiming that NASS provides a “comprehensive service” which meets the needs of all NASS supported asylum seekers in the dispersal areas and elsewhere.
- iii. This report, based on more than 400 social policy evidence reports received by NACAB from CABx since 1 March 2002, demonstrates that the Government's stated perception of the current performance of NASS is far from reality. Fundamental problems with the administrative efficiency and, in particular, the accessibility of NASS continue to present huge challenges to CAB clients and advisers.
- iv. As we found in *Process error*, the recent evidence from CABx relates both to problems faced by asylum seekers during the period when they are supported by NASS, and to problems faced by successful asylum applicants seeking to claim mainstream welfare benefits. In many cases, vulnerable individuals have been left for weeks or even months without the means to buy food and other essential items.
- v. The report notes that the Government's proposed replacement for the NASS support system – a combined system of asylum induction and accommodation centres – is no more than embryonic, and will remain so for many years. This means that NASS will remain the principal provider of welfare support to asylum seekers for the foreseeable future. It is therefore essential to address the current failings of NASS.
- vi. The report reinforces our previous call for the establishment of NASS counter services in the dispersal areas and elsewhere. And it makes further recommendations for the reform of the NASS system, and for improvements in NASS' liaison with the rest of the Home Office's Immigration & Nationality Directorate, with Jobcentre Plus, and with stakeholders such as NACAB, CABx and other advice agencies.
- vii. Without investment in the creation of local counter services, NASS is effectively displacing costs to other agencies, such as CABx and other advice agencies, and local authorities. The report therefore calls for a joint 'value for money' audit of NASS and the NASS support system by the National Audit Office and the Audit Commission.

1. Introduction

- 1.1 This report sets out evidence from the casework of Citizens Advice Bureaux (CABx) in England and Wales of continuing and serious problems with the standard of service provided by the National Asylum Support Service (NASS). It follows a NACAB report published in February 2002 – *Process error: CAB clients' experience of the National Asylum Support Service* – on NASS and the dispersal-based asylum support system established by the Home Office in April 2000. *Process error* described a support system overwhelmingly characterised by the administrative inefficiency and bureaucratic inaccessibility of NASS.
- 1.2 *Process error* set out case examples of NASS supported asylum seekers being left without the means to buy food and other essential items for weeks and even months due to failures of the NASS subsistence support delivery mechanism. In addition, successful asylum applicants were being left in limbo between the NASS support system and the mainstream welfare benefits system, due to a failure by NASS to provide them with essential documentation. In many of these cases, administrative delay and inefficiency had been compounded by process error on the part of NASS. In the vast majority, CAB advisers had been called upon to provide a 'helping hand' in breaking down the inaccessibility of NASS, which has no local counter services. This had usually taken the form of (frequently lengthy) telephone calls to NASS, and/or the transmission of completed application forms and other information to NASS by fax and/or post.
- 1.3 *Process error* concluded that NASS was displacing its costs to other agencies, such as CABx, with very limited human and financial resources, and that NASS itself should be providing *effective* means for supported asylum seekers experiencing a problem with the delivery of their NASS support to contact NASS officials directly. The report recommended that NASS should do this by establishing local counter or 'drop-in' services in the asylum dispersal areas, and in other areas with significant numbers of asylum seekers.
- 1.4 Furthermore, *Process error* revealed that, where the volume of NASS related enquiries had an impact on the ability of over-stretched CABx to provide advice to other members of the local community, this had caused or exacerbated local resentment and hostility towards asylum seekers. This is contrary to, and could undermine, the Government's wider strategies to combat racism and social exclusion, to promote community cohesion, and to facilitate the integration of refugees.
- 1.5 In February, March and April 2002, Ministers suggested that the CAB evidence set out in *Process error* related only to problems with the "past performance" of NASS that had been rectified and thus no longer persist.¹ And Ministers dismissed our call for the establishment of

¹ Angela Eagle MP, then Parliamentary Under-Secretary of State at the Home Office, House of Commons (Westminster Hall), 12 March 2002, col. 248WH.

NASS counter or 'drop-in' services in the dispersal areas and elsewhere, claiming that "a comprehensive service exists that meets the needs of all NASS supported asylum seekers".²

1.6 This is very much not the experience of CAB clients and their advisers. CABx continue to report widespread process error and delay on the part of NASS. These are compounded both by the continuing inaccessibility of NASS itself, and by the withdrawal of many of the local 'drop-in' advice services previously provided by the NASS-funded reception assistant agencies, such as the Refugee Council and Refugee Action (see paragraphs 1.11 and 1.12 below). As with the period covered by *Process error*, CABx report that five key issues have dominated their clients' experience of NASS since 1 March 2002:

- the NASS subsistence support delivery mechanism continues to be unduly complex, with substantial scope for process error;
- supported asylum seekers experiencing a problem with the delivery of their NASS support, and their advisers, face huge difficulties in making telephone contact with NASS;
- NASS frequently does not take the necessary action when asylum seekers or their advisers do manage to make telephone contact;
- in those cases where repeated contact with NASS proves necessary, NASS officials frequently claim to have no record of receiving previous applications and correspondence, and/or to have no record of earlier telephone contact(s); and
- the local 'drop-in' advice services provided by the NASS-funded reception assistant agencies are grossly inadequate, and indeed in some areas have been withdrawn completely.

1.7 This report is based on more than 400 NASS-related social policy evidence reports received by NACAB from CABx in England and Wales³ since 1 March 2002 – that is, since Ministers declared that the NASS support system's initial "teething problems" had been remedied by a number of internal administrative reforms of NASS.⁴ The cases presented have been selected to illustrate the totality of the CAB evidence received by NACAB between 1 March and 31 August 2002. In some cases, we have set out more case detail than is our normal practice in such reports, so as to fully illustrate the considerable challenge to CAB clients and their advisers of dealing with NASS.

² Letter, dated 10 April 2002, from Lord Rooker, then Minister of State at the Home Office.

³ CABx in Scotland belong to a separate organisation, Citizens Advice Scotland. NASS does not disperse asylum seekers to Northern Ireland from elsewhere in the UK and, as of 30 June 2002, only 105 asylum seekers (and dependants) living in Northern Ireland were in receipt of NASS support.

⁴ Angela Eagle MP, then Parliamentary Under-Secretary of State, Home Office, House of Commons (Westminster Hall), 12 March 2002, col. 248WH.

- 1.8 This evidence demonstrates to us that the Government's stated perception of the current performance of NASS is far from reality, and that – as one senior NASS official has recently conceded to NACAB – there are still “some fundamental areas in which NASS does not appear to be delivering the service required and expected”.⁵

Background – the NASS asylum support system

- 1.9 NASS was established under the Immigration & Asylum Act 1999 to administer, from 3 April 2000, a new national system for the provision of accommodation and subsistence support to otherwise destitute asylum seekers and their dependants during the (sometimes lengthy) period that their asylum claim is under consideration by the Home Office's Immigration & Nationality Directorate (IND). NASS support continues whilst any appeal against a refusal of asylum is before the independent Immigration Appellate Authority (IAA).
- 1.10 Many asylum seekers, having fled state brutality and oppression, armed conflict and/or the economic and social implosion of their own society, arrive in the UK with few if any financial resources of their own. Some are traumatised and have urgent medical needs due to having been subjected to torture, rape, or imprisonment, or as the result of having witnessed the death or ‘disappearance’ of family members, friends or professional colleagues. Most speak little if any English.

NASS-funded assistance for supported asylum seekers

- 1.11 In 1999 and early 2000, the Home Office assured the CAB Service and other generalist advice providers that the advice and assistance needs of NASS supported asylum seekers (in relation to their NASS support) would be met by NASS-funded ‘one stop shop’ advice services based in the asylum dispersal areas and provided by six voluntary sector ‘reception assistant’ agencies, such as the Refugee Council and Refugee Action. The ‘one stop shops’ would provide, indirectly, the necessary local access to NASS, and enable supported asylum seekers to resolve service delivery problems quickly and effectively.⁶ In July 2001, NASS confirmed to NACAB that all NASS supported asylum seekers experiencing a problem with the delivery of their support, and seeking advice from a CAB, could be referred to the local ‘reception assistant’ agency's ‘one stop shop’ for the necessary advice and assistance.⁷
- 1.12 In January 2002, however, Ministers conceded that the ‘one stop shop’ advice services “have not developed in the way originally envisaged”.⁸ And, somewhat confusingly, both the Home Office and the NASS-funded voluntary sector groups now state that “it was never intended”

⁵ Letter, dated 12 June 2002, to NACAB from the Assistant Director of Operations, NASS.

⁶ For further detail, see paragraphs 2.7 and 2.8 of *Process error*.

⁷ Letter, dated 30 July 2001.

⁸ Letter, dated 30 January 2002, from Lord Rooker, then Minister of State at the Home Office.

that the 'one stop shops' should provide such advice and assistance.⁹ Since mid-2001, CABx have reported that it is the common practice of the 'one stop shop' providers to refer the great majority of asylum seekers experiencing a problem with the delivery of their NASS support to CABx and other generalist advice providers, such as local community law centres.

The complexity of the NASS asylum support system

- 1.13 Apart from NASS itself, two other agencies play crucial roles in the subsistence support delivery mechanism: the Post Office, at one of 550 designated branches of which supported asylum seekers actually receive their subsistence support (in the form of vouchers exchangeable for cash) on a weekly basis; and Sodexho, the private sector company that prints and delivers cash vouchers bearing the recipient's name to Post Office branches on the basis of information provided to it by NASS. To obtain his or her subsistence support from the Post Office, an asylum seeker needs to provide Post Office counter staff with a correspondingly numbered voucher receipt, batches of which are posted, in advance, to the asylum seeker by Sodexho. Alternatively, in other cases, NASS posts 'emergency' vouchers directly to the asylum seeker.
- 1.14 This complexity provides ample opportunity for the mechanism to break down. If the asylum seeker does not receive a new supply of voucher receipts from Sodexho (perhaps because NASS has failed to inform Sodexho of the asylum seeker's change of address), or if NASS provides incorrect information to Sodexho, or if any one of NASS, Sodexho or the Post Office makes an administrative error, then the asylum seeker will not receive his or her subsistence support, and may be left without the means to buy food and other essential items.

An Iraqi man who sought assistance from **Stoke-on-Trent CAB** on 19 July 2002 had been dispersed by NASS to Stoke on 31 May, when he had been given £90 of emergency vouchers as subsistence support for three weeks. However, he had since not been able to obtain any further subsistence support from the Post Office as he had not received any voucher receipts from Sodexho. An adviser telephoned the Sodexho helpline, and was told that NASS had not yet informed Sodexho of the client's dispersal to Stoke; as a result, Sodexho's records still showed the client as living in emergency accommodation in Kent (where he had first applied for asylum and NASS support).

Blackburn CAB reports being approached on 5 April 2002 by a couple with two dependant children, who had not received any NASS subsistence support since 15 March. Counter staff at the

⁹ Letter, dated 25 April 2002, from Lord Rooker, then Minister of State at the Home Office; and meeting between the Chief Executives of NACAB, the Refugee Council and Refugee Action, December 2001.

Post Office had been unable to offer any explanation to the family for the fact that the Post Office had not received any vouchers for them from Sodexho. An adviser telephoned the Sodexho helpline, but was simply advised to telephone NASS. The adviser did so and, "after the usual long wait", spoke to a NASS official who asked whether the bureau could provide cash funds to the family pending the restoration of their supply of subsistence support by NASS. In its report to NACAB, the bureau notes that "the whole issue of responsibility for NASS supported asylum seekers is clouded and this, coupled with the inefficiency of NASS, allows far too many people to fall through the net".

A single Congolese woman with five dependant children who sought assistance from **Derby CAB** on 26 June 2002 had been transferred, by NASS, from accommodation in Nottingham to accommodation in Derby on 23 May, since when she had received no further emergency vouchers from NASS. An adviser telephoned NASS, and an official conceded that NASS was still sending the client's emergency vouchers to her previous address in Nottingham. The official undertook to bring NASS' records up to date, and to send a supply of emergency vouchers to the client's correct address. However, on 4 July the client returned to the bureau, as she had still not received any emergency vouchers from NASS, and she and her children had now been without NASS subsistence support for six weeks.

Anfield CAB in Liverpool reports being approached on 21 August 2002 by a Turkish woman. Four weeks earlier, the client had received a letter from NASS stating that the £50 additional single payment, for which she had applied on 26 June, would be included in her next weekly cash voucher. However, she had still not received the payment and, on each visit to the Post Office, counter staff had been unable to offer her any explanation for this.

- 1.15 Chapter 2 of this report sets out evidence of continuing problems with the delivery of NASS support, the accessibility of NASS, and liaison between NASS and other parts of the Home Office. Chapter 3 sets out evidence of problems faced by successful asylum applicants seeking to move from the NASS support system to the mainstream welfare benefits system, and by failed asylum seekers whose NASS support has been terminated but who the Home Office is unable (or unwilling) to remove from the UK. Chapter 4 sets out our concerns in relation to the inordinate delay in establishing a forum for dialogue between NASS and stakeholders such as the CAB Service and other voluntary sector organisations representing the interests of asylum seekers. Chapter 5 sets out our conclusions, and our recommendations to the Home Office, the Department for Work & Pensions, and to the National Audit Office and Audit Commission.

2. Casework problems: delivery of NASS support

- 2.1 The lack of local NASS counter services means that the only way for individuals experiencing a problem with the delivery of their NASS support to contact NASS is by telephone. In theory, NASS can be contacted via two dedicated, Lo-Call enquiry lines – a voucher enquiry line (which is in fact the Home Office Immigration & Nationality Directorate's general enquiry bureau) and a more general NASS enquiry line. In February 2002, NASS published on its website, for the first time, a directory of its key telephone and fax numbers.

Reduced service from the NASS enquiry lines

- 2.2 The publication of NASS' internal directory is welcome. However, it appears to have been accompanied by a change in the level of service provided by the two dedicated and, crucially, low charge enquiry lines. Previously, CAB advisers calling these lines would usually be put through to a relevant NASS caseworker, or would be put on hold whilst the operator contacted the relevant NASS casework team and then came back to report the action to be taken by NASS. Now, however, operators simply take details of the client and his or her 'problem' and undertake to pass these on to the relevant NASS casework team.
- 2.3 The intention of this apparent but unannounced change in practice may well have been to reduce the time that callers to the two enquiry lines wait for an answer. In March 2002, **Birkenhead CAB** spoke for numerous CABx when it reported to NACAB that "it takes a long time, typically over 25 minutes" to get through to the NASS voucher enquiry line, with the result that advisers are "tied up for long periods on non-productive activity". However, if indeed it is a deliberate change of practice, one perhaps unanticipated consequence is that CAB and other advisers are not able to immediately inform clients of the outcome of the contact with NASS, as both the client and the adviser must await action by or correspondence from NASS.

Harpurhey CAB in Manchester reports being approached on 4 April 2002 by an Eritrean single mother, with three dependant children. The client had only one more week's worth of NASS voucher receipts, had not received a new book of voucher receipts from Sodexo (as she should have done some time previously), and was extremely anxious about being left without the means to buy food for herself and her children.

An adviser telephoned the NASS voucher enquiry line and, after waiting 20 minutes for an answer, spoke to an operator who took details of the client and the problem. However, the operator was unable to offer any explanation for the failure to send out a new book of voucher receipts or to say how long it would take to rectify this error, and stated simply that a note of the call would be passed to the relevant NASS casework team.

The adviser therefore tried to call the NASS correspondence unit direct (using the number given in the directory published on NASS' website), but gave up after getting no answer for 15 minutes. As the adviser notes in her report to NACAB, "despite visiting us for help, the client still doesn't have any reassurance that her vouchers will continue when the current supply expires in a few days' time – she is very distressed about this".

In June 2002 an adviser at **Bradford CAB** in Greater Manchester reported that "as the enquiry lines now only pass on information to NASS casework teams, we are unable to speak first hand to a caseworker and the client may feel that we are not doing enough". And in August 2002, an adviser at **Oldham CAB** reported that "we now cannot give the client any re-assurance that the matter is being dealt with, or any indication of when it might be resolved".

Continuing inaccessibility of the NASS enquiry lines

- 2.4 Moreover, the change in practice does not appear to have improved the responsiveness of the two dedicated, low charge enquiry lines.

An adviser at **Manchester Central CAB** reports spending more than three hours in total trying to contact NASS by telephone after being approached on 28 June 2002 by a young Czech woman. The client had applied for NASS subsistence support in March 2002 but had not yet received a response. Since March, the client and her three-year-old son had been financially supported by her partner, himself a NASS-supported asylum seeker with a child of his own. The couple were now struggling to get by on the latter's total NASS subsistence support allowance of £71.27 per week (£37.77 for himself and £33.50 for his child). As a couple with two children under the age of 16, the family should have been receiving NASS subsistence support of £126.26 per week.

The adviser telephoned the NASS voucher enquiry line, but was cut off four times in succession without getting through to an operator. She then telephoned the NASS general enquiry line, but was again cut off four times in succession without ever getting through. The adviser therefore issued the client with a voucher for a food parcel from a local soup kitchen and advised the client that she would try again to contact NASS the following day.

On 29 June the adviser telephoned the NASS voucher enquiry line three times, but on each occasion gave up after getting no answer for 30 minutes. She then wrote and faxed a letter to NASS, and sent a hard copy by post.

In April 2002, an adviser at **Crewe & Nantwich CAB** reported finding it "impossible" to get through to the NASS general enquiry line as "the line is constantly engaged". In the same month, an

adviser at **Blackburn CAB** reported that, when he and colleagues had tried to call the NASS voucher enquiry line in a recent case, “it took at least eight attempts before we successfully gained a place in the queue, and a further 20 minutes before we got to speak to a human being – as it currently stands the voucher enquiry line doesn’t offer much of a service”. In August 2002, an adviser at **Anfield CAB** in Liverpool reported spending “many hours” of her time simply waiting to get through to the NASS enquiry lines, and to NASS casework teams.

- 2.5 The continuing poor response time of the two dedicated enquiry lines is challenging enough for CAB advisers, who are at least experienced in dealing with unresponsive bureaucracies and have ready access to telephones. However, asylum seekers attempting to resolve problems themselves have little option but to use payphones to contact NASS. For them, the frustration and associated cost of waiting 30 minutes or more queuing to get through to the enquiry lines, even when charged at local call rates, represents a substantial barrier to access to NASS.

Provision of conflicting advice by NASS enquiry lines

- 2.6 In some cases, a CAB adviser’s efforts to resolve a client’s problem with the delivery of their NASS support have been further frustrated by conflicting advice from the two NASS enquiry lines. For example:

An adviser at **Peterborough CAB** reports spending some five hours in total trying to get through to NASS to discuss the case of a non-English speaking, Iranian single mother who sought assistance from the bureau on 24 June 2002. The client had been dispersed to Peterborough by NASS on 13 June, and had received a letter from Sodexho advising her to collect her first cash voucher from the local Post Office between 24 and 28 June. However, she had not received a voucher receipt book from Sodexho, as she should have done. When she had attended the Post Office earlier on 24 June, counter staff had told her that they could not issue her with her cash voucher unless she provided the corresponding voucher receipt.

On 24 June, an adviser telephoned the NASS voucher enquiry line, but gave up after getting no answer for 30 minutes. She then telephoned the NASS emergency payment section (using the number given in the directory published on NASS’ website), but could get no answer. On calling the NASS voucher enquiry line once again, the adviser managed to speak to an operator but was told to call the NASS general enquiry line. She tried to do so, but gave up after getting no answer for 40 minutes.

In desperation, the adviser telephoned the Sodexho helpline, but was simply advised to call the NASS voucher enquiry line. When she did so but could get no answer, the adviser telephoned the

NASS general enquiry line, as earlier advised to do by the NASS voucher enquiry line, but – after waiting 25 minutes to get through to an operator – was told that it was a matter for the *voucher* enquiry line. When the adviser questioned the conflicting advice, a duty manager came on the line and, after a short delay, agreed to send a voucher receipt book to the client.

Unresponsiveness of NASS to information provided by advisers

- 2.7 Where the initial telephone contact does not result in any action by NASS, or results in the wrong action by NASS, the asylum seeker or the adviser must then contact NASS again.

In the case described above, the client returned to **Peterborough CAB** on 28 June (a Friday). She had now received the voucher receipt book from NASS but, when she had taken this to the Post Office, counter staff had refused to issue her with cash vouchers as the serial numbers in the receipt book did not match the serial number of the vouchers sent to the Post Office by Sodexo.

An adviser successfully telephoned the NASS voucher enquiry line and was told that it would take 48 hours, not including the weekend, for NASS to respond to this “new matter”. The operator suggested that the adviser telephone another NASS number to request emergency vouchers; this was done, and an official agreed to send out emergency vouchers immediately.

Similarly, **Oldham CAB** reports being approached on 1 May 2002 by a Burundian man whose NASS support had recently been terminated following a grant of exceptional leave to remain. However, when he had attended the Post Office to collect his final voucher payment of some £30, there had been no voucher for him. An adviser telephoned the NASS voucher enquiry line and spoke to an operator who, after taking details of the client and the ‘problem’, stated that a note of the call would be passed to the relevant NASS casework team. The operator further stated that this would result in a voucher being sent to the client “within two to five working days”.

On 9 May the client returned to the bureau as he had still not received the voucher payment. An adviser telephoned the NASS voucher enquiry line, to be told that NASS has no record of the bureau’s telephone call on 1 May. After re-taking the details already provided by the bureau on 1 May, the operator stated that a voucher would be sent to the client, but declined to say how long this might take. On 13 May, the client returned to the bureau once more, as he had still not received the voucher payment. An adviser telephoned the NASS voucher enquiry line and, after re-taking the details already provided on both 1 and 9 May, an operator stated that a voucher would be sent out “shortly”.

Stoke-on-Trent CAB reports being approached on 26 June 2002 by a single Eritrean woman whose supply of vouchers had expired some ten days previously without her receiving a new batch of voucher receipts from Sodexho. Unable to get through to the NASS voucher enquiry line, an adviser telephoned the regional NASS outreach team on 26 June; an official took details of the client and the problem and indicated that these would be passed to the relevant NASS casework team.

On 12 July the client returned to the bureau as she had still not received any voucher receipts from Sodexho or NASS, and had now been without subsistence support of any kind for one month. Unable to get through to the NASS voucher enquiry line, an adviser wrote and posted a letter to NASS, requesting the urgent despatch of voucher receipts to the client.

However, on 22 July the client returned to the bureau once more. She had now received a book of voucher receipts from Sodexho, but had not received the necessary accompanying letter from Sodexho; as a result, the Post Office was still refusing to issue her subsistence vouchers. The client had now been without the means to buy food and other essential items for six weeks, and was being fed by other NASS supported asylum seekers in her NASS provided accommodation. Again unable to get an answer from the NASS voucher enquiry line, an adviser wrote and posted a further letter to NASS.

On 9 August, the adviser finally managed to speak to a caseworker at NASS, who indicated that emergency vouchers would be sent to the client on 12 August.

Failure to record previous correspondence/telephone contact

- 2.8 CAB clients and advisers frequently need to make further and/or repeated contact with NASS about some problems, not least due to a lack of prompt and appropriate action by NASS to remedy a problem that has been brought to its attention. In such cases, one of the most frustrating aspects for CAB clients and advisers is the frequency with which NASS officials say they have not yet processed, have lost or have no record of NASS having received previous applications and correspondence, and/or have no record of earlier telephone contact(s).

Application for a £50 additional single payment

Harpurhey CAB in Manchester reports being approached on 18 April 2002 by an Iranian man. The client had previously approached the bureau on 22 February 2002, to request assistance with submitting an application for a £50 additional single payment (ASP), having been supported by NASS for more

than six months.¹⁰ The bureau had completed an ASP application, submitted this to NASS by fax on 25 February, and sent a hard copy to NASS by post the same day. The bureau retains the fax verification report showing its fax as having been successfully transmitted to NASS on 25 February.

However, the client returned to the bureau on 18 April as he had not received the payment from NASS. An adviser telephoned the NASS correspondence unit and was told that NASS has no record of having received the ASP application submitted on 25 February, and that a further application should be submitted. This was done, and the client finally received the payment on 25 April.

Bradford CAB in Greater Manchester reports being approached on 28 May 2002 by an Eritrean single mother, with four dependant children, who had applied for a £50 additional single payment on 5 April, but had not yet received the payment. An adviser telephoned NASS and was told that the application had been received, but had not yet been “entered on the computer system” and so – more than seven weeks later – had still not been processed. On 14 June, the client returned to the bureau, as she had still not received the payment. Unable to get through to NASS by telephone, an adviser faxed a chasing letter to NASS.

An Iraqi man who sought assistance from **Heywood CAB** in Greater Manchester on 20 May 2002 had applied to NASS for a £50 additional single payment on 29 January, but had not yet received the payment. An adviser successfully telephoned the NASS voucher enquiry line, only to be advised to write to NASS. However, on 29 July, the client returned to the bureau, as he had still not received the payment and, having been supported by NASS since July 2001 without his asylum claim having been fully determined, he now qualified for *two* £50 ASPs. An adviser sent a further letter to NASS, urging payment of both ASPs.

In March 2002, Ministers stated that NASS has a target of dealing with additional single payment (ASP) applications within five days, and “now normally deals with [such applications] within two days”.¹¹

Application for a NASS maternity grant

A young, single Somali woman who sought assistance from **Kentish Town CAB** in London on 26 April 2002, when more than eight months pregnant, had sent an application for a NASS

¹⁰ Under the Asylum Support Regulations 2000, an asylum seeker who has been supported by NASS “for at least six months” without his or her asylum claim having been fully determined (that is, including any appeal following an initial refusal) may “apply for an additional single cash payment [of £50] in respect of essential living needs”. Further applications may be made after 12 months of being supported by NASS, after 18 months, and so on.

¹¹ Angela Eagle MP, then Parliamentary Under-Secretary of State, Home Office, House of Commons (Westminster Hall), 12 March 2002, col. 248WH.

maternity grant to NASS on 26 March, but had still not received any response.¹² An English-speaking friend had recently telephoned the maternity payments section of NASS on her behalf, only to be told that, as the NASS computers were down, he should telephone the NASS general enquiry line. When he had done so, he had been told that NASS has no record of receiving the application sent on 26 March, and had been advised to submit a further application.

On 26 April, a bureau adviser completed a fresh application and submitted this by both fax and post. As of 13 May, by which time the client had given birth, she had still not received the maternity grant payment, but had recently received a letter from NASS asking her to submit the baby's birth certificate. As the bureau notes in its report to NACAB, "the client needed the money to buy baby clothes and other items *before* her child was born".

Correspondence from CAB

Hillingdon CAB in Greater London reports being approached by an Iranian man on 19 April 2002. The client had sought asylum in August 2000 and had been dispersed by NASS to Newcastle later the same month. In February 2001 his asylum claim had been refused, but his solicitor had lodged an appeal and informed NASS of this. However, in March 2001 he had (wrongly) been sent notice to vacate his NASS accommodation and, as he did not realise that he was in fact still entitled to NASS support, he had left and gone to live with friends in London. In September 2001 he had discovered that he was still entitled to NASS support and so had approached the Refugee Council, which had submitted an application for subsistence support only to NASS. However, as of 19 April 2002, when he sought assistance from Hillingdon CAB, he had not received any response from NASS to this application.

On 19 April a CAB adviser wrote to NASS by fax, requesting an immediate re-instatement of NASS subsistence support, as well as making a claim for the arrears of subsistence support due since March 2001 and arrears of additional single payments. The adviser telephoned NASS to confirm receipt of the fax, and was told that the application would be processed within "a few days". However, on 26 April, when the adviser telephoned NASS to check on progress, she was told that NASS had now lost her fax, and was asked to re-submit it.

The adviser immediately re-faxed her letter to the head of the casework team, and was advised by return that the client needed to complete a new application form – that is, the adviser's letter of

¹² Under the Asylum Support Regulations 2000, pregnant women in receipt of NASS subsistence support are entitled to a one-off maternity grant of £300 per child.

19 April was now not sufficient. On 30 April the client attended the bureau, and an adviser completed a NASS application form (subsistence support only) and submitted this to NASS.

Accommodation complaint

A single Congolese man approached **Rochdale CAB** on 8 April 2002. He complained that his NASS provided accommodation, which he shared with 25 other asylum seekers, was overcrowded, that the roof leaked and the heating did not work, that the toilet and kitchen facilities were inadequate, and that letters to himself and other residents had gone missing due to there being no letterbox or system for distributing post to residents. An adviser completed a NASS accommodation complaints form on behalf of the client, and submitted this by post to NASS.

On 11 April, NACAB submitted details of this case to the Home Secretary and senior NASS officials, as part of a small dossier of NASS related cases from the then current caseload of CABx. In his response to *Process error*, the Home Secretary had suggested that NASS might investigate such cases “to ensure that measures have been put in place to ensure that the possibility of the same mistake re-occurring is substantially reduced”.¹³

On 1 May, the then Assistant Director of NASS Operations wrote to NACAB stating that NASS “has no record of receiving a complaint from, or on behalf of, [the client]”. However, on the same day the bureau received a letter, dated 30 April, from the NASS housing management team, acknowledging receipt of the bureau’s complaint and stating that this would be “investigated”.

Flawed liaison between NASS and the Home Office IND

- 2.9 Some of the cases reported to NACAB by CABx since 1 March 2002 illustrate the inadequacy of NASS’ liaison arrangements with the asylum decision-making sections and other operational divisions of the Home Office’s Immigration & Nationality Directorate (IND), of which NASS itself is a part.

Flawed liaison with asylum casework sections of IND

An Iraqi man who approached **Stoke-on-Trent CAB** on 5 April 2002 required assistance with making an application to NASS for accommodation and subsistence support. He had applied for asylum prior to the establishment of the NASS support system, and so had since been supported by the mainstream welfare benefits system. However, as required to do by the Immigration & Asylum Act 1999, the Benefits Agency had terminated his benefits

¹³ Letter, dated 19 March 2002.

on 11 March 2002 upon being informed by the Home Office's Immigration & Nationality Directorate (IND) of its decision to refuse the client's asylum claim.

Although the client's legal representative had submitted an appeal against this refusal, he had seemingly received no advice on the need to apply to NASS for accommodation and subsistence support, to which he remained eligible pending the final determination of his appeal. NASS funds the Refugee Council to provide a 'one stop shop' service in the West Midlands, but the Refugee Council has informed the bureau that it is not contracted to assist such 'disbenefited' applicants to NASS. By the time the client sought assistance from the bureau, he had had no income for almost two months. An adviser completed a NASS application form and, after the client had provided the necessary passport photographs, submitted the application to NASS on 16 April.

On 3 May the client returned to the bureau as he had not heard from NASS, and was now without gas and electricity as he had no money with which to purchase payment cards for the meters. He was also in arrears on both his rent and his water rates, and was having to borrow money off friends (themselves supported by NASS) in order to buy food and other essential items.

An adviser telephoned the NASS 'disbenefited cases' team (using the number given in the directory published on NASS' website), and was informed that (emergency) subsistence vouchers would be issued "in a few days". However, the official stated that it would be another "three weeks" before NASS dispersal accommodation could be offered to the client. When the adviser pointed out that the client had no money for food or utilities, and that his landlord had asked him to vacate the property, the official simply advised that the client remain in the property until such time as the courts issued an eviction order.

On 10 May, the client returned to the bureau as he had still not received any (emergency) subsistence vouchers from NASS, but had received a letter from NASS asking him to obtain a letter from the Benefits Agency confirming the reason(s) for the termination of his welfare benefits on 11 March – information that the bureau adviser had clearly set out in its original application to NASS on 16 April. Indeed, given the reason for the termination of the client's benefits – the refusal by the Home Office IND of his asylum claim – one might not have expected NASS to require separate confirmation of this from the Benefits Agency. NASS has stated to NACAB that it "reacts to information stored on and generated by the IND's Asylum Cases Information Database (ACID)".¹⁴ If this is the case, then it is not clear to us why NASS

¹⁴

Letter, dated 1 May 2002, to NACAB from the then Assistant Director of Operations, NASS.

should demand confirmation from the Benefits Agency of a decision by the Home Office IND to refuse the asylum claim of a NASS supported asylum seeker.

An adviser nevertheless wrote to the Benefits Agency, requesting the confirmation required by NASS, on 10 May. The confirmation was received from the Benefits Agency on 15 May, and was posted to NASS the same day. On 29 May, *six weeks* after NASS received the client's application for support, and 11 weeks after the Benefits Agency terminated the client's welfare benefits, NASS finally wrote to the client, enclosing £90 of emergency vouchers and offering dispersal to NASS accommodation.

Flawed liaison with other parts of the Home Office IND

Cardiff CAB reports being approached on 16 July 2002 by an Iranian man who had been supported and accommodated by NASS since April 2001. On 11 July 2002, the client had received a letter from NASS stating that his NASS support was being terminated on 23 July due to the refusal of his asylum claim by the Home Office IND on 11 June 2001 [sic].

In fact, the client had lodged an appeal against the refusal of his asylum claim in September 2001, and this appeal had not yet been heard or determined by the Immigration Appellate Authority (IAA). Accordingly, the client remained eligible for NASS support. Whilst the client's appeal had been lodged out of time, this was through no fault of the client's – the Home Office IND letter refusing his asylum claim had been sent to the wrong address by IND, and so he had not received it.

On 16 July, an adviser telephoned NASS to query the termination decision, but a NASS official insisted that the adviser contact the Home Office IND Presenting Officers Unit (which represents IND at the hearing of asylum appeals by the IAA) in Birmingham to clarify the status of the client's appeal. The adviser telephoned the IND Presenting Officers Unit, and an official confirmed that the client's appeal was with the unit's 'work in progress' section and so had not yet been heard by the IAA. The adviser therefore wrote and posted (by recorded delivery) a letter to NASS on 16 July, setting out the information provided by the IND Presenting Officers Unit and asking that the client's NASS support be re-instated with immediate effect.

Between 24 July and 6 August, the adviser made numerous telephone calls to the two NASS enquiry lines, and to various casework sections (using the directory published on NASS' website), each call taking some 30-40 minutes of the adviser's time. However, throughout this period she was unable to speak to any official who could discuss the client's case with any authority.

On 7 August, determined to try and resolve the matter, the adviser spent *four hours* in total on the telephone to NASS, being passed from one casework section to another. Eventually, the adviser spoke to an official in the 'support cessation task force', who advised that NASS would not accept that the client had lodged an appeal against the refusal of his asylum claim until such time as it received confirmation of this from the IND Presenting Officers Unit. When the adviser asked what the client was supposed to live on in the meantime, the official replied: "generosity".

The adviser then telephoned the IND Presenting Officers Unit, where an official stated that he did not expect the client's appeal to be listed for hearing for several weeks yet. The official also stated that, as the fact of the client's appeal being technically out of time would be considered as a preliminary issue, he could not confirm to NASS that the appeal had been lodged until after the preliminary hearing of the appeal.

In its report of this case to NACAB, the bureau notes that "in the meantime the client has no support, and no hope of getting any for several weeks. We have experienced real difficulties getting to the crux of the client's problem because of wrong information from NASS, our inability to get through by 'phone, and a complete lack of interest on the part of NASS to resolve the problem. The attitude of NASS officials to the client's predicament has been appalling, and has bordered on being deliberately obstructive".¹⁵

Other casework problems

- 2.10 Other cases reported to NACAB by CABx since 1 March 2002 illustrate the wide range of problems encountered by NASS supported asylum seekers as a result of deficient administration by NASS, inadequate assistance from the NASS-funded reception assistant agencies, or the restricted scope and inflexibility of the NASS support system.

Brent CAB in Greater London reports being telephoned on 20 March 2002 by a friend of a Somali woman who had recently suffered a stillbirth. The client had contacted NASS to seek additional financial support to cover the cost of her child's funeral and burial, but officials had told her that no such assistance is available from NASS, and had generally been "unsympathetic". This was causing the client considerable distress. The NASS support system has no equivalent of the mainstream welfare benefit system's social fund, to which applications can be made by those in receipt of benefits for additional financial support to cover exceptional, one-off needs (such as funeral expenses).

¹⁵

In early September, after the adviser had informed NASS that she was seeking expert legal advice with a view to an application for judicial review in the courts of NASS's refusal to re-instate support, NASS finally agreed to re-instate the client's support, back-dated to 23 July.

A Pakistani man who sought advice from **Hounslow CAB** in Greater London on 5 April had, that morning, received a letter (dated 4 April) from NASS, requiring him, his wife and their two young children to move to NASS dispersal accommodation in Manchester by 12.30 pm the same day. In its report to NACAB, the bureau notes that this was simply “the most recent of many fiascos in this client’s case demonstrating a lack of communication between NASS, the Home Office IND, and the Refugee Council [the local, NASS-funded reception assistant agency]”.

Blackburn CAB reports being approached on 7 June 2002 by a single woman with a baby who had recently been dispersed to the area by NASS after several months in Manchester, where she had lived near to several close relatives. In its report to NACAB, the bureau notes that “the client is frightened and distraught as she knows nobody here, and wants to return to the security and support offered by her family. It seems particularly insensitive and inappropriate to separate this woman from her family”.

A Latvian man with a broken arm who sought assistance from **Anfield CAB** on 4 April 2002 had been dispersed to Liverpool by NASS two weeks previously. The client had not received an NHS charges certificate (Form HC2) in the ‘welcome pack’ from his NASS-contracted accommodation provider, as he should have done, and so had been unable to register with a local GP in order to obtain painkillers. As a result he had spent many hours in the A&E department of the local hospital, where medical staff would only issue him with medication for a few days at a time. An adviser telephoned the accommodation provider who, after some discussion, agreed to ensure that the client received a certificate. In her report to NACAB, the adviser describes the accommodation provider in question as “horrendous to deal with”.

Gorton CAB in Manchester reports assisting a Christian pastor from Congo whose NASS support had been terminated after he had left his NASS provided accommodation, where all the other residents had been Muslim men, and where he had as a result felt deeply uncomfortable. On Friday, 8 March 2002, the day after receiving the NASS termination letter, he had approached Refugee Action (the local, NASS-funded reception assistant agency) with a view to lodging an appeal to the Asylum Support Adjudicators (ASA). However, instead of lodging an appeal to the ASA, Refugee Action had simply directed the client to the bureau, which is closed on Thursdays and Fridays. By the time that the client was seen by a bureau adviser on Monday, 11 March, the two-day time limit for lodging an appeal to the ASA had expired, and the appeal submitted by the adviser was subsequently ruled out of time by the ASA.¹⁶

¹⁶

Fortunately, the adviser was later able to persuade the ASA to reverse its ruling and accept the appeal for hearing. The client was then referred to a solicitor for representation at the appeal hearing in Croydon.

3. Casework problems: post-termination of NASS support

- 3.1 A key issue highlighted in *Process error* was the endemic delay on the part of NASS in issuing Form 35, a laminated certificate of confirmation of the termination of NASS support, to successful asylum seekers granted refugee status or other leave to remain. Under the Asylum Support Regulations 2000 (as amended), a NASS supported asylum seeker who is granted refugee status, indefinite leave to remain or exceptional leave to remain becomes ineligible for NASS support 28 days after the Home Office IND notifies him or her of the decision. This grace period, which until 8 April 2002 was only 14 days, is supposed to allow the individual or family to find alternative accommodation (where previously provided by NASS), and alternative income.
- 3.2 In the great majority of cases, of course, finding an alternative income within this time frame means the individual accessing the mainstream welfare benefits system.¹⁷ However, in practice, this system can only be accessed once the individual has received a Form 35 from NASS. The Form 35 was originally intended to prevent fraudulent applications for welfare benefits by those refused support by NASS and those whose NASS support has been terminated for reasons other than a grant of refugee status or other leave to remain. A Form 35 is supposed to be issued automatically to the individual at the time that his or her NASS support is terminated, and the Government has stated that “in no case does [NASS] support cease until the NASS Form 35 is issued, allowing access to the main benefit system”.¹⁸
- 3.3 However, *Process error* set out examples of cases where the client’s NASS support had been terminated *without* Form 35 having been issued, leaving the individual in limbo between the NASS support system and the mainstream welfare benefits system.

Termination of NASS support prior to the issue of a Form 35

- 3.4 Since the publication of *Process error*, CABx have continued to report dealing with such cases. In some, the individual or family concerned has been left for many weeks without any form of income with which to purchase food and other essential items.

Wolverhampton CAB reports being approached on 8 May 2002 by an Afghani man who had been granted refugee status in October 2001. His NASS subsistence support had subsequently been terminated, and NASS had told him that he must leave his NASS-provided accommodation by 9 May. However, he had still not received a Form 35 from NASS, and the Benefits Agency was

¹⁷ A person granted refugee status or exceptional leave to remain is eligible for Income Support or income-based Job Seeker’s Allowance (JSA), Housing Benefit and Council Tax Benefit, subject to means.

¹⁸ Letters, dated 21 November 2001 and 10 April 2002, from the then Minister of State at the Home Office, Lord Rooker.

refusing to process his application for mainstream welfare benefits.

Wolverhampton CAB also reports being approached on 29 May 2002 by a Somali woman with four dependant children who had been granted exceptional leave to remain on 11 March, and whose NASS subsistence support had been terminated accordingly on 5 May. The client had been told she must leave her NASS provided accommodation by 5 June, but she had still not received a Form 35 from NASS and the Benefits Agency was refusing to process her application for mainstream welfare benefits. She had telephoned NASS on “numerous” occasions but had been unable to get through.

A Polish man with three young children who sought assistance from **Brent CAB** in Greater London on 10 May 2002 had been granted indefinite leave to remain in early January 2002, and his NASS support had been terminated accordingly in February. However, he had still not received a Form 35 from NASS, despite having made repeated requests by telephone, fax and post. As a result, the Benefits Agency was refusing to process his claim for benefits, and he and his family had been borrowing money from a friend to purchase food and other essential items.

CAB liaison with the Benefits Agency¹⁹

- 3.5 In some such cases, a CAB adviser has, with much expenditure of time and effort, been able to successfully persuade the local Benefits Agency to fully process the client’s application for welfare benefits, despite the lack of a NASS Form 35. For example:

Peterborough CAB reports being approached on 7 May 2002 by an Iranian man who had been granted indefinite leave to remain on 4 December 2001, and whose NASS support had been terminated accordingly on 28 December 2001. However, he had still not received a Form 35 from NASS and the Benefits Agency was refusing to process his application for mainstream welfare benefits. As a result, he was totally dependent upon the financial support of friends. Unable to get through to NASS by telephone, an adviser faxed a request for the issue of a Form 35 to NASS on 7 May (and sent a hard copy by post).

However, on 28 May the client returned to the bureau as he had still not received a Form 35 and, as his wife and daughter had now arrived from Iran, his financial situation was becoming acute. An adviser telephoned NASS, and was asked to submit a further request for a Form 35 in writing; this was done the same day.

¹⁹

With effect from 1 April 2002, the Benefits Agency has become part of the new Jobcentre Plus network. However, for the sake of simplicity, the term Benefits Agency is used throughout this report.

When no response was received from NASS, the adviser sent further letters to NASS (by both fax and post) on 6 June, 21 June and 25 June. On 2 July, the Benefits Agency informed the bureau that it had now agreed to the adviser's repeated requests that it start paying welfare benefits to the client and his family, despite no Form 35 having yet been received from NASS.

- 3.6 However, such cases are very much the exception rather than the rule. This is probably not least because the Benefits Agency's guidance to its own casework officials emphasises that "the NASS 35 document confirms the period that the applicant has been in receipt of NASS support and also that the applicant has received a favourable decision from the Home Office. *These details are needed before any claim to benefit can be fully processed.* The NASS 35 also confirms that the Home Office has accepted the identity used by the bearer since arrival in the country, and the passport photo [on the Form 35] provides further corroboration that the NASS 35 belongs to the individual presenting it to the Benefits Agency".²⁰

Other cases of delay in the issuing of Form 35

- 3.7 In other cases reported by CABx, the individual's NASS support has *not* been terminated following the grant of refugee status or indefinite leave to remain, but the delay in the issuing of a Form 35 has prevented the individual from applying for and receiving the mainstream welfare benefits to which he or she is now fully entitled, including back-dated payments of benefits. A person granted refugee status is eligible for Income Support or income-based Job Seeker's Allowance (JSA), Housing Benefit and Council Tax Benefit, subject to the usual means test, *from the date on which he or she applied for asylum*. Accordingly, some such persons can claim back-dated payments for the differential between the level of subsistence support received from NASS and the (higher) level of mainstream benefits. However, such claims for back-dated payments of benefits must be made within 28 days of the IND decision to grant refugee status.

An Iranian man who sought assistance from **Palmers Green CAB** in Greater London on 27 March 2002 had been granted refugee status in August 2001 but, despite having made numerous telephone calls to NASS, had still not received a Form 35. As a result, the Benefits Agency was refusing to process his claim for income support and other benefits for himself and his heavily pregnant wife, submitted in early September 2001.

Manchester Central CAB reports being approached on 15 April 2002 by an Iranian man who had been granted refugee status in November 2001, but who had still not received a Form 35 from NASS. The client stated that his NASS-contracted

²⁰

Joint IS/JSA Bulletin 30/01, issued to relevant Benefits Agency staff on 21 December 2001.

accommodation provider had sent numerous faxes to NASS urging the issuing of a Form 35, to no avail. An adviser repeatedly telephoned the NASS voucher enquiry line, but gave up after getting no answer and sent a letter to NASS instead. As the bureau notes in its report: “the client has been unable to claim benefits and start a new life for himself for five months”.²¹

An Iranian man who sought assistance from **Halesowen CAB** in the West Midlands on 9 July 2002 had been granted refugee status in December 2001, but NASS had inexplicably not terminated his support until 14 June 2002. Following the termination of his NASS support, the client had applied to the Benefits Agency for income-based Job Seeker’s Allowance (JSA), but the Benefits Agency had refused his application for back-dated payments of the differential between his NASS subsistence support and JSA on the grounds that he had not applied within 28 days of the Home Office IND decision to grant refugee status.

- 3.8 In January 2002, the then Immigration Minister, Lord Rooker, told members of the House of Lords that the backlog of cases awaiting the issue of a Form 35 (then said to be 210 cases) would be “eliminated by 14 February”.²² However, weeks and months after this statement, NASS officials were telling CAB advisers of continuing backlogs and delays in the issuing of Form 35s.

Birmingham City Centre CAB reports being approached on 22 March 2002 by a Zimbabwean woman with two dependant children who had been granted indefinite leave to remain on 9 February, but who had still not received a Form 35 from NASS. An adviser telephoned NASS, and was told by an official that it would take a further “two months” to issue a Form 35 to the client.

Bradford CAB in Greater Manchester reports being approached on 10 April 2002 by an Iraqi man. The client’s NASS support had been terminated on 18 January after he failed to comply with NASS’ demand that he move to alternative accommodation, and he had since been accommodated and financially supported by a friend. On 5 March he had been granted exceptional leave to remain, and had subsequently made an application for mainstream welfare benefits; however, the Benefits Agency was refusing to process this application without a NASS Form 35. An adviser telephoned NASS, and was told that it would take a further “three to four weeks” to issue a Form 35.

An Iraqi man who sought assistance from **Stoke-on-Trent CAB** on 21 June 2002 had been granted exceptional leave to remain on 14 March, but had still not received a Form 35, despite having

²¹ The client eventually received a Form 35 from NASS in late May 2002, more than six months after being granted refugee status.

²² House of Lords, 23 January 2002, col. WA204.

contacted NASS himself on 8 April. An adviser telephoned the regional NASS outreach team for the West Midlands, and was advised that it could be “two or three months” before NASS issued a Form 35. As the bureau notes in its report to NACAB: “NASS appears to be slowing down again”.

Flawed liaison between NASS and the Benefits Agency

- 3.9 In January 2002, NASS and the Benefits Agency established a new procedure for handling welfare benefit applications from formerly NASS-supported asylum seekers granted refugee status or other leave to remain. Under this new procedure, in force from 21 January 2002, Benefits Agency staff dealing with a benefits application from such a person who has not received a Form 35 from NASS can fax a pro-forma to NASS, using a dedicated (non-public) fax number. The guidance states that, on receipt of this pro-forma, NASS will post a Form 35 directly to the Benefits Agency “within 48 hours”.²³ This welcome move might have been expected to resolve many of the problems faced by CAB clients, as described in *Process error*.
- 3.10 However, in the months since February 2002, numerous CABx have reported that staff at their local Benefits Agency office seem unaware of the new guidance, and of the pro-forma procedure itself. For example:

The NASS support of a man who sought assistance from **Withington CAB** in Manchester on 28 May 2002 had been terminated on 23 March following the grant of refugee status. In April, he had applied to the Benefits Agency for mainstream welfare benefits, but the Benefits Agency was refusing to process the application as he did not have a Form 35 from NASS. An adviser telephoned the Benefits Agency, but an official insisted that the client’s application could not be processed until such time as he could provide a Form 35. The official did not refer to or offer to use the new, pro-forma procedure (of which the bureau adviser himself was unaware, at that time). The adviser therefore faxed a letter to NASS, asking that a Form 35 be issued to the client.

On 11 June, the client returned to the bureau as he had still not received a Form 35 from NASS. He had now been homeless and without the means to buy food and other essentials for 11 weeks, and was being accommodated and fed by a friend. The adviser, by now aware of the pro-forma procedure introduced in January, drafted a letter for the client to take to the Benefits Agency, requesting an interim payment of Income Support to the client (as also provided for in the new guidance issued to Benefits Agency staff in December 2001).

²³ Paragraph 1.11 of *Joint IS/JSA Bulletin 30/01*, issued to relevant Benefits Agency staff on 21 December 2001 and applicable from 21 January 2002.

- 3.11 In April 2002, NACAB raised the matter of the widespread non-use of the new, pro-forma procedure with the then Immigration Minister, Lord Rooker. In May, we asked NASS to confirm what action had since been taken to ensure that all relevant Benefits Agency staff are aware of the procedure.²⁴ As of 31 August, NASS had not responded.
- 3.12 Of the small number of CABx that have been able to say that staff at their local Benefits Agency *are* aware of the pro-forma procedure established on 21 January, some have reported that use of the procedure has *not* resulted in the prompt action by NASS promised in the Benefits Agency's guidance.

Peterborough CAB reports a local Benefits Agency official stating, on 22 March 2002, that, although she and casework colleagues had been told (by their managers) that, under the new, pro-forma procedure, NASS should issue a Form 35 within 48 hours, this "does not happen very often".

Harrow CAB in Greater London reports its local Benefits Agency office making repeated fax requests to NASS under the pro-forma procedure, without any response from NASS, between 11 March and 5 April in the case of a single Kosovan mother granted refugee status on 13 February. The client's NASS support had been terminated on or about 25 February, since when she and her 17-month-old son had received no welfare support and had relied on a friend for both food and accommodation. As of 5 April, the client had still not received a Form 35 from NASS, and the Benefits Agency was refusing to process her application for mainstream welfare benefits (made on 14 February).

In May 2002, an adviser at **Hillingdon CAB** in Greater London wrote to the local manager of the Benefits Agency, expressing her concern that local Benefits Agency caseworkers did not appear to be aware of the new, pro-forma procedure. On 26 June, the manager replied, stating that "our staff *are* aware of the procedure to fax the pro-forma to NASS, which they have been doing". However, "the problem [is that] there is only one [NASS] fax number for everyone to use, and it is still causing great delays".

Provision of 'hard case' support to failed asylum seekers

- 3.13 In recent months, CABx have reported dealing with a growing number of requests for assistance from failed asylum seekers – that is, those who have been refused asylum by the Home Office IND and have exhausted all avenues of appeal – who have been left destitute following the termination of their NASS support, despite the Home Office IND being unable to enforce their removal from the UK.

²⁴ Letter, dated 22 May 2002, to the then Assistant Director of Operations, NASS.

- 3.14 Under section 4 of the Immigration & Asylum Act 1999, NASS may, subject to the applicant meeting certain criteria, provide so-called 'hard case' support (in the form of full board accommodation only, outside of London) to otherwise destitute single adults who have exhausted all rights of appeal against the refusal of their asylum claim and "have no other avenue of support" (e.g. friends or family).
- 3.15 The Home Office has stated that, to qualify for such support, the individual must be "taking all reasonable steps to leave the UK" and be "complying fully with efforts to remove him/her".²⁵ However, in a number of cases reported by CABx, all involving Iraqi Kurds and Iranians, the Home Office is currently unable to affect the removal of the individuals in question due to there being no safe route or means by which such nationals can be removed to their country, but the individuals concerned have nevertheless failed to obtain 'hard case' support or have not even been advised of its availability.

Wolverhampton CAB reports being approached on 12 June 2002 by a single Iranian man. Following the refusal of his asylum claim by the Home Office IND, the dismissal of his appeal, and the resultant termination of his regular NASS support, the client had initially received 'hard case' support. However, this had been terminated some months previously and NASS had rejected his solicitor's application for a re-instatement of such support. When an adviser telephoned NASS, an official confirmed that failed Iranian asylum seekers can not be removed from the UK to Iran at present, due to the lack of a safe route for such removals. As the bureau notes in its report to NACAB: "the client remains homeless, destitute and in a complete limbo".

The NASS support of an Iraqi Kurdish man with serious health problems who sought advice from **Stoke-on-Trent CAB** on 1 July 2002 had been terminated some time previously, following the refusal of his asylum claim by the Home Office IND. An adviser submitted an application for 'hard case' support to NASS. On 14 August the client returned to the bureau, as he had not heard from NASS. An adviser sent a further letter to NASS, asking that the application be dealt with as "a matter of urgency".

Hull City Centre CAB reports being approached on 13 May 2002 by an Iraqi Kurdish man. Following the refusal of his asylum claim by the Home Office IND, and the dismissal of his appeal, his NASS support had been terminated some weeks previously and he was now homeless and destitute. In its report to NACAB, the bureau notes that "the client is left in a state of limbo. This is not an isolated case, it is happening to many failed asylum seekers and it creates huge social problems".

²⁵

Letters, dated 1 October and 21 November 2001, from the policy secretariat of NASS.

4. Dialogue with NASS

- 4.1 As *Process error* noted, the difficulties that CABx face in dealing with NASS on a day-to-day basis on behalf of clients have been compounded by NASS' failure to engage in effective dialogue with stakeholders such as NACAB at a national level. In 1998, a NASS asylum support stakeholder group was established by the Home Office to provide a forum for dialogue between NASS (then still in formation) and its future social partners and stakeholders, including NACAB. This group met regularly during 1999, but has not met since NASS went operational in April 2000.
- 4.2 From November 2000 onwards, NACAB repeatedly pressed NASS to re-establish regular meetings of the stakeholder group, and in July 2001 the then Home Office Minister, Angela Eagle MP, announced that "plans are being made to establish a new national forum on asylum support issues".²⁶ In October 2001, the report of the Home Office's review of the NASS support system concluded that "better communication channels need to be established between NASS and other agencies", so as to "allow for better preparation in regard to the services required, including legal and interpretation services".²⁷
- 4.3 By the time *Process error* went to print, at the end of January 2002, no such forum or other communication channels had been established. The report therefore recommended that the early establishment of meaningful NASS fora on asylum support at both national and local levels should be a priority for Ministers.
- 4.4 On 30 January 2002, the then Immigration Minister, Lord Rooker, stated that he had "already agreed in principle that NASS should set up a national forum" and that "consultations about this are being put in hand".²⁸ On 1 March, NASS issued a short consultation paper, outlining and seeking comments on its proposals for the membership and terms of reference of a "new national forum on asylum support". NASS asked that comments be submitted by 27 March, and stated that "Ministers will make a final decision on the forum once the results of the consultation have been reviewed".
- 4.5 On 18 April 2002, Lord Rooker told NACAB that he was currently reviewing the results of the consultation exercise, including the submission made by NACAB.²⁹ However, on 12 August, NACAB received a letter from NASS, stating that a proposal based on the results of the consultation exercise was only now "being prepared for Ministers". On 19 September, the Home Office Minister, Lord Filkin, told NACAB that NASS hopes to have the forum "up and running by the

²⁶ House of Commons, 3 July 2001, col. 99w.

²⁷ *Report of the Operational Reviews of the Voucher and Dispersal Schemes of the National Asylum Support Service*, Home Office, October 2001.

²⁸ Letter, dated 30 January 2002, to NACAB.

²⁹ Meeting, 18 April 2002.

end of this year, or early next year”.

- 4.6 Whilst the progress towards the establishment of a national forum by the end of 2002 or early 2003 is welcome, we can see no good reason why it should take NASS some 18 months to establish a forum to which Ministers agreed in principle in July 2001. As a result, NASS currently remains the only operational division of the Home Office’s Immigration & Nationality Directorate without an associated stakeholder group or user panel.³⁰ By contrast, the Asylum Support Adjudicators – the independent governmental body that hears and determines appeals against a refusal or termination of NASS support – have run an effective stakeholder group from the outset.
- 4.6 The CAB Service believes that the establishment of both national and local NASS fora on asylum support is essential to ensure that NACAB and CABx are kept fully informed of developments in NASS’ operational policy and practice, to enable evidence of asylum seekers’ experience of operational problems to be fed back to senior officials, and to facilitate the identification of effective solutions to such problems. Such fora should complement the existing communication channels between NASS, the local authority regional consortia, and the six reception assistant agencies.³¹
- 4.7 Accordingly, we hope that Ministers will ensure that there is no further slippage in the timetable for establishment of the national forum, and will give consideration to the creation of similar fora at a local level.
- 4.8 In early September 2002, the Director of NASS invited NACAB to attend meetings of a NASS project board managing the regionalisation of NASS’ outreach services and accommodation contract management. At the same time, senior operational officials have agreed to meet with NACAB representatives and CAB advisers in early October to discuss operational issues – the first such meeting since NASS went operational in April 2000. We hope that these initiatives mark the start of a new approach on the part of NASS towards dialogue with stakeholders such as NACAB and CABx.

³⁰ Other stakeholder groups and user panels established by the Immigration & Nationality Directorate (IND) since 1997 include: the IND After-Entry User Panel; the IND Asylum Processes Stakeholder Group; the IND Business User Panel; the IND/Immigration Service Detention User Group; and the joint IND/FCO Entry Clearance User Panel (now the User Panel of UKvisas).

³¹ Apart from NACAB, organisations that have expressed a desire for regular, face to face dialogue with senior NASS officials, but who are currently excluded from existing fora, include: Shelter, the Medical Foundation for the Care of Victims of Torture, the Immigration Advisory Service, the Law Society, the Federation of Independent Advice Centres, and the Office of the Immigration Services Commissioner.

5. Conclusions and recommendations

5.1 In December 2000, NACAB noted in its submission to the Home Office's review of the NASS voucher system, that "if there is one common theme to the cases reported by CABx, it is the difficulty that both asylum seekers and their advisers face in contacting the responsible caseworker – or, indeed, any relevant official – in NASS."³² Yet such contact is – and must be – the starting point for resolving any asylum seeker's problem with the delivery of his or her NASS support. Without such contact, he or she may be left without the means to buy food and other essential items for days, weeks or months.

5.2 Nearly two years on, the evidence set out in this report suggests that, despite the various internal administrative reforms of NASS set in train by two internal Home Office reviews of the NASS support system³³, the acute difficulty of making effective contact with NASS remains one of two key problems with the system – the other being the fundamental administrative deficiency of NASS itself. One of the CABx that grapple with these problems daily, **Anfield CAB** in Liverpool, speaks for many others when it reports that:

"the majority of the subsistence support related problems faced by our asylum seeker clients are a product of administration deficiencies and communication failures within NASS. Our advisers, having first negotiated language barriers to diagnosing the client's problem, then experience delays and frustration in their attempts to communicate with the relevant NASS sections in Croydon. Even when contact is made, our advisers can have no confidence that their intervention will have improved the individual's situation: clients will frequently return in the following weeks with the problem still unresolved. For the many asylum seekers attempting to resolve these problems alone, language barriers and lack of access to (free) telephones must make communication with NASS virtually impossible".

5.3 In our December 2000 submission to the voucher review, and in our February 2002 report *Process error*, we concluded that, if the Government is not willing to revert to the provision of welfare support to asylum seekers via the mainstream welfare benefits system, then NASS must be fully decentralised, so as to provide an efficient and responsive service to supported asylum seekers *at a local level*. In particular, NASS should establish adequate counter or 'drop in' services at which asylum seekers experiencing a problem with the delivery of their NASS support can access NASS officials directly and obtain speedy, effective resolution of that problem.

³² CAB Service submission to the NASS review of the voucher scheme for supporting asylum applicants, NACAB, December 2000. The results of this review were not announced until October 2001.

³³ Report of the Operational Reviews of the Voucher and Dispersal Schemes of the National Asylum Support Service, Home Office, October 2001.

- 5.4 We are deeply disappointed that the Government has not yet recognised the need for such local access to NASS. Whilst the number of NASS officials based in the regions is being increased, under a programme of regionalisation of outreach services and accommodation contract management, Ministers have made it clear that “this does *not* mean that NASS is being decentralised ... the increased presence of staff in the regions will not see the introduction of counter services or *indeed any operational aspect of providing support*”.³⁴
- 5.5 By failing to establish a properly resourced asylum support system that can speedily resolve problems through face to face contact, the Government is simply not providing a decent service to asylum seekers in need of such welfare support. Asylum seekers, including families with children, are left waiting for weeks and months without the means to buy food and other essential items before basic administrative errors are put right. The CAB Service and other advice providers, as well as local authorities, bear the costs which result from this administrative deficiency and lack of local access to NASS.
- 5.6 In recent months, Ministers have repeatedly indicated that the solution to difficulties with the NASS support system is at hand in the form of a new, “seamless” system of asylum induction and accommodation centres, as first announced by the Home Secretary in a statement to Parliament on 29 October 2001, and as further elaborated in the February 2002 White Paper *Secure borders, safe haven*.³⁵
- 5.7 Under this proposed system, all new asylum seekers in need of welfare support will first spend a short period (of about one week) in an induction centre, where their application for welfare support (and their means) will be assessed by on-site NASS officials and where they will be given briefings on “their rights and responsibilities as an asylum applicant”. Where an asylum seeker is deemed to be ‘destitute’, he or she will then be transferred to an asylum accommodation centre.
- 5.8 However, this proposed system is no more than embryonic, and will remain so for some years to come. The Government intends to establish, on a pilot basis, three or possibly four accommodation centres with a total capacity of no more than 3,000, and the necessary legislative provisions are currently before Parliament in the Nationality, Immigration & Asylum Bill.³⁶ Even if the pilot accommodation centres are judged to be a success, it will be many years before more than a very small proportion of all asylum seekers needing welfare support

³⁴ Letter, dated 30 January 2002, from Lord Rooker, then Minister of State at the Home Office.

³⁵ The Rt Hon David Blunkett, MP, House of Commons, 29 October 2001, col. 627-647.

³⁶ In principle, the CAB Service supports the concept of asylum accommodation centres. However, we believe that such accommodation centres should be of modest capacity, be located within or at least close to centres of population, and thus provide residents with both meaningful access to a range of local services (including legal advice), and ample opportunity to engage in purposeful activity off-site. We therefore oppose the Government’s current proposals for three (or possibly four) large accommodation centres in non-urban areas, which we believe will provide for *de facto* detention rather than supportive accommodation. For further information, see: *CAB Briefing: Nationality, Immigration & Asylum Bill, House of Lords Committee Stage*, NACAB, July 2002.

can be accommodated in such centres.

- 5.9 In addition to the more than 80,000 asylum seekers and dependants currently supported by NASS, some 50,000 asylum seekers and dependants remain supported by local authorities (under 'interim' provisions originally due to expire by April 2002, but now extended to April 2004).³⁷ A further 10,000 asylum seekers (plus dependants) remain supported by the Department for Work & Pensions in the mainstream welfare benefits system.³⁸ With no more than 3,000 places in total, the three (or four) pilot centres will only accommodate about two per cent of the some 140,000 needy asylum seekers and dependants in the asylum system at any one time.
- 5.10 In April 2002, the then Immigration Minister, Lord Rooker, indicated to NACAB that the first pilot accommodation centre is most unlikely to open until "late 2003".³⁹ In the light of the recent decision of local authorities in Oxfordshire and Nottinghamshire to object to the Home Office's planning notifications for two of the proposed pilot centres, even that date now looks somewhat optimistic.⁴⁰ If the pilot exercise is to be meaningful, a decision on whether to proceed with further centres is unlikely to be made before 2005, with further centres not opening until 2007 or even much later. Given the enormous scale of the building programme required, it is difficult to envisage there being a sufficient number of such centres to accommodate anywhere near 140,000 asylum seekers before 2020 – if ever.
- 5.11 As for induction centres, only one such centre has opened to date, in Dover, and the Home Office has not yet indicated when further such centres are likely to open.⁴¹ Moreover, it is very difficult to see how the proposed induction centre processes – four briefings of 30-45 minutes each, a medical check and an on-site means test – will have more than a marginal impact on the gross administrative deficiencies of the NASS support system, as described in both this report and *Process error*.
- 5.12 This means that it is essential that the Government addresses the ongoing failings of the existing, dispersal-based NASS system, which will continue to be the main provider of welfare support to asylum seekers for many, many years to come, whatever the outcome of the proposed asylum accommodation centre pilot.

³⁷ Source: *Asylum Statistics, 2nd Quarter 2002*, Home Office, August 2002; and Stephen Boys-Smith, Director General of the Home Office's Immigration & Nationality Directorate, House of Commons (oral evidence to Home Affairs Select Committee), 18 July 2002.

³⁸ House of Commons, 15 April 2002, col. 769w.

³⁹ Meeting, 18 April 2002.

⁴⁰ "Asylum seeker centres delayed", *The Times*, 3 August 2002; and "Home Office contests objections to asylum seeker accommodation centres", Home Office news release 029/2002, 2 August 2002.

⁴¹ The Dover induction centre opened on 21 January 2002. It is not a single 'centre' as such, being based on three separate sites in Dover and Ashford.

Recommendations: reform of NASS

5.13 If NASS is to provide an efficient, high quality and responsive service to supported asylum seekers, as demanded by the Government's wider strategy for the modernisation of public services, then the Government must now take the following steps:

- NASS should be fully decentralised, so as to provide an efficient, responsible and accessible service to supported asylum seekers at a local level. In particular, NASS must establish local counter or 'drop in' services for supported asylum seekers (and formerly supported persons), allowing for face to face contact with NASS officials and the speedy resolution of problems.
- In each of the 70 or more NASS designated dispersal areas (and in other areas, such as London, with significant numbers of NASS supported asylum seekers), these services should be provided from dedicated NASS outlets, but in other areas they could, for example, take the form of a regular NASS clinic in local offices of the newly-created Jobcentre Plus network (of which the Benefits Agency is now a part).⁴²
- NASS staff providing such services should have language skills (or access to adequate interpreting services) appropriate to the 'language clusters' in that area.
- These NASS outlets could each form the 'central services core' of local networks of small, community-based accommodation centres in urban areas, thus allowing residents to access local services (including advice services such as CABx) and engage in purposeful activity in the local community.

5.14 In the meantime:

- The continuing internal administrative deficiencies of NASS must be urgently addressed. This may well require additional human and other resources, including improved information technology.
- Access to NASS by telephone must be greatly improved. In particular, the response time of the two dedicated NASS enquiry lines should be dramatically reduced, and these lines should be made charge-free to callers. In addition, the enquiry lines should revert to their previous practice of either putting callers through to the relevant NASS casework team, or liaising with the relevant NASS casework team whilst the caller remains on the line.

⁴²

With effect from 1 April 2002, the Benefits Agency has become part of the new Jobcentre Plus network. However, for the sake of simplicity, the term Benefits Agency is used throughout this report.

- NASS should improve its liaison and communication with the rest of the Home Office's Immigration & Nationality Directorate (IND), and in particular with the asylum decision-making sections of IND.
 - NASS and Jobcentre Plus should establish more effective liaison arrangements in respect of formerly NASS supported persons granted refugee status or other leave to remain who are seeking to access the mainstream welfare benefits system.
 - NASS should revise its administrative processes and, if necessary, the Government should amend the Asylum Support Regulations 2000 and/or the Immigration & Asylum Act 1999 so as to ensure that the NASS support of a person granted refugee status or other leave to remain *cannot* be terminated until such time as a Form 35 has been despatched to and received by that person. The recorded receipt of a Form 35 by the person in question, rather than the expiry of the 28-day grace period, should be the trigger for the termination of his or her NASS support.
 - The Home Office should review the provisions in respect of 'hard case' support, with a view to ensuring that all qualifying individuals are fully informed of the availability of such support at the time of termination of regular NASS support.⁴³ In the case of nationals of countries to which the Home Office is unable to enforce removals, we would suggest that regular or 'hard case' support should continue or be provided automatically until such time as the individual's removal (or voluntary departure) can be affected.
 - NASS should establish effective fora on asylum support at both national and local levels, so as to facilitate dialogue with its stakeholders, including the CAB Service and other advice providers, on operational and policy matters. Such fora should complement the existing fora for communication between NASS, local authorities and the reception assistant agencies.
- 5.15 Continuing to operate NASS as a centralised service with no local counter services would simply condemn NASS supported asylum seekers to continuing poor service. In our view, it is not possible for NASS – however much its administrative performance is 'improved' by further internal reform or training of officials – to provide a genuinely efficient and responsive service if supported asylum seekers are unable to make effective contact with NASS officials when problems arise with the delivery of their support. The complexity of the NASS support system, the unfamiliarity of applicants with both the system and possible sources of assistance, and the fact that most speak little if any English make face to face contact with NASS officials essential.

⁴³

Clause 46 of the Nationality, Immigration & Asylum Bill, currently before Parliament, extends the existing, limited power to provide 'hard case' support, to cover all categories of failed asylum seekers.

Recommendations: the financial impact of NASS on local services

- 5.16 A failure to fully decentralise NASS would also mean the taxpayer continuing to get poor value for money from the Government's overall funding of the NASS asylum support system. As the cases set out in this report illustrate, the lack of local access to NASS means that CABx (and also other advice agencies) are having to spend significant amounts of time and resources attempting to resolve what are, in most cases, no more than basic administrative problems with the delivery of NASS support. And a large proportion of that time is spent simply waiting to get through to NASS by telephone, at considerable financial cost. We believe that it would be considerably more efficient, as well as more cost effective, for NASS officials to deal directly (face to face) with asylum seekers experiencing a problem with the delivery of their NASS support.
- 5.17 CABx and many other community advice agencies are funded, at least in part, by their local authority and/or the Community Fund, but much of the NASS-related work of CABx is now conducted under welfare rights legal advice and assistance contracts funded by the Legal Services Commission. In short, the costs of the Home Office's failure to decentralise NASS and provide an effective service are arguably being borne by local authorities, the Community Fund, the Legal Services Commission and local authority-funded voluntary agencies.
- 5.18 In June 2000 the Audit Commission reported on the so-called 'interim' provisions for the support of otherwise destitute asylum seekers by local authorities, rather than by NASS, pending the full roll out of the NASS support system.⁴⁴ These arrangements were established, along with the NASS support system itself, by the Immigration & Asylum Act 1999. However, the research for that report predates NASS going operational in April 2000. Despite the serious concern expressed by advice agencies, local authorities and others about NASS' administration of the support system since April 2000, NASS itself has not so far been the subject of such independent audit scrutiny.
- 5.19 Accordingly, we **recommend** that the National Audit Office and the Audit Commission conduct a joint value for money audit of NASS, examining both: the economy, efficiency and effectiveness of the Treasury's funding of NASS itself; and the impact of both the lack of local access to NASS and NASS' deficient administration of the asylum support system on local services and communities.

⁴⁴ *Another country: implementing dispersal under the Immigration & Asylum Act 1999*, Audit Commission, June 2000. The so-called interim provisions for the support of otherwise destitute asylum seekers by local authorities were originally due to expire by April 2002, but in early 2002 were extended to April 2004. As of July 2002, some 55,000 asylum seekers and dependants were supported by local authorities, rather than by NASS, under these provisions (see also note 35).

Appendix: CABx from which NACAB received evidence on asylum support between 1 March and 31 August 2002

EAST REGION

Bedford & District
Bletchley
Northampton
Peterborough
Watford
Wyndham

LONDON REGION

Brent
Brentford & Chiswick
Catford
Croydon Money Advice Unit
Dagenham
Edmonton
Enfield Town
Harrow
Hendon
Hillingdon (Hayes)
Hornchurch
Hounslow
Kensington
Kentish Town
Mitcham
Morden
New Barnet
Newham
Paddington
Palmers Green
Peckham
Romford
St Helier
Sutton
Wandsworth Money Advice Unit
Whitechapel
Woolwich

MIDLANDS REGION

Birmingham City Centre
Derby
Halesowen
Smethwick
Stoke-On-Trent
Tipton
Wolverhampton

NORTH REGION

Bradford
Chapelton
Derwentside
Hull City Centre
Leeds City Centre
Newcastle-upon-Tyne
North Tyneside
Rotherham
Sharrow

NORTH WEST REGION

Anfield
Birkenhead
Blackburn
Blackley
Bolton District
Bradford
Crewe & Nantwich
Gorton
Harpurhey
Heywood
Hulme
Longsight
Leigh & District
Manchester Central
Oldham
Rochdale
Tameside District
Wallasey
Wigan
Withington

SOUTH REGION

Bexhill & Rother
Brighton & Hove
Gravesham
Hastings

WEST REGION

Bristol
Oxfordshire I&NP

WALES

Cardiff