

Information for the Committee on the Elimination of Racial Discrimination for its review of the UK at its 79th Session, with specific reference to concluding observations 13 and 14 on asylum seekers (10 December 2003, CERD/C/63/CO/11)

1. Still Human, Still Here is a coalition of 49 organisations which are campaigning to end the destitution of refused asylum seekers in the UK. The coalition includes Amnesty International, the British Red Cross, Oxfam, the Medical Foundation for Victims of Torture, Doctors of the World UK, the Children's Society, National Aids Trust and all of the main agencies working with refugees and asylum seekers in the UK

2. Perceptions and realities relating to asylum seekers in the UK

2.1 The idea that the UK is inundated by tens of thousands of 'bogus' asylum seekers who come to Britain to access generous benefits has been a consistent message in the political and public debates around refugees and asylum seekers over the last 15 years.

2.2 Unsurprisingly, this perception has now become embedded in the public consciousness and fuels resentment, prejudice and hostility towards asylum seekers, refugees and migrants more generally, as many sectors of the public cannot distinguish between these groups.

2.3 In fact, asylum applications in the UK have averaged just over 23,000 for the last five years (2006-10) and in 2010 the UK received 17,790 applications - its lowest number since 1989.¹

2.4 Furthermore, the number of people arriving in the UK to escape conflict and persecution is small compared to the numbers which are assisted in neighbouring developing countries. For example, in April 2011, Liberia was hosting some 135,000 Ivorians who had fled the spiralling violence in Cote d'Ivoire - this is significantly more than the total number of asylum applications made in the UK during the last five years. Even in comparison to other EU countries the UK ranked 14 out of the EU27 in terms of asylum applicants per head of population at the end of 2010.²

2.5 However, these facts are not well known in the UK and the general public generally has an inaccurate and inflated perception of the number of asylum seekers who come to Britain each year. For example, a *YouGov* poll in 2008 found that roughly one in three

¹ Home Office, Control of Immigration quarterly statistical summary, fourth quarter, 2010. <http://www.homeoffice.gov.uk/science-research/research-statistics/immigration/>

² Home Office, Control of Immigration statistical summary.

people thought the UK received over 160,000 asylum applications that year when the actual figure was just over 23,000.³

2.6 A poll from March 2011, indicates that rather than becoming better informed or reacting to the fall in asylum application, the public perception of asylum numbers is even more inflated now than it was in 2008. When asked how many refugees applied to stay in the UK in 2009, 72% of respondents thought there were more than 100,000 and nearly one in five thought there were more than half a million applications. The actual figure was 24,485. In addition, 44% thought that more than 100,000 refugees had their applications to stay accepted in 2009 when the actual figure was 6,745 (including those granted Humanitarian Protection and Discretionary Leave).⁴

2.7 Given the above, it is not surprising that many British people express the view that there are ‘too many’ asylum seekers in the UK and that Britain takes ‘more than its fair share’.

2.8 Similarly, many believe that asylum seekers get generous benefits in the UK. In reality the vast majority of asylum seekers have to meet their essential living needs of food, clothing and toiletries, as well as pursue their asylum application, on just over £5 a day (housing and utility bills are paid for separately for those who would otherwise be destitute).⁵ Most asylum seekers who have been refused and are at the end of the process have no access to any form of statutory support and are left destitute.⁶

2.9 Asylum seekers also face resentment from people who perceive them to be lazy and not to be making any contribution to society. There is little awareness that asylum seekers are specifically prevented from working to support themselves, unless they have been waiting for more than one year for an initial decision on their claim.

2.10 Many of the inaccurate and prejudicial opinions formed by the general public towards asylum seekers are gathered from inflammatory and misleading media reports. This was a concern that was highlighted by the CERD in its 2003 report (paragraph 13 of the concluding observations).

3. Media coverage

3.1 In evidence to the UK Parliament’s Joint Committee on Human Rights, the Commission for Racial Equality noted that “in certain high circulation newspapers coverage of asylum in recent years has often been disproportionate, inaccurate and

³ Centre for Social Justice, *Asylum Matters: Restoring Trust in the UK Asylum System*, December 2008.

⁴ Research conducted by Opinium for the Refugee Council, 1-3 March 2011, 2017 people interviewed across a representative sample of all GB adults.

⁵ Asylum seeking couples, lone parents and single adults under 25 years old receive an average of 67% of Income Support (single adult asylum seekers over 25 get just 54%). Income Support is generally recognized to be set at the minimum level that UK citizens’ need to provide for themselves.

⁶ The exception to this are those refused asylum seekers who the Government accepts cannot temporarily return home through no fault of their own (e.g. because there is no safe route or they are too sick to travel).

hostile”. It also highlighted the repetitive use of derogatory or negative words like ‘flood’, ‘wave’, ‘bogus’ and ‘fraudulent’ in association with asylum seekers.⁷

3.2 The UK Independent Race Monitor also stressed that “Repeated references to abuse and reducing the numbers of asylum applicants tend to reinforce popular misconceptions that abuse is enormous in scale when in fact it is a small proportion of people who enter the UK.”⁸

3.3 Indeed, over the last 10 years just under half of all asylum seekers were recognized as being in need of some form of protection.⁹ Furthermore, all the evidence indicates that of those who are found not to merit protection, the vast majority do have a genuine fear for their safety.¹⁰

3.4 The scale of the negative coverage of asylum seekers is clearly illustrated in a media search carried out from 1 January 2001 to 1 January 2006 which found that four tabloid newspapers (*Daily Express*, *Daily Mail*, *Daily Star* and *The Sun*) published 8,163 articles that mentioned asylum seekers in this five year period. These papers had a combined circulation of around 17 million which is equivalent to more than a quarter of the UK’s population. In 1,427 articles the words ‘asylum seeker’ and ‘immigrant’ were used interchangeably, undoubtedly contributing to the inability of many to distinguish between asylum seekers, refugees and migrants.¹¹

3.5 Over the five year period, across the seven UK tabloids, 713 articles referred to ‘bogus asylum seekers’ and the words ‘crime’ and ‘asylum’ appeared together 945 times. It appears that some media outlets have been pursuing an anti-asylum agenda both in their news coverage as well as their editorial and opinion pieces. For example, during one 31 day period in 2003, the *Daily Express* ran 22 negative asylum or refugee stories on its front page. Also in 2003, *The Sun* ran a series of ‘asylum madness’ stories as part of a ‘Stop Asylum Madness’ campaign which it said was supported by more than one million readers.¹²

3.6 Sustained inaccurate and inflammatory reporting on asylum issues over this period has imbedded negative and hostile views about asylum seekers in large sections of the general public. While the number of articles on asylum issues has declined in recent years, the content of them continues to be a serious concern.

⁷ Joint Committee on Human Rights, *The Treatment of Asylum Seekers*, 10th Report of the Session 2006-07, paragraph 344.

⁸ Joint Committee on Human Rights, *op. cit.*, paragraph 348.

⁹ Approximately 46% of asylum seekers were granted some form of protection. This is calculated by looking at the total number of cases granted Refugee Status, Exceptional Leave to Remain, Humanitarian Protection, Discretionary Leave or granted status on appeal as a percentage of the total number of applications for each year. This is then averaged over the ten year period 2000-2009. Home Office Statistical Bulletin, *Control of Immigration Statistics 2009*, Excel table 2.1.

¹⁰ For example, in 2010 around 70% of destitute refused asylum seekers in the UK were from just eight countries, all of which were either in conflict or had widespread and systematic human rights violations. These countries were Afghanistan, Eritrea, DRC, Iraq, Iran, Somalia, Sudan and Zimbabwe.

¹¹ UNHCR, *Refugees*, Issue number 142, pages 16, 2006.

¹² UNHCR, *Refugees*, Issue number 142, pages 16-17, 2006.

3.7 Take for example, an online article published on 21 July 2009 by the *Daily Mail* entitled “*One million failed asylum seekers will get free NHS care in human rights U-turn*”.¹³ The information in the headline is completely false and even in the body of the article itself it is stated that only “10 or 20,000” refused asylum seekers would be likely to benefit from the proposed changes. However, the one million statistic in the headline will be remembered by the vast majority of readers and will understandably raise concerns about why there are one million refused asylum seekers in the UK and whether the NHS can afford to provide services to such a large number of people.

3.8 Despite all of the above, when appearing before the Joint Committee on Human Rights the Press Complaints Commission (PCC) “did not accept there was a major problem”.¹⁴ The PCC pointed to Clause 1 (on accuracy) and Clause 12 (on discrimination) of its Code of Practice as being relevant for the regulation of stories on asylum and also pointed to the Guidance Note on Refugees and Asylum Seekers that it issued to ensure that terminology is used accurately.

3.9 In relation to Clause 1, the articles referred to above do indicate that inaccurate and misleading information is being printed in breach of the Code of Practice. Part of the problem may be that there is inadequate use of the complaint mechanism, but this in turn may be because there is a lack of confidence in the procedure’s effectiveness. For example, Daily Express journalists twice reported their own paper to the PCC, including for its “sustained campaign against asylum seekers in pursuit of circulation”, but their complaints were rejected.¹⁵

3.10 Clause 12 has also failed to address inaccurate asylum reporting as it is focused on individuals and not groups. It states that “The Press must avoid prejudicial or pejorative reference to an individual’s race, colour, religion, sexual orientation or to any physical or mental illness or disability.” As asylum seekers are not a race or a single religion Clause 12 is not an effective tool in preventing inflammatory comments (nor are asylum seekers generally protected under the relevant race relation and non-discrimination laws).

3.11 The new Guidelines have been useful in curtailing the use of the term “bogus asylum seeker” and reducing the conflation of refugees and asylum seekers in articles. However, it has been ineffective in stopping the linking of asylum seekers with other generally negative terms such as ‘flood’, ‘crime’, ‘terrorism’ and ‘madness’. The UNHCR has noted that the PCC Guidance needs strengthening and the Joint Committee on Human Rights concluded that the “evidence we received from the PCC was not reassuring. Its existing system is not sufficiently robust to protect asylum seekers and other vulnerable minorities from the adverse effects of unfair and inflammatory media stories.”¹⁶

¹³ The article referred to the Government proposal to allow refused asylum seekers who were families with children, unaccompanied children or adult asylum seekers who the Government recognised temporarily could not return to their country of origin through no fault of their own, to have continued access to free secondary healthcare while still in the UK.

¹⁴ Joint Committee on Human Rights, *op. cit.*, paragraph 351.

¹⁵ UNHCR, *Refugees*, Issue number 142, page 19, 2006.

¹⁶ Joint Committee on Human Rights, *op. cit.*, paragraph 364.

3.12 CERD recommended (paragraph 13) that the UK Government “consider further how the Press Complaints Commission can be made more effective”. The Equality and Diversity Forum recommended that the following additional Clause be added to the Code: “The press must avoid gratuitous pejorative reference to an ethnic or faith community or other section of society, where that reference is likely to generate an atmosphere of fear and hostility not justified by the facts.”

3.13 A new clause of this type, the issuing of new and stronger guidance on immigration and asylum and more rigorous enforcement of both the Code and guidance would help to stop the kind of prejudicial coverage that has impacted on the policy debate and the lives of asylum seekers over the last 15 years. However, such action will also need to be accompanied by an awareness raising campaign to counter the images and perceptions that have become accepted as fact by many individuals across the UK.

4 Impact of negative and hostile coverage on the lives of asylum seekers

4.1 In its 2007 report on the *Treatment of Asylum Seekers*, the UK Parliament’s Joint Committee on Human Rights concluded that it was “concerned about the negative impact of hostile reporting and in particular the effects that it can have on individual asylum seekers and the potential it has to influence the decision making of officials and Government policy. We are also concerned about the possibility of a link between hostile reporting by the media and physical attacks on asylum seekers”

4.2 There is every indication that the Joint Committee’s fears have been realized, as reflected in the Institute of Race Relations report, *Driven to Desperate Measures: 2006-10* which looked at the deaths of 77 asylum seekers and migrants. The report details the deaths of asylum seekers which they attribute to racial attacks, being denied health care and because they were destitute and unable to access social services. This report also found that twenty eight asylum seekers took their own lives after their asylum claims were turned down during this five year period. These included:

- Abdullah Haggat Idris, an 18 year old Sudanese asylum seeker, who was found hanged in his cell on 25 December 2007 after wrongly being told he was to be deported.
- Serguei Serykh, his wife Tatiana and their 19 year old son, Stepan, who were refused asylum in the UK and committed suicide from the balcony of their 15th floor flat in Glasgow on 7 March 2010. This was the date their support vouchers were due to be stopped.
- Osman Rasul Mohammed, an Iraqi asylum seeker who jumped from a tower block in Nottingham on 25 July 2010. He had been in the UK since 2001, was destitute and was having problems accessing legal advice.

4.3 The report also highlights other attacks against asylum seekers and incidents of self harm in which the individuals did not die. The cases in the report are indicative and are likely to severely underestimate the total number of deaths over the period reviewed.¹⁷

4.4 In particular, physical attacks against asylum seekers are likely to be under-reported as the victims will often not know how to make a report or have the language skills or confidence to do so. This is particularly true for undocumented migrants and refused asylum seekers. One study which asked 27 undocumented migrants if they would contact the police if they felt in danger found that two thirds would not.¹⁸

4.5 As early as 2001, which is before the worst of the negative media coverage referred to above, the Association of Chief Police Officers noted that “Racist expressions towards asylum seekers appear to have become common currency and acceptable in a way that would not be tolerated towards any other minority group.”¹⁹

4.6 Consequently it is welcome that the Association of Chief Police Officers Hate Crime Group and Race for Justice have produced an action plan which highlights asylum and refugee communities as one of four groups where there is a need for a special response in order to build confidence among victims of hate crime and improve the service.²⁰ However, the UK’s report to CERD (9 March 2010) does not specify how this will be done.

4.7 In its last report, CERD recommended that the UK Government “adopt further measures and intensify its efforts to counter racial tensions generated through asylum issues, inter alia by developing public education programmes and promoting positive images of ethnic minorities, asylum-seekers and immigrants” (paragraph 14 of the concluding observations).

4.8 In 2007, the UK Government undertook to raise awareness of the UK’s role both in the establishment of the slave trade and its abolition as part of the bi-centenary on the abolition of the slave trade. It supported community projects, issued a statement of regret over the UK’s involvement in the slave trade, made the slave trade a compulsory part of the national curriculum, had a commemorative service and was involved in many other events across the UK.

4.9 A similar concerted effort is needed to dispel some of the hysteria and myths surrounding asylum seekers and to actively promote the case for providing protection to people who are fleeing persecution or other serious human rights violations. This year is the 60th anniversary of the 1951 Convention relating to the Status of Refugees and provides an excellent opportunity to do this, but there is no indication in the UK’s report to CERD that this opportunity will be taken.

¹⁷ The Institute of Race Relations, *Driven to Desperate Measures: 2006-10*, October 2010.

¹⁸ Migrant Resource Centre, *Hope costs nothing: the lives of undocumented migrants in the UK*, 2010, p4.

¹⁹ UNHCR, *Refugees* Issue number 142, page 19, 2006.

²⁰ UK periodic report to CERD, 9 March 2010, paragraph 118

4.10 Furthermore, evidence suggests that where people are presented with the facts it does change their attitudes to issues relating to migration and asylum. For example, as part of the Transatlantic Trends Survey on Immigration (2010) people were asked whether there were too many migrants in the UK. The number who responded that there were too many dropped by 13% when they were provided with statistics on the national immigrant population before the question was asked.

5. Influence of negative attitudes towards asylum seekers on Government policy

5.1 Over the last 15 years, the asylum debate in the UK has generally not been rational or evidence based. Politicians have been keenly aware of the hostility towards asylum seekers amongst the general public and have been mindful of this when formulating asylum policy. This has resulted in successive governments introducing a range of policies designed to deter asylum seekers from coming to the UK and encourage refused asylum seekers to return to their countries of origin. These policies included: increased restrictions on permission to work, restrictions an access to free secondary healthcare, withdrawal of ELR,²¹ and reduced and restricted access to support for asylum seekers who would otherwise be destitute.

5.2 Such policies are not efficient, fair or effective and in its last report on the UK, CERD recommended that the Government adopt “policies to make the asylum procedures more equitable, efficient and unbiased” (paragraph 14 of the concluding observations). In the context of this recommendation, Still Human urges the UK Government to:

- Improve the quality of the decision making process. Many asylum seekers who should be given protection in the UK are being refused - 27% of initial decisions were overturned at appeal in 2010 and for some nationalities the rate was as high as 50%. However, asylum seekers who cannot access good legal advice and representation are likely to loose their appeal and may end up destitute.
- Provide asylum seekers who would otherwise be destitute with no less than 70% of Income Support or £45 a week for single adults while they are waiting for their cases to be resolved. Currently, the majority of asylum seekers who receive support have to survive on just over £5 a day and others are left completely destitute. This leads to a higher incidence of physical and mental health problems and forces asylum seekers into illegal work, prostitution and street homelessness.
- Give asylum seekers permission to work if their case has not been resolved within six months or they temporarily cannot be returned to their own country through no fault of their own. This will save taxpayers’ money and give a small number of people the opportunity to support themselves, pay taxes and contribute their skills to the economy.

²¹ ELR was replaced with Humanitarian Protection and Discretionary Leave in 2003.

- Provide free access to primary and secondary healthcare to all asylum seekers while they remain in the UK, including for HIV treatment. This is currently the position in Scotland and Wales and is in line with Article 12 of the ICESCR which obliges the UK to “recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health”

5.3 These proposals are also in line with recommendations made by other UN bodies. For example, in 2009 the Committee on Economic, Social and Cultural Rights raised concern over “the low level of support and difficult access to health care for rejected asylum-seekers.” It recommended that the UK “ensure that asylum-seekers are not restricted in their access to the labour market while their claims for asylum are being processed” and review the regulation of “essential services to rejected asylum-seekers, and undocumented migrants, including the availability of HIV/AIDS treatment”²²

5.4 Similarly, in 2010, the UN Special Rapporteur on the human rights of migrants urged the UK Government to “Address the concerns expressed by the Committee on Economic, Social and Cultural Rights regarding the low level of support and difficult access to health care for rejected asylum-seekers” and to ensure “that refused asylum-seekers are not left destitute while they remain in the United Kingdom.”²³

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²² Concluding Observations of the Committee on Economic, Social and Cultural Rights from its review of the UK, Forty-second session, E/C.12/GBR/CO/5, 22 May 2009, paragraph 27.

²³ UN Special Rapporteur on the human rights of migrants, Jorge Bustamante, Mission to the UK, 22-26 June 2009, A/HRC/14/30/add.3, 16 March 2010, paragraph 81 (b).