

Committee: Cabinet

Date: 22 June 2021

Wards: All

Subject: Joining the Lift the Ban Coalition

Lead officer: Chris Lee

Lead member: Councillor Marsie Skeete, Cabinet Member for Women and Equalities

Contact officer: Evereth Willis, Equality and Community Cohesion Officer

Recommendations:

- A. That Cabinet consider if Merton Council should join the Lift the Ban Coalition to give the right to work in any occupation for everyone waiting for more than 6 months for a decision on their asylum claim.
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1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. In London, there are at least 4975 people seeking asylum.
- 1.2. Since 2002, people seeking asylum have only been able to apply for the right to work after they have been waiting for a decision on their asylum claim for over a year, and only if they can be employed into one of the narrow, highly-skilled professions included on the Government's Shortage Occupation List. Whilst awaiting the outcome of their asylum claim, many are left destitute and rely on charitable support.
- 1.3. Refugee Action (a leading organisation in the Lift the Ban Coalition) estimate that allowing asylum seekers to work full time would reduce the Government's financial burden and benefit the UK economy by £97.8 million per year.
- 1.4. In February 2020 Merton committed to becoming a 'Borough of Sanctuary' for Asylum Seekers and Refugees; thereby making the borough a safe and welcoming place for new migrants.
- 1.5. A number of local authorities who are, like this council, a 'Borough of Sanctuary' are members of the 'Lift the Ban' coalition believing that this policy change would improve the independence and dignity of asylum seekers.
- 1.6. In recognition of being a borough of sanctuary, Merton Council could consider joining the Lift the Ban Coalition to support the campaign to give everyone waiting for more than 6 months for a decision on their asylum claim the right to work whilst awaiting as assessment of their immigration status.
- 1.7. Cabinet is therefore asked to consider endorsing that Merton supports the Lift the Ban campaign.

2 DETAILS

- 2.1. As at 13 May there were 4975 Asylum Seekers living in Contingency hotels in London and 95 of them are currently in Merton. Asylum seekers have their accommodation and subsistence costs met by the Home Office.

Legislative Framework

- 2.2. There is often confusion between the terms Asylum Seeker and No Recourse to Public Funds and it is important to make a distinction between two circumstances.
- 2.3. An Asylum Seeker is defined as a person who has made a claim to the UK Government for protection (asylum) under the United Nations Refugee Convention 1951 and is waiting to receive a decision from the Home Office on their application or from the Court in relation to an appeal.
- 2.4. Asylum seekers are provided with accommodation and support to meet their essential living needs if they would otherwise be destitute whilst their claim is considered. This cost is met by the Home Office.
- 2.5. Support consists of fully furnished and equipped accommodation with no utility bills or Council Tax to pay, and a cash allowance to cover the cost of essential living needs.
- 2.6. No Recourse to Public Funds (NRPF) refers to people from abroad who are subject to immigration controls and, as a result of this, have no entitlement to welfare benefits, social housing or financial support from the Home Office. However, individuals with NRPF whilst not eligible for public funds might still be eligible for council assistance under:
- (A) Section 17 of the Children's Act 1989, which puts a duty on local authorities to safeguard the welfare of children in their area and to promote their upbringing by their families. To support this local authorities may provide assistance in kind, accommodation and/or money.
- (B) The Care Act 2014 – but only if the Human Rights Act is engaged. Those subject to immigration control with the meaning of section 115 of the Immigration and Asylum Act are now excluded from care and support under the Care Act.

Lift the Ban

- 2.7. People seeking asylum are entitled to a Subsistence Allowance of £5.66 per day whilst they await the outcome of their asylum claim. Asylum seekers may wait for many months for a decision on their immigration status. Thus many asylum seekers may struggle to support themselves and their families. Their financial insecurity makes them vulnerable to destitution, isolation, and exploitation.
- 2.8. Often asylum seekers were skilled professionals in their home countries, but when they reach the UK they find themselves unable to work and contribute economically to society.
- 2.9. Allowing Asylum Seekers to work would restore people's dignity and self-worth if the migrants were given a chance to earn a living and assimilate to life in their places of sanctuary.
- 2.10. Merton is a borough that supports refugees and to date we have supported two faith groups in the borough to sponsor a refugee family through the

Community Sponsorship scheme, a third family is due to be sponsored shortly too.

2.11. In becoming a borough of sanctuary, the council motion called on Cabinet to do the following:

1. Declare Merton to be a “Borough of Sanctuary”
2. Work with community groups and the Compact Board to develop a co-ordinated framework to support and help and support refugee, migrant and asylum seekers in Merton.
3. Continue to work with organisations in the borough who support refugees and asylum seekers in the borough.
4. Challenge anti-refugee and anti-migrant attitudes wherever they are found.
5. Lobby the government to reform No Recourse to Public Funds so that people are no longer blocked from fully participating in society for years while they wait for their status to be resolved.

2.12. The fifth commitment mentioned in 2.12 (5) above calls on Cabinet to lobby the Government regarding those with NRPF. Asylum seekers are not currently able to fully participate in society and therefore it may be prudent for Cabinet to consider joining the coalition seeking to lift the ban and lobby the government for this policy change. Other local authorities have endorsed the campaign including Lewisham Council that joined the coalition in July 2019 and passed a motion to join the Lift the Ban Coalition.

3 ALTERNATIVE OPTIONS

3.1. Merton may decide not to join the Lift the Ban coalition and continue to work with local charities to provide support to individuals and families awaiting the outcome of their asylum application. However, not joining the campaign may be viewed as Merton not being fully committed to being a borough of sanctuary.

4 CONSULTATION UNDERTAKEN OR PROPOSED

4.1. The Cabinet Member for Women and Equalities met with representatives of Merton Citizens and Citizens UK to discuss the council joining the Lift the Ban coalition

5 TIMETABLE

5.1. None.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

6.1. There is no cost to joining the Lift the Ban campaign. The council will be publicising information about being part of the campaign and any cost will be within existing budgets.

6.2. Giving asylum seekers the right to work may result in migrants being less reliant on charity and able to make a financial contribution to their accommodation and day-to-day expenses.

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. The Council has the power to take the action set out in this report under the general power of competence contained in the Localism Act 2011 and also having regard to its duty under section 149(1) (b) of the Equality Act 2010 to advance equality of opportunity between people sharing particular protected characteristics and those who do not.
- 7.2. In relation to any publicity activity relating to the Lift the Ban Coalition, the Council should have regard to the Code of Recommended practice on Local Authority Publicity issued under section 2 of the Local Government Act 1972. It is noted that the Code contains the following provisions which would appear to support the activity contemplated:

31. Publicity by local authorities may seek to influence (in accordance with the relevant law and in a way which they consider positive) the attitudes of local people or public behaviour in relation to matters of health, safety, crime prevention, race relations, equality, diversity and community issues.

32. Local authorities should consider how any publicity they issue can contribute to the promotion of any duties applicable to them in relation to the elimination of discrimination, the advancement of equality and the fostering of good relations.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1. These can be significant for individual families as well as more widely within the community.
- 8.2. Currently asylum seekers are left destitute whilst awaiting the outcome of their claim with the Home Office. Allowing asylum seekers to work will contribute to restoring their dignity and feeling of self-worth. Their financial insecurity makes them vulnerable to destitution, isolation, and exploitation. Being financial independent will help to reduce poverty and inequality experienced by many migrants.
- 8.3. Allowing asylum seekers to work my help to better integrate them into society. Being able to work also helps to improve migrants' English, acquire new skills and develop social contacts.

9 CRIME AND DISORDER IMPLICATIONS

- 9.1. None.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 10.1. None.

11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

None

12 BACKGROUND PAPERS

- 12.1. Lift the Ban Local Authority Engagement briefing
[Lift-the-Ban-Local-Authority-Engagement-Briefing-V2.pdf](#)

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