

Unit 2

Who are refugees?

Understanding who asylum-seekers, refugees and migrants are

What will this unit help you do and why?

What?

This unit will help you:

- understand the differences between refugees, asylum-seekers and other migrants.

Why?

- Differences in legal status have important effects on individuals and the organisations they set up.
- These differences have implications for funding streams.

Example

A CVS had been working with a small, new refugee organisation and went to it delighted to announce that they had secured some funding for a project which would meet some needs identified by the group and enable them to employ a part-time worker. However, after they had started the planning and recruitment process, the RCO found out that the beneficiaries of the funding had to be people with refugee status or other types of longer-term leave. Ninety per cent of their members (who were the people who needed the service) were asylum-seekers and were therefore ineligible. Both the CVS and the RCO felt they had wasted a lot of time and resources, and the funder was not impressed.

Key issues

Definitions

- Anyone who moves from one country to another is called a **migrant**. Within the European Union, people who leave one country to work in another are called **migrant workers**.
- In the UK, a **refugee** is someone who has been forced to leave his or her own country because of persecution and seeks safety in another **and** has been given refugee status and leave to remain in the UK, in accordance with the 1951 UN Convention on Refugees.
- An **asylum-seeker** is someone who has arrived in the UK and has applied to stay as a refugee.

If someone is not recognised as a refugee, s/he may be granted humanitarian protection or discretionary leave to stay in the UK. More information on this is available from the Refugee Council Information Service (details on page 61).

Refugees (or people who may eventually become refugees) arrive into the UK in two ways:

- Some arrive through **official refugee programmes** organised by the Government, such as the Gateway Protection Programme. These programmes bring people already recognised as refugees through organised resettlement programmes. Those refugees are given indefinite leave to remain and permanent residence immediately.
- Others make their own way to the UK (arriving as a visitor or student, or in transit to other countries, or evading immigration control) and then **apply for asylum**. This may result in official refugee status, some other sort of leave that allows the person to stay in the UK, or refusal. **It is illegal to**

enter the UK without appropriate documentation. However, the 1951 UN Convention on Refugees does recognise that this may be unavoidable for people fleeing persecution.

Once given refugee status (or other types of leave after an asylum application), people have additional entitlements concerning employment and social security. Eventually they may be able to get long-term settled status and apply for British citizenship.

These legal definitions do not necessarily map well on to people's experiences and feelings. For example, a refugee who has become a British citizen may still be getting treatment for the trauma they suffered many years ago. A person who arrived through the asylum system and who gained refugee status may choose not to identify as a refugee. Also, some people may change the way they think of themselves as their lives in the UK develop, or as they get older. However, it is apparent that most asylum-seekers consider themselves as refugees, even if the Government has not assigned them that status.

In addition to the implications for individuals, accurate legal definitions are important in relation to many funders, especially statutory funders. Most funding for employment and training programmes will only be available to those who are allowed to work in the UK. Government programmes to fund work with refugees usually exclude asylum-seekers and other migrants. Also, funding from voluntary organisations – for example for setting up advice services or support services – may be restricted to refugees only (as in the example on page 15).

How many migrants, refugees and asylum-seekers are there?

The simple answer is that no-one knows, because the UK government does not currently record details of all people entering or leaving the UK. The numbers of European Union (EU) citizens entering or leaving the UK are not counted because there is freedom of movement within the EU, so citizens can go freely to any other country in the EU.

Also, numbers today are not an indication of numbers tomorrow. The number of people from particular communities can go either up or down. For example, about 80% of the Chilean community who arrived in the UK in the 1970s are thought to have returned to Chile after the end of the Pinochet dictatorship in 1989. In the 1991 census, there were about 6,000 Sierra Leoneans in the UK, and according to the 2001 census there were over 16,000.

How does the asylum process work?

There are currently two main asylum processes:

- the New Asylum Model (NAM), introduced in May 2005, which processes all new cases
- the Case Resolution Directorate, which is responsible for all cases that have not been dealt with under the New Asylum Model process.

There are separate arrangements for unaccompanied children who apply for asylum.

The older cases which are being considered by the Case Resolution Directorate are expected to be cleared by June 2011. Many have had their cases refused, and an unknown number of them are destitute,

with no rights to accommodation or support. They may be living with friends or family, supported by charity, or helped by the local authority if they have children or are ill, elderly or disabled, or homeless. The Case Resolution Directorate has granted indefinite leave to remain to about a third of the cases it has reviewed so far.

Newer cases are likely to be determined much more quickly. They are assigned a 'case owner', who makes all the decisions about asylum, accommodation, support and enforcement action. Asylum-seekers are usually required to report regularly to an immigration office, and may be tagged. They may also be detained in special Immigration Removal Centres at any point in the asylum process.

While in the asylum process, people are offered support and accommodation, although they may also be allowed to opt for support only and choose to stay with friends or family, which about a third do.

The Government is currently setting up a new Refugee Integration and Employment Service (RIES) that will advise new refugees and help them gain access to, for example, housing and employment as part of personal plans for settlement in the UK.

(For information on this see www.homeoffice.gov.uk)

Background and experience of refugees: similarities and differences

Refugees of varying ages, origins, educational achievement and socio-economic status reside in the UK. The diversity of refugees is such that it includes people who have held posts as government ministers or heads of non-governmental organisations, been political or religious

One colleague was accompanying a refugee due to speak before a large audience. 'Are you nervous?' he asked. 'Yes, but not as nervous as when I addressed the UN General Assembly,' he replied.

A worker at a Refugee Agency

leaders, or pursued successful careers as doctors, teachers, university lecturers or in other highly-skilled professions or manual trades.

The political situation in the country of origin may still be a very raw issue for refugees, and political, religious, ethnic or other differences may exist within the same refugee community in the UK and be important.

An example of the political complexity that can be encountered was highlighted in the research carried out for this guide. A CVS worker who had provided capacity-building support to various RCOs was asked, by other refugees from the same community, 'Why are you supporting that armed group?'

These situations can be challenging, but you can communicate sensitively that your job is to help groups to help their communities in the UK, in accordance with their charitable purposes.

As an LIO worker, you are not expected to understand all the complexities of the political backgrounds of the RCOs you are engaging with. It is the responsibility of the asylum system to deal with the rare instances of individuals who claim asylum, having themselves been implicated in human rights abuses in their country of origin. Well-documented concerns about groups in the UK supporting repressive activities outside the UK may fall within the remit of the Charity Commission. If someone raises such a concern with the LIO, the LIO may need to refer the person to the Charity Commission, emphasising that documentation will be essential.

Example

The Somali community is one of the largest refugee communities in the UK. Somalis are often organised on the basis of clan, but there are also important ethnic divisions, with, for example, the Bravanese, Riverine and Bajuni Somalis organised separately. These divisions may be reflected in language, religious observance and dress, but may not be obvious to an outsider. Somalis have been arriving in the UK over the past two centuries. Many arrived in the late 1800s as seamen coming to ports like Cardiff, London and Liverpool; in the 1980s refugees from the dictatorship of Siad Barre started arriving; and refugees from the civil war arrived in the 1990s. Each of these groups is likely to have a different view about what is going on inside Somalia at the moment and the roles played by themselves and others.

While the background and experience of refugees is very varied, they do share one common reason for fleeing their country of origin, namely that of loss. Loss of:

- home
- family
- status
- place
- culture
- understanding and being understood.

All refugees also have to adjust to living in a new environment. British society may operate very differently from that of the refugees' place of origin. Adapting to British society may result in new challenges, as well as opportunities for refugees to express themselves, or to make changes in their lives that may not have been possible previously.

Political considerations

The issue of refugees in the UK is still politically contentious. This may influence people's willingness to talk to you about their own legal status, or about the legal status of their community.

The asylum determination process in the UK has been the object of major criticism throughout the last decade, with concerns

about the accuracy of decisions, access to adequate legal advice for asylum-seekers and fast-track procedures based on country of origin. The result is often anger at the way people feel they have been treated by the system. That, in turn, may lead to more general mistrust and frustration.

Tips for understanding more about refugees

- Be very clear about why you may need to know about people's status – for example, whether they are asylum-seekers or refugees – before asking about it. For example: 'We need to know how many of your users are destitute, because local faith organisations are putting together a project to help destitute asylum-seekers and need to know how many people are involved.'
- Be aware that legal definitions of status may not reflect the individual's own perceptions of their status. People who have fled dangerous situations in their home country may well think of themselves as refugees before they are given refugee status, or even after they have been refused it or are no longer formally considered to hold that status.
- Some people may be concerned to maintain a high level of anonymity regarding their official status and may not wish to identify themselves as refugees. For example, they may be concerned that if their status is known they will be viewed as 'traitors' by other people from the same community.
- Be aware that political, religious, ethnic and other differences may exist within the same community. So it may not be appropriate to expect people to set up a single organisation just because they are all from the same community. But you also need to be realistic with community groups: one larger organisation is likely to be more successful at attracting resources than several smaller ones, and community members may not be aware of this. (See Unit 4 for more information on RCOs.)
- Don't worry if you are not familiar with all the details of the asylum process, the immigration status of refugees, and the various entitlements that depend on this. Some of it will affect the groups you work with, or their funding, but a broad understanding of who refugees are and why they come here is enough to be getting on with. Don't let lack of knowledge be an obstacle to engagement. You can pick things up as you go along, and there are many resources available to help you out. (See *Further resources*, on page 59.)