

## Policy Bulletin #8 *A Right to a Voice*

### Background

Since February 2005, the Government has been required to determine the right of asylum seekers to work, if they have waited 12 months for an initial decision on their claim and the delay was not of their making. This is as a result of the European Directive on reception conditions for asylum seekers (*27 January 2003: laying down minimum standards for the reception of asylum seekers*). Article 11(2) states that: "If a decision at first instance has not been taken within one year of the presentation of an application for asylum and this delay cannot be attributed to the applicant, Member States shall decide the conditions for granting access to the labour market for the applicant".

This Directive is one of a range of measures adopted under the 1997 *Treaty of Amsterdam*, which committed Member States to establishing certain minimum standards for asylum procedures and policies across the Union by 1 May 2004 as a first step towards a **Common European Asylum System**. As a result of a recent ruling of the UK Supreme Court (Zo et al. 28th July 2010), asylum seekers will now have the right to look for work, if their claim hasn't been processed within 12 months. This right to work extends entitlement to being considered for targeted support under the European Social Fund. As mentioned in the latest ESF England & London Region *2009 Annual Implementation Reports*, project specifications have already been developed in London for asylum seekers and refugees.

### The Issue at European Union Level

On **20th June 2010, World Refugee Day**, Eurostat published statistics revealing that the EU27 Member States granted protection to 78,800 asylum seekers in 2009 compared with 75,100 in 2008. The largest groups of beneficiaries of protection status in the EU27 were citizens of Somalia (13,400 persons or 17% of the total number of persons granted protection status), Iraq (13,100 or 17%) and Afghanistan (7,100 or 9%).

In 2009, 317,500 decisions on asylum applications were made in the EU27, of which 228,600 were first instance decisions and 88,900 final decisions on appeal. The rate of recognition of asylum applicants (the share of positive decisions in the total number of decisions) was 27% for first instance decisions and 19% for final decisions on appeal.

Of the 78,800 persons who were granted protection status: 39,300 persons were granted refugee status; 29,900 subsidiary protection; and 9,600 authorisation to stay for humanitarian reasons. Whilst both refugee and subsidiary protection status are defined by EU law, humanitarian status is granted on the basis of national legislation relating to international protection.

In 2009, the highest number of persons granted protection status was registered in the United Kingdom (12,500), followed by Germany (12,100), France (10,400), Sweden (9,100), Italy (8,600) and the Netherlands (8,100). These Member States accounted for more than three quarters of all those granted protection status in the EU27.

In all cases, the ability of the individual to integrate into the host member state will be determined by the degree of competence in the national language.

*continued overleaf...*

## **The Issue at UK Level**

The importance of UK residents, actual and potential, to understand and speak the English language is generally recognised. This recognition has recently been underlined by the National Institute for Adult & Continuing Education campaign *A Right to a Voice*. In NIACE research, "*A Right to a Voice: the cost of denying language to asylum seekers*", several barriers were identified. Asylum seekers who lack language skills are more likely to suffer with the following:

- Isolation, affecting mental health and well-being
- Difficulty in expressing themselves in English leading to frustration or physical aggression
- Difficulty in communicating with public bodies, leading to misunderstandings or needing to employ interpreters at consultations, meetings or interviews
- Difficulty in understanding medical advice, children used as interpreters, leading to possible ill health and NHS costs
- Possibility of inaccurate information, reliance on children for other translation support (eg. with school teachers)

As a result this may impact on the state in the following areas:

- Benefits (including work-related, incapacity and housing) and Council Tax
- Translation costs for schools/hospitals/GPs
- NHS
- Crime and police investigation

The Human Rights Act places the UK in a position where it has pledged to allow refugees the right to live a normal life and freedom from undue threats. Many asylum seekers are particularly vulnerable. A right to a voice and a right to life without poverty are equitable demands. ESOL policy should display flexibility to ensure human rights protection is available to asylum seekers. Allowing asylum seekers to work would counter some of the negative perceptions of asylum seekers and help them to integrate better into their local community.

The NIACE research compiled evidence to show that cutting funds for ESOL provision for asylum seekers is a false economy, as the actual cost to government of the consequences of lack of language skills amongst asylum seekers is likely to far outweigh any savings. To find out more about the NIACE "A Right to Work" initiative contact their website on [www.niace.org.uk](http://www.niace.org.uk)

If you would like more information, please contact Ray Phillips [rayp@lvstc.org.uk](mailto:rayp@lvstc.org.uk) at LVSTC by email or telephone 0845 262 2006 / 020 7538 4309.

*July 2010*