

Sanctuary to Sanction: Asylum Seekers, Refugees and Welfare Conditionality in the UK

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Successive UK Governments have introduced a raft of legislation that has reduced the level of support for asylum seekers, whilst simultaneously attaching conditions to the receipt of this support. While refugee status brings people into the mainstream welfare system and provides them with similar rights as UK citizens, very little is known about how they experience the conditionality and sanctions inherent within this system. Drawing upon new data from longitudinal interviews with refugees, this paper explores their experiences of navigating the mainstream social security system and raises questions about the ethicality of the application of conditionality for forced migrants.¹

Introduction

The linking of access to social security benefits to particular conditions has increasingly become a feature of UK welfare policies, and conditionality in the treatment of migrants can be seen as part of this wider trend.² Over the last 20 years, successive governments have introduced a raft of immigration and asylum policies that have strengthened the long-established link between immigration status and rights to residence, work and welfare for different groups of migrants.³ Analysis of this legislation⁴ demonstrates the multiple levels of conditionality that operate within the context of migration, with conditions of category, circumstance and conduct⁵ all being implemented to restrict access to social security benefits for non-citizens.⁶ Indeed, conditionality operates at both macro and micro levels for migrants in the UK.⁷ In-migration is regulated through a complex “tiering of entitlement” dependent upon socio-legal status⁸ and nowhere is this “tiered entitlement” more evident than in relation to forced migrants, as national governments have created “complex multilevel networks of governance to keep forced migrants out and/or to provide meagre levels of welfare for those who enter their territory”.⁹ Through successive legislation, the UK has created a two-tier system that separates those seeking asylum from mainstream social security provision, with a diverse range of conditions attached relating to the receipt of financial assistance, but also in relation to provision of accommodation and access to the labour market. For asylum seekers who are subsequently granted refugee status or leave to remain, conditionality then features as they are potentially subject to the “conditions of conduct”¹⁰ or behavioural conditionality¹¹ inherent within the mainstream social security system, e.g. as “jobseekers”.

Concerns have been raised around the impact of conditionality on refugees, with particular reference to the potential disproportionate impact of the enhanced benefit sanctions regime operating within the contemporary UK social security system.¹² There are also broader concerns around the responsiveness of mainstream employment support to the needs of refugees, with suggestions that the “work first” approach that dominates the benefits system may conflict with supporting refugees who are “harder to help”, particularly those with limited English language skills.¹³ However, there remains little understanding of how refugees experience the UK’s highly conditional social security system. The aim of this article is therefore to provide unique insights into the impacts and ethicality of this system through analysis of qualitative longitudinal interviews with refugees as they navigate their social security benefit claims over a period of two years. The article is in two parts. The first part provides a brief overview of how legislation over the last two decades has systematically separated asylum seekers from mainstream welfare provisions, providing limited and increasingly conditional support.¹⁴ This enables us to understand the constrained context within which refugees first experience welfare support within the UK. In the second part, drawing upon new data from repeat interviews with ¹⁵ refugees (39 interviews in total), the paper explores two specific aspects of their accounts: first, the reality of their lives within the “sanctions-backed”¹⁶ conditional UK social security system; and second, perceptions of the ethicality of applying benefit sanctions to those seeking refuge within the UK.

“Bogus” asylum seekers and “genuine” refugees: The development of divergent rights

Following the arrival of increasing numbers of “spontaneous” asylum seekers during the 1990s/2000s, the issue of asylum became a major concern, not just in the UK, but across the whole of Western Europe. These migrants were compared to previous refugee movements (including those from specific organised programmes) in that they had three distinct characteristics: they were increasingly arriving from the Global South; participants had less in common culturally with Europeans than previous arrivals; and, some arrived clandestinely without appropriate papers.¹⁶ In terms of public perception, asylum seekers came to represent a new “moral panic”,¹⁷ with distinctions being made between “genuine” refugees, deemed worthy of sympathy and support, and “bogus” asylum seekers whose claims were “a tissue of lies”.¹⁸

Since the introduction of the Asylum and Immigration Appeals Act 1993, the UK has seen a succession of legislation that has restricted entry to the UK, whilst simultaneously reducing the social welfare rights of those who do manage to enter the country. The 1993 Act introduced fingerprinting of asylum seekers, the curtailment of rights to social housing, and a declaration that those whose asylum claims had been turned down would have only 48 hours in which to lodge an appeal. Three years later, the Asylum and Immigration Act 1996 was introduced, adopting what has been described as a “twin track onslaught”.¹⁹ The first “track” focused on controlling entry to the UK through measures such as the “White List” (a register of countries identified as “safe” from which asylum claims were likely to be deemed unfounded) and criminal sanctions for those found helping asylum seekers into the UK. The second “track” related to social security provision and employment rights for asylum seekers, creating a distinction between those who applied at “port of entry” who were entitled to benefits (set at 90% Income Support (IS) level), and those who applied “in country”, or those appealing a negative decision who would not be entitled to benefits. Responsibility for this latter group fell onto local authorities under the 1948 National Assistance Act s.21, with families and unaccompanied minors supported under the provisions of the 1989 Children Act and receiving “in kind” support such as food vouchers. As noted above, the basis of this distinction was a perception that “genuine” asylum seekers would declare themselves as soon as they reached the UK. With reference to employment, the 1996 Act also declared that asylum seekers were unable to work until they had been resident in the UK for six months; s.8 additionally stating that employers found hiring people without appropriate documentation would be subject to fines of up to £5000.

The Labour Party offered only moderate opposition to the 1996 Act to avoid accusations of being “soft” on immigration.²⁰ Indeed, when elected in 1997, it soon became evident that the New Labour Government would not only build on earlier legislation but also continue the narrative of the “bogus” asylum seeker.²¹ For example, the 1998 White Paper *Firmer, Faster, Fairer—A Modern Approach to Immigration and Asylum*, stated that “There is no doubt that the asylum system is being abused by those seeking to migrate for purely economic reasons”.²² Consequently, they introduced the Immigration and Asylum Act 1999, with the objective of “establishing a system that discourages and rigorously tests asylum claims”.²³ Although this Act introduced measures to speed up the asylum process, the most significant element focused on the introduction of a separate system of basic social assistance and accommodation provision for asylum seekers. This Act created the National Asylum Support Service (NASS), which had overall responsibility over eligibility decisions, administration of support and the implementation of a new “no-choice” system of dispersal. As such, asylum seekers unable to support themselves faced a compulsory move to another region.²⁴ The intention of this programme was to alleviate the “burden” of assistance in areas of high demand, such as London and the South East, where the “spatial concentration” of asylum seekers was regarded as problematic.²⁵ The creation of NASS meant that asylum seekers were separated from mainstream welfare, with financial support provided through a voucher scheme (at 70% Income Support (IS) level), which could only be spent at designated supermarkets.

In many ways, the New Labour Government's approach increased the problematisation of asylum and increased the stigma associated with being an "asylum seeker".²⁶ The Nationality, Immigration and Asylum Act 2002 saw the abandonment of voucher payments and the reintroduction of cash payments (albeit still at 70% IS level). Significantly, however, it reinstated the "White List" and introduced an Application Registration Card (ARC) to be carried by those seeking asylum and containing photo, fingerprints and employment status. The New Labour Government also continued its commitment to dispersal, with proposals to build Accommodation Centres in rural areas; an idea criticised for further segregating asylum seekers from mainstream services.²⁷ Furthermore, with reference to employment, the right to work after six months was withdrawn, with access to the labour market only permitted if and when refugee status was granted. However, the most contentious element of this Act was the withdrawal of support for "in country" applicants. Echoing the distinctions between "in country" and "port of entry" applicants created in the Asylum and Immigration Act 1996, s.55 of the 2002 Act stated, asylum applicants would only receive support from NASS if they applied for asylum "as soon as reasonably practicable" after arrival in the UK. The impact of s.55 was an increase in destitution amongst asylum seekers, particularly when coupled with restrictions on the right to work.²⁸ However, s.55 came under scrutiny in 2003 following a ruling from the High Court, which found it in breach of human rights.²⁹

Regardless, the New Labour Government continued their restrictive stance apace with the Asylum and Immigration (Treatment of Claimants etc) Act 2004, which included provisions restricting asylum seekers' rights of appeal and access to higher courts; created new penalties for people arriving without documentation; increased removals to "safe" third countries; and augmented the powers of immigration officers to arrest and detain migrants. Section 9 of the Act was particularly controversial as it enabled the removal of support for families whose asylum claim had failed, leaving some with the "impossible choice of destitution or deportation".³⁰ Additionally, s.10 of the Act also introduced a new regulation for failed asylum seekers that stated the continued provision of accommodation would be "conditional upon his (sic) performance of or participation in community activities ... that appear to the Secretary of State to be beneficial to the public or a section of the public". This Act was followed swiftly by the Immigration, Asylum and Nationality Act 2006, which focused less on asylum and more on refining the immigration system in line with New Labour's "managed migration" agenda³¹ and the UK Borders Act 2007, which emphasised an increase in resources for enforcement. Just two years later, the Government introduced the Borders, Citizenship and Immigration Act 2009, which strengthened border controls but also amended naturalisation rules by introducing the concept of "earned citizenship", whereby an additional period of probationary citizenship would apply to those seeking citizenship—including refugees—but could be accelerated through the demonstration of "active citizenship" (i.e. the "activity condition").³² However, to a certain extent, the notion of "earned citizenship" was already a feature for refugees through the existing Refugee Integration Strategy,³³ which "applied rights and responsibilities as a policy to refugees".³⁴ The 2009 Act therefore extended this to all migrants seeking citizenship in the UK. This represented Labour's final piece of immigration legislation before their electoral defeat in 2010. Since then, under the Coalition and subsequent Conservative administrations, the UK has seen the introduction of the Immigration Act 2014 and Immigration Act 2016, both of which advocated a "deport first, appeal later" approach.³⁵ With regards to asylum support, however, the provision that raised most concern related to the repeal of the Immigration and Asylum Act 1999 s.4. Section 4 enabled the provision of accommodation and support for "failed" asylum seekers; however, under the 2016 Act, support is restricted to only those with a "genuine obstacle to removal" including the potential to remove support for families.

The legislation outlined above has established what has been described as a "hostile environment" for migrants more broadly, and asylum seekers and refugees in particular.³⁶ For those seeking

asylum, restrictions on access to work creates a situation of “forced welfare dependency”³⁷ with asylum seekers identified as “undeserving”, while simultaneously “denied the means (employment) by which to join the ‘deserving’”.³⁸ The UK opted into a European Directive in 2005,³⁹ which enables asylum seekers to apply for permission to work if they have waited for over 12 months for an initial decision on their asylum claim, and are not considered responsible for the delay in decision making. However, access to the labour market after the first 12 months is still restricted, with people only able to take up jobs that feature on the shortage occupation list.⁴⁰ The enforced institutionalised welfare dependency of asylum seekers is not only detrimental to the process of integration⁴¹ but also runs counter to the focus of successive UK governments’ policy of moving people off welfare into paid employment.⁴² As such:

“While welfare reform more broadly focuses on getting people into work through tackling the root causes of unemployment and seeking at all costs to prevent long-term unemployment, asylum policy creates a class of long-term unemployed, some of whom are later expected to suddenly enter the labour market at short notice.”⁴³

However, while a “positive change of sociolegal status may bring access to the same social security rights as other citizens ... these are essentially rights to limited and increasingly conditional social assistance benefits”⁴⁴ within the mainstream system. Thus, while there is a perception that those granted refugee status or leave to remain may be “better off” than those within the asylum system, or indeed “better off” than the circumstances that led them to seek refuge in the first place, little is known about the impact or ethicality of welfare conditionality in relation to refugees in the UK.

Methods

The analysis below draws upon new data generated in three waves of semi-structured interviews with 16 refugees living in England and Scotland. The interviews were carried out between 2014 and 2017, as part of a large-scale repeat qualitative longitudinal panel study focusing on the effectiveness and ethicality of welfare conditionality across a range of policy areas.⁴⁵ Qualitative longitudinal research (QLR) is a valuable methodological approach that moves away from providing a “snapshot” of experiences, to explore people’s “varied and changing fortunes” over a period of time,⁴⁶ providing an opportunity to understand the ways in which people respond to, and use, the welfare services available to them.⁴⁷

The fieldwork was underpinned by the principles of informed consent and anonymity. As such, before each interview, individuals were provided with a participant information sheet, given the opportunity to ask questions and made aware of their right to withdraw from the study at any time. Written consent forms were used to reiterate understandings of consent and to ensure anonymity, each participant was assigned a code. Language support (e.g. interpreters, translated materials) was also available for participants, when required. The interviews were carried out at locations convenient for participants, including, community/support agency offices, cafes and people’s own homes (where appropriate). All participants received a £20 shopping voucher after each interview as a thank you for their time. The interviews were audio recorded, with participants’ permission, transcribed verbatim and translated into English, where required. Thematic analysis⁴⁸ of each refugee transcript across all three waves was carried out. To aid storage and retrieval of data a QSR NVivo software package was used.

The participants came from a range of countries.⁴⁹ The length of time people had been living in the UK varied from six months to up to 15 years, with the majority living here for around two to three years. The length of time people were within the asylum system before being granted refugee status varied from two months to two years; two participants had come to the UK through a refugee resettlement programme. All of the participants were adults with experience of claiming social

security benefits at the time of the first wave of interviews (2014), with the majority (13 participants) claiming Jobseeker's Allowance (JSA), one person claiming Universal Credit (UC) and one claiming Employment and Support Allowance (ESA). The exception was one participant who had very recently been granted refugee status and was in the transition period awaiting their National Insurance Number (NINO) to enable them to claim JSA. Their experience is included within the analysis, however, as it illustrates important issues around the transition from asylum support to mainstream welfare.

The analysis that follows is based on 39 interviews in total: 16 at wave a, 13 at wave b and ten at wave c, with attrition across the three waves a common feature of longitudinal research.⁵⁰ While the analysis focuses on the temporal dimension, in those cases where there is no wave b or c interview, the accounts are still included within the discussion given the important reflections that were made on initial interactions with the welfare systems in the UK. The transition period that some experience moving from asylum support to mainstream benefits is explored, along with comparisons between the conditionality inherent in both systems. The discussion then focuses specifically on experiences of benefit sanctions, including perceptions of the ethicality of the application of sanctions in the case of forced migrants.

Out of the frying pan and into the fire? Refugees' experiences of the UK social security system

With the exception of the small number of respondents who had arrived through refugee resettlement schemes, the majority had experienced a period of time as "asylum seekers" within the UK. Previous research has highlighted that the transition time (28 days) for those moving from asylum support to mainstream systems is insufficient⁵¹, with concerns around the "administrative destitution"⁵² that can be experienced during this period:

"Securing a National Insurance Number (NINO) and bank account, applying for and receiving benefits payments, and finding a new home within a 28-day timeframe is extremely challenging, even without consideration of the language barriers, physical and mental health needs, childcare responsibilities, lack of knowledge of the system, and lack of means or support networks that many refugees must contend with."⁵³

Reflecting on their own transition from asylum support, it was evident that respondents had indeed experienced these challenges. One respondent was actually homeless and living in temporary accommodation at wave a, having very recently been granted refugee status. She was still awaiting her NINO so she could then claim JSA, and was relying on food bank provision in the interim. She described asylum support as being favourable when compared to her current "limbo" between NASS and the mainstream welfare system:

"Because I got status, I was not in asylum [system] so they [Home Office] told [me] this is not their responsibility. Now I need to go to the council, I need to go to benefits, I need to go on Jobseeker's. They told [me] like this... Now here [temporary accommodation] the people are trying to sort out my benefits. This is still in process because I have not my national insurance number still. They were trying to give me emergency support but they told me, they called me, that they cannot give because I'm not eligible. They cannot give the emergency support without a national insurance number. So there's no money ... they are giving for me food vouchers for the food bank ... the food voucher, obviously this is food for me, but this is not fresh things. Tinned food and this I can use, but my baby, what do I give my baby? There's no fresh milk ... Before when I was living in NASS so I was using fresh fruit, fresh meat, everything fresh." (Refugee female, wave a, awaiting NINO to claim JSA)

Although we were unable to re-contact this respondent for follow up interviews, a number of other respondents who took part in subsequent waves of interviews were able to reflect on the process of transitioning into the mainstream benefits system. Alongside the difficulties related to the initial transition period noted above, their accounts demonstrated their real time experiences as they navigated the highly conditional UK benefits system. The parallels between the conditionality they experienced within the immigration and asylum system and that experienced subsequently within the mainstream social security system are striking. Comparisons were made in relation to the “reporting” requirements, but also a “doubt” narrative that was perceived to pervade in the approaches of both immigration officers and Jobcentre Plus advisors. A refugee man, for example, reflected on this issue when talking about his experience of JSA:

“From my asylum seeker to Jobseeker ... It’s the same as when I was an asylum seeker; you had to report every now and again, report to the immigration office. You know? If you don’t, then that’s it, it’s a red flag on you. It’s a red flag and that might affect the money that you get from them ... So it’s the same in the job seeking ... So those conditions, they’re rather humiliating sometimes. They’re humiliating to an extent. There’s this doubt in them ... these people [Jobcentre Plus] they—it seems they are looking for, their mind is like you know, the mind of an immigration officer. His mind is just looking for what, for every case, to refuse maybe status or papers. They’re just looking for just a small fault.” (Refugee male, wave a)

Following his wave a interview, he moved into employment and was working 50 hours per week over two jobs (including shift work) for the remainder of the fieldwork. While he was motivated to find work, and indeed had undertaken voluntary work during his asylum claim (because he was not permitted to undertake paid work), working 50 hours was challenging but he explained that he had felt increasingly “under pressure” from Jobcentre Plus to take any form of employment or face the penalty of a benefit sanction:

“It’s so stressful. So when I got my papers [refugee status] and I went on to claim Jobseeker’s Allowance this issue of reporting it still continued. So for me I had to do it because they wanted me to do it. If I had a choice I wouldn’t have done it. They’re always suspicious. So, ‘Are you looking for a job or do you just want to get some money for free?’ ... I was self-motivated by myself not by them. I went to them because I needed the money ... It was always on my mind. It was something that always keeps on ringing in your mind that someone out there is watching how I do things ... and whenever I reported to them I would have had to have done something to please them. So, it kept me thinking quite a lot what if they just find fault where there is no fault and stop giving me money? ... I don’t know how to reconcile that because for me I was self-motivated to find a job, but also there was a fear that they might just find fault with my behaviour and sanction me.” (Refugee male, wave c)

The recurrent threat of being sanctioned loomed large within his, and many other refugees’ accounts. Indeed, half of the refugee respondents (eight people) had experienced a benefit sanction, with an additional three people referring to being threatened with a sanction. Reasons for being sanctioned—or threatened with a sanction—primarily related to failure to undertake their specified job search activities or missing pre-arranged appointments or mandated training. It was evident that the complexity of the UK social security system, combined with language barriers, increased the likelihood of people being threatened with a benefit sanction or one being applied. What was significant was the contradiction in how Jobcentre Plus appeared to approach the issue of language. As such, while language acquisition was prioritised initially, the “work first” agenda became evident in subsequent interviews. For example, a man who had arrived through a refugee resettlement programme had only been in the UK for around six months at wave a and described himself as “illiterate”. Although he had received initial language support through the resettlement programme,

as part of his JSA claim he had subsequently been mandated to attend an English language course as a condition of his JSA claim. When he failed to attend one day due to ill health he was threatened with a benefit sanction:

“I was sick, and then the college informed [Jobcentre Plus] and I was told, like they just [asked] me why I was absent from the college? And they told me if that happens again they will [sanction me] ... it impacts [on] you because I’m new to this country and when I was threatened, yes, because anything can happen, we are humans, you can get sick ... Now I know that I have to present an evidence and inform the school ... I have learned something, that I have to be careful.” (Refugee male, wave a, interviewed with an interpreter)

At his wave b interview, he was still claiming JSA although he had worked as a cleaner for a short time in the intervening period. He felt that his English language skills were still poor and that they represented a significant barrier to achieving sustainable employment. However, it was evident that the approach of his Jobcentre Plus adviser had shifted away from his acquisition of basic language skills to prioritising extensive work search activities. This included mandating him to the Work Programme.⁵⁴ He therefore found himself in a cycle of “counter-productive compliance”⁵⁵ whereby he was required to apply for jobs (under threat of benefit sanction for failure to do as instructed), but found that he was being rejected by employers because his English language skills were not sufficient to meet their workplace needs:

“They [Jobcentre Plus] said, ‘Yes, you are a young man; you have to find work. If you want, you can work and also learn. It’s not our problem going to college. We don’t care if you go to college; we want you to find work’ ... They tell me, ‘You have to find a job, any job. We want you to find a job and stop claiming Jobseeker’s Allowance’ ... they [Work Programme provider] give me details of different companies, but when the company called me I could not understand them ... they [Work Programme provider] called for me on my behalf to the company and the company asked them to give them my number so that they could call later. So the company calls me when I am at home or on the street. That’s when the problem comes ... Would you employ somebody who doesn’t speak the language? ... some of them are calling me for interview and when they see me, the level of my language, they say, ‘We can’t’ ... either they [Jobcentre Plus] have to be lenient until [I’ve] learned the language or they have to find me work that does not require language skills.” (Refugee male, wave b, interviewed with an interpreter)

No more “safe haven”? Refugees’ reflections on the ethicality of sanctions

While many refugee respondents had experienced universally negative impacts from the threat and implementation of a benefit sanction they were often broadly supportive of conditionality, and indeed, in some cases appeared “accepting” that sanctions were simply part of the UK social security system. However, respondents questioned the ethicality of sanctioning refugees, particularly as it was an approach that was perceived to run counter to the protection that they thought the UK would provide to refugees. One woman, for example, described being sanctioned for not meeting the job search requirements of her JSA claim. She explained that she applied for ten jobs but that her Jobcentre Plus adviser had not believed her. Following what was described as a “shaming” appointment with her advisor, she had received a letter informing her that her benefit would be stopped:

“She checked the computer. Straightaway she said to me, ‘We didn’t find anything, you’re lying’ ... I said, ‘Listen, I applied for ten jobs. You have to check the system. If you want more proof about it, I will bring you later on. Are you happy for that?’ ‘No, I’m not happy for that’.

She was screaming, and all the people they hear about it. I feel shame, because, you know, the people are looking at you ... I really cried. I said, 'I wish I never claim Jobseeker's Allowance' ... She said, 'Okay, then, now just go', that's what she's saying to me. 'What do you mean, go? I applied all the ten jobs, and you're not believing me'. 'No, I'm not believing you, you're lying'. I'm shocked. 'Can I sign it now?' that's what I said. 'Yes, you can sign here, but no money, and your Housing Benefit will be stopping as well' ... Then the next day I receive a letter saying that you didn't apply any jobs ... we've stopped it, everything." (Refugee woman, wave a)

Subsequently at her wave b interview, she relayed how she had begun claiming Carer's Allowance after taking on a role as a carer for an elderly neighbour. Although this resulted in a financial loss, she saw this as preferable to claiming JSA where she would be subject to the possibility of a repeat sanction for non-compliance:

"If I lose this Carer's Allowance, you will go back to the Jobcentre and I didn't want to go back to the Jobcentre ... When you think going back to the Jobcentre or doing the Carer's Allowance and getting nothing, better staying with the Carer's Allowance and getting nothing, I prefer." (Refugee woman, wave b)

By the time of her final interview, she had stopped her caring role and had taken a permanent cleaning job, again to ensure that she did not have to return to JSA. Reflecting on her experience, she raised the question that while the UK is often perceived to be a nation that provides safe haven for refugees, the welfare system actively undermines these feelings of safety:

"It was really the hardest time, even sometimes I decide not to stay [in the UK] ... In the UK and I was thinking, you know, just the people think we live in a safe country, but the other hand you need to think about, yes, it's a safe country but you're not safe when you're homeless ... You're not safe when you have not something to eat, so what's the safeness?" (Refugee woman, wave c)

This respondent was not alone in their confusion at the provision of "safety" on the one hand, while experiencing the removal of the "safety net" on the other. One man had come to the UK through a refugee resettlement programme. As an older person (in his late 50s), with no English language skills, he had struggled to understand the requirements of his JSA claim. As such, he had experienced a number of benefit sanctions. He had also been mandated to attend the Work Programme. In both his interactions with Jobcentre Plus and the Work Programme provider, appropriate language support was seldom provided. On an occasion when an interpreter had been provided, he had also been warned that—despite the fact that he was not computer literate—he was not allowed support from his family with his job search activities:

"When my benefit was sanctioned for the first time, maybe in January or February, I had to stay in the Jobcentre Plus for a long time with the advisor and I had been given an interpreter also. The interpreter told me, 'When did you look for this kind of work? Actually you must have to do it by yourself. Why did you take help from your daughter? Your daughter looks for work for you, that's not for you. Actually, if the daughter looks for work for you, that is only for the daughter, not for you, you have to do it by yourself'. I said that I hadn't seen a computer in my country, yes, I saw a computer just after coming to the UK only and I don't know how to operate the computer so I do take help from my daughter, she helps me to look for work." (Refugee male, wave a, interviewed with an interpreter)

Later reflecting on his experience of being sanctioned, he described a sense of confusion and disappointment at the “promises” made to take care of him and his family as refugees through the resettlement programme, whilst experiencing quite the opposite when faced with “the harsh realities of life at the sharp end of the British social security system”⁵⁶:

“I don’t think it’s fair to sanction because they brought us here from a refugee camp. They told us that they would take every care [of] us but then also they stopped our money and there’s nothing to eat and like that for, to our own family. Why did they do so? We are trying our best from our side, because of the language barrier, because of the new place; we don’t know anything.” (Refugee male, wave b, interviewed with an interpreter)

He remained on JSA across the two year period of the fieldwork interviews, but was hoping that, given his age, he would eventually “get rid of this ... looking for work” (Refugee male, wave c, interviewed with an interpreter) and be able to claim a pension.

Finally, concerns were raised around the lack of understanding of the wider circumstances of refugees that can impact on their ability to meet the conditions of their benefits claim. This related to physical and mental health issues that have been experienced as part of the forced migration process, but also the stress some people faced when separated from family members. A refugee man, for example, at wave a was torn between his happiness at receiving refugee status in the UK, while experiencing the anxiety of not knowing where his wife and daughter were. He had been sanctioned quite quickly when he first claimed JSA, which he attributed to a combination of not understanding the system but also not being able to focus properly due to his fear for his family:

“He was very happy. He said he was extremely happy. Some of his friends they came here and they don’t have any [refugee] status yet. But when he got his status ... he was very excited ... But he doesn’t know where his wife and his child is ... He went to British Red Cross and he discusses this matter with them and they told them that if he heard from his wife he has to inform them ... Apart from that he cannot locate her ... There is not any physical disabilities. But nowadays, because he’s thinking about his family and it’s very distressful and sometimes he is very stressed when he’s thinking about the whereabouts of his family. Because he was new to the country he didn’t know all the systems, how it went, so it was very difficult for him ... one day he missed his appointment to sign and when he went the next day they sanctioned him for a month ... he was thinking about his wife and his child so he couldn’t focus that day, so he explained everything to the Jobcentre ... There was an interpreter to help him communicate to the Jobcentre and he explained everything to them and they said, ‘Okay, sign on that box’. He signed it but they sanction him anyway ... instead of sanctioning him on the first day it would be better if they gave him some kind of warning.” (Refugee male, wave a, interviewed with an interpreter)

When interviewed at wave b, he was still on JSA and his wife and child had been located, but his attempt at family reunification had been rejected as he could not provide proof of marriage. Indeed, a number of participants talked about spouses and children being left in countries of origin, other third countries; or their whereabouts being unknown. Other participants had also made attempts at family reunification in the UK; some had been successful while others had been denied. However, it was evident that the impact of these wider experiences of loss and separation on peoples’ ability to manage the day-to-day demands of the conditional social security system were seldom taken into consideration by Jobcentre Plus advisors.

Conclusions

There are multiple and overlapping levels of conditionality for migrants in the UK, with conditions of “category”, “circumstance” and “conduct”⁵⁷ all operating to restrict access to social security benefits for non-citizens.⁵⁸ For those seeking sanctuary in the UK, a two tier system has been created, with asylum seekers separated from mainstream provision. When coupled with restrictions on access to the paid labour market, asylum seekers face a situation of “forced welfare dependency”,⁵⁹ which is at odds with the “activationist plus”⁶⁰ approach that dominates UK welfare policy (and that of many other EU Member States). Asylum seekers who are granted refugee status face a transition from the separate system of asylum support into the mainstream social security system. While it is clear that this change in socio-legal status provides refugees with access to broadly the same basic rights to social assistance as UK citizens, they are subject to the strict behavioural conditionality now inherent within UK social security. As such, eligibility to continued receipt of work related benefits is dependent upon engaging with mandatory, work focused interviews, training and support schemes and/or job search requirements, with failure to do so leading to benefit sanctions.⁶¹ For some refugees, this move simply represents replacing one highly conditional system of basic welfare for another, where surveillance and reporting remains the norm and immigration officers are replaced by Jobcentre Plus advisors. For others, language barriers and difficulties understanding and meeting the work focused requirements of their on-going benefit claims combine to create a situation whereby sanctions, or the threat of sanctions, is commonplace. However, the experiences of conditionality and in particular the use of sanctions highlighted in this paper raise questions about the ethicality of such an approach. More specifically, while the granting of refugee status brought an initial sense of safety and security, the accounts of refugees in this study demonstrate how subsequent experiences of navigating the mainstream benefits system often erode these feelings, particularly when support is removed due to the application of a benefit sanction. For some, this called into question why they had been granted refugee status in the UK in the first place, and in some cases there was a strong sense of a “broken promise” in relation to the support that they thought the UK would provide for those seeking sanctuary.

References:

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- 2 P. Dwyer, “Governance, Forced Migration and Welfare” [2005] *Social Policy & Administration* 39(6): 622–639; L. Morris, “New Labour’s Community of Rights: Welfare, Immigration and Asylum” [2007] *Journal of Social Policy* 36(1): 39–57; I. Shutes, “Work-related Conditionality and the Access to Social Benefits of National Citizens, EU and Non-EU Citizens” [2016] *Journal of Social Policy* 45: 4: 691–707.
- 3 A. Bloch and L. Schuster, “Asylum and welfare: contemporary debates” [2002] *Critical Social Policy* 22(3): 393–414.
- 4 I. Shutes, “Work-related Conditionality and the Access to Social Benefits of National Citizens, EU and Non-EU Citizens” [2016] *Journal of Social Policy* 45: 4: 691–707.
- 5 J. Clasen and D. Clegg, “Levels and Levers of Conditionality: Measuring Change within Welfare States” in J. Clasen and N. Siegel (eds), *Investigating Welfare State Change: The ‘Dependent Variable Problem’ in Comparative Analysis* (Cheltenham: Edward Elgar, 2007), 166–197.
- 6 I. Shutes, “Work-related Conditionality and the Access to Social Benefits of National Citizens, EU and Non-EU Citizens” [2016] *Journal of Social Policy* 45: 4: 691–707, 692.
- 7 P. Dwyer, L. Scullion, K. Jones and A. Stewart, “The impact of conditionality on the welfare rights of EU migrants in the UK” [2008] *Policy & Politics* at <https://doi.org/10.1332/030557318X15296527346800> [Accessed 2 October 2018].
- 8 P. Dwyer, “Governance, Forced Migration and Welfare” [2005] *Social Policy & Administration* 39(6): 622–639; H. Bolderson, “The Ethics of Welfare Provision for Migrants: A Case for Equal Treatment and the Repositioning of Welfare” [2011] *Journal of Social Policy* 40(2): 219–235; P. Dwyer, H. Lewis, L. Scullion and L. Waite, *Forced labour and UK immigration policy: status matters?* (York: Joseph Rowntree Foundation, 2011).
- 9 P. Dwyer, “Governance, Forced Migration and Welfare” [2005] *Social Policy & Administration* 39(6): 622–639, 623.
- 10 J. Clasen and D. Clegg, “Levels and Levers of Conditionality: Measuring Change within Welfare States” in J.

- Clasen and N. Siegel (eds), *Investigating Welfare State Change: The 'Dependent Variable Problem' in Comparative Analysis* (Cheltenham: Edward Elgar, 2007).
- 11 A. Deacon, "Justifying workfare: The historical context of the workfare debates" in M. White (ed), *Unemployment and public policy in a changing labour market* (London: PSI, 1994).
- 12 Refugee Council, *Refugee Council response to the 21st Century Welfare consultation* (London: Refugee Council, 2010).
- 13 I. Shutes, "Welfare-to-work and the responsiveness of employment providers to the needs of refugees" [2011] *Journal of Social Policy* 40 (3): 557–574.
- 14 P. Dwyer, "Governance, Forced Migration and Welfare" [2005] *Social Policy & Administration* 39(6): 622–639;
- K. Bales, "Universal Credit: not so universal? Deconstructing the impact of the asylum support system" [2013] *Journal of Social Welfare and Family Law* 35(4): 427–443.
- 15 J. Griggs and M. Evans, *Sanctions with conditional benefit systems: A review of evidence* (York: Joseph Rowntree Foundation, 2010).
- 16 R. Hansen and D. King, "Illiberalism and the New Politics of Asylum: Liberalism's Dark Side" [2000] *The Political Quarterly* 71(4): 396–403.
- 17 S. Cohen, *Folk Devils and Moral Panics: The Creation of the Mods and the Rockers* (London: Routledge, 2002).
- 18 Home Office, *Fairer, Faster and Firmer: A Modern Approach to Immigration and Asylum* (London: Home Office, 1998), para.1.14.
- 19 F. Webber, "Asylum: the Government's false alarm" [1996] *Commentary, Race and Class* 37(4): 79–84.
- 20 A. Bloch, "A New Era or More of the Same: Asylum Policy in the UK" [2000] *Journal of Refugee Studies* 13(1): 29–42.
- 21 G. Mulvey, "When Policy Creates Politics: the Problematizing of Immigration and the Consequences for Refugee Integration in the UK" [2010] *Journal of Refugee Studies* 23(4): 437–462.
- 22 Home Office, *Fairer, Faster and Firmer: A Modern Approach to Immigration and Asylum* (London: Home Office, 1998), para.1.14.
- 23 M. Pearl and R. Zetter, "From Refuge to Exclusion: Housing as an Instrument of Social Exclusion for Refugees and Asylum Seekers in the UK" in P. Somerville and A. Steele (eds), *"Race", Housing and Social Exclusion*, (London: Jessica Kingsley, 2002), pp.226–244, 231.
- 24 V. Robinson, "Dispersal policies in the UK" in V. Robinson, R. Andersson and S. Musterd, *Spreading the "Burden"? A review of policies to disperse asylum seekers and refugees* (Bristol: The Policy Press, 2003), 103–148.
- 25 V. Robinson, "Dispersal policies in the UK" in V. Robinson, R. Andersson and S. Musterd, *Spreading the "Burden"? A review of policies to disperse asylum seekers and refugees* (Bristol: The Policy Press, 2003), 103–148.
- 26 G. Mulvey, "When Policy Creates Politics: the Problematizing of Immigration and the Consequences for Refugee Integration in the UK" [2010] *Journal of Refugee Studies* 23(4): 437–462.
- 27 Refugee Council, *The Nationality, Immigration and Asylum Act 2002: changes to the asylum system in the UK*, Refugee Council Briefing (London: Refugee Council, 2002).
- 28 P. Dwyer and D. Brown, "Meeting Basic Needs? Forced Migrants and Welfare" [2004] *Social Policy & Society* 4(4): 369–380.
- 29 Refugee Council, "High Court rules Home Office in breach of Human Rights Convention" News, Refugee Council 2003 at https://www.refugeecouncil.org.uk/latest/news/1044_high_court_rules_home_office_in_breach_of_human_rights_convention [Accessed 2 October 2018].
- 30 J. Cunningham and S. Cunningham, "'No choice at all': Destitution or deportation? A commentary on the implementation of Section 9 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004" [2007] *Critical Social Policy* 27(2): 277–298.
- 31 Home Office, *Controlling our borders: Making migration work for Britain* (Norwich: The Stationary Office, 2005a).
- 32 J. Lagnado, *Citizenship for Refugees in the UK: Key Issues and Research* ICAR Briefing (London: ICAR, 2010).
- 33 Home Office, *Integration Matters: A National Strategy for Refugee Integration* (London: Home Office, 2005b).
- 34 J. Lagnado, *Citizenship for Refugees in the UK: Key Issues and Research* ICAR Briefing (London: ICAR, 2010), p.4.
- 35 Refugee Council, *Refugee Council briefing on the Immigration Act 2016* (London: Refugee Council, 2016).
- 36 G. Mulvey, "When Policy Creates Politics: the Problematizing of Immigration and the Consequences for Refugee Integration in the UK" [2010] *Journal of Refugee Studies* 23(4): 437–462.
- 37 L. Mayblin, "Asylum, welfare and work: reflections on research in asylum and refugee studies" [2014] *International Journal of Sociology and Social Policy* 34: 5(6): 375–391, 376.
- 38 R. Sales, "The deserving and the undeserving? Refugees, asylum seekers and welfare in Britain" [2002] *Critical Social Policy* 22(3): 456–478, 459.
- 39 Directive 2003/9 on the minimum standards for the reception of asylum seekers [2003] OJ L31/18.
- 40 K. Bales, "Universal Credit: not so universal? Deconstructing the impact of the asylum support system" [2013] *Journal of Social Welfare and Family Law* 35(4): 427–443.
- 41 Refugee Council, *Agenda for Integration* (London: Refugee Council, 2004).
- 42 K. Bales, "Universal Credit: not so universal? Deconstructing the impact of the asylum support system" [2013] *Journal of Social Welfare and Family Law* 35(4): 427–443.
- 43 L. Mayblin, "Asylum, welfare and work: reflections on research in asylum and refugee studies" [2014] *International Journal of Sociology and Social Policy* 34: 5(6): 375–391, 386.
- 44 P. Dwyer, "Governance, Forced Migration and Welfare" [2005] *Social Policy & Administration* 39(6): 622–639, 632.

- 45 See <http://www.welfareconditionality.ac.uk/> [Accessed 2 October 2018].
- 46 B. Neale and B. Flowerdew, "Time texture and childhood: the contours of longitudinal qualitative research" [2003] *International Journal of Social Research Methodology* 6(3): 189–199.
- 47 A. Corden and J. Millar, "Qualitative longitudinal research for social policy: introduction to themed section" [2007] *Social Policy and Society* 6(4): 529–532.
- 48 J. Mason, *Qualitative Researching* (London: Sage, 2002).
- 49 Country of origin is not included in the analysis and discussion to protect the anonymity of participants.
- 50 S. Farrall, B. Hunter, G. Sharpe and A. Calverley, "What 'works' when retracing sample members in a qualitative longitudinal study?" [2016] *International Journal of Social Research Methodology* 19(3): 287–300.
- 51 P. Dwyer, "Governance, Forced Migration and Welfare" [2005] *Social Policy & Administration* 39(6): 622–639;
- 52 I. Doyle, *28 days later: experiences of new refugees in the UK* (London: Refugee Council, 2014).
- 53 N. Murray, *Written submission received from the Scottish Refugee Council to the Welfare Reform Committee Women and Welfare Inquiry* (Scottish Refugee Council, May 2015).
- 54 N. Murray, *Written submission received from the Scottish Refugee Council to the Welfare Reform Committee Women and Welfare Inquiry* (Scottish Refugee Council, May 2015).
- 54 The Work Programme was a payment-by-results welfare-to-work programme launched in 2011. It was delivered by a range of private, public and voluntary sector organisations. At the time of writing, the Work Programme has been replaced by the Work and Health Programme.
- 55 S. Wright, P. Dwyer, J. McNeill and A. B. R. Stewart, "First Wave Findings: Universal Credit (2016) at <http://www.welfareconditionality.ac.uk/wp-content/uploads/2016/05/WelCond-findings-Universal-Credit-May16.pdf> [Accessed 2 October 2018].
- 56 P. Dwyer, "Governance, Forced Migration and Welfare" [2005] *Social Policy & Administration* 39(6): 622–639, 632.
- 57 J. Clasen and D. Clegg, "Levels and Levers of Conditionality: Measuring Change within Welfare States" in J. Clasen and N. Siegel (eds), *Investigating Welfare State Change: The 'Dependent Variable Problem' in Comparative Analysis* (Cheltenham: Edward Elgar, 2007).
- 58 I. Shutes, "Work-related Conditionality and the International Journal of Sociology and Social Policy 2014, 34(5/6), 375–391 Access to Social Benefits of National Citizens, EU and Non-EU Citizens" [2016] *Journal of Social Policy* 45: 4: 691–707, 692.
- 59 L. Mayblin, "Asylum, welfare and work: reflections on research in asylum and refugee studies" [2014] *International Journal of Sociology and Social Policy* 34: 5(6): 375–391.
- 60 C. O'Brien, "From safety nets and carrots to trampolines and sticks: national use of the EU as both menace and model to help neoliberalize welfare policy" in D. Schiek (ed), *The EU Economic and Social Model in the Global Crisis* (Farnham, Ashgate, 2013), 93–114.
- 61 P. Dwyer, *Citizenship, conduct and conditionality" sanction and support in the 21st century UK welfare state*, *Social Policy Review* 28 (Bristol: Policy Press, 2008).