



The
Destitution
Trap

Asylum's untold story

“The life I live, I find myself depressed, abandoned, alone, a nothing.”

27-year-old woman from the Democratic Republic of Congo

“At times I think it would be better to be dead. I was a teacher for 13 years, and here I have done nothing. I feel desperate. I ran away from a life which was too dangerous, into captivity.”

39-year-old man from Zimbabwe

Voices of the destitute

“Destitution – it sounds as if people have been put in the bin and are scavenging. It makes me sound like an animal. Perhaps that is what I am now. All I am.”

67-year-old woman from Zimbabwe

“Men offered me accommodation but they wanted sex with me. Now I have no food. I stayed in a church and then went to the police and stayed two nights in a cell. Last week some people tried to rape me...”

27-year-old woman from Somalia

These are the voices of destitute asylum seekers in towns and cities across the UK. Hungry and homeless, they are living in a kind of limbo, banned from working yet unable to access benefits.

Many do not know where they will be sleeping from one night to the next: in parks and bus stations, public toilets and phone boxes, abandoned buildings, or the floors of friends. For survival, they rely on food parcels and the charity of others.

Many are from countries torn apart by conflict, or where persecution, imprisonment and torture are widespread – countries like Zimbabwe, Somalia, Iraq, and Sudan. Terrified at the prospect of returning, they are trapped in lives without hope or purpose or dignity.

Some sections of the press would have us believe that asylum seekers are living in the UK in comfort, enjoying generous benefits. For tens of thousands of destitute people, such headlines carry a terrible irony.

This is asylum’s untold story.

Background to the research

“I don’t want to stay in the UK. As soon as it changes at home I am going. But at the moment I can’t go back.”

36-year-old man from the DRC

“I feel that I am waiting for nothing, stuck in a limbo, in-between. I can’t work, I can’t go home, I can’t get any support. I feel as if I am wasting my life.”

36-year old man from Sudan

The vast majority of asylum applications in the UK are turned down. In 2005, even taking into account successful appeals, an estimated 70 per cent of applicants were finally refused.¹ Once a refused asylum seeker has exhausted their appeal rights, financial support and accommodation is cut off and they are expected to leave the country voluntarily or be subject to removal. However, for a number of reasons, many do not leave but remain in the UK.

As a matter of government policy, refused asylum seekers will remain destitute unless they apply for a form of state support known as Section 4. In order to qualify for Section 4, they must first sign up to return home voluntarily. This applies even to those who cannot be returned through no fault of their own, for example, because it is unsafe, or because their country will not issue the necessary travel documents.

In practice, a very small proportion of refused asylum seekers access Section 4. At the end of June 2006, just 6,145 applicants were in receipt of Section 4 support.¹ The remainder of the refused asylum-seeking population are destitute. The National Audit Office recently estimated the backlog of refused asylum seekers at between 155,000 and 283,000.² But there is evidence that the numbers could be much greater. In July 2006 the BBC discovered that a trawl of unresolved cases by the Immigration and Nationality Department had produced between 400,000 and 450,000 files.³

In the financial year 2005/06, approximately 40 per cent of requests for help at Refugee Action came from destitute asylum seekers. Our caseworkers are encountering unprecedented levels of despair and desperation among these clients.

Refugee Action is concerned that government policy has created a new and growing underclass who have no contact with the authorities, no access to mainstream support services, and little prospect of a solution to their predicament.

In January 2006, in parallel with a study carried out in London by Amnesty International, Refugee Action commissioned national research to explore the causes and effects of destitution.⁴ The research was funded by the Tudor Trust and carried out by a team of five consultants with extensive experience in the field of asylum and human rights. The findings are disturbing, and raise urgent questions about whether current government policy is sustainable.



The research

Between January and July 2006, the research team interviewed 125 asylum seekers in Bristol, Derby, Leicester, Liverpool, Manchester, Nottingham, Portsmouth, Plymouth and Southampton. This research was the first in-depth survey of destitution to be carried out on a national scale. It focused on end-of-process asylum seekers who are deliberately excluded from support, or the means to support themselves, as a matter of government policy. The research was based on an in-depth questionnaire that sought to build up a detailed picture of destitution.

Who are destitute asylum seekers?

The majority of respondents were from countries characterised by conflict, political instability or widespread human rights abuses. Among those interviewed, the top five countries of origin were the Democratic Republic of Congo, Zimbabwe, Somalia, Iraq and Sudan. Others included Iran, Eritrea, Cameroon and Uganda.

Almost one in three respondents were women, several of whom were pregnant or had children in the UK. Most were young, with 78 per cent aged between 21 and 40. Some had arrived in the UK as unaccompanied asylum-seeking children and became destitute after turning 18. More than a third were educated to higher education and university level.

Almost two thirds of respondents did not know what their asylum status was. Many were diligently presenting themselves weekly to the local immigration office in an effort not to break the law.

“If I go home they will kill me, straight; they killed my mother and my son. Better to move about like a nomad in England where I am safe and there is no one with a gun.”

49-year-old woman from Rwanda

Some 26 per cent were awaiting acceptance of a fresh asylum claim. Many respondents were legacy or backlog cases, having arrived in the UK between 1999 and 2004.

Just under half had been destitute for up to a year. Of the remainder, the majority had been destitute for one to two years. On average those people interviewed had spent 21 months being destitute.

Why did they come to the UK?

Persecution, political instability, conflict, abuse or imprisonment were the drivers behind the vast majority of respondents' asylum applications.

More than half gave accounts that indicated persecution by the state or its agents. A third of the women interviewed disclosed that they had been raped. One in ten respondents described torture.

Only 12 per cent had exercised a choice in coming to the UK. The remainder said their destination was decided and arranged by others, usually agents.

Why don't they go home?

The vast majority of those interviewed were convinced that returning to their country of origin was not an option.

“They ask you to sign to go back, something about £3,000, a story going round. But if I go back I die.”

32-year-old man from the DRC

Nearly all believed that their personal safety would be at risk. When asked directly what would happen if they did return, almost half said they believed they would be killed or would “disappear”. Others feared they would be imprisoned or that they would be otherwise in danger.

Many hoped to return to their countries once it was safe to do so. In the meantime, most were resigned to staying in the UK even if they had no status or means of supporting themselves. As a result, just 15 per cent of respondents were in receipt of Section 4 support. This is unsurprising, given that the government has stated that the intention behind Section 4 support is to ‘convey the message of return’.⁵

Many respondents were from countries to which there is in fact little prospect of facilitating either forced or voluntary repatriation. Refugee Action is aware that in practice the Home Office is not returning people to some countries, either because there is no safe and viable route or because the relevant embassy is unable or unwilling to issue a travel document. For example, as of April 2006 according to the International Organisation for Migration, no Eritrean refused asylum seekers have been able to return voluntarily since at least August 2004.⁶



When asked why they sought asylum, 78 per cent made reference to the following words:

020 7928 4666

“beating”

“rape”

“killed”

“prison”

“murder”

“war”

“abuse”

“militia”

“arrest”

“persecution”

“police”

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A fair hearing?

Experts have long expressed concerns about the quality of government decision-making on asylum cases, and raised doubts about whether some asylum seekers receive a full and fair hearing of their claim.

Drastic cuts made recently to legal aid provision have made it very difficult for some asylum seekers to find a solicitor willing or able to look at their case. Severe funding restrictions on the time allowed for legal work on asylum cases are exacerbated by the dispersal system. When an asylum seeker is suddenly dispersed to another region of the UK, they are rarely able to remain in contact with their existing solicitor, or to find a new one, since the limit of legal funding has often already been reached.

Some 78 per cent of those we interviewed did not feel their legal representative had presented their case fully and properly, and 87 per cent felt they were treated unfairly during the asylum process. Most did not have a legal representative at the crucial initial stage of their application. Many reported extremely short interviews with their solicitor, some as brief as 10 to 15 minutes. In such a time it is scarcely possible to take down people's basic details, let alone prepare an asylum application.

Poor standards of interpretation were also common, with 50 per cent of respondents expressing concern with the way their interpreter had represented their story at first interview. Those who had poor initial representation found that this continued to blight their case if it went to an appeal.

"I can't go home now. I prefer to die here, this is better than going back to somewhere where I lost all my family and where they will kill me."

27-year-old man from Sudan

"The barrister got my file in the evening before the tribunal. He didn't know my name, hadn't read my case and missed so many papers. I saw my life slipping away through administrative error."

22-year-old man from Somalia

Despite this, government statistics for the second quarter of 2006 showed that one in four appeals were successful. Decision making in relation to some nationalities was particularly poor. For example, 53 per cent of Somali nationals and 47 per cent of Eritreans who appealed had their refusals overturned. This raises serious doubts about the quality of initial decision-making. For every asylum seeker who successfully overturns a poor decision, many more may be falling through the net.¹

Refugee Action is concerned that lack of access to legal provision, combined with poor initial decision-making, are contributory factors leading to destitution. We fear some applicants who could have been granted refugee status are being refused and are unable to properly appeal. If this happens, an asylum seeker is left with an impossible choice: endure destitution on the streets of Britain or return to face persecution, torture, or even death.

Even among those whose cases may not have qualified for protection under the strict terms of the Refugee Convention, our researchers were left in no doubt that the fears of most interviewees were genuine. The majority were from countries characterised by conflict, political instability or widespread human rights abuses, and their experiences have left many with very understandable fears about the prospect of returning.

In recent years Home Office decision-making has become more stringent. Until April 2003 applicants who did not qualify under the Refugee Convention, but who the Home office felt should be given leave to remain on humanitarian or compassionate grounds, were granted 'exceptional leave to remain' (ELR). In practice, ELR was routinely granted to certain nationalities, such as Iraqi, Afghan, and Somali.

ELR has since been replaced by two new forms of limited leave, 'humanitarian protection' (HP) and 'discretionary leave' (DL), which are granted much more sparingly. In 2002 one in four initial asylum determinations resulted in grants of limited leave. By 2005 this had fallen to one in ten. A significant proportion of those we interviewed would likely have qualified for ELR under the old rules, but today find themselves refused and destitute.⁷

Many respondents reported that problems with their legal representation, as well as their experience of the determination process, had undermined their faith in the system and left them with a sense of injustice. This in turn contributed to a distrust of Section 4 and further exacerbated their unwillingness to consider taking up a voluntary return package.

“I don’t feel like a woman any more. I don’t feel like a mother any more. I feel isolated and alone. I feel I have lost myself.”

42-year-old woman from the DRC

“I did something that I’m ashamed of. I was so hungry that I went into a police station and asked them if I could spend a night in a cell. They said no as I had not done anything wrong. I was so desperate that on the way out I deliberately smashed a police car headlight so that they would have

to arrest me. I spent a week in jail. The judge at the trial was very sympathetic. I know it was wrong to do this but I was so desperate. The food was actually quite good.”

Man from Zimbabwe

The impact of destitution

Rough sleeping was common. Sixty per cent of respondents had slept on the street on at least one occasion, and 30 per cent had done so frequently over sustained periods. Approximately one in ten were street homeless at the time they were interviewed. Typical locations for rough sleeping included tents, back gardens, cars, garages, bus and train stations and public parks.

Most people interviewed were highly dependent on friends from their own communities, including other asylum seekers and refugees, for providing a floor, sofa or mattress to sleep on. Many reported on the day of their interview that they did not yet know where they would be sleeping that night. Several people told of being physically attacked and verbally abused whilst sleeping rough. Many feared approaching the police to report such incidents for fear of being detained and deported.

Most respondents were entirely dependent upon donated food and clothing to survive. Sources included The British Red Cross, church groups and faith projects, refugee community organisations, and refugee support organisations.

An international aid worker whose organisation is looking at ways to help destitute asylum seekers in the UK told us: “Giving food to destitute asylum seekers here is not very different from handing out food from the back of lorries in the Sudan. The humanitarian need is the same.”

For many, rough sleeping, fear of harassment, and the inability to find adequate rest and food had resulted in deteriorating health and a permanent state of depression, distress and anxiety. Some 83 per cent of respondents had experienced serious health problems since their arrival in the UK. More than half of those we questioned had experienced mental health problems.

Many spoke of exhaustion, feeling let down, and feelings of worthlessness. They described themselves as ‘hanging on’ as long as possible, while realising that their health was deteriorating and their lives, aspirations and windows of opportunity were passing by. Many spoke of feelings of shame and loss – of not contributing to their families and UK society, of disrupted education and careers, of the loss of dreams and hopes. Despairing and desperate, a large number spoke of having considered taking their own lives.



Is destitution 'working'?

“Sometimes I have thought about suicide. I think I must give up sometimes – I feel less than human and have had enough of life.”

28-year-old man from Sudan

Present government policy in relation to end-of-process asylum seekers is demonstrably failing to achieve its aims. Significantly, destitution did not appear to have encouraged those we interviewed to return to their countries. If anything, by excluding people from the asylum system and severing contact between refused asylum seekers and the state, it made return less likely.

The lack of continuity of support involved in Section 4 also undermines the aims of government policy. At a time when refused asylum seekers need to reflect, make difficult decisions or take decisive action, they find themselves facing eviction and destitution. This makes them more vulnerable, and compounds their difficulties in getting good and timely advice. It forces them to focus on immediate crises rather than on how to shape their future rationally.

Asylum seekers are confused and angry about what has happened to them. Many have found it impossible to understand why or how the system is run the way it is, and so are deeply anxious about entrusting themselves to it again.

The situation is exacerbated by the fact that, for many, conditions in their home country, the lack of safe routes available and difficulties in obtaining the necessary documents mean that the possibility of return in the near future is remote. In many cases there is a clear link between these barriers to return and conflict and instability in the country in question.

At present, government policy represents a refusal to formally acknowledge the ‘limbo’ status of asylum seekers from these countries, for which the provisions of Section 4 are clearly inadequate and inappropriate.

The all-party Home Affairs Select Committee, reporting on the welfare of non-returnable asylum seekers in January 2004, stated: ‘Where the removal of a failed asylum seeker is delayed through no fault of his own, it is morally unacceptable for him to be rendered destitute... It is absurd to refuse leave to remain to people who, for whatever reason, cannot be removed. We recommend that such people be granted a temporary status which will allow them to support themselves.’⁸

Refugee Action believes that the use of destitution as an instrument of government policy is incompatible with the right not to be subject to cruel, inhuman and degrading treatment, as defined in Article 3 of the European Convention on Human Rights.

It is also inconsistent with the government’s conviction that rough sleeping is unacceptable in UK society. In December 1999, the Prime Minister Tony Blair said: “On the eve of the 21st century it’s a scandal that there are still people sleeping rough on our streets. This is not a situation we can continue to tolerate in a modern and civilised society.”⁹

“I have no status, no money and no home. Every day I have to go to friends begging for money. Sometimes I sleep in the mosque or spend the whole night in the street. I cover myself with my coat.”

24-year-old man from Zimbabwe

In July 2006, the Home Secretary told the House of Commons that he would clear the backlog of ‘failed’ asylum seekers within five years.³ But despite the fact that more people are now being removed from the UK than ever before, a recent report by the Commons Public Accounts Committee warned that it would take between ten and 18 years to clear the present backlog.¹⁰

The public clearly wants an asylum system it can trust – a system that ensures that protection is awarded to those who need it and, after a full and fair examination of their case, deals effectively with those who do not. Refugee Action recognises that some measure of enforcement is necessary to maintain the integrity of the asylum system. But a solution to this problem is impossible to achieve by enforcement alone.

Destitution is an unworkable policy that is causing enormous suffering to vulnerable people and has completely failed to deliver on its objectives. There must be a better way, a fairer deal that will protect both the interests of the UK and those who seek safety here. Until such time as it is possible for them to return, a humane solution must be found for non-returnable asylum seekers that can allow them to begin to rebuild their lives and regain some sense of dignity and purpose.



Our recommendations

- No refused asylum seeker in the UK should be forced into destitution at the end of the asylum process where appeals have been exhausted.
- Grant temporary, renewable terms of leave to remain for individuals who the Home Office has little prospect of removing.
- Refused asylum seekers should continue to be entitled to Section 95 benefits until such time as their case is resolved. They should not be required to apply for a separate form of support, as is currently the case with Section 4.
- Introduce a programme of backlog clearance according to specific criteria. To re-establish contact with the backlog of end-of-process individuals, the government could introduce an incentive-based package which offers the possibility of support and a fair and humane resolution of their case. This could include the potential for renewable, temporary leave to remain on the following grounds:

Compassionate
For example, the length of time the person has been in the UK and the extent to which they have integrated into the community.

Skills-based
Discretionary regularisation based on the assessment of experience and skills which might meet the needs of the UK economy.

Humanitarian
Refused asylum seekers who do not qualify for protection under the Refugee Convention but are from unstable countries with poor human rights records.

Provisions for vulnerable groups
For example, vulnerable women and people who arrived in the UK as minors.

This should take place in the context of:

Legal advice
Made available to all those at the end of the process, in order to ensure that their substantive claim has been fully and fairly heard and that humanitarian protection issues have been considered.

A fair and robust returns policy
Above all, this means extending voluntary return packages and assisting people to come to terms with their situation through a supported caseworker approach (see opposite).

- Introduce a positive casework approach to end-of-process asylum seekers: These measures should be built into the system to prevent future backlogs accumulating. The government's New Asylum Model, which is based on end-to-end contact with a single caseworker, offers an opportunity for end-of-process support packages to be embedded in the system. We urge the government to invest in a positive casework approach to people at the end of the process, based on models such as the work of the Hotham Mission in Melbourne, Australia.

A key outcome of the Hotham approach is a higher degree of voluntary repatriation and compliance with return schemes. Of the asylum seekers that the Hotham Mission has worked with in the last five years, 84 per cent have returned voluntarily. The Hotham model seems to offer an alternative to forced removal by preparing, supporting and empowering asylum seekers throughout the asylum process, increasing the likelihood that they will comply with decisions and better cope with return or settlement.¹¹

Refugee Action is campaigning to bring an end to the use of destitution as an instrument of government policy. We are urging the government to explore more workable and humane solutions.

For more information or to find out how you can help, visit www.refugee-action.org.uk/campaigns

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Acknowledgements

Above all we want to thank the individual asylum seekers who shared their stories with us. We hope that we have done justice to your testimony, and that this research will contribute to ending destitution for you and others who come after you.

In addition, there are many people who the researchers would like to thank for their help in making this research and report possible. Without the advice, support and practical help offered we would simply not have been able to do the research or produce this report.

We have listed here individuals, but would like to extend a general thanks to all staff and volunteers from the following organisations who helped us with setting up the interviews, and the research in general.

We list individuals here in alphabetical order, according to surname.

Adil Ahmad Refugee Action Leicester • Rzgar Ahmed Refugee Action Liverpool • Kerry Beech British Red Cross Society (Leicester) • Jason Bergen Oxfam • Rupert Blomfield Refugee Action Devon and Cornwall • Andi Briggs Asylum-Link, Liverpool • Freshmind Chauke Refugee Action Manchester • Niall Cooper Church Action on Poverty • Richard Dunstan Citizens Advice • Linda East Nottingham and Nottinghamshire Refugee Forum • Mohamed Elsharif Sudanese Community Association of Bristol • Katie Gilkes Refugee Action Plymouth • Keith Grayson Refugee Action Nottingham • Sysay Habonimana East Manchester Community Forum • Nicola Hayes • Nottingham and Nottinghamshire Refugee Forum • Bridget Higginson British Red Cross Society (Manchester) •

Professor Bruce Ingham SOAS • Alex Ivancevic Refugee Action Portsmouth • Shirley Jackson Refugee Action Portsmouth • Amanda Jones-Said East Manchester Community Forum • Mualja Karahasani Refugee Action Nottingham • Ferid Kevric The Derby Bosnia-Herzegovina Community Association • Christine Knight Winchester Visitors' Group • Maggie Knox Portsmouth Area Refugee Support (PARS) • Rayhana Mahomed Refugee Action Leicester • Renae Mann Inter-Agency Partnership • Michala Meades Revive (Manchester) • Adam Mohammed Liverpool Somali Youth Association • Kevin Ncube Toc H • Malcolm Ngouala BRASS (Bolton) • Querim Nuredin Refugee Action Bristol • Conrad Nyamutata British Red Cross Society (Leicester) • Santok Odedra Refugee Action Leicester • Martin Owen SOAS • Simon Parker Leicester City Library • Chris Piggott Portsmouth Area Refugee Support (PARS) • Alma Repesa Refugee Action Nottingham • Ewan Roberts Asylum-Link Liverpool • Liz Roberts Refugee Action Bristol • Nigel Rose Refugee Action Manchester • Charlotte Robinson Nottingham and Nottinghamshire Refugee Forum • Jane Robinson Refugee Action Plymouth • Heather Sabel Devon and Cornwall Refugee Support Council • Nina Smith Refugee Action Leicester • Amanda Soraghan Refugee Action Leicester • Cathy Stevenson British Red Cross Society (Leicester) • Natasha Stevenson • Refugee Action Leicester • Alan Thornton Church Action on Poverty • Ann Watts Derby Refugee Advice Centre • Andrew Wilson Nottingham and Nottinghamshire Refugee Forum • Jackie Witchell Refugee Action Liverpool • Zbigniew Wojcik Derby Racial Equality Council • Myra Woolfson Nottingham and Nottinghamshire Refugee Forum

Steering Group and Legal Advisers

In addition to the support provided by numerous staff at Refugee Action Head Office, the research was steered and advised by the following:

David Burgess
Immigration solicitor
Kathryn Cronin
Immigration Law Practitioners Association
Fiona Ripley
Immigration solicitor
Jan Shaw
Amnesty International

Alex Hall
Transparency Research Partners Ltd
Database management

We would also like to thank Tudor Trust for their generous funding of this research.

Art direction & design
No Days Off
Photography
Claudia Janke
www.claudiajanke.com
Printed by
Page Bros Ltd



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Refugee Action is an independent, national charity working to enable refugees to build new lives in the UK. We provide practical emergency support for newly arrived asylum seekers and long-term commitment to their settlement, and we assist approximately 40,000 asylum seekers each year. As one of the country's leading agencies in the field, Refugee Action has 25 years' experience in pioneering innovative work in partnership with refugees.

Refugee Action

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