

# **Status & Category Matter:**

## Refugee types, entitlements and integration support



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### **Executive Summary**

Simultaneous to an increased focus upon refugee integration, there has been a fragmentation of what it means to be a 'refugee' in the UK. Successive policies determining different statuses and categories for refugees have led to increasingly complicated and exclusive entitlements and integration support arrangements.

There are 43 'types' of refugee identified in this report, possessing nine statuses which refugees have been granted and eleven categories through which they have been given permission to remain in the UK. The statuses determine the entitlements for a refugee such as the length of leave to remain in the UK, access to further and higher education, rights to family reunion and the 'integration loan'. The categories largely affect the integration support that refugees will receive consisting of SUNRISE (and the new Refugee Integration and Employment Services), Gateway or no formal integration support.

The report shows that entitlements and integration support, which are two key aspects of integration, are restricted for different types of refugees. The detailed findings are presented alongside a series of tables, which can be used as a reference guide. This illustrates the complexity of the system, and the depth of knowledge that refugees, refugee organisations, and mainstream service providers are expected to understand and contend with.

Although the future implications of these complex policies are unknown, for refugees it is clear that status and category matter.

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# Introduction

## **Background**

The aim of this paper is to disentangle the complex interaction between status, category, entitlements and integration support for refugees in the UK. Refugees are often treated as a homogenous group in terms of service provision and strategic planning. For example, little distinction is made between the different category or status of refugees in 'Integration Matters: A National Strategy for Refugee Integration' and the new 'Refugee Integration and Employment Services' (RIES)<sup>1</sup>. They acknowledge the existence of different statuses, but give little detail of the complexities relating to accessing entitlements or integration support. Indeed, integration is an all-encompassing concept for refugees, defined as "The process that takes place when refugees are empowered to achieve their full potential as members of British society, to contribute to the community, and to become fully able to exercise the rights and responsibilities that they share with other residents".<sup>2</sup>

Previous work has highlighted how a specific status can influence the basic needs and survival strategies of 'forced migrants' (i.e. Asylum Seekers, Refugee Status, ELR/HP/DL, and Failed Asylum Seekers/'Overstayers')<sup>3</sup>. Understanding these nuances is important for understanding entitlements and support, and also for two forthcoming strategic projects in Yorkshire and The Humber:

1. Estimating Refugee Numbers – Currently there are no accurate statistics for the number of refugees in Yorkshire and The Humber (or elsewhere in the UK). Some statistics are available for a particular status or category of refugee, and it is therefore essential to understand these differences to estimate the numbers.<sup>4</sup>
2. Regional Integration Strategy for Asylum Seekers and Refugees – Status, Category, Entitlement and Support could all affect a refugee's experience of, and ability to, integrate. Awareness of this is therefore crucial for strategic planning and for the delivery of services to refugees in the next few years.<sup>5</sup>

## **'Refugees' in the report**

In the UK and internationally, a refugee is defined in legal terms as a person with a "well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion..."<sup>6</sup>. The UN Convention definition is quite narrow, and UK policy towards 'refugees' includes some people who receive leave to remain in the UK on a similar basis but who do not necessarily fit into the strict criteria of the UN Convention and 'Refugee Status'.<sup>7</sup>

This Report uses a broader definition of refugees to include all people given leave to remain in the UK as a result of a process which began with a claim and/or assessment under the UN Convention. As a result this report identifies refugees as those with one of the nine statuses and one of the eleven categories identified throughout. It has often not been clear how status and category relate to one another, and this report is intended to clarify these distinctions. Status is the terms on which a refugee can enter/remain in the UK, and category is the different process by which they have been given permission to stay in the UK.

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<sup>1</sup> Home Office, 2005; Home Office, 2006; Home Office/BIA, 2007b

<sup>2</sup> Home Office, 2005, p. 5

<sup>3</sup> Dwyer & Brown, 2005

<sup>4</sup> See Brown, forthcoming

<sup>5</sup> Forthcoming

<sup>6</sup> UN, 1951 Convention Relating to the Status of Refugees

<sup>7</sup> E.g. Home Office, 2005; Home Office, 2006; Home Office/BIA, 2007b

Only the statuses and categories of refugees since dispersal began in 2000 have been included, in line with the forthcoming regional integration strategy and estimate of refugee numbers. Whilst it could be argued that this is a somewhat arbitrary length of time for defining 'refugees', it has been chosen to reflect the beginning of dispersal when services often started planning for 'new refugees', due to a significant increase in numbers in dispersal regions.

Unaccompanied Asylum Seeking Children (UASCs), also known as Unaccompanied Children or Unaccompanied Minors, are classed as 'refugees' in this report due to them receiving the same or similar statuses to other refugees, based upon an initial claim for asylum. Some UASCs will have received a positive decision on this claim, whereas others will not have reached a final decision, or may have received a negative decision. However, UASCs are usually given a status to remain in the UK until at least 17.5 (or 18) years old with resultant entitlements, and support is not dependent upon the decision of the asylum case.

### **Exclusions from the report**

Asylum seekers are not included in this report, as they do not have the same statuses as refugees and are not a refugee category. Refused asylum seekers (people with Appeal Rights Exhausted, also known as unsuccessful/failed/destitute asylum seekers), are also excluded for the same reasons. However, the entitlements and support for both of these groups are increasingly becoming more complex and there is a case for a separate, future piece of work exploring similar themes.

Notable recent refugee categories and statuses which fall outside of the scope of this report due to occurring before 2000 (see above), include the Bosnian and Kosovan programmes. For the same reasons, this report excludes statuses and categories which currently exist theoretically but have not been in use since 2000.

'Sangatte refugees', who arrived as part of the deal to close the Sangatte camp in Calais, are featured in an appendix rather than in the main report as their inclusion could further complicate the information presented. They were given specially created statuses with differing entitlements and support, all of which have either finished or nearly finished, and they may now belong to another status which has been included in the main part of the report.<sup>8</sup>

'Iraqi staff working for armed forces and civilian missions in Iraq'<sup>9</sup> are also featured as an appendix. This assistance was not finalised at the time of completing this report. Some of the 'Iraqi staff' will come under the normal 'Gateway' arrangements and will presumably receive the same statuses and categories as other Gateway refugees, and it is unlikely that others could be classed as 'refugees'.<sup>10</sup>

### **About the Report**

The information and tables in the report are intended as an easy-to-use guide rather than an entirely accurate representation of immigration law. This is also a fast-changing policy and legislative environment, and information can quickly become out of date. Therefore this information should be used appropriately and checked with an expert in asylum law if in doubt.

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<sup>8</sup> For further information see Appendix 1, p.16

<sup>9</sup> Miliband, 2007

<sup>10</sup> For further information see Appendix 2, p.17

## 'Status' of Refugees

The status of a refugee in this report is the terms on which they are allowed to remain in the country. There are six broad statuses which refugees can be granted, although due to changing policies and procedures, there are in effect nine different distinct statuses.

### **a) Refugee Status**

Refugees who meet the UN Convention criteria to be a refugee.

- 1. Refugee Status and ILR** – Indefinite Leave to remain (ILR) was given as standard alongside Refugee Status prior to 30<sup>th</sup> August 2005. Resettlement refugees still receive ILR with refugee status.
- 2. Refugee Status and limited leave** – Since 30<sup>th</sup> August 2005, most refugees receive only 5 years leave to remain in the UK with Refugee Status. This is sometimes known as the '5-year rule'.

### **b) Humanitarian Protection (HP)**

HP introduced 1<sup>st</sup> April 2003 to replace ELR (see below). Granted if person does not qualify for refugee status but faces a real risk of serious harm.

- 3. Humanitarian Protection 3 years**– Between 1<sup>st</sup> April 2003 and 30<sup>th</sup> August 2005 HP was granted with up to 3 years leave to remain.<sup>11</sup>
- 4. Humanitarian Protection 5 years**– Since 30<sup>th</sup> August 2005 HP has been granted with up to 5 years leave to remain.

### **c) Discretionary Leave (DL)**

DL introduced 1<sup>st</sup> April 2003 to replace ELR. Granted for other reasons including family reasons and medical cases (e.g. Article 8 & Article 3 ECHR<sup>12</sup>) and for some UASCs.

- 5. Discretionary Leave** – Up to 3 years leave to remain (and normally 2 or 3).
- 6. Discretionary Leave UASCs** –UASCs are granted DL if they do not qualify for any other status and if satisfactory arrangements cannot be made for their reception in the country of origin. This is granted up to 17.5 years old (18 before 1<sup>st</sup> April 07) or up to 3 years leave to remain, whichever is the shorter period of time.

### **d) Exceptional Leave to Remain (ELR)<sup>13</sup>**

Exceptional Leave to Remain was granted to people before 1<sup>st</sup> April 2003, when it was replaced by Humanitarian Protection and Discretionary Leave.

- 7. Exceptional Leave to Remain** – ELR was granted up to 4 years leave to remain.

### **e) Indefinite Leave to Remain (ILR)<sup>14</sup>**

- 8. ILR granted without refugee status** – A person can be given Indefinite Leave to Remain without Refugee Status. This has been used, for example, to clear backlogs in asylum process (e.g. Family ILR Exercise and Case Resolution). A few Gateway refugees are also granted outside the immigration rules. Many refugees receive ILR following a previous status (see p.9).

### **f) British Citizen**

- 9. British Citizen** – Refugees do not receive British Citizenship when becoming a refugee (although they may be able to apply after settlement, see pp. 9-11). An exception is that children born to a parent who has Indefinite Leave to Remain will qualify for British Citizenship.

<sup>11</sup> Leave to Enter is not listed separately, but included with 'leave to remain' throughout

<sup>12</sup> European Convention on Human Rights

<sup>13</sup> Exceptional Leave to Enter (ELE) is not listed separately, but included with 'ELR' throughout

<sup>14</sup> Indefinite Leave to Enter (ILE) is not listed separately, but included with 'ILR' throughout

## 'Category' of Refugees

In recent years, people have been given permission to remain in the UK through three main 'routes'; the asylum process, resettlement programmes, and family of refugees. Within these 'routes' there are eleven categories of refugee, detailed below:

### a) 'Asylum Process' Refugees

Refugees who have gone through the asylum process in the UK.

1. **Asylum Decision** – People who have been through the asylum process in the UK, had an asylum claim assessed, and granted a status as a refugee.
2. **Family ILR Exercise** – One-off exercise granting ILR to families who applied for asylum in the UK before 02/10/00 and had at least one dependant child under 18 in the UK on either 02/10/00 or 24/10/03.
3. **Case Resolution** – 'Legacy' cases from before the introduction of New Asylum Model (5<sup>th</sup> March 2007), which had remained 'unresolved'<sup>15</sup>. A proportion of these will become refugees.
4. **UASCs (Looked After)** – (Unaccompanied Asylum Seeking Children). Some have their asylum claim assessed and given status as with Asylum Decision refugees. If unsuccessful but not removed, they are given Discretionary Leave to remain until age 17.5 /18. Looked After UASCs are supported by social services, usually under Section 20 of the Children's Act 1989. The majority of UASCs are Looked After.
5. **UASCs (Not Looked After)** – Same as UASC Looked After (above), but with a lower level of support from social services, mainly those supported under Section 17 of the Children's Act 1989.

### b) 'Resettlement' Refugees

People who are recognised as a refugee by the UNHCR in their first country of asylum and deemed in need of resettlement to ensure their protection. They are given a status prior to entry into the UK through resettlement programmes, and thus not going through the asylum process.

6. **Gateway** – The Gateway Protection Programme brings groups of refugees already identified and given status prior to entry, directly from refugee camps.
7. **Mandate** – Mandate resettlement refugees have a close family member already in the UK (normally spouse, children under 18, parents and grandparents over 65).
8. **Ten or More** – Refugees with medical conditions and unable to obtain treatment in the first country of asylum. Currently suspended.

### c) 'Family' Refugees

Part of a refugee's family and therefore are refugees themselves on that basis.

9. **Dependants** – Family members (spouse and minor children) who are 'dependants' of the main applicant before the status is granted (e.g. before the 'initial decision' in the case of Asylum Decision refugees).
10. **Refugee Births** – Children born after a refugee is given status to remain. Normally given same status as parents, although if the parent has ILR when the child is born, the child will become a British Citizen.
11. **Family Reunion** – Family joining a refugee in the UK under the Immigration Rules on 'family reunion'. Family usually refers to spouse and dependant children under 18. This is possible where the refugee in the UK has Refugee Status, HP (since 30/08/07) or ILR. It is also possible where the refugee has had one of the other statuses and is now applying for settlement (ILR). Family Reunion refugees are often granted the same status as the refugee that they are joining, although may choose to come under a different status.

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<sup>15</sup> Home Office/BIA, 2007a, p. 2

**Table 1. Category and Status of Refugees** – The table below shows 43 ‘types’ of refugee, with different Statuses and Categories

<b>Key</b> Possible status based on category Yes Not possible status		<b>‘Status’ of Refugees</b> (Status which refugees are given which allows them to remain in the UK and length of time)									
		<i>Refugee Status</i>		<i>Humanitarian Protection (HP)</i>		<i>Discretionary Leave (DL)</i>		<i>Exceptional Leave to Remain (ELR)</i>	<i>Indefinite Leave to Remain (ILR)</i>	<i>British Citizen</i>	
		Refugee Status & ILR	Refugee Status & limited leave [since 30/08/05]	HP [01/04/03 - 30/08/05]	HP [since 30/08/05]	DL [Since 01/04/03]	DL (policy for UASCs)	ELR [Before 01/04/03]	ILR but not Refugee Status	British Citizen	
		<i>Indefinite Leave to Remain</i>	<i>5 years leave to remain</i>	<i>Up to 3 years leave to remain</i>	<i>Up to 5 years leave to remain</i>	<i>Up to 3 years leave to remain</i>	<i>Up to 3 years leave to remain or to age 17.5 -18</i>	<i>Up to 4 years leave to remain</i>	<i>Indefinite Leave to Remain</i>	<i>Indefinite</i>	
(Process by which refugees have been given permission to remain in the UK)	Asylum Process	<b>Asylum Decision</b>	Yes [Before 30th August 05]	Yes	Yes	Yes	Yes	Yes			
		<b>Family ILR Exercise</b>								Yes	
		<b>Case Resolution</b>								Yes	
		<b>UASCs (Looked After)</b>	Yes [Before 30th August 05]	Yes	Yes	Yes		Yes [if do not qualify for other status]	Yes		
		<b>UASCs (Not Looked After)</b>	Yes [Before 30th August 05]	Yes	Yes	Yes		Yes [if do not qualify for other status]	Yes		
	Resettlement	<b>Gateway</b>	Yes							Yes	
		<b>Mandate</b>	Yes								
		<b>Ten or More</b>	Yes								
	Family	<b>Dependants</b>	Yes (same as relative)	Yes (same as relative)	Yes (same as relative)	Yes (same as relative)	Yes (same as relative)	Yes (same as relative)	Yes (same as relative)	Yes (same as relative)	
		<b>Refugee Births</b>		Yes (same as parent)	Yes (same as parent)	Yes (same as parent)	Yes (same as parent)	Yes (same as parent)	Yes (same as parent)		Yes (if parent ILR)
		<b>Family Reunion</b>	Yes (same as relative)	Yes (same as relative)		Yes (same as relative)				Yes (same as relative)	

## Entitlements of Refugees

Entitlements to mainstream services are predominantly dependent upon the status of refugees, although occasionally can also depend on the category. This is a very complicated legal area of work, which also changes rapidly and therefore the information below (as elsewhere in the report) should not be treated as definitive.<sup>16</sup>

The entitlements below, and in table 2, refer to a refugee's entitlements for the period of time in which they have this status. As shown below, a refugee may however have a further status following the initial one, such as ILR or citizenship. UASC entitlements are slightly different to other refugees and therefore contained in a separate box below (p.9).

### Housing

- **Social Rented Housing** – All refugees have full social rented housing entitlements. However, since 4<sup>th</sup> January 2007, refugees have had to prove a 'local connection'.
- **Housing Benefit (HB) and Council Tax Benefit (CTB)** – All refugees have full entitlements to HB and CTB.

### Health

- **Health** – All refugees have full health entitlements

### Education

- **Child Education** – All refugee children have full entitlements to education
- **Further Education (FE) Home Student** – All refugees treated as Home Students for the purposes of fees.
- **Further Education (FE) Education Maintenance Allowance (EMA)** – Refugees (16-18 years old) are entitled to EMA, except those with DL and ELR.
- **Further Education (FE) Learner Support Funds** – People with Refugee Status and British Citizens are entitled to learner support funds. Other refugees can only access this financial support if they have been in the UK for three years before the commencement of the course.
- **Higher Education (HE) Home Student** – All refugees treated as Home Students for the purposes of fees.
- **Higher Education (HE) Financial Support** – People with Refugee Status and British Citizens are entitled to financial support. Other refugees can only access this financial support if they have been in the UK for three years before the commencement of the course.

### Employment & Benefits

- **Benefits** – All refugees have full benefits entitlements.
- **Integration Loan Scheme** – Available (since 11<sup>th</sup> June 2007) to all those with Refugee Status and Humanitarian Protection, jointly administered by BIA and DWP. The loans are between £100 and £1,000 and interest-free.
- **[Backdated Benefits** – Finished in 14<sup>th</sup> June 2007, when it was effectively replaced with the integration loan scheme. Previously available to people with Refugee Status ('Asylum Decision' category only). They were entitled to apply (within 28 days of being notified that they have been given Refugee Status) for backdated benefits (mainly Income Support) for the period in which they were in the UK receiving NASS support, making up the difference to other benefit levels (normally 30% of Income Support for the period on NASS support).]
- **Employment** – All refugees (16 and over) have full employment entitlements.

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<sup>16</sup> Other useful sources include: Home Office/ BIA ([www.ind.homeoffice.gov.uk](http://www.ind.homeoffice.gov.uk)), Seddon, 2006; Refugee Council, 2007; Department of Health, 2006; Education Action, 2005

## Travel

- **Travel Documents** – People with Refugee Status (all) are entitled to apply for a Convention Travel Document to travel and must hand in their previous passport. Other refugees can either use their own passport or apply for a Certificate Of Identity proving they have been formally and unreasonably refused a passport by their own authorities or urgent travel needs. Citizens can apply for a British Passport.

## Political

- **Voting Rights** – British Citizens have full voting rights in any election. No other status of refugees automatically qualifies them for voting rights in elections. People who are commonwealth citizens can vote in all Local, European, Devolved and General (i.e. national, parliamentary) elections. People who are EU citizens can vote in Local, Devolved and European elections (if they waiver the right to vote in their home country's EU elections), but cannot vote in General elections.
- **Stand for Election** – same entitlements as voting rights (above).

## Family

- **Rights to Family Reunion** – Refugees with Refugee Status (all), HP (since 30/08/05), ILR and British Citizens have rights to family reunion (i.e. spouse and dependant children). Others can apply for family to join them but have to prove they can maintain and accommodate without recourse to public funds.

## Settlement & Citizenship

- **Settlement (ILR)** – Refugee Status (before 30/08/05, or GATEWAY category) and ILR (without refugee status), are already 'settled' (have ILR). Refugees with either HP (before 30/08/05) or ELR can apply if they have completed the maximum number of years for which it can be granted (3 and 4 respectively), and will be subject to active case review (if the original grant is for less than this period, they must apply again for leave to stay this length of time in total before applying for settlement). Refugee Status (since 30/08/07) or HP (since 30/08/07) can apply after 5 years and will not normally be subject to an active case review. DL will only be able to apply after 6 years (two periods of 3 years DL) and will be subject to an active case review. UASCs will not normally be eligible to apply for settlement but may have an interview to make a claim for another status if not before. Since 2<sup>nd</sup> April 2007, everyone applying for settlement has to provide evidence of knowledge of English Language and Life in the UK, similar to citizenship requirements.
- **Citizenship** – Refugees must have ILR first to apply for citizenship (for at least one year) and must have lived continuously in the UK for at least five years. Refugee children born to parents with ILR automatically receive citizenship. Since 1<sup>st</sup> November 2005 everyone (except some children) applying for citizenship has had to demonstrate English language ability and knowledge of 'life in the UK' through a test. Since 1<sup>st</sup> January 2004 they have been required to attend a citizenship ceremony as the final stage in the process.

*UASCs Entitlements are complicated as they are often based on need rather than status. Looked After UASCs are not entitled to social rented housing and benefits as they are supported by social services, except lone parent UASCs and disabled UASCs, who are entitled to benefits (not HB). Not Looked After UASCs are entitled to social rented housing and benefits. The Refugee Council argue that services to children should be based on need rather than entitlement to other financial support, and that all unaccompanied children should be 'Looked After' and receive the more comprehensive Section 20 Support.*<sup>17</sup>



<b>Entitlements</b>	<b>Employment &amp; Benefits</b>	<b>Benefits</b>	Yes	Yes	Yes	Yes	Yes	No (Looked After, except lone parents and disabled), Yes (Not Looked After)	Yes	Yes	Yes	
		<b>Integration Loan (IL) and Backdated Benefits (BB)</b>	IL (since 11/06/07) BB (before 14/06/07) 'Asylum Decision' only	IL (since 11/06/07) BB (before 14/06/07)	No	IL (since 11/06/07)	No	No	No	No	No	No
		<b>Employment</b>	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	<b>Travel</b>	<b>Travel Documents</b>	Convention travel documents	Convention travel documents	Use own passport or apply for Certificate of Identity	Use own passport or apply for Certificate of Identity	Use own passport or apply for Certificate of Identity	Use own passport or apply for Certificate of Identity	Use own passport or apply for Certificate of Identity	Use own passport or apply for Certificate of Identity	Use own passport or apply for Certificate of Identity	Yes. British Passport
	<b>Political</b>	<b>Voting Rights: Local (L) Devolved (D) General (G) Europe(E)</b>	No except: commonwealth citizen (L, D, G, E) EU citizens (L, D, E)	No except: commonwealth citizen (L, D, G, E) EU citizens (L, D, E)	No except: commonwealth citizen (L, D, G, E) EU citizens (L, D, E)	No except: commonwealth citizen (L, D, G, E) EU citizens (L, D, E)	No except: commonwealth citizen (L, D, G, E) EU citizens (L, D, E)	No (under 18)	No except: commonwealth citizen (L, D, G, E) EU citizens (L, D, E)	No except: commonwealth citizen (L, D, G, E) EU citizens (L, D, E)	Yes All elections (L, D, G, E)	
		<b>Right to Stand for Election</b>	No except: commonwealth citizen (L, D, G, E) EU citizens (L, D, E)	No except: commonwealth citizen (L, D, G, E) EU citizens (L, D, E)	No except: commonwealth citizen (L, D, G, E) EU citizens (L, D, E)	No except: commonwealth citizen (L, D, G, E) EU citizens (L, D, E)	No except: commonwealth citizen (L, D, G, E) EU citizens (L, D, E)	No (under 18)	No except: commonwealth citizen (L, D, G, E) EU citizens (L, D, E)	No except: commonwealth citizen (L, D, G, E) EU citizens (L, D, E)	Yes All elections (L, D, G, E)	
	<b>Family</b>	<b>Rights to Family Reunion</b>	Yes	Yes	No	Yes	No	No	No	Yes	Yes	
	<b>Citizenship &amp; Settlement</b>	<b>'Settlement' (ILR). With or Without Active Case Review (ACR).</b>	Yes (already 'settled')	Apply after 5 years without ACR	Apply after 3 years HP with ACR. If less than 3 years, apply first for further leave	Apply after 5 years without ACR. If less than 4 years, apply first for further leave	No Apply for further DL first. Apply for ILR after 6 years with ACR.	No Apply for further DL first. Apply for ILR after 6 years with ACR.	Apply after 4 years with ACR. If less than 4 years, apply first for further leave	Yes (already 'settled')	Yes (already 'settled')	
		<b>Apply for Citizenship</b>	Apply after 5 years	No. ILR required first.	No. ILR required first.	No. ILR required first.	No. ILR required first.	No. ILR required first.	No. ILR required first.	Apply after 5 years	Yes (already citizen)	

## Integration Support for Refugees

There are two specific integration support schemes funded through central Government providing additional support to new refugees in the UK. Eligibility mainly, although not entirely, depends on the refugee category. The third possibility is no integration support.

### **1. SUNRISE/ Refugee Integration and Employment Service (RIES)**

SUNRISE (Strategic Upgrade of National Refugee Integration Services) is currently running in four pilot areas in the UK (Leeds/Sheffield is one pilot area which saw its first refugees receiving SUNRISE support in October 2005, and the other pilot areas are London, Manchester and Scotland). SUNRISE provides case worker support and a personal integration plan for new refugees. Each refugee can receive up to 17 hours of caseworker support, focused primarily on accessing housing and benefits in the first 28 days, with reviews up to 12 months. SUNRISE provides support for Asylum Decision refugees but excludes other 'asylum process' refugees (i.e. Family ILR Exercise and Case Resolution). SUNRISE is not intended to provide support to 'family' refugees (i.e. Dependants, Refugee Births, Family Reunion), although some indirect support is provided through the family member who is the Asylum Decision refugee.

The Home Office/ BIA intend to roll-out SUNRISE alongside other core integration services across the country and has outlined its proposals in a consultation paper and a pre-qualification questionnaire<sup>18</sup>. There were originally four proposed elements of the Refugee Integration and Employment Service (RIES), although the RCO support element has been removed, now leaving three elements: advice and support service, employment advice service and a mentoring service. The new RIES will be available to Asylum Decision refugees with Refugee Status and Humanitarian Protection, but not those with Discretionary Leave<sup>19</sup>. RIES does not include direct support to 'family' refugees, although it is likely to provide indirect support similarly to SUNRISE (see above).

### **2. Gateway (& Other resettlement Support)**

Gateway is a one year intensive support programme specifically for new refugees arriving under the Gateway Protection Programme. (The first group of refugees in Y&H arrived in Sheffield in March 2004 and in Hull in March 2006. These are currently the only areas in Y&H participating in Gateway). Gateway involves housing, casework an community development support and other services for the group of refugees over 12 months and work with local service providers. The refugees also receive pre-arrival information and sometimes English classes.

Ten or More refugees receive limited integration support from a sponsoring agency which includes housing, referral to health system, benefits etc. Support lasts for about 6 months but varies according to individual needs, particularly in accessing mainstream housing.

### **3. None**

There was little integration support for refugees in recent years before the Gateway and SUNRISE programmes began. Asylum Decision refugees outside of SUNRISE pilot areas receive no integration support until the roll-out of RIES (April 08). Case Resolution refugees (and previously Family ILR Exercise refugees) are excluded from SUNRISE/ RIES and receive no integration support. Refugees with the status of Discretionary Leave are to be excluded from RIES and receive no integration support. UASCs receive no specific integration support, although Looked After UASCs are supported by social services and some Not Looked After UASCs may receive limited social services support.

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<sup>18</sup> Home Office, 2006; Home Office/BIA, 2007b

<sup>19</sup> Home Office/BIA, 2007b

**Table 3. Category and Integration Support for Refugees**

		<b>Integration Support for Refugees</b>			
		<b>SUNRISE/ RIES</b>	<b>Gateway (&amp; other resettlement)</b>	<b>No Integration Support</b>	
		<b>1 year</b>	<b>1 year Gateway</b>	<b>None</b>	
<b>Refugee 'Category'</b> (Process by which refugees have been given permission to remain in the UK)	<b>Asylum Process</b>	<b>Asylum Decision</b>	Yes (in SUNRISE pilot areas October 05 – April 08. Only Refugee Status & Humanitarian Protection nationally from April 08)		No Integration Support (All before Oct 05. Outside of SUNRISE pilot areas Oct 05 – April 08. Discretionary Leave from April 08)
		<b>Family ILR Exercise</b>			No Integration Support
		<b>Case Resolution</b>			No Integration Support
		<b>UASCs (Looked After)</b>			No Integration Support. (However, all receive social services support)
		<b>UASCs (Not Looked After)</b>			No Integration Support. (May receive limited social services support)
	<b>Resettlement</b>	<b>Gateway</b>		Yes	
		<b>Mandate</b>			No Integration Support
		<b>Ten or More</b>		(other limited support, for about 6 months)	
	<b>Family</b>	<b>Dependants</b>	No (but some indirect support if relative supported)	Yes (same support as relative)	No Integration Support (same support as relative)
		<b>Refugee Births</b>	No (but some indirect support if relative supported)	Yes (same support as relative)	No Integration Support (same support as relative)
		<b>Family Reunion</b>		No (but some indirect support if relative supported)	No Integration Support (same support as relative)

## **Conclusion**

This paper demonstrates that despite a policy to integrate all refugees in the UK, there is a fragmentation of statuses and categories which determine legal status, entitlements to services and integration support arrangements.

Under the single umbrella term of 'refugee', there are currently 43 different 'types', with a combination of nine different statuses and eleven different categories. Policies, strategies and services often work to include all 'types' of refugee, in an extremely complex policy environment. The legal status of a refugee is important to refugee integration as it determines the period of time a refugee can remain in the UK. Status is also the main determinant for a range of entitlements relating to: housing, health, education, benefits, employment, travel, political rights, family reunion, settlement and citizenship. Category determines if they are entitled to Integration Support in the form of SUNRISE/ RIES, Gateway or no Integration Support.

Refugees do not necessarily choose which status or category they belong to, but this can have a significant impact upon their life as a refugee. For example, Asylum Decision refugees are in this category because their case has been 'resolved' by the Home Office/BIA whereas Case Resolution refugees are in a different category only because their case has remained 'unresolved'. Subsequently they are granted different statuses which affect the period of leave to remain in the UK, and entitlements such as rights to family reunion, accessing further and higher education, and whether or not they receive Integration Support Services.

The effect of different entitlements and integration support has not been researched, and remains unclear. Further research is needed to understand the effects of these policies, and which entitlements and support have the greatest impact upon refugee integration.

Home Office/ BIA has continued a 'tiering of entitlements' for refugees, through creating a series of different statuses and categories with complicated entitlements and support arrangements. It is a useful starting point to recognise that 'Integration matters', but this paper demonstrates that two key drivers of integration – entitlements to services and integration support – are complex and not available to all refugees. Although the effect of these distinctions upon refugees and their integration is unknown, it is clear that status and category matter.

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# **Appendix 1: Sangatte**

Sangatte refugees were granted statuses to enter and remain in the UK in December 2002 as part of the deal to close the Sangatte camp in France. Their statuses are not officially refugees or asylum seekers.<sup>20</sup>

## **Category**

A one-off category of 'work-visa holder' created for people brought into UK as part of deal to close Sangatte Red Cross camp near Calais. They were considered to be seeking asylum but had made no claim in the UK. 1,000 Iraqis were all given a single status of ELR, and 200 Afghans were identified by UNHCR and brought to the UK only if they had family who were asylum seekers or refugees and assigned a status accordingly.

## **Status**

### *Iraqis*

1. Exceptional Leave to Remain (Sangatte Iraqis) – All Sangatte Iraqis (Dec 2002) given ELR for 4 years.

### *Afghans*

2. Exceptional Leave to Remain (ELR relative) – If relative had ELR, Sangatte Afghans granted ELR up to the same date.
3. Exceptional Leave to Remain (asylum seeker relative) – If relative was an asylum seeker, Sangatte Afghans granted ELR for 1 year.
4. Indefinite Leave to Remain – If relative had Refugee Status and ILR, Sangatte Afghans granted ILR.

## **Entitlements**

Sangatte refugees have almost the same entitlements as the usual statuses of ELR and ILR. The most substantial difference appears to be that those with ELR (the majority of total Sangatte refugees) cannot apply for settlement until after 5 years due to the status now being considered in line with working visas, and therefore may have to apply for further leave first.

## **Integration Support**

The majority of Sangatte refugees (Iraqis) were housed in hotels funded by the Home Office where they were expected to stay for three months with full board and lodging. The scheme included receiving specific services from JobCentre Plus staff to help find employment. There is little available information about, or evaluation of, this integration support although research with Sangatte Iraqi refugees has shown some disappointment with the provision<sup>21</sup>. Sangatte Afghan refugees were reunited with family members and received no further integration support.

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<sup>20</sup> DWP, 2003, p.2

<sup>21</sup> Jordan & Brown, 2006

## **Appendix 2: Iraqi Staff**

The 'ex gratia assistance' policy for 'Iraqi Staff working for our armed forces and civilian missions in Iraq', was outlined in detail in a statement by David Miliband on 30th October 2007<sup>22</sup>. The information below relates only to those who will enter the UK (one-off package of financial assistance without entering UK also available). Some of the Iraqi staff entering the UK will officially be refugees, while others will not be classed as either refugees or asylum seekers.<sup>23</sup>

The eligibility criteria for all Iraqi Staff relates particularly to how closely they have worked with UK armed forces and civilian missions<sup>24</sup>, and further criteria depending on whether they are 'serving' or 'former' staff:

- Iraqi Serving Staff – Currently serving, or who were doing so on or after 8<sup>th</sup> August 2007 and have attained 12 months or more continuous service.
- Iraqi Former Staff – Were in employ on or after 1<sup>st</sup> January 2005 (but before 8<sup>th</sup> August 2007) and satisfactorily completed a minimum of 12 month's service. Applies to those who "worked as interpreters/translators, or in similarly skilled or professional roles necessitating the regular use of written or spoken English".

### **Category**

1. Exceptional leave outside the Immigration Rules – Only available to Iraqi Serving Staff, not to Iraqi Former Staff.
2. Resettlement (Gateway) – Iraqi Staff would need to "qualify as refugees under the 1951 Convention and in a third country, and to meet the published criteria for Gateway resettlement". Available for Serving and Former Staff.

### **Status**

1. Indefinite Leave to Enter – For those who are successful in applying for exceptional leave outside the Immigration Rules. It is possible that some Iraqi Staff who are part of the Gateway resettlement may also receive ILE/ILR without refugee status, as has happened in other Gateway programmes.
2. Refugee Status and Indefinite Leave to Enter/Remain – This is the status which is normally given to people who enter the UK through the Gateway programme.<sup>25</sup>

### **Entitlements**

The entitlements for Iraqi staff will be based upon which status they receive. Their entitlements will match those detailed earlier in this report for the appropriate statuses (i.e. Refugee Status and ILR, ILR without Refugee Status).<sup>26</sup>

### **Integration Support**

Integration Support will depend on category (which 'form of assistance' they receive). People who applying for exceptional leave outside the immigration rules (receiving ILR) will be provided with "a reception and integration package designed to establish them in accommodation and to provide them with advice on employment". At the time of writing, the details of this package were not available. Those who are resettled in the UK through the Gateway programme, will receive the standard Gateway support.<sup>27</sup>

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<sup>22</sup> Miliband, 2007

<sup>23</sup> All information on this page is from Miliband, 2007 unless otherwise stated

<sup>24</sup> For details of eligibility criteria see Miliband 2007

<sup>25</sup> It is not confirmed at the time of writing that this will also apply to the Iraqi Staff

<sup>26</sup> see above, pp. 8-11

<sup>27</sup> see above, pp. 12-13

## **Appendix 3: Glossary and Acronyms**

ACR	Active Case Review
BIA	Borders and Immigration Agency
CTB	Council Tax Benefit
DL	Discretionary Leave
DWP	Department for Work and Pensions
ECHR	European Convention on Human Rights
ELE	Exceptional Leave to Enter
ELR	Exceptional Leave to Remain
EU	European Union
FE	Further Education
HE	Higher Education
HB	Housing Benefit
HP	Humanitarian Protection
ILE	Indefinite Leave to Enter
ILR	Indefinite Leave to Remain
NASS	National Asylum Support Service
RCO	Refugee Community Organisation
RIES	Refugee Integration and Employment Service
SUNRISE	Strategic Upgrade of National Refugee Integration Services
UASC	Unaccompanied Asylum Seeking Children
UK	United Kingdom
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
Y&H	Yorkshire & The Humber



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