



Refugee Council report

The impact of limited leave on refugees in the UK

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Executive Summary

Context

In 2005, the UK Government introduced a policy of granting five years limited leave to those who were granted refugee status, subject to active review at any time. Prior to the implementation of this policy, refugees were given indefinite leave to remain (ILR) once they received a positive decision in their case. In August 2010, the first group of refugees who were issued with limited leave will have their status reviewed. The Refugee Council conducted a small qualitative study to explore the impact of this change in policy on the lives of refugees.

Key findings

The refugees who participated in this research revealed negative effects of limited leave across various aspects of their lives. Findings included:

- Some research participants were not aware that they had been issued with limited leave when their refugee status had been granted.
- Five respondents had experienced difficulties in getting employment because of their leave.
- Some respondents were anxious that employers would not understand their entitlements to work when approaching the end of the five year period.
- Three participants decided to not study at University as they would not be able to complete courses within their initial five year leave period and it was feared this would affect their applications and eligibility for reduced fees.
- Respondents spoke about the fear of being removed from the UK, as they believed their lives are still under threat in their countries of origin. For some, this was a constant worry in contrast to those who had previously been granted ILR.
- Two respondents had postponed buying property as they experienced difficulties securing a mortgage due to their status.
- Concerns around the types of immigration control that would be imposed on spouses had led to some respondents delaying marriage.
- Being granted limited leave has caused stress and anxiety as people are afraid of being returned, and feel unable to get on with their lives as they do not feel settled and protected.

Conclusion and recommendations

The findings of this research have confirmed the concerns expressed by the Refugee Council when the policy of limited leave was introduced in 2005. Refugees who have proved their need for protection are living with the fear of return hanging over their heads, and the time-limited nature of their status has created

barriers to accessing employment and education.

In March 2009, the Home Office published *Moving on together: Government's recommitment to supporting refugees*, yet it continues to pursue a policy of limited leave which is in direct contradiction to the Government's attempts to encourage the effective integration of refugees in the UK.¹ We recommend that refugees should be granted permanent settlement at the time they are recognised as a refugee.

For as long the policy remains to grant refugees limited leave subject to active review, we urge the UKBA to ensure that the process is communicated clearly to refugees, refugee community organisations and support organisations. In addition, we urge the Home Office to work closely with relevant government departments and local authorities to ensure people can continue to access services and employment while their application to extend their leave is processed, and ensure that those who apply out of time through lack of knowledge are not penalised for doing so.

Recommendations

- 1 The Home Office should review the policy of limiting the initial grant of leave to five years and the threat of active review, and return to granting refugees permanent settlement when their need for international protection is recognised.
- 2 The UKBA must ensure that clear information about the review process is widely distributed among those who support refugees so they can advise people in a clear and unambiguous manner.
- 3 The Home Office must clarify people's entitlement to work and benefits during the review, so that employers and Job Centre Plus staff do not deny refugees access to support or employment.
- 4 Clear guidance should be produced on the continuing employment rights of refugees who have applied for further leave should be included in the Home Office's comprehensive guidance for employers on preventing illegal working.
- 5 HEFCE should issue refreshed guidance to Higher Education Institutions on the home student status of refugees, including the continuing entitlement following in-time applications for further leave.
- 6 There needs to be clarity for those whose courses will end after their leave expires.
- 7 The Department for Business Innovation and Skills should issue refreshed guidance on the entitlement of refugees to student support, including NHS and Social Work bursaries.
- 8 Refugees should be granted permanent settlement on recognition of their need for international protection.

¹ *Moving on together: Government's recommitment to supporting refugees*, UKBA, March 2009
<http://www.ukba.homeoffice.gov.uk/aboutus/workingwithus/workingwithasylum/integration/refugeestrategy/>

1. Introduction

In February 2005, the Government announced a five year strategy for asylum and immigration: *Controlling our borders: Making migration work for Britain*.² As part of the strategy, on 30 August 2005 the granting of immediate indefinite leave to remain for refugees was replaced with an initial grant of five years' limited leave which is subject to review. Prior to the implementation of this policy, refugees were given indefinite leave to remain (ILR). The paper states “[we will] grant refugees temporary leave to begin with and keep the situation in their countries under review. If it has not improved within five years we would allow them to stay, if it does they will be expected to return.”³

The Refugee Council and others have consistently raised concerns about this and called for a rethink. Lord Goldsmith's review of Citizenship published in March 2008 recommends that the government undertake such a review.⁴

At the time of writing, no such country reviews have taken place. On August 30th 2010, the first group of refugees to be granted five years limited leave will reach the end of this period. Guidance has only recently been published on the UKBA website and the Refugee Council remains concerned that people will be unaware of the need to apply within the limited timeframe allowed or may apply too late with serious repercussions.⁵ The Refugee Council has conducted a small qualitative study with refugees who were granted limited leave to explore their understandings of their status, the review process and the impact limited leave has had on their lives in the UK.

2 <http://www.bia.homeoffice.gov.uk/sitecontent/documents/aboutus/reports/fiveyearstrategy/>

3 Current Home Office guidance (see: <http://www.ukba.homeoffice.gov.uk/asylum/outcomes/successfulapplications/activereview/?view=Simple>) is that active review will be carried out only in special circumstances.

4 Citizenship: Our Common Bond, March 2008

5 Details of how to apply and a copy of the application form can be found on the UKBA website at http://www.ukba.homeoffice.gov.uk/settlement/applicationtypes/completing_set_protection_route

2. Method

This report is based upon information collected during 14 interviews conducted with refugees who had been granted status after the introduction of the policy to limit leave to a five year period. Interviewees were accessed through Refugee Council frontline services, Refugee Community Organisations and second tier organisations. The interviews were conducted in Leeds, London, Manchester and Newcastle and respondents had been granted status between 2005 and 2008. Some of them had been in the UK for a significant period of time prior to having their claim for asylum accepted. In this sample, the asylum process took between one month and eight years and the interviewees arrived in the UK between 1999 and 2006. The interviews were conducted in 2009, prior to information being issued about the review process.

The sample consisted of nine men and five women. One participant was aged between 20–30 years, eight were between 31–40, two were aged 41–50 years and one was over 51 years. The ages of two respondents was not recorded. Refugees in the sample came from a range of countries, with two people coming from Democratic Republic of Congo, Eritrea, Iran, Iraq and Pakistan, and one each from Angola, Cameroon, Ethiopia and Lebanon.

The interviews were semi-structured and lasted between 35 minutes and one hour. They covered a range of topics including people's understanding of the process around five year leave and review as well as integration issues such as employment, education and training.⁶ Participants were also given the opportunity to talk about other ways in which their immigration status had affected their lives in the UK.

6 See Appendix for a copy of the questions. Discussion about the process at the end of the five year period has not been included as the UKBA has now clarified the procedure. In the absence of this information, a great deal of rumour was circulating, causing much anxiety among respondents.

3. Process and review

The research explored respondents' understandings of their status and their knowledge of the review process. Responses to these questions were characterised by confusion, uncertainty, anxiety and rumour.

This sample had been granted refugee status at various points over the last four years. One respondent reported having received a letter through his solicitor stating that he had been granted refugee status, but it did not contain details about the fact that leave was only granted for five years. This person found out that he had limited leave two years after being granted refugee status. Another respondent received a letter from the Home Office relating to the leave period three months after receiving notification that his application for asylum had been accepted.

Four people in this sample said that they did not find out about the active review when they were notified that they had been granted refugee status. One found out from the law centre, one from her solicitor, another by word of mouth and the interviewer from this research informed one.

One respondent highlighted a feeling of unfairness that she has the perceived threat of return hanging over her head when others who have been granted refugee status prior to the change in process did not, despite having similar experiences in their country of origin:

"My colleague... he has unlimited leave to remain but I was given 5 years. When we face the same issue back home in Cameroon. So it was a bit a shock for me to know that in the future I may be returning to face that trauma at that time." Interviewee 3

There was a concern raised about the provision of legal aid to support people going through the review process, as people would want to seek legal advice to ensure that their cases were presented correctly. Additionally, some respondents had already experienced a protracted asylum determination process, and there was a fear that it would be like applying for protection all over again.

"So, if I got the process positive to me I think that will be better for me, at least that worry. I mean for four years I was ok, now five years I start to get back to the initial state where I have to think oh what happen to me. Yes they are deporting a lot of compatriots...[I] start getting back to those kinds of feelings and stress and that's not good. That's not good." Interviewee 2

There was also a fear that decisions may be influenced by a political climate that is unfavourable to refugees. For example, one woman stated:

"A lot of people don't understand what active review means, that their case can be reviewed during those five years and definitely at the end of the five years...what does the Home Office mean by that

term? What are they going to review? Are they going to review the situation in Pakistan where I've come from, are they going to... I really don't know, I mean, in terms of Pakistan policies towards women...really it's very confusing...And it is very frightening too because, especially because of the... political situation, you think when we reach our five years it might suit the government of the time to have a very harsh policy towards refugees, for political reasons and they might just say, ok you go back to Pakistan or something, just to give out signals to the public that they are being very hard on immigration, immigration becoming such a big issue now. It is really, it is very scary." Interviewee 12

At the point when the five-year period expires, two refugees in this sample will have been in the UK for twelve years, and another for eight years. The woman had been living in the UK for 12 years had additional concerns about her son who did not have protection needs of his own, but will be 18 years old when the review is due.

The uncertainty surrounding the review process increased anxiety for those subject to it. At the time of the interviews, there was no information about what happens at the end of five years, and respondents in this sample sought information about the review from UKBA's website, immigration advice organisations, refugee supporting organisations, legal representatives and community groups. It is essential that information is included on such sites and passed on to these outlets so that refugees can be accurately informed rather than being influenced by speculation.

Recommendations

- 1 The Home Office should review the policy of limiting the initial grant of leave to five years and the threat of active review, and return to granting refugees permanent settlement when their need for international protection is recognised.
- 2 The UKBA must ensure that clear information about the review process is widely distributed among those who support refugees so they can advise people in a clear and unambiguous manner.

4. Employment

This research explored whether being granted five years of leave had affected people's employment opportunities. Respondents highlighted several ways in which their status affected their working lives.

In recent years there have been high profile campaigns run by the Home Office on preventing illegal working. These have highlighted the penalties employers will be subject to if they employ people who are not eligible to work in the UK. The Home Office has issued guidance to employers that includes information about the combinations of documents required, and checks to carry out, in order to establish a statutory defence against conviction for employing a person without permission to work in the UK. Most refugees will not have a passport, the document which employers are most familiar with. As a result, refugees can find it difficult to demonstrate their entitlement to work through their Home Office issued documentation.

Refugees with limited leave also require annual checks by the employer to confirm their continuing entitlement to work. This guidance can lead to confusion among employers, resulting in them erring on the side of caution and not employing those whose status they do not understand. Several respondents highlighted that confusion around their papers and status had affected the responses of employers and other agencies. One man had experience of Job Centre Plus staff not recognising his documents and completing the wrong forms as a result. This error took three months to rectify. One woman in this sample was employed in a role where she gives support and advice to refugees and asylum seekers. She noted that some of the clients she worked with had not been given work because employers and agencies are confused about people's status:

"I do know that employers find it very difficult. They don't understand limited leave to remain...they think that maybe you don't have the right to work, somehow they link it. We get clients who have problems, who are told by agencies for example because somehow, they link...they understand indefinite leave to remain but this limited leave to remain is very confusing for employers." Interviewee 12

Overall, five respondents reported that they had experienced problems securing employment because of their documents, and two people talked specifically about lacking the ability to travel and work abroad.

"I had an interview and they were very keen, they took me on and they even took my refugee papers and then they decided not to take me on because the role required me to like travel and they would have expected me to go and live for six months in another country or a year in another country. And that would have jeopardised my status in the UK so I didn't get that job. So in terms of looking employment you are restricted because you have limited leave and...you can't afford to travel and live in another country for however long. Because there is not very clear guidance as to if you are faced with a situation where you have been asked by your employer to go and live in another country then there is no guidance on...the Home Office website about it." Interviewee 1

"So you can't look in the website at international job or, for example, if there is different course in different country, so you can't go there and you can't do that because just you have a limited leave to remain here so this is the thing that affect you. You can't plan for future, you say oh I am going to go that place or to do these things, you can't do. This is the main thing, always I will say, who I am here, what will happen? Always there is something controlling you." Interviewee 8

Prior to August 2005, refugees were able to make their own decision on the value of a particular job or course outside of the UK. A refugee's main consideration was balancing this with the criteria for applying for citizenship. A refugee could delay their application for citizenship if offered work or study outside the UK. The restrictions placed on a refugee's initial leave to remain now mean that refugees are unable to take such opportunities according to their merit and value. Instead, refugees are restricted to take up work or study outside of the UK that satisfies residency requirements for settlement. As the above examples illustrates, this can mean that refugees are refused employment or are restricted in the types of jobs they can apply for.

The restriction of leave to a period of five years may also act as a disincentive for employers as they may fear that their member of staff will have to leave the country, or have no right to work, at the end of the period and they would need to recruit again.

"If the employer starts digging into things like what will happen at the end of five years and they find out that it is a temporary status subject to Home Office reconsideration then that puts a barrier straight away. Because they don't want to go through the hassle of like applying for work permit or losing a permanent employee which has been with the company for two or three years." Interviewee 1

One respondent described how her employer undertook an annual check of people's papers and work status and this was a cause for concern when she approaches the time of her review in her fifth year.

"Every year they review the personnel file and see if everybody is up to date, and eventually, this year when there will be a review as the audit financial comes every year...I think it's at that time that there will be a question mark on what is going to happen after, with my permanent contract, they will have to, I think they...will [be] questioning about my status...it has a great impact of your employment in terms of your contract...When you know that you have already integrated in the work and in some point there will be a question about you stopping the work because of your status, it's a bit difficult. It's difficult." Interviewee 3

If this refugee had been given ILR, she would not be concerned about the audit being undertaken by her employer. The Home Office's guidance to employers recommends annual checks for those who are not free from immigration control. However, most foreign nationals, other than refugees, will be employed as part of the points based system (PBS), a process that employers are more familiar with, or as spouses of British citizens. Employers are often not familiar with the asylum process. In addition, given the lack of information that exists about the review process at the time of interview, this woman could not reassure her employers by providing information about the system of review being implemented by UKBA, how long it will take and the likelihood of her remaining in the UK after this point. This could lead to employers making decisions based on the perceived least risk to them, particularly in relation to the fear of prosecution, and therefore could result in the loss of jobs or wider employment opportunities for refugees.

The lack of information has also led to worries relating to entitlement to work during the time the reviews are being undertaken by UKBA.

"One of the rumours going out there is just some people lose the right to work while they [complete the review]...you can't receive any benefits so you think I am somewhere where I am pleased with my life, will I lose everything one day, one morning...it can put you down for a while." Interviewee 9

The response above again illustrates the anxiety felt by people who do not know how their status will be reviewed and the implications the chosen method will have on their lives while they await a decision.

Recommendations

- 3 The Home Office must clarify people's entitlement to work and benefits during the review, so that employers and Job Centre Plus staff do not deny refugees access to support or employment.
- 4 Clear guidance should be produced on the continuing employment rights of refugees who have applied for further leave should be included in the Home Office's comprehensive guidance for employers on preventing illegal working.⁷

⁷ The Refugee Council and Equality and Human Rights Commission have produced a guide for employers. The guide focuses on the documents refugees will have to demonstrate entitlement to work and is based on UKBA's comprehensive guidance for employers. The guide can be accessed at http://www.refugeecouncil.org.uk/practice/employersguides/employing_refugees.htm

5. Education and training

Being granted only five years leave in the UK had a negative impact on some of the education and training opportunities for the participants in this research.

Several respondents had aspirations to study at university, but issues relating to their leave had prevented them from doing so. Three people in this sample wanted to participate in specific courses, but would not be able to complete them within five years, so were concerned about whether this would affect their applications and the levels of fees they would pay.

“This year I am planning to go to university to do the community youth worker studies and when I had information about the course and everything it will take five years to finish – to have your degree in community youth worker and when I see my status I haven’t got enough to cover those five years it will be a problem. Once I will have to submit my papers so it is an impact on what I am planning to do.”

Interviewee 3

“I wouldn’t graduate within [the five years], it would be two months before I have to submit documents and I don’t what the decisions would be, whether that would interfere with my studies or not.”

Interviewee 10

The cost of education and entitlements to home student fees or loans were barriers to taking up places for some of the respondents. One refugee tried to get a loan from a bank to pay for her University course, but was told she was not able to secure one as she had no passport. A high street bank refused another respondent as she had not been in the country for three years and while she waits for her three years to elapse, other factors come into play.

“...now the fee is increasing and I have a fear that I, just my time is left is two years so I don’t know how it will affect with the grant or with the university. I’m not sure but I am looking for word of that.”

Interviewee 8

To be eligible to apply for the Professional and Career Development Loan, a person is required to be free from immigration control. As a result, refugees without ILR are ineligible for one of the main sources of postgraduate funding.⁸ Refugees are considered as home students for fee purposes and are eligible for Higher Education Funding Council for England (HEFCE) funding. However, refugees can also experience difficulties in accessing higher education due to admissions’ or other staff not being familiar with their entitlements.

“The process was really tiring because not many people in the institution seemed to understand about the status itself. As a result I have been refused by three universities but accepted by two universities –

this just tells you how the understanding between the institutions is quite variable, some of them have no clue what it means. And the only reason...the universities that have refused me to join the university gave was that I was not entitled to university education.” Interviewee 10

Completing education courses can help to equip refugees with the qualifications needed to enter the workforce and will help them to integrate. Granting a period of leave limited to five years can create barriers that prevent refugees being able to take up such opportunities.

Recommendations

- 5 The Higher Education Funding Council for England (HEFCE) should issue refreshed guidance to Higher Education Institutions on the home student status of refugees, including the continuing entitlement following in-time applications for further leave.
- 6 There needs to be clarity for those whose courses will end after their leave expires.
- 7 The Department for Business Innovation and Skills should issue refreshed guidance on the entitlement of refugees to student support, including NHS and Social Work bursaries.
- 8 We also know outside of this research that refugees with limited leave have been denied bursary support when applying for social work training and student support through not satisfying the three year residency requirement. This has been reversed due to the intervention of a Refugee Council adviser.

6. English language

Respondents were questioned about their views on learning the English language. This line of questioning was included as at the time of the research design, it appeared that consideration of people's English language skills may be a factor in the review process.

Ten of the refugees in this sample said that they had learned or improved their English because it was essential to their everyday lives. They would have done this irrespective of the length of leave they had been granted. One respondent already spoke very good English when she arrived in the UK. The importance of English for day-to-day living is illustrated by the respondent below.

"To be honest with you first of all you wouldn't think about the time limit, just you have to go there...Because it is your daily life, what, how you are going to communicate, how you are going to do your shopping, how you are going to use the bus and, you know, and when people staring at you when you speak, especially when we came we don't have the accent so that only is enough, people look to you like a strangely. You know, so it is one of my aims because I am here so I have to learn English, I have to speak English no matter what will happen. This is, I don't know, my personal feeling, as I told you, sometimes, totally I forget my status so I enjoy working, talking, you know, it is part of the integration." Interviewee 8

Three respondents said they had difficulty accessing 'improver' English courses. Courses teaching English at a basic level were available and funded for them, but they found this was not the case when trying to advance their skills. One participant highlighted a need for the types of language that are used in the workplace such as that used when writing letters and e-mails.

One refugee in this sample would have taken more time to learn English up to a higher level had he not been granted limited leave. This person wanted to study medicine but did not have the required language level, so instead took a different career path as he believed that having a skilled job in the UK would positively affect his chances of being given indefinite leave to remain.

"I would learn English regardless of my status.... However, it might have restricted my options, I would say or my choices. Like my desire was to study medicine and I couldn't go to study medicine because I didn't have that level of English and the time because I had to make sure that I studied certain profession within this time so that that could boost my chance of being accepted to remain. Had I gone to study medicine I wouldn't even go to the third year when the time expires and I would be in the middle of nowhere ..." Interviewee 10

The inability to complete a course within his period of leave and the uncertainty about the review process resulted in him changing his desired career path in the hope that being employed would help his application to remain in the UK permanently.

7. Returning to home country

Participants in this research were asked if they would want to return to their countries of origin if it was safe to do so. Several respondents found this a difficult question to answer as, whilst they loved their own countries, their pre-flight experiences made them extremely worried about their safety if they returned. As some in this sample were uncertain about whether the review of their status could result in their removal from the UK, responses were heavily influenced by fear.

"We came to seek haven, refuge in this country and to find ourselves back in the same situation after five years I mean it's quite stressful and it's quite unfair to us because we generally claim asylum with our genuine stories. At the end of the day the government have to come back and kind of review our genuineness if I can call it. I mean it is quite unfair." Interviewee 2

"That's a difficult question because naturally everybody like to be home, everybody like to be in his own country, feel, you feel home, like you say, but this is when you know that it is safe. I love my country, I really love my country but with the situation... with the situation at the moment... and I don't know how long it will take and ... I prefer to be where I don't have to worry rather than know that there is a problem there and I go there and suffer again. Once you have you have already experienced something, a trauma, you don't want to experience that again in your life. And you don't want to expose your loved ones to that again. So well, it is not a consideration for me to go back in my country. I have already integrated here, I have a family here, I have friends here, I have an employment here, so I feel this country like my home at the moment. This is my home here." Interviewee 3

"I had a good life but I had a problem with government and I was in really dangerous. That is was really danger stay there and to live there but then we came here. Now I am happy. Actually I have a problem because I never can see my family or they can coming here but all together I never can just same as before, you know...I wished everything be solved and I can just return to my country but I don't know, I am really scared, you know, if I am back, maybe I have just a permission here and I stay here that maybe when I am going there something happen for me, maybe not, nobody ever know." Interviewee 5

Before the policy of five year limited leave was introduced, refugees did not have to worry about the prospect of having to return to an unstable country where they feared for their lives. By having a review process in place, refugees are now uncertain about whether there is a possibility of removal if the government subsequently deems a country to be safe due to a change in circumstances.

Recommendation

8 Refugees should be granted permanent settlement on recognition of their need for international protection.

8. Life in Britain and future plans

The interviews investigated whether being granted only temporary leave had an impact on the way that people were living their lives in the UK and their future plans. In addition to the specific issues discussed in the previous sections on employment and education and training, respondents highlighted other ways in which a five year leave period had affected their lives.

Two respondents reported that they had postponed buying property as they experienced difficulties securing a mortgage because of their status. This report has already highlighted the problems that respondents had in terms of travelling overseas for work, but people also raised concerns about foreign travel in general. Although overseas travel is possible, one refugee in this sample described how a bad experience at a UK border control has resulted in increased fear about leaving and re-entering the country, particularly as he only had two years of leave remaining.

“When I am travelling in and out of the country there’s a like anxiety when I arrive at the airport whether I would be allowed in or and there were instances where the immigration official had been quite like she went back to how I got into the country and all these questions...And she had, I could see her face was getting like... she was not very what do you call...understanding. And I felt threatened at that point ... and now I’ve got two years left and now I almost don’t want to travel outside the UK. Because it’s such a hassle and you know when you are travelling back like on the plane back to...you are always thinking about what is going to happen at the airport. It’s almost like going though the whole process like you did in the past. And it just flashes back.” Interviewee 1

Another respondent who had taken up a hobby to help deal with his depression found that issues around overseas travel created a barrier to his participation.

“It make me depressed. You see, sometimes...because 11 years I am here, and I tried to deal with lots of problems, financial, emotional, and I don’t know people, neighbour, everything....job, I tried to keep me always on the positive and I didn’t let that pressure stay on my mind and push me down, give me depression or something like that...I tried a bit of sport with the something nice to keep me always on the line...I went to the salsa club...they said oh you very improving now...you’re going to a different country for the salsa competition...But I couldn’t tell them I can’t come, if I tell them I have that paper, people have a different mentality. They say, oh you are a refugee, they say yes, then keep away...I didn’t tell them I can’t travel and I just left the club, I came out, I stopped that.” Interviewee 4

As well as the practical obstacles that result from being granted limited leave, respondents outlined how not having permanent status was a constant worry for them, which affected how they thought about life and planned for the future. It has impaired people’s ability to integrate and has led to anxiety and depression among some in this sample. The quotations below illustrate how the temporary nature of the leave people

have been granted can act as a constant shadow over refugees' lives.

"...two and a half years and once you have got your papers then you feel relieved but at the same time you don't know what to do because you are anxious as to what is going to happen at the end of 20[11]... so you are not really settled in your mind and you've gone through a very long uncertainty period while fighting with the Home Office and the period before so that out a lot of stress on you. I'm going through counselling at the moment, therapy, because I am severely depressed and the reason why...one of the reasons why I'm severely depressed is because I don't feel settled. I'm anxious as to what is going to happen in two years' time. And I mean I can't do anything, you can't buy property or in terms of even forming relationships it's hard because you've got always this hanging over you. It's almost like you feel like a criminal and you haven't done anything wrong, like you haven't broken any law like and have been a good citizen like I've been paying taxes and I haven't been a burden on the state in any way since I've been granted my status... you still don't feel settled at all in any way although you have got limited leave which is not going to run out tomorrow but you still feel that something will happen and you may have to go through the process of – and I don't feel I have enough energy to fight with the Home Office again...and that reflected in your life all together from your morning to evening. This is on your head all the time. So I mean, you take that into everything you do. So it's a very major thing – not being able to plan your life." Interviewee 1

"Has having limited leave to remain affected how you feel about living in Britain?"

"Yeah, definitely, definitely, because every day I don't know what will be my, what will be my future if I have to, if I have to go back in my country and face what I have experienced before I come here. It is ... it has an impact on my everyday life, I'm thinking of it. I cannot forget what has happened because I am thinking that I will be going through that again sometime and yes it has a great impact of my day to day life. Always I'm scared. I'm really scared about what will happen. I'm well protected here, I came here because I was seeking protection so, if I have to, if they are going to take off the umbrella it will be under the rain and again and it won't be good. I'm under the umbrella and I'm very happy for that protection but if they have to take the umbrella and leave me under the rain it will be very, very, very sad."

Interviewee 3

"You know five years you can't decide about nothing, nothing at all, and you never want to... you don't know if stay forever in here, maybe you are deported to your country, maybe they say more five years we should to just contact you" Interviewee 5

"I need to cope with this life. It is safe, it is good, it is...but I need to build my life from zero and this one is very difficult for me. Sometimes, like first time I go to GP I feel very, very depression and all the day, just cry, cry, cry. He told me why you are crying? You are good, you have a good health. Then I told him because, it's...now my life is upside-down." Interviewee 6

"...My colleagues are killed by Al Qaeda, eight of them by sword [makes a slit neck gesture], for this reason I come in here...I thought that they will, at least they will give me, you know, indefinite leave, it's forever or they will give me the passport because I am working with [the British army in Iraq]. So when somebody tell you, ok you are here but for a while of time, if something change you will go back, it's like you feel that...somebody is cheating you....I will shake hands with you in Basra and Iraq, you have to shake hands here with me also." Interviewee 7

"Yes, it's affected, totally affected, you know, ... you can't participate in anything, you can't contribute...you don't have a feeling, just you feel that they allow you to stay here for five years and that's it, just you stay here ... like a remote control, you know, just working, doing [...] a job, doing shopping, feeding yourself, that's it." Interviewee 8

"I think mainly it's this state of mind of not knowing what it going to happen and the thing that you can't plan a couple of years, you get involved with people and then you think oh they ask you, you be around

and things when you involved with someone and they wonder if they will be able to see you after a couple of years so that's a big issue and also the indefinite leave to remain there is not much information about it." Interviewee 9

"...when I started to live a life that's when I realised that in fact I couldn't make a plan for the future because I couldn't know whether I'd be allowed to stay in the country after the period of time."

Interviewee 10

"And explaining about active review and your case being reviewed and everything somehow makes it sound so dodgy...I still feel like an asylum seeker to tell you the truth and I think feeling like an asylum seeker means that you don't belong that it's... I don't feel British let me say and I don't think my children feel British either...that we are not being allowed to feel British...anything can happen and it's a terrible feeling though, you know when you feel you don't belong, that you are different from everyone else...somehow different things apply to you." Interviewee 12

The feelings expressed by the participants in this research display clearly how the system of granting temporary leave to refugees contradicts the Home Office's emphasis on the importance of supporting effective integration. If there are fears surrounding the length of stay that will be permitted and structural barriers that can create difficulties in accessing education and work, then it is difficult for people to feel that they can rebuild their lives in the UK.

9. Conclusion

People who have been granted refugee status in the UK have been recognised by the British government as suffering persecution. The policy of limiting leave to five years makes it harder for refugees to make a full contribution to UK society.

Refugees should be able to get on with their lives and not be left in limbo, unable to rebuild their lives for fear of having their refugee status withdrawn.

This research is based on a small sample, but echoes the comments and views of our clients, refugee staff and volunteers, and Refugee Community Organisations. It suggests that our concerns were well-founded, and the impact of denying refugees ILR can have a negative effect on education and employment prospects, people's ability to form relationships and make plans, as well as causing considerable anxiety through fears of the prospect of return to a country where they feel their lives are in danger. There is a sense of unfairness that people who have proven their cases for asylum since the change in policy experience less secure levels of protection than those who have gone before, in addition to being faced with additional barriers as highlighted by this report.

We are concerned that the review of limited leave may be a protracted process, and that this could further delay transfer to permanent residence. In particular, we are concerned that as UKBA will not be able to contact everyone who is coming to the end of their temporary leave, people will overstay unwittingly, or be in ignorance of the process. It will not be lawful for local authorities and many service providers to support people who have overstayed. This has the potential to create chaos, bureaucracy and costly legal processes at a time of huge pressure on public services. Refugees whose leave has expired, including those who have made an out of time application for further leave, risk losing their permission to work and may also be considered as a international student for fee purposes in higher education.

In 2009, the Home Office published *Moving on together: Government's recommitment to supporting refugees*. However, the Refugee Council is concerned that granting limited leave to refugees contradicts the Government's attempts to encourage the effective integration of refugees in the UK.⁹

We recommend that refugees should be granted permanent status at the time they are recognised as a refugee.

For as long as the policy remains to grant refugees limited leave subject to active review, we urge the UKBA to ensure that the process is communicated clearly to refugees, refugee community organisations, legal representatives and support organisations. In addition, we urge the Home Office to work closely with relevant government departments and local authorities to ensure people can continue to access services and employment while their application to extend their leave is processed, and ensure that those who apply out of time through lack of knowledge are not penalised for doing so.

⁹ <http://www.ukba.homeoffice.gov.uk/aboutus/workingwithus/workingwithasylum/integration/refugeestrategy/>

Appendix

Five year limited leave research interview questions

The process

1. When did you claim asylum and when did you get refugee status?

2. Could you tell me about when you received your refugee status and what information the Home Office gave you?

3. When you received a positive decision and were granted refugee status, did you know it was
 - only for five years?
 - subject to active review?If not, when did you find out?

4. Do you know what process is being used to review your status?

5. What do you think the Home Office will consider in the review?

6. Do you know what will happen if you get a positive review of your refugee status?

7. Where did you get the information/where did you find out what you know about the process and the review?

8. Do you think you will get Indefinite Leave to Remain?

Employment

9. **Looking for/getting work** – Have you had any problems getting a job because you have limited leave to remain in the UK?

10. *If appropriate* – **Experiences in work** – Have you worked since being in the UK? Has your experience of work been affected by your indefinite leave? If so, how?

Training and Education

11. Did you have any plans to train or study and has your limited leave affected any decisions you may have made about training for a profession/job or studying at college/university?

12. *If appropriate* – Have you had any difficulties in taking up training or further education because you do not have indefinite leave to remain?

English Language

13. Has being given five years leave to remain made learning or improving your English
 - more important to you?
 - less important to you?
 - has not affected your opinion about learning English?

Please explain your answer

14. Has anything prevented you from learning or improving your English?

15. Are you aware of the English language requirements to apply for indefinite leave to remain?

16. Do you think you will be able to meet either of these requirements?

Life in Britain and future plans

17. Has the fact that you have limited leave to remain influenced your **decisions** about your future?

18. Has having limited leave to remain affected how you feel about living in Britain/your life in Britain?

19. If you considered it safe to return to *your country*, would you like to return there at any point in the future?

20. From what you know about what is going on in your country, If the Home Office refused you further leave at the review how would you feel about returning home?

21. Is there anything else we have not covered that limited leave has impacted on?

Demographic details:

- **Country of Origin**
- **Gender**
- **Age group**
- **Where respondent lives**
- **Here with family?**

As a human rights charity, independent of government, the Refugee Council works to ensure that refugees are given the protection they need, that they are treated with respect and understanding, and that they have the same rights, opportunities and responsibilities as other members of our society.

This report can be downloaded at
www.refugeecouncil.org.uk



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