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Q). Demonstrate a critical understanding of how the health and well-being of your chosen group may not be secured by 'Protective legislation'. Identify three main areas of concern and suggest how a particular piece of legislation might be modified in order to address any failings identified.

During this assignment the focus will be based on asylum seekers, to critically understand if the health and wellbeing of this group are protected by the current legislation. To understand if their needs are met to form a safer environment than what they have tried to escape from. An asylum seeker requires protection in the host country rather than being granted protection outside of the host country.

'asylum seeker may vary from country to country, depending on the laws of each country... the terms asylum seeker/asylee and refugee differ only in regard to the place where an individual asks for protection. Whereas an asylum seeker asks for protection after arriving in the host country, a refugee asks for protection and is granted this protected status outside of the host country' (UNESCO, 2017).

The three main areas of concern for this assignment will be based around how protected asylum seekers are against racism regarding how the public as well as government bodies treat these individuals who seek protection due to their own being unsafe to habit in , housing the asylum seekers receive, the health care they receive as well as, looking into the legislation and protective groups will be critically analysed to see how well these legislations work and if not, why they do not work in regard to meeting the health and well-being of these individuals. In 2017, in the UK 'there were 14,767 grants of asylum, alternative forms of protection and resettlement, compared with 15,156 in the previous year (GOV.UK, 2018). The amount of asylum seekers who entered the UK was down in numbers 'The number of asylum applications in the UK from main applicants decreased by 14% to 26,350 in 2017. The number of asylum applications in the UK has been lower for two consecutive years' (GOV.UK, 2018). Despite the need for individuals to seek asylum, the UK is receiving fewer applications whilst 'With 198 thousand applicants registered in 2017, Germany accounted for 31 % of all first-time applicants in the EU-28. It was followed by Italy (127 thousand, or 20 %), France (91

thousand, or 14 %), Greece (57 thousand, or 9 %), the United Kingdom (33 thousand, or 5 %)' (Eurostat, 2018). Could the decrease in the number of applicants coming to the UK and choosing other EU countries be based upon changes to attitudes regarding Brexit. Data taken from polls and surveys around the UK found 'Existing evidence clearly shows that levels of opposition to immigration in the UK are moderately high... Those who favour reducing the number of immigrants coming to Britain is 58% (one third say 'reduce a lot' and a further 25% say 'reduce a little'... those favouring an increase are a small minority' (Blinder and Richards, 2018).

In 1951 a convention was created to give individuals protection and status whilst seeking asylum.

'Grounded in Article 14 of the Universal Declaration of human rights 1948, which recognizes the right of persons to seek asylum from persecution in other countries, the United Nations Convention relating to the Status of Refugees, adopted in 1951, is the centrepiece of international refugee protection today. The Convention entered into force on 22 April 1954, and it has been subject to only one amendment in the form of a 1967 Protocol, which removed the geographic and temporal limits of the 1951 Convention' (UNHCR, n.d.).

This allowed individuals seeking asylum to have a further from of protection such as 'providing that no one shall expel or return a refugee against his or her will, in any manner whatsoever, to a territory where he or she fears threats to life or freedom... Finally, the Convention lays down basic minimum standards for the treatment of refugees, without prejudice to States granting more favourable treatment. Such rights include access to the courts, to primary education, to work' (UNHCR, n.d.). The 1951 convention provided some stats of protection allowing individuals whom seek asylum to have their well-being put first due to them not being forced out of the country, also enabling them to have access to education and work which in turn both caters for the individual's health and well-being. Looking at Maslow's hierarchy of needs;

'1) Biological and physiological needs, 2) Safety needs - protection from elements, security, order, law, stability, freedom from fear. 3) Love and belongingness needs - friendship, intimacy, trust, and acceptance, being part of a group (family, friends,

work). 4) Esteem needs - which Maslow classified into two categories: (i) esteem for oneself (dignity, achievement, mastery, independence) and (ii) the desire for reputation or respect from others (e.g., status, prestige). 5) Self-actualization needs'. (Maslow, 1987, p. 64).

According to Maslow an individual must have these 5 elements met to ensure their well-being is at focus. By enabling asylum seekers access to education and work, it ensures safety as they have order, stability. Through the protection of asylum and the convention proposing that no-one shall be expelled or return a refugee they are free from fear. By allowing individuals to work, it provides love and belongingness as they can make friends and feel like they belong and contribute to the country as citizens do. By ensuring these the health and well-being of asylum seekers are being met. These factors all contribute to providing the five elements of needs in turn providing health and well-being for individuals seeking asylum. However, today the media has a powerful grasp on its readers and viewers, focusing their views and ideologies onto people living in the UK can have a negative correlation with asylum seekers, placing their health and well-being at risk. '31 percent of headlines and 53 percent of text about asylum across all newspapers has negative connotations' (Nargarajan, C., 2013). By reinforcing negative texts about individuals who seek asylum will be targeted at by members of the public dismissing the legislation to allow protection against these individuals, it places them and their well-being at harm as it dismisses love and belongingness, and they start to feel as though they don't belong due to the media telling them otherwise. Also, a negative perspective on these individuals places them back into fear affecting their health and well-being. the release of these headlines in the media will fixate the idea of what's being said and, in this case, the idea of portraying asylum seekers in a negative way will then cause people to view them in this way as it's the image they have been given. 'politicians and the media have actively created a racist electorate over the past 15 years, while embedding racism in British politics. A 2003 study found words used in racist attacks and street harassment directed at immigrants mirrored themes current in newspapers' (Nargarajan, C., 2013). However, despite this find there are legislations put in place to protect people from being discriminated against; The Equality Act 2010 proposes protection as it 'legally protects people from discrimination in the workplace and in wider society' (GOV.UK, 2013). 'This Act replaces previous anti-

discrimination Acts with a single Act, making the law easier to understand' (GOV.UK, 2013). This act provides a series of unlawful treatment such as,

'the basic framework of protection against direct and indirect discrimination, harassment and victimisation in services and public functions, premi, work, education, associations and transport...providing protection for people discriminated against because they are perceived to have, or are associated with someone who has, a protected characteristic... The Equality and Human Rights Commission is the statutory body established to help eliminate discrimination and reduce inequality' (GOV.UK, 2013).

The purpose of the Equality Act 2010 is to ensure that no one is discriminated against, this applies to asylum seekers as there is legitimate legislation to provide the protection against discrimination, protecting them against their characteristic of being an asylum seeker. This legislation makes the previous Race Relations Act 1976 easier to follow, supporting these individuals in society giving them the protection to improve their health and well-being. Providing the framework to end direct and indirect discrimination on a daily basis, making what the media does illegal, yet the ideas still accumulate around the media, so the act does not fully protect against discrimination as they are still able to print '31 percent of headlines and 53 percent of text about asylum across all newspapers having negative connotations' (Nargarajan, C., 2013). Therefore, this Act has not effectively worked as these individuals in recent years still get discriminated through negative connotations despite the Act proposing that no discrimination will take place, its still very prominent today.

In the UK 'Only when the crisis was in danger of lapping at Britain's own shores – either through the supposed "invasion" from the Calais camp or through heart-rending footage of refugees dying in the Mediterranean – did British politicians feel the need to act' (Travis, 2017). Due to the images that leaked about the asylum seekers so desperate to leave their homes due to their lives being at risk, was the time that British Politics, had to take a stand on the issue. Theresa May our current prime minister in the UK has a different stance on asylum seekers;

'May as home secretary argued that providing search and rescue ships in the Mediterranean acted as "an unintended 'pull factor', encouraging more migrants

to attempt the dangerous sea crossing and thereby leading to more tragic and unnecessary deaths” ...May, who was Britain’s longest serving interior minister, went further than simply sitting out the European refugee crisis. In her 2015 Conservative party conference speech she described an asylum system that gave refugee status to those who reached Britain and Europe as “rewarding the wealthiest, the luckiest and the strongest” and which failed the most vulnerable...They would be given more temporary forms of protection while those brought direct to the UK through resettlement programmes’ would retain longer-term protection. May even went as far as going to the United Nations and launching an appeal to reform the international legal definition of asylum and refugee status’ (Travis, 2017).

Theresa May argued that rescue ships should not attempt to go across the Mediterranean to rescue those seeking asylum as she feared it would cause more people to cross the waters in a push to enter the UK, this can be viewed as a way to prevent individuals entering the UK, which backed up her later statement that she would only be able to offer those seekers in the UK long-term protection instead of temporary forms of protection that other countries can offer. This stance shows that Theresa May is pursuing other countries to take the asylum seekers, so she doesn’t have to, offering a non-permanent stance for these individuals she is not looking at the best interest of these individuals who are in desperate need of help, dismissing the health and well-being for these individuals. She made a statement in the 2015 conference speech which made sure the most vulnerable are failed but ‘ensure the strongest, wealthiest and luckiest people should be able to enter Britain and Europe’ (Travis, 2017). Implying that only people with these characteristics should be granted protection as they are more “worthy”. If our own Prime Minister has these view, there’s no wonder the legislation put in place to protect these individuals are not met, why the health and well-being of these individuals are pushed to one side. Theresa May’s stance could be why ‘Existing evidence clearly shows that levels of opposition to immigration in the UK are moderately high... Those who favour reducing the number of immigrants coming to Britain is 58% (one third say ‘reduce a lot’ and a further 25% say ‘reduce a little’... those favouring an increase are a small minority’ (Blinder and Richards, 2018). If she publicly announces these views, there’s no wonder why

British people have such a negative view on asylum seekers. Other world leaders also have a negative view on asylum seekers such as Donald Trump,

'Trump has repeatedly vowed to deport the 11 million people living in the country illegally... While his official immigration plan does not offer any specifics on mass deportation, it does call for increased interior enforcement. He would triple the number of Immigration and Customs Enforcement (ICE) officers to "enforce immigration law against the 11 million illegal aliens already in the interior of the United States." He would also end the harmful "catch-and-release" policy and return all criminal aliens to their home countries. To protect American lives' (Raley, Spencer and O'Brien, Matt, 2017).

By Trump threatening to deport 11 million people he places terror for millions of individuals who have escaped their harsh lives for safety, by referring to the seekers as "aliens" he's proposing that they aren't human, by talking about people who need a safe place to live in the way he does. He's producing a mass hatred towards the minority of individuals, also creating conflict and hatred to many religions in America causing an outrage of racism and hate crimes towards seekers living in America. These allegations from both parts of the world are reasons why the health and well-being of these individuals seeking asylum are not looked after and why the legislation put in place to protect these individuals are not working as efficiently as they do, if the leaders of the country have a negative, public stance on these individuals, the people living in the countries are going to adopt these beliefs as they are the head of the country, voted in by the public. What views these leaders have are passed on to most people living and voting for these leaders, 'hate crimes with racial or ethnic bias jumped the day after President Trump won the 2016 election, from 10 to 27, according to an analysis of FBI hate crime statistics by The Washington Post' (Williams, 2018). In the UK, 'Existing evidence clearly shows that levels of opposition to immigration in the UK are moderately high... Those who favour reducing the number of immigrants coming to Britain is 58% (one third say 'reduce a lot' and a further 25% say 'reduce a little'... those favouring an increase are a small minority' (Blinder and Richards, 2018). However, when compared to another host country, Germany. 'A survey carried out by Insa shows that 58 percent of Germans said they supported the idea of allowing rejected asylum seekers to remain in the country if they were integrating well, only 31 percent said that they were against the proposals, and would prefer

that all those whose asylum claims had been rejected were deported' (Thelocal.de, 2018). The figures show that in Britain '58% (one third say 'reduce a lot' (Blinder and Richards, 2018), whilst in Germany 'only 31 percent said that they were against the proposals and would prefer that all those whose asylum claims had been rejected were deported' (Thelocal.de, 2018). This is a huge difference, and this data shows the different opinions on countries and how they view asylum seekers.

An asylum seeker in the UK will be 'be given somewhere to live if they need it. This could be in a flat, house, hostel or bed and breakfast' (GOV.UK, 2018). In Wales, there are legislations put in place to ensure tenants have a safe environment to live in, such as the Housing (Wales) Act 2014. 'Wales' first ever housing act aims to improve the supply, quality and standards of housing in Wales' (Gov.wales, 2015). The key elements of this act ensure; 'reform of homelessness law, including placing a stronger duty on local authorities to prevent homelessness and allowing them to use suitable accommodation in the private sector... introduction of standards for local authorities on rents, service charges and quality of accommodation... better quality homes and better housing-related services' (Gov.wales, 2015). By the Welsh government placing more legislation for the standards of housing, forms more protection for the wellbeing of many who reside in Wales. A better standard of housing regulations means that the wellbeing of others is put first to ensure the best health for many. However, this isn't the case for many asylum seekers, despite there being Housing Acts, to protect people in homes that are of poor quality and without suitable accommodation; 'The Home Office has been accused of "underplaying" poor treatment of asylum seekers in a government report which finds people seeking sanctuary in Britain are residing in dirty, unsuitable accommodation that fails to meet their basic needs' (Bulman, 2018). Despite protective legislation in place, to prevent individuals being housed in homes that are unsuitable to reside in, asylum seekers are being pushed to one side and are forced to live in homes which are unsuitable for accommodation. This disbalances the health and well-being of asylum seekers as legislation put in place does not protect these individuals as they have no other choice but to live in conditions which the Housing Act 2014 aims to protect people against. 'The new findings show that less than a quarter of asylum properties met contractual standards, while almost half were deemed "not fit for purpose" or in need of "urgent" action' (Bulman, 2018). The shocking figure here is that almost half of the homes asylum seekers

reside in are not fit for purpose, completely dismissing the health and wellbeing of these individuals, despite protective legislation put in place to avoid this, it seems it does not work for the vulnerable, especially asylum seekers. According to Maslow an individual must have their needs met through 'Safety needs - protection from elements, security, order, law, stability, freedom from fear' (Maslow, 1987, p. 64). By supplying asylum seekers with poor housing, it demolishes the need of safety, as they do not receive security, order and stability if the home they reside in is not fit for purpose it does not allow them to feel safe. Despite there being legislation in place to protect people against this issue, it appears that it does not work, as the housing standards asylum seekers face are not acceptable and do not follow precautions put in place to protect people from these elements. 'inspectors said discussions with the Home Office, the providers, NGOs and service users about particular properties revealed how difficult it was to agree on what was "an acceptable standard" of accommodation' (Bulman, 2018). It states that it's difficult to agree on what is an acceptable standard for these individuals, however, if there is legislation in place to prevent these conditions, by following the requirements put in place, it shouldn't be difficult to form an ideal standard for these individuals to reside in.

Another important aspect to consider is the healthcare asylum seekers face. 'GP and nurse consultations in primary care, treatment provided by a GP and other primary care services are free of charge to all... Individuals who are not ordinarily resident in the UK may be required to pay for their care when they are in England. However, some services and some individuals are exempt from payment' (GOV.UK, 2018). The individuals who are exempt from charges are; 'refugees (those granted asylum, humanitarian protection or temporary protection under the immigration rules) and their dependents, asylum seekers (those applying for asylum, humanitarian protection or temporary protection whose claims, including appeals, have not yet been determined) and their dependents, individuals receiving support under section 95 of the Immigration and Asylum Act 1999 (the 1999 Act) from the Home Office, those whose application for asylum was rejected, but they are supported: under section 4(2) of the Immigration and Asylum Act 1999 by the Home Office' (GOV.UK, 2018). Regardless of the asylum seekers status, they are protected by the Immigration and Asylum Act 1999, so they can and are entitled to free healthcare in the UK. Also, 'a practice cannot refuse an application on the grounds of: race, gender, social class, age, religion, sexual orientation, appearance,

disability, medical condition' (GOV.UK, 2018). However, despite these legislations and laws surrounding asylum seekers 'Thousands of asylum seekers and migrants have been wrongly denied NHS healthcare, in some cases being refused treatment despite suffering from life-threatening conditions such as cancer and heart disease' (Bulman, 2017). Despite the legislation put in place to provide asylum seekers with healthcare, free of charge, they are being refused healthcare; 'Undocumented migrants with urgent care needs have been refused treatment by hospitals, despite NHS guidelines that state no one should be refused urgent or immediately necessary treatment because they cannot pay' (Bulman, 2017). This is going against what the legislation aims to achieve, by refusing them healthcare as it states that the individuals who are exempt from charges are those who are 'refugees, asylum seekers as well as those who have had their asylum rejected as they are all protected by the Immigration and Asylum Act 1999' (GOV.UK, 2018). Also, the legislation set up by the NHS states that 'a practice cannot refuse an application on the grounds of: race, gender, social class, age, religion, sexual orientation, appearance, disability, medical condition' (GOV.UK, 2018). Despite this asylum seekers are being refused treatment for their medical conditions, proving that the legislation to protect these individuals does not protect the health and well-being of these individuals, by refusing them healthcare its explicitly denying them the right to have their health and well-being protected. As stated by Maslow as individual must have 5 elements of needs met to ensure their well-being is catered for, by disregarding their healthcare, it's disregarding '1) Biological and physiological needs, 2) Safety needs - protection from elements, security, order, law, stability, freedom from fear, 3) Love and belongingness needs - friendship, intimacy, trust, and acceptance, being part of a group (family, friends, work)' (Maslow, 1987, p. 64). By refusing them healthcare, their biological and physiological needs are disregarded due to not having their illness seen to, they cannot feel safe and protected due to being turned away for serious health issues, they aren't protected due to the legislation failing, they are entitled to free healthcare under the status they are given, yet not able to access it. They cannot feel as though they belong in the country as their right to free healthcare is rejected, despite the legislation saying otherwise. For this reason, the health and well-being of asylum seekers are not cared for and the protective legislation put in place to ensure these elements are catered for fail these individuals.

To conclude, the health and well-being for asylum seekers in the United Kingdom is not secured by protective legislation. Despite there being different forms of protective legislation in place to ensure the health and well-being of these individuals are met, do not meet expectations and therefore fail these individuals. legislations put in place to protect people from being discriminated against; The Equality Act 2010 proposes protection as it 'legally protects people from discrimination in the workplace and in wider society' (GOV.UK, 2013), however despite this Act ensuring that no discrimination against any person should take place, '31 percent of headlines and 53 percent of text about asylum across all newspapers has negative connotations' (Nargarajan, C., 2013). The media have a huge outlet so by reinforcing negative correlations for asylum seekers it dismisses this Act as there is discrimination in wider society associated with these individuals. Despite politicians creating these barriers to prevent discrimination, this legislation does not protect the well-being of asylum seekers. There are also legislations put in place to ensure tenants have a safe environment to live in, such as the Housing (Wales) Act 2014. 'Wales' first ever housing act aims to improve the supply, quality and standards of housing in Wales' (Gov.wales, 2015). However, despite this 'The Home Office has been accused of "underplaying" poor treatment of asylum seekers in a government report which finds people seeking sanctuary in Britain are residing in dirty, unsuitable accommodation that fails to their meet basic needs' (Bulman, 2018). The legislation put in place does not protect the health and well-being of these individuals as even though there is protective legislation set up to ensure suitable accommodation, asylum seekers are disregarded and given 'accommodation that fails to their meet basic needs' (Bulman, 2018). 'The new findings show that less than a quarter of asylum properties met contractual standards, while almost half were deemed "not fit for purpose" or in need of "urgent" action' (Bulman, 2018). This legislation also fails to protect these individuals living in homes which potentially put their health at risk, dismissing the health and well-being of these individuals. As well as this the healthcare for these individuals is disregarded as 'Thousands of asylum seekers and migrants have been wrongly denied NHS healthcare, in some cases being refused treatment despite suffering from life-threatening conditions such as cancer and heart disease' (Bulman, 2017). More needs to be done to protect these individuals to ensure the health and well-being of these individuals are fully met, despite the legislation being there to protect these individuals, it does not work. A stricter enforcement and proper checks to ensure the legislation is in working order needs to be addressed to ensure that these

individuals have their health and well-being met. 'since the 1990s, the detention of asylum seekers for purely administrative purposes, limitations on access to medical treatment, and – in extreme cases – the removal of income support for food and shelter' (Justice, 2018). This statement shows that the legislation doesn't protect these individuals as they are failing to deliver the basic human rights for these individuals. More protection is needed to ensure these individuals are protected as legislation is clearly not adequate in ensuring the safety of asylum seekers.

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