

WEA 'Hear Our Voice Event', February 24th 2016

Case Study 2: Elizabeth

'Elizabeth' is a Nigerian citizen, and the single mother of 'Benjamin (2)' and 'Princess (4)' who derive British citizenship from their father, from whom Elizabeth is estranged, and whose whereabouts are presently unknown. Elizabeth thus has the Derivative EEA2 'Zambrano' right of residence in the UK, and has applied to the Home Office for, and been granted, an EEA Derivative Residence Card, recognising her right to reside.

Following the breakdown of her marriage, Elizabeth, then in London, had approached her Local Authority for support under section 17 of the Children Act. She was initially granted such support in the form of a one-bedroomed flat in Wolverhampton, for which the Local Authority pays the rent and utility bills but provides no subsistence support, where she has now been living for the past 18 months. She has found work as a care assistant by registering with an employment agency paying minimum wage rates, helping her to meet her family's subsistence needs. The work is irregular, and Elizabeth is given little notice of her shifts in any given week, making it difficult to plan ahead: she has found an unregistered child-minder with whom she can leave Benjamin when she is at work, at a cost of £20 per shift.

The Local Authority has re-assessed Elizabeth's circumstances, and noted that she has the right to work in the UK. Given this fact, it has been decided to terminate the section 17 package of support presently covering her accommodation costs, leaving her to pay the rent - £231 per week- out of her wages. She is extremely distressed by this situation, since she plainly will not be able to meet her family's accommodation and support needs with the limited financial resources presently at her disposal.

She has approached Asylum Support and Immigration Resource Team (ASIRT), who are seeking to submit an Article 8 application for leave to remain to the Home Office on Elizabeth's behalf, on the basis of her parental relationship to her British citizen children. However, in the absence of Child in Need plans for either child, which the Local Authority is refusing to provide on the basis that Benjamin and Princess are no longer 'in need', it is presently impossible to submit such an application since Elizabeth cannot demonstrate eligibility for a fee waiver, leaving her liable to Home Office fees of £1149 (including a £500 'health surcharge'), which she simply cannot afford.

Ongoing litigation against the Local Authority is ensuing while Elizabeth remains unable to resolve her presenting immigration difficulties, causing considerable hardship and distress.

Dave Stamp, ASIRT. February 2016