About Scottish Refugee Council

1. Scottish Refugee Council is Scotland’s leading refugee charity with a vision to ensure that all refugees seeking protection in Scotland are welcomed, treated with dignity and respect and are able to achieve their full potential. We provide advice and information to people seeking asylum and refugees in Scotland. We campaign for the fair treatment of refugees and asylum seekers and to raise awareness of refugee issues, including in areas such as housing, welfare, health, education, employment, justice, gender and equalities. We also support organisations in the community working with or led by refugees; coordinate a variety of arts and cultural events; and work to raise the profile of refugees and asylum seekers in the media.

Introduction

2. Scottish Refugee Council welcomes the opportunity to respond to this call for evidence. We have not endeavoured to answer all of the questions set out in the consultation document. Instead we focus on the key areas of the Bill that affect refugees in Scotland and, in particular draw the Committee’s attention to the points raised in Question 4 regarding impact on Equality Groups as, although refugee status is not in itself a protected characteristic under the Equality Act, refugees encompass a number of protected groups and engage several intersectional issues.

Background

3. An asylum seeker is a person who has made an application to the UK Government for protection and who is waiting for a decision on their application. While they await a decision on their claim and if they are destitute, asylum seekers may receive accommodation and financial support from the Home Office, which may extend to limited cashless support, in limited circumstances, if that claim for asylum is refused.¹

4. Applications for asylum are assessed by the Home Office and if they meet the criteria in the 1951 UN Convention relating to the status of refugees, they may be granted Refugee status. In some circumstances, people may be granted another form of international protection, such as Humanitarian Protection or Discretionary Leave.

5. Refugees and people granted Discretionary Leave, Humanitarian Protection or Indefinite Leave to Remain are all entitled to public funds and mainstream

¹ Sections 95(1), 96(1) and 4(1)-(2) Immigration and Asylum Act 1999.
² Discretionary Leave to Remain may, in limited cases, be granted with no access to public funds.
benefits, including the Scottish Welfare Fund. In addition, refugees may be joined at some point after being granted leave to remain, by dependent members of their family. These family members will usually hold a Family Reunion visa allowing them access to public funds on the same basis as UK nationals.

6. In the *New Scots: Integrating Refugees in Scotland's Communities 2014-17* refugee integration strategy, the Scottish Government has recognised the need for action to intervene early to address the welfare needs of newly granted refugees.³

**Aims of this call for evidence**

7. The Welfare Funds (Scotland) Act was introduced to the Scottish Parliament on 10 June 2014 and is being scrutinised at Stage 1 of the Bill by the Welfare Reform Committee. The aim of this call for evidence is to gather views on the proposals set out in the Bill and related regulations set out in The Welfare Funds (Scotland) Regulations 2015.

**Scottish Refugee Council response**

**Endorsement of SCoWR and Engender responses**

8. Scottish Refugee Council is a member of the Scottish Campaign on Welfare Reform (SCoWR) and has worked closely with a collective of organisations representing diverse women in Scotland (Engender, Close the Gap, Scottish Women’s Aid and Zero Tolerance) to raise concerns about the impact of welfare reform on refugees and refugee women in particular.⁴ We therefore endorse the responses to this call for evidence of SCoWR and Engender.

9. Scottish Refugee Council welcomes the availability of a fund to assist with short-term and community care funding needs. The nature of the pathway that newly granted refugees and their families take on their journey to rebuilding their lives in Scotland means that they often face destitution and a consequent need for the emergency and community care grant provisions envisaged by the Bill.

**Refugees’ experiences of destitution**

10. On being granted leave to remain in the UK refugees are given 28 days’ notice by the Home Office after which any accommodation and financial support provided to them as asylum seekers is stopped. Within this 28-day period, referred to as the ‘move-on period’, people are expected to obtain a national insurance number and apply for and secure payment of welfare benefits. At the same time, most are going through the homeless system, and


⁴ [http://www.engender.org.uk/content/publications/engenderwelfarereport.pdf](http://www.engender.org.uk/content/publications/engenderwelfarereport.pdf)
may be accommodated in hotel or hostel accommodation with the resultant upheaval to their lives. The vast majority of refugees enter this situation with very little knowledge of the UK welfare and housing systems. Refugees by their very definition have been uprooted from their homes, families and support networks in circumstances of violence and persecution, and have often spent many months negotiating a very complex asylum process.

11. A significant cause of destitution amongst refugees is administrative error during this ‘move on’ period. Refugees are entitled to claim benefits on being granted leave to remain. As such, the Home Office should inform the Department for Work and Pensions (DWP) as soon as a grant of status is made, allowing the DWP to generate a National Insurance Number (NINO) within this 28 day period. A seamless transition should then be made from Home Office provided support to mainstream welfare benefits.

12. In practice, this frequently does not occur. Delays in processing NINOs push significant numbers of potentially vulnerable refugee women, men and children into destitution, forcing many to claim living expenses from the Scottish Welfare Fund. Awards are often only given in the most extreme of circumstances and where there is an extra element of vulnerability, such as where children are involved. This forces many people to rely on charitable support when they are in fact fully entitled to state welfare provision. Delays on the part of Job Centre Plus in processing benefits claims can also cause destitution among refugees. Our statistics suggest that of refugees who reported a problem with delays in their benefit claim, on average, people waited 39 days for this to be resolved.

13. Several other organisations, including the Refugee Council, British Red Cross, and the Refugee Women’s Strategy Group, a representative group of refugee and asylum seeking women in Scotland, have raised concerns about the destitution faced by refugees during the ‘move-on’ period.

14. Scottish Refugee Council also assists people who have refugee status and who arrange for dependent members of their family to join them in the UK. Family members of refugees, usually women and children, are entitled to apply for all UK benefits and housing upon arrival. However, this group faces similar barriers to timely access to NINOs, a period in homeless or overcrowded accommodation, and little or no orientation to the system. There are also particular challenges faced by this group in that they do not have access to Home Office funding so do not have a 28-day ‘move-on’ period in

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5 Appendix 1, Fig. 6
which to resolve issues on arrival. A further issue is the often complex family dynamic that can prevail following a period of separation that has been marked by conflict, loss and trauma. The dependent family members’ right to remain in the UK and their entitlement to welfare provision are wholly dependent on the person granted refugee status, which is usually the male head of household. In situations of domestic abuse, this causes additional complexity, insecurity and risk to the victim(s).

Our experience of supporting refugees to access the SWF

15. Scottish Refugee Council has supported refugees and their family members to apply for the Scottish Welfare Fund with mixed outcomes. Some, particularly families or those with additional vulnerabilities have had positive outcomes with awards for subsistence both during the immediate period of destitution and where families are being asked to live on a single-person’s income.

16. However, from our experience, refugees have had less success in securing awards where the application is made by a single person, particularly where Glasgow City Council has set its priority level to “high”. We have also had problems persuading Glasgow City Council to accept an application from refugees who do not yet have a NINO, despite having recourse to public funds and being entitled to claim. We understand that this may be due to the Capita IT system that administers the claims on behalf of most Scottish Local Authorities. As part of our development work with Glasgow City Council, we are addressing many of these issues. However, there is a need to address them at a national level to ensure consistency.

17. Where an application for a Crisis Grant due to delay in obtaining benefits is made, current guidance states that a maximum award of 14-days’ subsistence should be made. However, a separate rule prevents a further application within 28 days on the same grounds. Therefore, where an applicant is granted an award but the benefit issue remains unresolved after 14 days (as is commonly the case) there is no mechanism to make a further application. Instead, applicants must seek a review of the original decision which the fund can then consider. This is an unsatisfactory situation as the need for review implies that the original decision was wrong, which is not the case. It is also inefficient as it requires the original decision to be reviewed. Standard rules enabling repeat claims in certain circumstances should be set out in regulations with clear guidance on when this might be appropriate.

18. Scottish Refugee Council has assisted refugees and their families to apply for crisis grants in 47 cases. 28% of claims were made by single male clients, despite the fact that the demographic of refugees in the UK is predominantly young, single males. The largest group applying for crisis grants was single females (32%) and 70% of applications came from households with a female family member. This suggests that refugee women make a disproportionately high number of applications for crisis grants. Refugee women and those who join male refugee heads of household in the UK

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10 Appendix 1, Fig. 5
face a number of additional barriers, which should be recognised and further investigated by the Scottish Welfare Fund.\textsuperscript{11}

19. Although Scottish Welfare Fund provisions allow for Crisis Grants in a number of circumstances including where people are waiting for welfare benefits to be processed, we suggest that circumstances where particular groups, such as refugees, may require assistance should be set out in regulations and guidance, clarifying specific needs, experiences and vulnerabilities.

20. We recommend that the following are provided for in specific regulations:

a. Where an individual can demonstrate recourse to public funds a National Insurance Number should not be a requirement for making a claim to the Scottish Welfare Fund.

b. Clear guidance on when and how a Local Authority can set its priority levels and a provision for minimum award qualifications even when the priority level is set to “high”.

c. Clear guidance and provisions for repeat applications in certain circumstances.

d. Specific training and guidance on processing claims from refugees and their families to ensure their particular needs and experiences are recognised.

Other circumstances in which refugees may face destitution

21. Once access to benefits has been secured, the vast majority of refugees are awarded Jobseeker’s Allowance\textsuperscript{12} requiring them to meet increasingly strict conditionality agreements and leaving them vulnerable to sanctions for non-compliance. Our statistics show that 62% of refugees have a very basic English language ability of Access 2 or below, and 59% feel that they need support to improve their core skills before they can seek work.\textsuperscript{13} This suggests that the conditionality system refugees are asked to comply with is inappropriate to the language barriers they face and their ability to take up employment. \textbf{Whilst recognising that the Scottish Welfare Fund is not intended to undermine the existing sanctions system, we would argue that, in some circumstances, the Scottish Welfare Fund may have a role in bridging such gaps in the mainstream benefits system.}

Community Care Grants

22. After being granted leave to remain, most refugees reside in temporary accommodation until they can be housed in permanent socially rented accommodation. The majority of refugees have very few possessions and no furniture. They are often forced to apply for funds for these items through the Scottish Welfare Fund. Unfortunately, we are unable to provide a detailed

\textsuperscript{11} See for example the work of the Refugee Women’s Strategy Group at http://www.scottishrefugeecouncil.org.uk/rws
\textsuperscript{12} Appendix 1, Fig. 7
\textsuperscript{13} Appendix 1, Figs. 8 & 9
breakdown of applications we have supported for Community Care Grants due to the limitations of our case management database and because many refugees receive this assistance from other organisations such as housing support providers.

23. However, feedback from refugees we support suggests that there is an inconsistency between the time it takes to receive a Community Care Grant and the time allowed by most housing associations between the signing of a tenancy and the move-in date. Individuals are often given only one or two days from signing to move in. This is clearly insufficient time to allow for a claim for a Community Care Grant for essential items to enable them to move into their new property. Additionally, Housing Benefit rules do not allow people to claim simultaneously for temporary and permanent tenancies so they must have moved into their permanent tenancy in order to claim Housing Benefit. The resultant reality for many people is a choice between moving into their new property with no furniture or remaining in their temporary accommodation running up rent arrears in the new property.

24. Refugees report having to move into their new homes with no bed, sofa or cooking equipment and no means to procure these items beyond the Community Care Grant. This has resulted in people sleeping on the floor for up to 4 weeks while their Community Care Grant is being processed and the goods procured.

25. We have been informed by Glasgow City Council Welfare Fund Department that this delay is partly due to their supplier’s lead-in period for delivery of goods being 14 days. It would thus appear that part of the delay in getting essential goods to people in need is due to Local Authorities being encouraged to provide material rather than cash awards. We would argue that this is unsatisfactory and leaves potentially vulnerable people with their essential living needs unmet. It should be possible to assess an application for a Community Care Grant within a few days and deliver goods within one or two days. We would recommend a reassessment of the current policy of providing goods rather than cash in certain circumstances and that provisions are put in place for cash awards for absolute household essentials.

Recommendations

26. In summary, we make the following recommendations to the Committee:

a. Standard rules enabling repeat claims to the Scottish Welfare Fund for Crisis Grants in certain circumstances should be set out in regulations with clear guidance.

b. The Scottish Welfare Fund should recognise and provide training and guidance to decision makers on the needs and experiences of refugees with a particular focus on refugee women, single applicants (both men and women), and family members.
c. Where an individual can demonstrate recourse to public funds a National Insurance Number should not be a requirement for a claim to the Scottish Welfare Fund.
d. Clear guidance should be provided to Local Authorities on setting priority levels and a provision made for minimum award qualifications even when the priority level is set to “high”.
e. Clear guidance and provisions for repeat applications for Crisis Grants in certain circumstances should be set out.
f. There should be a reassessment of the current policy of providing goods rather than cash for Community Care Grants in certain circumstances and provisions should be put in place for cash awards for household essentials.

27. Scottish Refugee Council would like to thank the Committee for the opportunity to respond to this Call for Evidence. Should you have any questions about this response, please contact:

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Scottish Refugee Council
28 August 2014
Appendix 1
Statistics from Scottish Refugee Council Refugee Integration Service

Demographic distribution of refugees accessing our services

Figure 1: Gender distribution of refugees accessing SRC integration services (2013-14)

Figure 2: Age distribution of refugees accessing SRC integration services (2013-14)
Figure 3: Family composition of refugees accessing SRC integration services (2013-14)

Figure 4: Nationality distribution of refugees accessing SRC integration services (2013-14)
Refugees and the Scottish Welfare Fund

Figure 5: Demographic distribution of service users applying for crisis grants (November 2013-August 2014)

Figure 6: Causes of homelessness for refugees accessing SRC integration services 2013-2014
Figure 7: Welfare benefit distribution of refugees accessing SRC integration services (2013-14)

Figure 8: Language ability distribution of Scottish Refugee Council clients 2013-14

Figure 9: Self assessed ability to seek work amongst Scottish Refugee