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Convener, Equality, Human Rights and Civil Justice Committee
The Scottish Parliament
Edinburgh
EH99 1SP

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Dear Convener

People seeking asylum in Scotland

Thank you for the opportunity to give oral evidence on 25 April in relation to asylum seekers in Scotland. Given the changing external context, not least the passing of the UK Illegal Migration Act (IMA) since that session, I am writing to provide supplementary evidence to the Committee to assist in its consideration of your inquiry.

The British Red Cross is the largest provider of independent support to refugees and people seeking asylum. Since 2018, we have provided casework support to over 12,500 people in Scotland, with around half requiring destitution support. Changes to the asylum system – alongside wider cost of living pressures – threaten to remove protections and worsen destitution amongst people seeking safety and should be a prompt for renewed focus from MSPs and the Scottish Government.

While immigration is reserved, there are opportunities for Scottish Ministers to continue to intervene, building on decades of welcome support for refugees and people seeking asylum in Scotland. The IMA will be implemented alongside the widening dispersal of people already in the asylum system, pressures on the age assessment process, the scaling up of institutional accommodation facilities and challenges for reunited refugee families starting their lives together in Scotland.

The IMA imposes a duty to remove people seeking asylum to a safe third country who enter the UK who meet four conditions which include entering the UK in breach of the immigration rules, travelling through a safe third country en route to the UK and not having leave to enter or remain when required. In practice, the IMA will remove the right to claim asylum for anyone who has not been able to access an existing safe route, such as resettlement or the nationality specific relocation schemes. People seeking asylum who are subject to the duty to remove will have their asylum claims deemed inadmissible and during this time, if they are released from detention, they will not have the right to work and will have no route to obtaining refugee status.



Destitution

Concerning data from an impact assessment by the Refugee Council estimates that around 200,000 people in the UK could be detained or forced into destitution within the first three years of the IMA being implemented¹. Additionally, the cost-of-living crisis has affected lower income households more than others, including those who have No Recourse to Public Funds (NRPF), further threatening to increase the number of households forced into destitution.

It is unclear what devolved level entitlement to support will exist once the IMA has been implemented, for instance in relation to free school meals, healthcare, childcare and further education. Indeed, most people that fall under the IMA will have little prospect of return to their country of origin or a safe third country. This will force them to live in legal limbo, at great risk of exploitation, abuse and destitution.

Currently, the Scottish Government offers support through a range of strategies, including the New Scots Refugee Integration Strategy, Ending Destitution Together Strategy and Cash First: Ending the Need for Foodbanks Strategy. New Scots sets out a vision for a welcoming Scotland where refugees and people seeking asylum can rebuild their lives from the day they arrive, focussing on key themes including the needs of people seeking asylum, housing, employability and welfare rights and health and wellbeing.

Ending Destitution Together has a range of preventative and reactive actions designed to tackle hardship faced by people with NRPF living in Scotland. It lists three action areas that need to be addressed to support people to access pathways out of destitution: food and shelter, specialist legal advice and working with people with lived experience of destitution to improve services. Cash First: Ending the Need for Foodbanks aims to support people going through financial hardship and food insecurity and to help people maximise their incomes and prevent a crisis from happening again.

A key component of both the Ending Destitution Together and Ending the Need for Foodbanks is access to cash support. The British Red Cross and the wider Red Cross Red Crescent movement knows that access to cash is the most effective and safest way to support someone in a crisis. The strategy's action to deliver cash payments is being delivered by the British Red Cross through the Scottish Crisis Fund which provides emergency financial support to people who are at risk of destitution, including those with NRPF. Cash-based assistance funds also exist in other parts of the UK, such as the Discretionary Assistance Fund by the Welsh Government and The Executive Office in Northern Ireland, delivering asylum support funding through partners including the British Red Cross.

Working with around 30 referral partners across Scotland, between September 2021 to July 2023, the Scottish Crisis Fund has helped to support 2,688 people. 35% of recipients are people seeking asylum and protection in Scotland, 18% are migrants and 16% are people seeking asylum who have had their applications refused². This fund has had a significant impact in providing a lifeline to destitute people as well as people at risk of destitution. The British Red Cross undertook an internal evaluation of the Scottish Crisis Fund³ and found that 94% of

¹ <https://www.refugeecouncil.org.uk/information/resources/illegal-migration-bill-impact-assessment/>

² This includes people whose immigration status was asylum seeker, migrant with no status or people whose asylum claim has been refused.

³ The evaluation ran from September 2021 and July 2022 and aimed to understand the impact of the SCF, and also to map areas of financial need and barriers to support in Scotland. It used operational data (data

people said they spent the SCF money on food, with clothing and shoes, transport and personal hygiene also ranked highly⁴. Continued support for cash-first initiatives like the SCF will be important as the IMA is implemented and more people become at risk of destitution.

Accommodation

The Home Office is currently implementing a policy of full dispersal of people in the asylum system to every local authority in Scotland. One element of this is Operation Maximise, which will see the introduction of room sharing in asylum accommodation. More generally, we are concerned by moves to use hotels, military barracks, cruise ships and other forms of inappropriate settings, like the Mother and Baby Unit in Glasgow.

We have published research into the impacts of institutional accommodation on people seeking safety⁵ and believe there is an opportunity for the Scottish Government to better monitor, inspect and regulate the use of housing in Scotland by empowering local authorities and regulatory agencies to raise standards and proactively intervene.

Age assessments

The Human Trafficking and Exploitation (Scotland) Act 2015 indicates that until a person's age is determined "the relevant authority must assume that the person is a child for the purposes of exercising its functions under the relevant enactments." However, over the last three years, the British Red Cross young refugee service in Glasgow has supported 39 young people who were disputing an age given to them by either the Home Office or by social service departments in Scotland and where the age assessment process had not been Merton Compliant.

For cases where there is reasonable ongoing doubt regarding someone's age, arguably it should not be claimed to have exhausted the determination process under the Act. Yet in all cases the young people fell outside the remit of the Scottish Guardianship service, lived independently as adults in often precarious and unsafe adult asylum accommodation, and/or faced street homelessness, isolated in Scotland. The British Red Cross supported those 39 young people to engage in legal processes to ensure a legally compliant age assessment process had been undertaken. After months of support, 82% of those young people were found to be children, unsupported by Scottish public services.

With age assessment processes in Scotland unregulated, processes often taking many months, and young people dependent on British Red Cross support, there remains a systemic gap in regard to how Scottish public services support young people. These systemic gaps will be heavily amplified under provisions of the IMA that extend detention powers and removal duties.

Conclusion

While Scottish Government strategies set out above are welcome, we believe the policy changes detailed underline the need for a comprehensive humanitarian strategy from the

recorded by partner organisations and the British Red Cross operational team, recorded in RedRose) in addition to surveys completed by recipients of the crisis fund and interviews with seven SCF partner organisations.

⁴ Based on online survey responses on how people spent the SCF money. Multiple responses were selectable (N=63).

⁵ <https://www.redcross.org.uk/about-us/what-we-do/we-speak-up-for-change/far-from-a-home-why-asylum-accommodation-needs-reform>



Scottish Government, joining up existing areas of work and committing to further action to uphold rights and provide support for people seeking safety in Scotland.

We look forward to the Committee's report and would encourage it to support a new humanitarian strategy, with continued investment into cash support to tackle destitution, regulation of asylum accommodation and improved standards for age assessments in Scotland. It should also include clarification of devolved entitlements to social security and public services for people seeking asylum in Scotland under the IMA.

Yours sincerely

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