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Collette Stevenson MSP
Convener
Social Justice and Social Security Committee

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Dear Convener,

Thank you for your letter regarding the recently published legal briefing: Ending Destitution in Scotland – A Road Map for Policymakers.

The briefing was independently commissioned by I-SPHERE at Heriot Watt University and funded by Joseph Rowntree Foundation as part of the Fair Way Scotland partnership. I was pleased to have had the opportunity to speak in the Chamber recently about the publication, and to hear from other members on this issue.

The Committee requested a copy of the Scottish Government's response to the briefing's recommendations, and I am pleased to attach my response to the report at Annex A.

The Committee also asked for information about what discussions have taken place between the Scottish and UK Governments in relation to mitigating destitution experienced by those with No Recourse to Public Funds (NRPF), or other restricted eligibility (RE).

The NRPF condition forces people into destitution when they are at their most vulnerable. It is our view that the condition is disproportionately applied, exacerbating inequalities and preventing individuals and families from accessing essential support when they have nowhere else to turn. When people reach this crisis point, the cost of supporting them is transferred onto local authorities, public services and the third sector.

In April 2021, Aileen Campbell, the then Cabinet Secretary for Communities and Local Government, wrote to the UK Government raising the issue of NRPF policy and announcing the publication of the Ending Destitution Together (EDT) strategy.

Ms Campbell recognised reserved matters and that the strategy is clear that there are limits on action that can be taken due to the reserved nature of NRPF policy. The Scottish Government asked the UK Government to immediately remove and cease to apply the NRPF condition to people in vulnerable circumstances, particularly in the cases of families with children and vulnerable adults, including those with care needs, people at risk of rough sleeping and women experiencing domestic abuse. Despite regular engagement on the issue by the Scottish Government, this has not been undertaken by UK Government.

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Ms Campbell also asked for the removal of the Scottish Welfare Fund (SWF) from the restricted public funds list to enable crisis and community care grants be provided to people subject to NRPF, where they are eligible, on the same basis as anyone else and as originally intended. This would also ensure a means to provide people subject to NRPF with a limited level of immediate support when they face short term financial crisis. We did not receive a satisfactory response to this request then, and despite the ongoing discussions that have taken place, we are frustrated by the lack of tangible progress.

As I mentioned in the Chamber, I will continue to call for the removal of the Scottish Welfare Fund from the restricted public funds list, and indeed for all schemes that are created using devolved powers to be able to determine their own eligibility requirements. Whilst the removal of the SWF will not solve issues overnight, it will go some way to improve the support available for people who are at risk of destitution. I intend to write to my counterparts in UK Government on this matter shortly.

In writing, Ms Campbell also highlighted within the EDT strategy the ask of UK Government to enable the Scottish Government to realise its ambition for everyone to have a settled home, and for the UK Government to allow funding for accommodation for people with NRPF. This has not come to be. Fair Way Scotland, supported by the Scottish Government, was mobilized and set out their five-year plan to help design-out destitution by providing accommodation pathways and support to people with NRPF who are at risk of homelessness and rough sleeping, however this is only part of the solution and there remains the need for the UK Government to play its part in resolving the issue in Scotland.

Further, the Cabinet Secretary asked for the funding of refuge places and the extension of the Migrant Victims of Domestic Abuse (MVDA) Concession. The UK Government should enable funding of refuge spaces for people subject to NRPF by either allowing housing benefit to be accessed or by allowing alternative funding routes for refuge spaces as a form of emergency accommodation which is not restricted by NRPF. The MVDA Concession enables people who are in the UK on a partner visa to claim public funds while applying to settle in the UK, following the breakdown of their relationship due to domestic violence, but it does not extend to people whose partner has limited leave, including as a refugee. The Concession should be available to anyone who is in the UK as a dependent on someone else's visa or protection status, regardless of the timescale of that status. It is disappointing that neither of these asks have been realised which I will raise in my submission to my counterparts in UK Government.

Despite the intransigence of the UK Government to address the issues raised, we have continued to make significant progress since the publication of the strategy in 2021:

- Learning from the Scottish Crisis Fund pilot project has enabled a more targeted project to be delivered by Fair Way Scotland to support the most vulnerable people in communities and assist them in accessing their human rights and entitlements.
- The Migrants Rights and Entitlements Guidance has supported local authorities in making decisions about assistance and support to people and has provided training for local authorities working with people subject to NRPF.
- Resources have been developed with Public Health Scotland and GP Networks to improve the understanding and awareness of NRPF amongst frontline workers.

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- Scottish Refugee Council continue to deliver diagnostic legal advice and advocacy support for people navigating through the asylum process.
- The Scottish Government also continues to support increased access to specialist immigration advice to support local authorities assisting people subject to NRPF. Delivered through the International Organisation for Migration, this helps support especially vulnerable groups and complex cases, builds local capacity and strengthens local service design, whilst also collecting data to strengthen the national evidence base on immigration advice needs.
- The establishment and success of our 'Experts by Experience' forum has been invaluable, and I very much enjoyed meeting with them last year to hear first-hand some of the issues they have experienced.

Earlier this year, several engagement sessions took place with key stakeholders, third sector organisations, local authorities, experts by experience and policy leads in Scottish Government. These engagement sessions focused on: Housing and Housing Support, Social Security, Employability, Lived Experience, Legal Advice and Advocacy Support Services. The feedback and insights gathered from these sessions has been collated and is being used to develop deliverables and key areas of work for this next phase of delivery of the strategy. In addition, the significant research undertaken by COMPAS¹, the evaluations of Fair Way Scotland and the more recent legal briefing are all valuable resources in assisting and shaping our direction of travel toward ensuring no one in Scotland is forced into destitution and everyone has their human rights protected, regardless of their immigration status.

I intend to publish this refreshed EDT workplan later this year to continue to deliver our vision and principles in the strategy. It will learn from the first four years of delivery, and continue our work with key partners, stakeholders and local authorities. It will be designed in the same spirit as the strategy was developed, remaining flexible to the ever-changing legislative and policy landscape in the UK, whilst ensuring that we are testing the boundaries of devolved competence to ensure people in our communities are supported.

I hope this response is helpful for the Committee.



KAUKAB STEWART

¹ [COMPAS: Understanding Migrant Destitution in Scotland](#)
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