COSLA Response to the Scottish Parliament Equalities and Human Rights Committee on Destitution, Asylum and Insecure Immigration Status in Scotland

Introduction

1. The Convention of Scottish Local Authorities (COSLA) represents the interests of local government in Scotland. The Migration, Population and Diversity (MPD) team within COSLA focuses specifically on migration policy, including issues in relation to asylum seekers and refugees. We work with a range of key partners including individual local authorities, UK and Scottish Government to ensure that all migrants are welcomed and integrated into Scotland and the demographic needs of the country are met.

2. COSLA operates at both an operational and strategic level with regard to asylum and refugee issues and, as such, is well placed to comment on the current asylum system and on some of the challenges that it currently presents for local authorities. We also host a No Recourse to Public Funds (NRPF) Network on behalf of local government in Scotland, so have a perspective on destitution of migrants more generally.

3. We welcome the opportunity to respond to this consultation on destitution, asylum and insecure immigration status in Scotland. This response seeks to provide a general local government perspective on some of the issues being considered in this inquiry.

The role of local authorities and COSLA

4. Scottish local authorities have a great deal of expertise in supporting the most vulnerable in society and have shown themselves to be ready and willing to assist those fleeing persecution and seeking refuge in our country. This has been illustrated most recently by Scottish councils’ response to the Syrian refugee crisis that has seen all 32 councils volunteering to support the resettlement efforts in whatever way they can. To date, this has seen around 1600 refugees being resettled across 30 council areas – a truly remarkable effort, particularly considering that almost all had limited experience of supporting or resettling refugees prior to 2015.

5. COSLA has played a central role in coordinating the resettlement efforts in Scotland. At the outset, we supported local authorities to make informed decisions about their participation and councils responded to this quickly, with the UK’s first arrivals and first charter flight landing in Glasgow in Autumn 2015. We also played an active role in the Scottish Government Task Force which met regularly from September 2015 to May 2016 to provide initial oversight of Scottish agencies’ involvement in the resettlement efforts. We continue to support councils to plan the reception and integration of refugees drawing upon existing expertise and best practice and have worked closely with Scottish Government, the Home Office and
a wide range of partners across the public and third sector to ensure that the programme is properly resourced and well-coordinated at a national level.

6. In terms of the asylum system, the Immigration and Asylum Act 1999 introduced a national dispersal policy for asylum seekers as a means of easing pressure on authorities in the south east of England that had previously dealt with the majority of people seeking asylum in the UK. In 2000 the Home Office and Glasgow City Council signed a formal contract for the dispersal of asylum seekers to the city. Since then, Glasgow has remained the sole asylum dispersal area in Scotland.

7. Glasgow City Council was initially funded directly by the Home Office to accommodate dispersed asylum seekers in the city. There was then a move towards a ‘mixed economy’ in which both the City Council and third sector providers delivered contracts on behalf of the Home Office. The model shifted again in 2012 and, following a competitive tendering process, Serco was awarded the current contract – known as the COMPASS contract – for the provision of accommodation and associated services for asylum seekers in Scotland. However, Serco is currently only permitted to house asylum seekers within Glasgow City Council boundaries.

8. The COSLA MPD team hosts Scotland's Strategic Migration Partnership (SMP). The SMP is funded by the Home Office and acts as a conduit between UK Government, Serco, Glasgow City Council and other statutory service providers in the city as a means of supporting the strategic planning of asylum dispersal. COSLA has performed such a strategic coordination role on asylum services since 2004. In practice, at present this means that COSLA administers a property procurement protocol which ensures that Serco consults with statutory service providers in Glasgow prior to procuring properties that are to be used for the accommodation of asylum seekers in receipt of support as authorised by the Home Office.

9. We also engage with a wider range of partners across the public and third sector in relation to asylum and refugee policy. Much of this work is channelled through the New Scots refugee integration strategy which we co-authored with Scottish Government and Scottish Refugee Council (SRC). As well as being represented on the Core Group that oversees work undertaken through the strategy, we also co-chair the Needs of Dispersed Asylum Seekers (NDAS) and Housing sub groups that have been established as part of the strategy.

10. In terms of our broader work on the rights and entitlements of migrants, we host a No Recourse to Public Funds (NRPF) Network for Scottish local authorities. The NRPF Network allows for sharing of information and good practice amongst local authorities and seeks to ensure that local authorities are supported in meeting their statutory duties to migrants with NRPF. It is worth highlighting that there are various categories of migrants who have leave to remain in the UK but have NRPF. This includes most people who have limited leave to remain in the UK such as sponsored immigrants and people on work, student or family visas.

The current asylum system
11. When Glasgow City Council was the accommodation provider for dispersed asylum seekers in Scotland, it invested the funding that it received in key services and in the communities in which the asylum seekers resided. As a result, dispersal is
generally viewed as having had a positive impact on Glasgow, transforming its demographic profile and rejuvenating parts of the city that had been in decline for many years.

12. The level of funding provided through the current COMPASS contract has been significantly reduced when compared with previous funding arrangements. This was largely caused by the use of a reverse auction e-bidding process to select contractors which effectively priced all local authorities and third sector providers out of the process. Local government across the UK lobbied strongly against this process as being entirely inappropriate for the procurement of services for the most vulnerable in society and it has been no surprise to us that it has resulted in many of the pressures that we highlighted as inevitable consequences at the time.

13. A key concern is that funding for the provision of asylum accommodation and associated services has been driven down to such levels that this affects the quality of the service that the contractors are able to provide and, indeed, fundamentally undermines their ability to deliver services as set out in the contract. The impact of this is being felt not only by asylum seekers but also by the communities to which they are being dispersed. Some of the particular challenges that have emerged include:

a. Increased and unpredictable pressure being placed on local statutory and voluntary services that are seeking to provide services with little or no funding to do so;

b. Increased use of low cost housing and disproportionate placement and concentration of asylum seekers in areas already dealing with significant social and economic challenges;

c. Continued allegations about the standard and maintenance of accommodation and the mistreatment of asylum seekers, most recently highlighted in the Home Affairs Committee report on asylum accommodation in January 2017; and

d. Negative public perceptions and media coverage as a result of the additional pressure being placed upon communities and services.

14. With the current contracts due to come to an end in 2019, COSLA has welcomed the consultation process that has been instituted by the Home Office as they consider what the new contractual arrangements should be. The Home Office Asylum Accommodation and Support Transformation (AAST) team met with COSLA and statutory services in Glasgow in October 2016 to discuss the current asylum dispersal model, it’s advantages and disadvantages, and what changes colleagues would wish to see under the new contractual arrangements. This was followed, in December 2016, by a similar session, involving the AAST team and a wider range of stakeholders, that took place under the auspices of the New Scots NDAS sub group.

15. A number of key issues have been raised in these discussions and COSLA is currently formulating a submission as part of the AAST consultation process that summarises our perspective on how a future asylum system should be designed. Fundamentally, there is a need for local authorities and statutory service providers to be adequately funded to support asylum seekers living in their areas. While there have been numerous press reports in recent years with allegations around
the use of substandard accommodation under the COMPASS contracts, these often miss the wider point: namely that the level of funding that has been removed from asylum services has made issues around service delivery and provision an inevitability. Only significant investment will help to address these challenges.

16. The lack of resources being provided for asylum services is also a significant impediment to any new local authorities agreeing to become dispersal areas. The Home Office has, over the last year or so, sought to enter into dialogue with local authorities across Scotland in relation to the widening of asylum dispersal beyond Glasgow. COSLA has facilitated contact between the Home Office and councils in this regard. However, to date, no new dispersal areas have been created. While councils have developed expertise in supporting refugees through the Syrian Resettlement Programme, the model of delivery is completely different and councils have expressed significant concern that the absence of funding to recompense them for the role that they would play in providing services to asylum seekers is a real impediment to their involvement.

17. There are also inconsistencies in the current system that must be addressed. People seeking safety in the UK are currently being treated entirely differently depending on whether they are seeking asylum or have been resettled through one of the UK’s resettlement programmes. This difference is starkest when comparing the asylum system to the Syrian Resettlement Programme which sees funding provided to local authorities over a five year period. Local authorities see this long term funding as essential for funding services and supporting the long term integration of individuals and families and, while it is recognised that there are clear differences between the asylum system and resettlement programmes, the current imbalance and inequity between the two must be addressed.

Destitution amongst asylum seekers and refugees

18. Destitution amongst asylum seekers and refugees existed long before the introduction of the current COMPASS contract. However, there is a sense that problems of destitution have been exacerbated as a result of diminishing resources, not only through the contract, but also as a result of a reduction in funding for a variety of service providers across the public and third sector.

19. While the Committee will be aware that various third sector organisations have undertaken research and/or analysis of their case files to develop a picture of the extent of destitution, there is a need for further research in this area. This has been recognised by the New Scots NDAS sub group and it is currently considering work that could be undertaken to bolster the evidence base. For instance, consideration is being given to conducting a ‘snapshot’ survey each year which will provide a clearer sense of the scale of this problem year on year. This could build on a similar exercise carried out in 2012, which led to the publication of the ‘Trapped’ report by the Scottish Poverty Information Unit.1

20. In terms of local authorities’ direct experience of destitute asylum seekers, clearly this is a particular issue in Glasgow given its role as a dispersal area. However, it is not an issue that is unique to Glasgow, and is also likely to be an area of concern for any local authorities that are considering their involvement in asylum dispersal in future. In particular, there are concerns in relation to:

a. People who have been granted refugee status but who do not receive mainstream benefits within the 28 day grace period between the positive decision being made and their removal from the asylum support system;

b. Failed asylum seekers\textsuperscript{2} who are subject to removal from the country but are neither removed nor supported by the Home Office. While some failed asylum seekers are currently able to receive 'Section 4' support under the terms of the Immigration and Asylum Act 1999, most are not eligible for this support, nor do they have recourse to public funds. Many are therefore highly likely to suffer hardship and destitution; and

c. The incoming changes to asylum support as a result of the Immigration Act 2016 which will remove 'Section 4' support and further restrict the eligibility for support for failed asylum seekers who are particularly vulnerable. Additional elements of the Immigration Act 2016 which will have impact on asylum seekers, refugees and migrants will be the 'Right to Rent' provisions which the UK Government intent to extent to Scotland. While we do not know the detail of these changes we anticipate this could lead to an increase in hardship, destitution and potentially discrimination.

21. In terms of those who have been granted status and yet still suffer destitution, the 28 day 'move on' period has long been an area of concern for practitioners and policy makers. Indeed, the Housing sub group of the New Scots strategy has its own sub group that has been considering possible solutions to the problems associated with this difficult transition period. It has also been the subject of discussions in the AAST consultation events mentioned above and many partners believe that the most appropriate solution would be to extend the 28 day period, to allow for more 'breathing space' to be introduced. There is also pilot work underway involving the Home Office and DWP which, it is hoped, will lead to better partnership working across these government agencies.

22. With regard to failed asylum seekers, we are obviously concerned about the number of people who are not removed from the UK and left without means of support further to having exhausted all means of appeal. For those who are not in receipt of Section 4 support, local authorities and local communities will undoubtedly be impacted, with no funding provided to mitigate the significant social and economic costs that will ensue.

23. Local authorities have a statutory responsibility towards some failed asylum seekers, namely those with needs assessed as being over and above destitution which require support under the Social Work (Scotland) 1968 Act, the Mental Health (Care and Treatment) Act 2003 or in the case of families the The Children Scotland 1995 Act.

24. Local authorities also have an ongoing responsibility to Unaccompanied Asylum Seeking Children (UASC) who have reached the age of 18 and who have exhausted their appeal rights. The Home Office or Scottish Government do not currently provide any funding to cover the costs of supporting this group but local authorities have a responsibility under the Children (Scotland) Act 1995 (as amended) and the Children and Young People (Scotland) Act 2014 to provide

\textsuperscript{2}We do not use the word ‘failed’ here in a pejorative sense, but are mirroring terminology that is found in statute.
support up to the age of 19 and a duty to assess any eligible needs up to their 26th birthday. This represents a very substantial financial burden which would increase if Scottish local authorities participate in the UASC transfer scheme that UK Government is seeking to introduce in Scotland.

25. There are also broader impacts on communities for which local authorities have responsibility notwithstanding the support that they are or are not required to provide to failed asylum seekers. Similarly, many local volunteers and third sector organisations continue to play a significant role in seeking to mitigate negative impacts, often with very limited funding to support their work.

26. Although the various costs outlined above arise as a result of reserved immigration policy, the Committee has rightly noted that the Scottish Government can provide support under its devolved functions, such as education, social care and health. It is also worth noting that the Northern Ireland Executive has established a crisis fund which makes payments to destitute migrants, including asylum seekers.

27. In a sense local authorities are unconcerned which of our national governments provide funding to support this work. Instead, our primary concern is that local authorities are recompensed for the significant costs they incur as a result of policies which are outwith their control. We therefore call on both the UK and Scottish Government to find solutions that will bring much needed resources into the communities that are supporting asylum seekers, whatever stage they are at in the process.

Conclusion

28. This submission has sought to highlight some of the issues associated with the current immigration system and the impact that these have on local authorities. In particular, it has focused on some of the causes of destitution for asylum seekers and refugees and the challenges that these present for local authorities. There is an opportunity for at least some of these causes to be addressed through, for instance, the current AAST project and COSLA is continuing to engage with UK Government and other key partners in this regard.

29. Evidence in relation to the Syrian Resettlement Programme also highlights that, when they are funded to do so, local authorities are not only willing, but are well placed to support vulnerable people who are seeking refuge in this country. However, it is vital that they are provided with the necessary funding to support their ongoing obligations with regard to all of the vulnerable migrant groups for which they have responsibility. COSLA is working with both UK and Scottish Government to highlight current pressures on local authorities and to identify possible means of addressing them.

For further information on this submission, please contact:

Andrew Morrison
Policy Manager
0131 474 9268
andrew@cosla.gov.uk

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