Dear Ms McKelvie

Committee call for views on destitution, asylum and insecure immigration status in Scotland

Thank you for your letters of 31 January and 10 February and the opportunity to contribute to the Equalities and Human Rights Committee’s examination of asylum and destitution in Scotland.

Whilst Edinburgh has never formally participated in asylum dispersal, the Council has historically supported asylum seekers and continues to support destitute people whose insecure immigration status means they have no recourse to public funds. Over the last year we have supported nearly sixty people - involving over eighty dependent children - who, in broad terms, fall into one of the following categories:

- people whose immigration status is discovered to be irregular (eg following hospitalisation as a result of significant ill-health) who then seek to regularise their status
- people whose status alters as a result of a change in their circumstances (eg people resident in the UK on the basis of a spousal visa whose relationship breaks down)
- people who have been granted leave to remain and decided to live in Edinburgh and to whom we offer resettlement support in the days and weeks immediately following arrival in the city
- people who have applied for asylum but have had their application refused and are in the process of appealing
- people who have exhausted their rights of appeal but for whom further steps are required by other authorities before they can return to their country of origin (eg confirmation of identity and/or provision of travel documentation by their home country)
- European Economic Area citizens whose eligibility to publicly funded services is unclear or non-existent.

Criteria for supporting people include:

- they are taking active steps to regularise status through applying for asylum or making an appropriate visa application
- their human rights would be infringed were they not able to access a service
- they are destitute and have no other means of supporting themselves
- for adults without children, they have a characteristic that makes them additionally vulnerable (eg age, disability, previous victim of domestic or honour based violence).

We also have contact with a small number of asylum seekers who are relying on informal support from friends. These tend to be individuals who have been living in Edinburgh for some time, usually years.

Our referrals come from a variety of sources with people whose immigration status is insecure generally being referred from other services within the Council (eg Housing, Social Work) and other agencies such as NHS Lothian, Police Scotland, UKVI, women’s aid agencies and local refugee communities. Whilst we have
a number of self-presentations, these tend to be people whose status is more secure (e.g., asylum seekers who have received leave to remain and wish to settle in Edinburgh.)

We provide a duty service during office hours and assess people’s needs in a holistic manner, undertaking a full assessment of their circumstances, legal status and any issues they have which increase their vulnerability in the face of destitution. Where someone is assessed as requiring support, this is usually provided under s. 22 of the Children (Scotland) Act 1995 where children feature or s.12 of the Social Work (Scotland) Act 1968 where they do not. Support takes the form of providing emergency accommodation, living expenses, advice on entitlement to services, sign-posting to other agencies, community language support or, more usually, some combination of these.

We have staff registered with the Office of the Immigration Services Commissioner, authorised to offer advice and services at level 1 in the areas of asylum and immigration and provide sign-posting to lawyers and other advisers for clients with more complex immigration issues. We use the NRPF Connect database to record clients and costs and to facilitate progress of cases with the Home Office and are also members of COSLA’s NRPF officers’ network.

Barriers

First and foremost, the complexity of immigration law coupled with the frequent changes made to it both affect people’s entitlements and cause confusion as to which services people can access. This is frequently exacerbated by people with insecure immigration status feeling stigmatised and/or being extremely wary of approaching public authorities for help. This increases their potential vulnerability considerably and can also mean their circumstances have become much more complex by the time they do come to our attention thereby removing any opportunity for early intervention.

A significant operational challenge is the movement of many services to a phone-based model of access increasing the challenge for people whose first language is not English considerably. A number of these services (particularly banks and some DWP related services) do little to take language issues into account leading to much frustration and time wasted on the part both of the people we support and those who support them.

Conclusion

I hope this contribution is helpful for the committee’s study of the issues involved in working with destitute asylum seekers and people with insecure immigration status. In particular, I hope this indicates that whilst, as committee notes, only a small number of Scottish local authorities formally participate in asylum dispersal, the implications of working with people with insecure immigration status extend further. If the committee would like further information on any of the points raised in this submission, please contact Alistair Dinnie, Refugee and Migration Programme Manager (alistair.dinnie@edinburgh.gov.uk) in the first instance.

Yours sincerely

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