Christina McKelvie MSP
Convener, Equalities and Human Rights Committee
Room T3.40
The Scottish Parliament
Edinburgh
EH99 1SP

Dear Christina,

DESTITUTION, ASYLUM AND INSECURE IMMIGRATION IN SCOTLAND

Thank you for your letter of 8 March about the Equalities and Human Rights Committee’s inquiry on Destitution, Asylum and Insecure Immigration in Scotland. As your letter points out, immigration is a reserved matter, but I recognise that it touches on many of the public services which are within the devolved competency of the Scottish Parliament and Government. I would like to pay tribute to the valuable contribution Scottish local authorities have made in recent years in welcoming asylum seekers and resettled refugees. I hope that we can continue to build on that work and encourage more local authorities in Scotland to become asylum dispersal areas.

I am sorry that I am unable to give evidence in person this week, but I hope the Committee will find the attached written evidence helpful in setting out the UK Government’s position on the provision of support and accommodation for asylum seekers and individuals who have had their asylum claim refused.

Yours sincerely,

Robert Goodwill MP
ASYLUM SUPPORT PROVISIONS FOR DESTITUTE ASYLUM SEEKERS AND FAILED ASYLUM SEEKERS

No person who has sought asylum in the UK need be destitute whilst awaiting a decision on their claim. All asylum seekers whose claims have been fully determined and have exhausted any in-country appeal rights are required to leave the UK voluntarily as soon as practicable.

Section 95 of the Immigration and Asylum Act 1999
Asylum seekers who would otherwise be destitute can obtain support under section 95 of the Immigration and Asylum Act 1999 (“the 1999 Act”) to avoid destitution from the time they arrive in the UK to the point that their claim is fully determined and, if refused with an in-country right of appeal, they have exhausted their appeal rights. The support package usually consists of free furnished accommodation (with utility bills and council tax paid) and a weekly cash allowance to meet essential living needs. But those who find accommodation through friends or relatives may be provided with the allowance alone (“subsistence only support”).

Free access to NHS healthcare is also provided and all children are entitled to free primary and secondary education.

The cash allowance to meet essential living needs is used to purchase food and other essential items (such as clothing, toiletries etc). Arrangements for cash collection are being modernised. Increasingly, those people who used to collect cash weekly from the Post Office by presenting their Application Registration Card (ARC) are now paid directly via a Chip-and-Pin enabled prepaid debit card – the Aspen Card – which will fully replace cash payments during 2017.

The support allowance levels are reviewed each year to make sure they are sufficient to cover essential living needs (the legal test). Currently, the allowance is £36.95 per week for each person (asylum seeker or dependant of asylum seeker) in the household. The review uses data provided by the Office for National Statistics about expenditure by low-income groups on essential living items, supplemented by market research into their cost. A recent decision of the High Court of England and Wales recognised that the methodology for assessing the adequacy of payment rates to destitute asylum seekers is lawful. Whilst the issue is subject to review, there are currently no plans to increase the cash allowance at this time.

In addition to the weekly cash allowance, a single one-off payment of £300 may be provided to asylum seekers, supported under section 95 or section 98, to help with the costs arising from the birth of a new baby. This is known as a maternity payment.

Additional payments are also made to supported women who are pregnant and to children under the age of three. As the payment will be in cash, asylum seekers can choose what they buy.

Pregnant women and young children aged between one and three each receive an additional £3 per week. Babies under the age of one receive an additional £5 per week.

If there are children in the household, support currently continues even if the asylum claim and any appeal are rejected.
Accommodation

While eligibility for support under section 95 is being considered, destitute asylum seekers can be accommodated in Initial Accommodation (“IA”) under section 98 of the 1999 Act. IA is provided in the form of hostel type accommodation and is mainly full board with regular meals and essential toiletries provided as required.

Asylum seekers granted accommodation under section 95 are provided with dispersal accommodation. The Home Office ensures suitable accommodation is allocated according to the specific needs of the asylum seeker and their dependants. The Home Office policies in respect of the allocation of accommodation in general and to those who have health care issues or are pregnant can be found at the following web pages:


Dispersal Accommodation (“DA”) is primarily self-catering accommodation, which consists of a mix of bed-sits, self-contained accommodation and maisonettes to house single adults, couples and families and rooms in Houses of Multiple Occupation (HMOs) for adults. Supported persons are provided with specific facilities as standard, e.g. cooking facilities, kitchen utensils, bathing facilities, linen, basic furniture and refuse disposal. If the household contains young children, additional specific equipment is provided as required, e.g. stair gate, cot and sterilising equipment.

Both Initial and Dispersal accommodation are provided through specific third party accommodation providers pursuant to contractual arrangements entered into for this purpose. The contracts ensure that facilities provided to asylum seekers comply with specified standards; related services are provided by the accommodation providers; and facilities and services provided are cost-effective for Home Office and the UK taxpayer.

Section 4 of the Immigration and Asylum Act 1999

A different type of support (“section 4 support”) is currently available to failed asylum seekers who are temporarily unable to leave the UK because of a legal or practical obstacle (for example if they are too unwell to travel).

Section 4 support is similar to section 95 support but the weekly allowance is not provided in cash. Individuals are issued with a debit card (“Azure Card”), which they can use at most supermarket chains to buy food and other items.

Section 4 support is accommodation based, on a no-choice basis, with additional support provided via the Azure Card to the value of £35.39 per person per week for the purchase of food and other essential items. Like section 95 support, children and adults on section 4 receive the same amount as each other.

The Home Office is explicitly prevented by legislation from providing section 4 support in the form of cash.

The Azure Card was introduced on 15 February 2010. Azure Card holders are able to access a list of affiliated supermarkets and retail outlets throughout the UK, which includes Tesco, the Co-op, Asda, Sainsbury’s, Morrison’s, Iceland, Boots and Mothercare, as well as some shops run by the British Red Cross and Salvation Army - in total over 8,800 retail outlets throughout the UK.
In addition to the weekly cash allowance set out above, a single one-off payment of £250 may be provided to failed asylum seekers supported under section 4 to help with the costs arising from the birth of a new baby.

The same additional payments made to women supported on section 95 who are pregnant and to children under the age of three are paid to women and children supported on section 4. Pregnant women and young children aged between one and three each receive an additional £3 per week. Babies under the age of one receive an additional £5 per week.

**ASPEN Cards**

The introduction of the Aspen pre-paid debit card will be completed during 2017. This replaces asylum support cash-collection arrangements with a chip-and-pin card which can be used at retail outlets and ATMs. It will also replace the Azure Card currently being used by recipients of Section 4 support, giving them added security and ease of use whilst maintaining the current terms and conditions for the payment of section 4 support.

**Advice Services for Asylum seekers**

Migrant Help were appointed by the Home Office in 2014 to provide independent assistance to asylum seekers throughout the UK, including in Scotland where they have a well-established presence. The assistance includes telephone advice and literature in a wide range of languages, as well as face to face briefing. The advice they provide, which is given by staff registered with the Office of the Immigration Services Commissioner (OISC), is tailored to local practices and legislation, and includes referral to qualified solicitors where issues of a legal nature arise. They also provide multilingual assistance with the completion and submission to the Home Office of applications for asylum support, ensuring that the applicant understands that they have to provide an accurate account of their circumstances, with supporting evidence where applicable.

**Information following a grant of Refugee Status**

When an asylum seeker is recognised as a refugee, the support provided by the Home Office stops 28 days later because they are now free to take work and also become eligible to mainstream benefits. They are also eligible to receive housing assistance from their local authority.

The Home Office is working closely with the Department for Work and Pensions to ensure that newly recognised refugees across the UK apply promptly for any welfare benefit for which they may be eligible and receive the first payment of any benefit for which they qualify before their Home Office support ends. We will evaluate the impact of this work later this year and bring forward a change to the current 28-day move-on period if the evaluation shows that to be necessary.

Each asylum case is considered on its individual merits in accordance with our international obligations and protection is granted where it is needed. Some decisions can be taken more quickly than others, for example if further information is needed to reach an informed decision it can take longer. Despite recent increases in the number of claims being made, we are continuing to meet our commitment to decide at least 98% of straightforward claims within six months of the date of claim. In cases where a claim is refused the claimant usually has a right of appeal against that decision. In these circumstance it is not possible for the Home Office to provide a prediction on the expected numbers of successful asylum claims before a case has been fully and individually considered.
**Integration Support**

The UK has a proud history of providing protection to those who need it and we are keen to ensure that all refugees in the UK are able to take positive steps to integrate and realise their potential. Those who are granted refugee status are given access to the labour market and benefits, and are encouraged to access organisations that can assist with integration.

Through the 2016 Immigration Act, we have removed incentives for migrants to remain in the UK where they have no lawful basis for doing so and we think it is important to differentiate between those who are here legally and those who are not. We rightly provide greater support to those who we resettle here, such as those arriving through our Resettlement Schemes.

The Home Office provides integration loans to those who are recognised as refugees. The loan is designed to help new refugees to integrate into UK society by offering support towards housing costs, employment and training.

**Asylum Accommodation and Support Transformation**

A project has been established to design, develop and deliver new arrangements for asylum accommodation and support following the end of the current contracts in 2019. Work to design and develop a new model for asylum accommodation and support has been underway since the autumn of 2016. The Home Office is working with a wide variety of stakeholders, from a range of sectors, including local authorities, Strategic Migration Partnerships and NGOs to develop a range of options for the future system. The aim of this work is to deliver a sustainable, efficient and high quality end-to-end asylum accommodation and support system which works for all parties, and which effectively safeguards the vulnerable.

**Right to Rent**

The Right to Rent scheme is currently in operation across England, and the government intends to deliver on its manifesto commitment for it to be brought into force across the whole of the United Kingdom. Under the scheme, individuals who are not legally resident in the United Kingdom are disqualified from entering into a residential tenancy agreement. Landlords found letting premises to a disqualified person may be subject to a civil penalty of up to £3000 per person. Landlords can establish a statutory excuse against such a penalty by carrying out simple prescribed document checks. Migrants may use the documentation issued to them by the Home Office which demonstrates that they have leave to be in the United Kingdom in order to satisfy these checks.

In certain circumstances individuals who do not have a right to rent may qualify for permission to rent, such as those with outstanding protection claims. It is open to landlords to make an enquiry through the Home Office Landlords Checking Service, where for example the prospective tenant indicates the Home Office is in possession of their documentation due to an ongoing application. Landlords will receive a response within two working days. A positive response can be used to satisfy a Right to Rent check. If the Landlord Checking Service does not respond to a landlord within the service standard then they may let their property and they will have an excuse against any penalty. To date, however, 100% of such enquiries have been answered within service standards.

The scheme was implemented first in part of the West Midlands, covering the UK’s second largest city and second largest conurbation with a diverse population and wide range of housing stock. The impacts of the scheme were evaluated after six months and mystery
shopping found no difference in outcomes for white or black or minority ethnic prospective tenants when set against comparator areas. There was no real evidence that people without documents were placed at a disadvantage and there was no impact upon levels of homelessness applications (again when compared against other comparable areas over the same period of time).

**SCOTLAND**

**Background**
As of 30 September 2016, the number of asylum seekers supported in the UK was 37,958, of which 3,245 were supported in Scotland. Nearly all supported asylum seekers in Scotland were based in Glasgow (3,210).

The cost of providing accommodation and cash support to people supported across the UK under section 95 of the Immigration and Asylum Act 1999 in the financial year 2015/16 was £166 million and a further £21.5 million was spent on section 98 support. It is not easy to break down these costs by each nation within the UK, but as around 10% of people supported under section 95 live in Scotland, so around 10% of overall costs will relate to these cases.

**Contractual Responsibilities and Service Standards**
All of the providers are contracted to provide accommodation, transport and related services for asylum claimants. The contracts define the required performance standards expected of all providers and also contain prescribed responsibilities, performance and governance regimes.

The contract for Scotland is delivered by Serco. Serco and their subcontractors are contractually required to provide safe, habitable, fit for purpose and correctly equipped accommodation that complies with the Decent Homes Standard and any further standards outlined in relevant housing legislation.

The Government expects the highest standards from our contractors and providers are monitored closely to ensure asylum accommodation providers meet these standards. Where a contractor is found to be falling short of these standards, we work with them to ensure issues are quickly addressed.

In line with government transparency commitments, details of the contracts are already in the public domain is available on the Contracts Finder Archive on the Data.Gov.UK Website at: [https://data.gov.uk/data/contracts-finder-archive/contract/503124/](https://data.gov.uk/data/contracts-finder-archive/contract/503124/)

The particular document that details the service standards is titled ‘Schedule 2 - Statement of Requirements’ and the document that details the nine key performance indicators (KPIs) used to monitor provider performance and improve the quality of service is titled ‘Schedule 13 – Performance Standards’.

**Initial Accommodation in Scotland**
IA takes the form of flats based around the support services office building, Clyde House in Govan, Glasgow. This office hosts both the accommodation providers, Migrant Help and the Asylum Health Bridging Team to provide a one stop induction and support service for service users. The former block Initial Accommodation provision was in Petershill Drive in Glasgow and this was demolished as part of the Glasgow City Council regeneration plans in the spring of 2015.
**Dispersal Accommodation in Scotland**

Currently the only dispersal accommodation in Scotland is in the Glasgow City Council area. The amount of asylum seekers dispersed there is over the 1:200 cluster ratio of 2,891, but this is with the consent of the local authority.

Meetings took place in 2016 with other local authorities in Scotland to seek their consent to widen the dispersal of asylum seekers beyond Glasgow and explore these issues further. The Home Office has now met with the majority of Scottish local authorities to discuss the proposals in more detail and most are now considering their position and whether or not they will be able to support the UK Government’s aims.

The Home Office is keen to increase the number of areas on Scotland that participate in the dispersal scheme and would welcome the Scottish Government’s support in increasing participation.

**Access to Health Services and Screening**

Health in Scotland is a devolved matter and therefore responsibility for funding and service delivery principally sits with the Scottish Government. The Home Office however takes all reasonable steps to ensure the health and welfare of asylum seekers, and those asylum seekers (and their dependants) who receive asylum support under section 95 of the Immigration and Asylum Act 1999 are therefore entitled to free access to NHS medical services.

The Home Office discharges its duties on health matters by ensuring that relevant asylum seekers have all the necessary information, in a language that they understand, to access and register with their local health services delivered by relevant local healthy authority.

For those asylum seekers who are eligible, the Home Office currently issues HC2 certificates in conjunction with the NHS, conferring entitlement to Help with Health Costs via the NHS Low Income Scheme. A HC2 enables access to free NHS prescriptions, free dental treatment, free eye sight tests, help with the cost of glasses or contact lenses, free wigs and fabric supports and help with the cost of travel to receive treatment under the care of a consultant. Asylum seekers who are not supported by the Home Office can themselves apply to the NHS Business Services Authority (NHSBSA) for a HC2 certificate. Although not needed for those supported in Scotland, these persons are provided with the certificate in case they later move to England.

Subject to the requirements of the local health authority and in Scotland, the Scottish Government, asylum seekers accommodated by the Home Office are provided with an opportunity to undergo assessment by health officials upon first entering initial asylum accommodation. Where medical provision is not provided in the Initial Accommodation site, then Providers will take suitable steps to provide accommodated asylum seekers with access to appropriate medical treatment, including offering transportation to initial health screening.

Towards the end of 2015, during the transition process from Petershill Drive to the current Initial Accommodation provision in Govan, there were issues with attendance at NHS appointments. However, this was addressed and all service users are currently being triaged by the NHS for health screening. The Asylum Health Bridging Team (AHBT) is based in Clyde House and is screening all routed asylum seekers, as well as providing drop in clinics.
It is a matter for the individual asylum seekers as to whether this offer of access to health services is taken up. In addition, under the terms of the contract, any service user who immediately presents themselves with an obvious or urgent health care requirement on arrival into asylum accommodation is provided with direct action to ensure that the medical need is satisfied.

**Access to Education**

Education in Scotland is a devolved matter and therefore responsibility for funding and service delivery is a matter for the Scottish Government. The Home Office recognises that the ability to speak English is a key enabler for achieving more integrated communities and creating the conditions for everyone to live and work successfully alongside each other. That is why those who are granted refugee status are given access to the labour market and benefits, and are encouraged to access organisations that can assist with integration. In addition the Home Office provides integration loans to those who are recognised as refugees which is designed to help new refugees to integrate into UK society by offering support towards housing costs, employment and training. Adults who are granted refugee status or humanitarian protection are therefore eligible to access educational services, subject to the restrictions and resources established by local educational authorities.

The issue of education provision for children seeking asylum is also an important one and the Home Office makes every effort to ensure that families with children who claim asylum support have access to education at the earliest opportunity. All such children are entitled to free primary and secondary education. Education is not normally accessed whilst in S98 accommodation which is why the accommodation providers are instructed to prioritise families, particularly with children of school age, for dispersal accommodation.

Adult asylum seekers, whilst not prevented from undertaking courses of study, must meet the admission and funding criteria established by Higher Education Institutions and therefore a matter for local education service discretion.

**Serco Performance, Accommodation Standards and Complaints**

We demand the highest standards from our contractors and their accommodation and monitor them closely to ensure these standards are maintained. All Home Office contracts include performance standards which are defined in the contract and are managed using Key Performance Indicators (KPIs). Any failure of the critical service levels may result in deductions against submitted invoices in the form of service credits.

The Home Office has a rigorous contract compliance regime in place to ensure that the required performance standards expected of all providers, as defined in the contracts, are met. The contract requires providers to inspect each property when a new service user moves in and then at least monthly. Accommodation is inspected to ensure that what is provided is safe, habitable, fit for purpose and that the overall service described in the contracts is being delivered including ensuring that Service Users feel safe, secure and know how to raise concerns should they occur. The Home Office also inspects, as a minimum, a third of all asylum accommodation each year to ensure that the Service described in the contracts is being delivered. This includes UKVI led inspections, inspections with Providers and inspections with Local Authorities. We also use NGO intelligence and client feedback to target inspection and compliance activity. The compliance regime also includes monthly contract management and quarterly strategic review meetings, as well as regular daily discussions with providers’ operational delivery managers about day-to-day issues.
Within the contract there are three principal key performance indicators (KPIs) relating to property standards. Where faults are identified, providers have a set timescale in which to complete repairs according to the severity of the defect (for example urgent problems such as gas leaks have to be made safe within two hours). Provider non-compliance such as failure to complete repairs within the timescale constitutes a KPI failure, and the provider may incur service credits and financial penalties according to formulas set out in the contract.

Since April 2016, Serco have accrued service credits due to the standards of their accommodation. However, these were applied because the defects identified were not remedied within contractual timescales – the defects themselves were all corrected. Serco previously subcontracted its accommodation and support contract in Scotland to Orchard and Shipman but has recently acquired the division of Orchard and Shipman that delivered asylum accommodation.

Serco conducts 100% inspections of the property portfolio each month to ensure that any defects are identified and rectified with the agreed timescale set out in the contract. This work is supported by the UKVI Contract and Compliance Teams who carry out both collaborative (with Serco) and sole (UKVI staff only) inspections on a minimum of 33% of the providers property portfolio annually. Before Serco acquired Orchard and Shipman, Orchard and Shipman carried out the monthly inspections and Serco conducted (10%-12%) compliance inspections to ensure that their subcontractor was complying with the terms of the contract.

To date in 2016/17 the Home Office has inspected 36% of Serco Scotland properties (651 of 1827 properties) and all issues identified during these inspections were resolved in accordance with contractual timescales.

The Home Office has worked closely with our Providers, including Serco to improve property standards, through: conducting joint accommodation inspections; training to ensure consistency in monitoring activities; providers improved management policies and processes delivering the maintenance service and increased staffing levels of Housing Officers, and providers investing in existing stock and replacing properties that did not meet quality standards. Over the lifetime of the current contracts, quality standards have improved.

In respect of complaints, the contract with Serco includes a clearly defined process including timescales for resolution. In the first instance Service Users are encouraged to report issues, concerns or complaints directly to Serco for them to resolve issues within contractual timescales. Where this is not dealt with satisfactorily, or the response is inadequate, then the complaint can be brought directly to UKVI, including via Migrant Help or another representative. This applies to both clients and third sector agencies. In addition, during Home Office housing inspections, the Contract Compliance Team measure service delivery via a short questionnaire with the Service User around level of contact, welcome briefing and support from the provider. In the last year, we have reviewed our complaints procedure following feedback from third sector organisations and Service Users and are making a number of improvements, including better visibility and signposting in how to make a complaint.

A national Accommodation Advisory Board, which has a UK-wide remit (including Scotland), has recently been established to bring together NGOs to discuss accommodation issues and provide a forum for feedback. Our providers have also
established local forums for service users and NGOs to provide feedback on their accommodation.

According to local records, since April 2016, Serco has received 201 complaints from service users (around 4% of current total supported population in Scotland). In the same period, UKVI has received 108 complaints regarding asylum accommodation in Scotland, some of which will be continuations of complaints that were initially raised with the Provider but which have since been escalated.

**Collaboration with the Scottish Government and Glasgow City Council (GCC)**

The Home Office provides funding and support to the Scottish Strategic Migration Partnership-(SMP) who co-chair meetings of the Asylum Dispersal Strategy Group set up under the auspices of the New Scots refugee integration strategy (funded by the Scottish Government). The Home Office work with asylum partners and stakeholders via the Asylum Dispersal Strategy Group is to focus on means of supporting asylum dispersal in Glasgow through the collating and sharing of best practice and identification of particular challenges which partners can then seek to address. To date, by listening to the views of partners and asylum seekers, the asylum journey has been mapped to flag examples of good practice and issues for further work, and reviewed and delivered a more comprehensive induction pack for arriving asylum seekers in Glasgow. This welcome pack is now distributed in the top five languages to all new asylum seekers.

The Home Office has provided additional funding to support the SMP’s work around the Syrian Resettlement Programme (SRP). Scotland has resettled over 1,400 Syrian nationals into 29 of the 32 Scottish local authorities. The SMP continues to play a central role in coordinating the efforts of local government through the SRP Officer Group (which has representation from all 32 Scottish local authorities) and ongoing engagement with both the UK and Scottish Government and other key partners. The SRP Officer Group continues to meet every six weeks and remains an essential forum for sharing information and best practice.

The SMP is also working closely with the Home Office, Scottish Government and local authorities on how Scottish local authorities can support the various schemes that exist, i.e. the transfer of UASC who are already in the UK; the ‘Vulnerable Children at Risk’ scheme (VCRS) to resettle vulnerable children in from the Middle East and North Africa; and, the resettlement of unaccompanied children from within Europe.

The additional funding provided by the Home Office has enabled arrangements for the dissemination of additional funding for English language training and associated work to coordinate activities around English language learning. For example, consultation with Education Scotland (the national body in Scotland responsible for ESOL policy) has developed a set of guidelines for the ESOL funding in the Scottish context which takes into account the different infrastructure, agencies and qualifications that exist in Scotland.

The accommodation providers in Scotland, Serco, are also exploring with GCC the viability of a more cohesive approach to transitioning refugees into local authority housing: where Serco could transfer the extant property to the council upon status being granted and GCC then supply a new property from their stock to replace the property. This would better support the continued integration of the refugee, for example by allowing their children to continue to attend their extant school. These discussions are at initial stages.