Supplementary written evidence to the Inquiry into destitution, asylum and insecure immigration status in Scotland, from the Equalities and Human Rights Committee of the Scottish Parliament

1. This is supplementary written evidence to that we provided in March, which for ease is here. This evidence focuses on existing good and lawful practices across the UK. This is to demonstrate that important as No Recourse to Public Funds (the NRPF rules) is, it exists only in the Immigration Rules and has only the reach defined by the list of prohibited funds therein. It is not a general prohibition on public funds or monies.

2. NRPF within the Immigration Rules, as articulated in both our written evidence above as well as the joint written evidence here do not prevent the use of non-public or, indeed, public monies. This is especially if resources clearly pursue a charitable object of prevention or mitigation of destitution of those with NRPF. An informative summary of relevant legal issues affecting services to destitute migrants is here, at ch.3, pp19-21.

3. To assist in the learning of good practices to prevent and mitigate migrant destitution that lifts people out of what is actually and often absolute poverty and acute risks of exploitation. We strongly recommend the Joseph Rowntree Foundation-commissioned report: How to improve support and services for destitute migrants (2015). This describes a wealth of practice, in services and housing. Some are part-funded by public monies.

4. The report sets out eight necessary and practical interventions against destitution. The pivotal one is housing. This gives the safety and security to start dealing with other issues. A summary of accommodation lawfully provided to those with NRPF is here, at ch.5, pp32-45. This includes case studies of (i) Hope Housing and Projects, (ii) Abigail Housing, (iii) Praxis NRPF project, (iv) Boaz Trust, and (v) Open Door (North East).

5. The remaining interventions are here, at ch.4, pp24-31. They can be grouped into two: (i) strategic leadership and coordination comprising ‘official recognition’ of destitution, focused cross-statutory-third sector alliances against it, and better data on numbers and needs, and (ii) sustainably-funded holistic services to prevent and mitigate destitution, building on models of family and destitute asylum seekers services.

6. On strategic interventions, there is learning from the Strategic Alliance on Migrant Destitution. Scottish Ministers have led policies relevant to destitution. In our written evidence here, at para.19, we said a Scottish strategy on migrant destitution can ensure both (i) these policies and (ii) key Scottish legislation (notably in children’s rights, community care and social work statute) consistently protect those at risk or in such absolute poverty. We recommend the model at s35 Human Trafficking and Exploitation (Scotland) Act 2015, here.

7. On sustainable holistic service interventions, there are encouraging models of services that, in part, get public monies, in order to prevent or provide routes out of destitution. These include Street Legal in London here, at pp27-28, which works with non-EU migrants. In Scotland, there is the family and destitute asylum seeker services respectively but neither have sustainable or guaranteed funding in 2017/18. This is at time of an unprecedented risk of destitution stemming from an ever-hardening Home office policy on asylum support.

8. We strongly recommend consideration be given to the range of existing good and lawful practice cited in this supplementary written evidence. They embody what can be done, including through use of public monies, rather than what cannot be, even with NRPF restrictions. In addition, they pinpoint some of the most vital interventions to effectively prevent and mitigate destitution. These are (i) accommodation, (ii) ideally, sustainable holistic service advocacy interventions, and (iii) strategic leadership and coordination on the issue.