August 2017

Dear Brandon,

Thank you very much for meeting with me on 12 July. It was great to have the opportunity to discuss a number of issues within our portfolios. I very much look forward to working with you.

There were several points that I raised during our meeting that would benefit from further discussion, and to which some developments have taken place since we met. Firstly, I would like to focus on unaccompanied children. When the previous consultation took place on the per capita funding for unaccompanied children, only the COSLA Strategic Migration Partnership and Glasgow City Council (as an asylum dispersal area) were involved in Scotland. You advised me that a further consultation was to take place this coming autumn to have the rates ready for the new financial year. You agreed that to get an accurate and evidenced view of the costs to local authorities, the consultation should be aimed at all 32 Scottish local authorities. This will be very much welcomed by the sector.

Since we met, I have been advised that Strategic Migration Partnerships have received an update from the Home Office on the arrival of a further tranche of s67 unaccompanied children and a corresponding Operational Note from the Home Office. This is good news, and I would like to reiterate my point that Scotland stands ready to offer a place of sanctuary to these vulnerable children.

We discussed the requirement for secondary legislation to put s69-72 of the Immigration Act on a statutory footing in Scotland (and Wales). It was good to hear that you were keen to pursue this and saw no impediment to making progress. As I described to you, the implementation of the National Transfer Mechanism and its success in Scotland depend on the per capita funding that is agreed, so I would like to be kept informed on how these two streams of policy develop.
We also discussed the issue of correspondence and the Home Office’s inconsistent approach to responding to letters from Scottish Ministers and MSPs. This was a commitment made by the previous Minister for Immigration. You agreed to follow up on the missing replies and to reinstate this commitment, for which I am grateful. Our officials will take this forward.

We had a short discussion about the recent Inquiry into Destitution, Asylum and Insecure Immigration Status in Scotland, undertaken by the Scottish Parliament’s Equalities and Human Rights Committee. I was pleased to receive your commitment to read the Committee’s recommendations and would like to provide the Scottish Government’s views in more detail than time allowed at our meeting.

The Scottish Government has welcomed the Committee’s Inquiry, which has brought a much needed focus to the impact of destitution on some of the most vulnerable people in our communities, including families with young children. The Committee heard distressing evidence about the increase in destitution and homelessness among people in Scotland, who are or have been in the asylum system, or who have insecure immigration status. It also heard from representatives of local authorities and third sector organisations, who are left to pick up the pieces, sometimes at considerable cost, but are constrained by the complexity of the legislation and rules governing policy in this area.

The Committee made a number of recommendations to the Scottish Government in relation to asylum and immigration that cover matters reserved to the UK Government. The Committee was aware that the Scottish Government does not have powers to implement these recommendations itself, but asked that we ‘negotiate’ with the UK Government to take the recommendations forward.

The Committee’s full report can be viewed online,¹ but I have noted below the recommendations that cover reserved matters.

**Recommendation 1.** (Para. 41) Being able to claim asylum and make fresh submissions in Scotland, rather than having to travel to Croydon or Liverpool.

**Recommendation 2.** (Para. 42) In relation to Recommendation 1, Home Office to fund any essential travel, including overnight accommodation where necessary.

**Recommendation 6.** (Para. 65) Extend the scope of the Destitute Domestic Violence concession to include all women with insecure immigration status, including asylum seekers.

**Recommendation 7.** (Para. 66) Enable all women to access safe refuge accommodation, regardless of their entitlement to housing benefit, immigration status, or access to public funds.

**Recommendation 13.** (Para. 95) Right of asylum seekers to undertake paid or unpaid community work in Scotland.

**Recommendation 14.** (Para. 106) Resettlement schemes to be open to all asylum seekers in the UK who meet the criteria or funding is increased for asylum seekers outwith resettlement programmes to restore the balance.

**Recommendation 15.** (Para. 110) Address the ‘two-tier’ approach in the ‘New Scots’ work programme with a view to mitigating its impact.

The Scottish Government supports these recommendations, and I have set out my views on individual recommendations below. I would be grateful for your response to the recommendations and any views you have on how we can work together to progress them.

Making asylum claims and further submissions in Glasgow
In relation to Recommendations 1 and 2, the Scottish Government has long believed that people in Scotland should be able to claim asylum and make further submissions in Glasgow, rather than having to travel to Croydon or Liverpool. Having to travel long distances to access the asylum system places people in Scotland at a significant disadvantage in comparison with those in England, and I understand that people in Northern Ireland are able to claim asylum there. Being able to lodge an asylum claim from within Scotland was one of the proposals made by the Smith Commission in its report on the further devolution of powers to the Scottish Parliament in 2014. These and the other recommendations made by the Smith Commission have been the subject of discussion by our officials, but I would welcome any assistance you are able to give in progressing this matter.

The Scottish Government also supports the recommendation made by the Committee that if people do have to travel to Croydon or Liverpool, their travel costs should be funded by the Home Office. At the moment, people who do not have their own financial means are dependent on charities to help them meet the cost of travel, and I do not believe this is an acceptable situation.

Destitute Domestic Violence Concession and refuge accommodation
With regard to Recommendations 6 and 7, the Scottish Government is committed to supporting women who experience domestic abuse. We welcomed the Destitute Domestic Violence Concession (DDVC) in 2012, which has increased front line service providers’ capacity to support women who are affected by the No Recourse to Public Funds rule. However, the DDVC is very limited in its scope, which means that many women, who have experienced domestic abuse, including asylum seekers and women with insecure immigration status, are still unable to access the support they need to be able to resolve their situations.

Women experiencing domestic abuse also need to have access to safe refuge accommodation, regardless of their immigration status, recourse to public funds or personal financial means. Otherwise, they may be forced to stay with the perpetrator of their abuse or place themselves at further risk in seeking alternative accommodation without having the means to pay for it. The Committee’s recommendations on women facing domestic abuse aim to support people in dangerous circumstances, whose lives may be at risk, if they are unable to get support elsewhere. I would, therefore, be grateful for your advice on how we can work together to ensure that all women living in Scotland have access to refuge accommodation and support, should they need it.

Right to work
In relation to Recommendation 13, the Scottish Government believes that asylum seekers should have the right to work and to participate in volunteering activities. The Scottish Government sees access to employment as a crucial factor in supporting integration, and it is one of the key themes of our New Scots refugee integration strategy. Employment enables people to use and develop skills and get out of poverty and helps to build social connections. It also builds self-esteem and a sense of fulfilment for people, as they are able to contribute to their new communities. I understand that asylum seekers are permitted to volunteer, but can only work if their claim has been outstanding for more than twelve months,
and it is judged that this is through no fault of their own. I know that you have reservations about enabling asylum seekers to work, but would be grateful if you would consider how the right to work could be extended in a way that would be beneficial to both asylum seekers and to our wider communities.

Two tier system
Recommendations 14 and 15 focus on the issue of the two tier system, which has emerged as a result of the large disparity between the support given to people in the asylum system, many of whom will receive refugee status, and those who have arrived under the Syrian Resettlement Programme. The Scottish Government has welcomed the UK Government’s commitment to resettlement of refugees from the Syrian conflict and the funding attached to it, which has enabled local authorities to commit to the long term support of those arriving. However, the Programme has created inequalities between its beneficiaries and refugees coming through the asylum system, who may have been through very similar experiences, but who currently receive no integration support. This disparity was also noted by the Home Affairs Committee in January 2017 in its report of its Inquiry into Asylum Accommodation, which recommended the replication of the model of holistic support provided under the Syrian Resettlement Programme. The Scottish Government supports this recommendation.

The New Scots refugee integration strategy aims to take a holistic approach to the support of all refugees and asylum seekers to try and reduce the impacts of the two tier system, as far as it is possible to do so within devolved powers. However, the disparity in support between resettled refugees and those who have come through the asylum system makes this very difficult to achieve and is a hindrance to integration. I would be keen to explore with you how we can ensure that all refugees experience equitable treatment, which does not discriminate of the basis of how they arrived in the UK.

I would be grateful to receive your response to the Equalities and Human Rights Committee’s recommendations and to be kept up to date on the other issues we discussed. The Scottish Government is committed to supporting refugees and asylum seekers to rebuild their lives in our communities, and we strongly believe that destitution should never be an outcome of the asylum system. The asylum system should support the process of integration, and I look forward to working with you to try and ensure that it does so.

Yours aye

Angela

ANGELA CONSTANCE