Dear Angela Constance,

Hidden Lives – New Beginnings: destitution, asylum and insecure immigration status in Scotland

Thank you for your letter of 21 July which enclosed the Scottish Government’s formal response to the Committee’s Report recommendations. We are delighted you have commended our report, which sought to highlight the impact of destitution on some of the most vulnerable people in our society, because of their immigration status, including women, children and families.

I’d also like to take this opportunity to thank you for your considered remarks in the Committee’s debate on its Report. These clearly signalled that the Scottish Government is committed to taking action where it has devolved powers to do so. We also noted your willingness to work with other partners, such as, local authorities and non-government organisations, amongst others, to mitigate the impact of destitution on those seeking asylum or with insecure immigration status for other reasons. Your positive approach to the Committee’s inquiry and the thoroughness of your response is greatly appreciated.
It was also noteworthy the level of cross-party consensus in the Chamber that action must be taken to support those who become destitute through the asylum and immigration system. We are pleased to acknowledge your speedy action to opening up discussions with the UK Government’s new Minister for Immigration, the Rt. Hon. Brandon Lewis MP, during the summer, and note from your letter of 2 August, the Minister has given a commitment to read the Report and the recommendations. We would be grateful to receive regular updates on these discussions as they advance.

Many of our recommendations gave a year for action to take place. This was in recognition of the complexities of the legislation underpinning the area, the number of public authorities involved in addressing the issues, and the need for discussion with the UK Government. It is our intention to hold a follow-up session with key stakeholders and the Scottish Government in May or June of next year to hear about the progress made over the year.

In your letter you asked for further detail on recommendation 9 (para 90) around the type of accommodation envisaged. We had not come to a view on the detail of whether the accommodation should be provided by health authorities, local authorities, or Scottish Government funded non-government organisations. Our concern was to ensure that those identified by clinical staff as putting themselves or others at risk could be given accommodation to ensure they continued treatment or alternatively a safe place where they could go to take their treatment without fear of being stigmatised. We suggest there could be a combination of approaches based on the circumstances of each case; therefore, we are content for the Scottish Government to approach this recommendation according to what is practicable.

Two of our recommendations suggested action should be taken as a matter of urgency. Our recommendation 19 (para 140) concerned updating the Establishing Migrants’ Access to Benefits and Local Authority Services guidance. You said in your letter that you would “continue to work with COSLA to identify what further support local authorities require to support those with NRPF [No Recourse to Public Funds], including considering if existing guidance should be updated”.

Whilst our recommendation 23 (para 179) concentrated on a level of misunderstanding around the role and practice of human rights assessments and asked that the CoSLA guidance, ‘Establishing Migrants’ Access to Benefits and Local Authority Services’, is updated to clarify these aspects. We asked for an update within three months from the publication of our report.

It would be helpful to know when a decision will be reached on updating the guidance and what additional support has been identified for local authorities. We have also written to COSLA to ask what progress has been made.
I look forward to hearing from you as your work in addressing our recommendations progresses.

Yours sincerely,

Christina McKelvie MSP  
Convener  
Equalities and Human Rights Committee