Equalities and Human Rights Committee

Destitution, asylum and insecure immigration status in Scotland

Summary of evidence

Introduction

This paper summarises the issues raised in the written evidence on destitution, asylum and insecure immigration status.

SPICe produced a background paper setting out:

- current issues, such as the wider dispersal of asylum seekers and changes in support under the Immigration Act 2016
- statutory provision available to asylum seekers
- what is available to people with insecure immigration status who have No Recourse to Public Funds (NRPF)
- estimates of the number of people affected
- current guidance.

Response to the call for evidence

The Committee has received over 80 submissions in response to its call for evidence. This summary is based on the reading of about 70 submissions.

The call for evidence closed on 8 March 2017, with a number of submissions coming in after the deadline. The large number of submissions means this summary is brief. It is not a complete analysis of all the submissions.

Key messages

- The experience of destitution is devastating. It is experienced by people who fled their country of origin in traumatic circumstances and fear returning. There are many comments in the written submissions about not feeling human as a result of destitution.

  Case A (via Unity centre, Glasgow) is 32 years old, from Cameroon, arrived in the UK in 2015 and claimed asylum at the airport.

  “I was interviewed, detained and after a few hours was driven to a detention centre in the middle of nowhere.”
I had no lawyer, no friends and no family. I got depressed, day and night and my emotions got worse. I contacted one of the lawyers. He came to see me and was willing to take my case but a few weeks later, I got transferred to Scotland and was suddenly released after a few weeks. On my release, I was only given a train ticket to Glasgow, no money, no accommodation or even shelter or a hostel…

…I am homeless. I get food from anywhere and nowhere to shower or place to go and have a little privacy”.

Case B (via Unity centre, Glasgow) is a national of Pakistan, but lived half their life in Syria. Made a claim for asylum in 2009, but after a year and two months the case was dismissed:

“I have been homeless since 2011. I cannot go back home and I am not prepared to die...

…I have been involved in the local community projects and have had help from people in their own little way. I have made friends but because I am not living like a human, I became withdrawn and isolated. Being homeless has stressed me to my limits...

…I sleep on the street, people’s couches and in the shelter for nearly 6 years. There is no financial help or support from the government and I feel helpless all the time.”

- In particular the Glasgow Psychological Trauma Service highlights the significant mental health impact on people who have fled trauma from their country of origin and now experience destitution:

  One client described how “being destitute makes you panic, that fear pushes you to make decisions which are dangerous…you think about suicide”. One clinician reported a recent incident in which a client’s suicide attempt was directly related to distress associated with recently being made destitute. (GPTS submission)

- The Anti-Trafficking Monitoring Group state that victims of human trafficking are being made destitute due to the focus on their immigration status, and conversely, destitute asylum seekers are at risk of being trafficked and exploited.

  “When I was homeless with my daughter I just cried and cried. Girls are raped or sleep with men because they need a place to live.” (From GPTS submission)

  “It leads to many bad things in this country that are against the law. Destitution might lead youths to drugs or stealing, women to prostitution which is not allowed in this country. It brings lots of bad things forbidden by law”. (From GPTS submission)

- It is argued that the asylum process in the UK is designed to be difficult, with destitution a situation faced by many.

- There are concerns that the Home Office proposal to widen asylum dispersal in Scotland, and the reduction in support outlined in the Immigration Act 2016, will
increase the experience of destitution, which will have an impact for the public and third sector in Scotland.

- Destitution for asylum seekers can happen at different stages during their claim, or when their claim has been refused. It can affect those with insecure immigration status who have NRPF.

- Glasgow is the only asylum dispersal area in Scotland. The Home Office has had discussions with some local authorities in Scotland about becoming an asylum dispersal area. The Committee received a submission from Glasgow City Health and Social Care Partnership (HSCP), but not Glasgow City Council.

- The written submissions suggest that most local authorities in Scotland do not currently have the experience, expertise, knowledge or resources to adequately support wider asylum dispersal.

- However, most local authorities are taking part in the Syrian Vulnerable Person resettlement Programme (VPRP) scheme, and some have been providing support to unaccompanied asylum-seeking children. This means that knowledge is growing, and local authorities said they would build on this knowledge.

- While there is clearly a desire from local authorities to provide all they can to support asylum seekers and people with insecure immigration status, a number of barriers were identified, including:
  - Lack of financial resources
  - Lack of knowledge and expertise
  - Language challenges
  - Local housing capacity
  - Access to a support network from the third sector.

- Four local authorities indicated that they had been in discussions with the Home Office about becoming an asylum dispersal area (Angus, East Lothian, North Ayrshire and Western Isles).
  - Each of these local authorities cited the lack of appropriate resourcing as a major barrier in taking part in asylum dispersal. East Lothian Council said that the advice of its officials would be to not take part, but the Council still need to take a final view. North Ayrshire Council has agreed to pause the process while the Council explores with the Home Office how appropriate support could be developed. Western Isles Council said they could not become a dispersal area due to lack of housing options and support systems outside the public sector.
  - Angus Council, despite noting a range of barriers, has agreed to take part in asylum dispersal on a pilot basis.

- North Lanarkshire Council said that it had little experience with asylum seekers, but has supported people with insecure immigration status who have NRPF. It works with partner agencies to provide support, and use a Human Rights Assessment to establish
the support needed. The Council keeps a log of those who present with NRPF and has developed guidance for staff, which also covers asylum seekers. The council has also joined the NRPF Network.

- Edinburgh City Council is also signed up to the NRPF Network and states that the implications of councils working with people who have insecure immigration status extend further than supporting asylum seekers.

- There were a number of submissions from Health and Social Care Partnerships, and two from Health Boards. Again, experience of supporting destitute asylum seekers and those with insecure immigration status varied. Access to healthcare can be limited due to the circumstances of destitution. Glasgow City HSCP said that:

  “Guidance supports the provision of full access to health, care and treatment for asylum seekers regardless of stage in the asylum process including failed. The challenge for the individual and health is that the person has no access to funds so is often unable to pay for transport to appointments which essentially limits access to treatment. If the person has no shelter this significantly impacts on the person’s physical and mental health and can lead to hospital admissions and they would then be discharged to no accommodation which reduces the efficacy of the care and treatment received in hospital.”

- There is broad agreement in the submissions that immigration law is complex, changes often, and must be applied in the devolved context. This has led to different interpretations of how local authorities in Scotland should support those who have NRPF.

  For example, “Some Women’s Aid groups have also been informed by their local authority that as a condition of their funding they cannot accommodate women with NPRF or provide them with any support unless they are able to demonstrate this has not been provided using public funds.” (Scottish Women’s Aid)

- In particular, a number of submissions refer to examples of local authorities being willing to provide support for a child in a family, but not to the parent(s), under section 22 of the Children (Scotland) Act 1995. Asylum seekers report being told that their child(ren) could be taken into care to under section 22 support.

The Asylum Seeker Housing Project provided the following examples:

  “They use threatening words. Usually they say go back to Sri Lanka, now they using take baby away!” (Service user X)

  “In a situation whereby I had nowhere to go, they think about the well-being of the child, so that was to put the baby in with another family, that’s what they threatened me with.” (Service User K)

  “They gonna say to take the baby away from us, we can provide the house for your baby, not for you. So my wife cried, I cried, this is our baby! My wife said, I cut my belly because of my son, so to give to you guys! They never care about this.” (Service User X)

1 Section 22 requires local authorities to safeguard and promote the welfare of children in their area, who are in need. A service may be provided for the child or for the family. Services may include giving assistance in kind, or in exceptional circumstances, cash.
“...I feel like the local authority has actually surpassed the Home Office treatment, because this has a baby involved.” (Service User K)

- The need for appropriate guidance for local authorities, and across the public and voluntary sector was highlighted in many of the responses from local authorities and the third sector. Reference was made to existing guidance produced by the NRPF Network, which is based in England, and the guidance produced by COSLA in 2012. It is unclear if all Scottish local authorities are aware of the COSLA guidance.

- The written submissions show a considerable amount of experience, expertise and knowledge in supporting destitute asylum seekers, and those with insecure immigration status. Most of that expertise is based in Glasgow which reflects the fact that Glasgow is currently the only asylum dispersal area in Scotland. For example:
  - Asylum Seeker Housing Project (ASH) – set up in 2014 in response to growing concerns about the standard of housing being provided to asylum seekers. They conduct research into housing and support provision, empower service users by raising awareness of their rights and responsibilities, support services users to engage with, and report issues to statutory agencies.
  - Dr Macfarlane has worked with asylum seekers and refugees for 16 years as a GP. She has worked with representatives of charities, churches and community groups in the Glasgow Asylum Destitution Action Network. Together they supported the setting up of a night shelter specifically for this group. They have produced an information leaflet for those facing destitution and homelessness, and run three training days for project volunteers. They take opportunities to raise awareness with the public.
  - Glasgow Night Shelter (since December 2011) – for destitute asylum seekers is the only shelter set up explicitly for asylum seekers and people with insecure immigration status in Scotland. It is currently for men only, but there are attempts to seek a larger space that can accommodate women. On average there are between 18 and 30 destitute men staying every night on mattresses on the floor of a church hall. There are no showers. The only washing facilities are three small basins in the men's toilets. The shelter is open from 8pm to 8am every night.
  - Refugee Survival Trust – a Scottish charity set up in 1996 to respond to the issue of asylum seeker destitution. State that they are the only organisation in Scotland providing “last-resort short-term financial support to destitute individuals and families”.
  - Scottish Women’s Aid – supporting women with insecure immigration status fleeing from domestic abuse. Try to provide support, but are limited because refuges are limited to those entitled to housing benefit.
  - St Rollox Community Outreach – provides destitute clients with a basic food parcel with non-perishables, fresh fruit and vegetables, and toiletries. In the last 5 years, has supported over 80 different people on their destitution support

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2 COSLA Strategic Migration Partnership (March 2012) Establishing Migrants’ Access to Benefits and Local Authority Services
programme. May support 10-15 individuals a week. Have partnered with other organisations.

- British Red Cross – provides advice, assistance and practical support to asylum seekers and refugees across the UK. In 2016 the Red Cross supported over 2,500 refugees and asylum seekers in Glasgow. This included 820 people who were destitute and 366 dependents.

- Positive Action in Housing – pioneered the concept of refugee hosting with the Room for Refugees programme which has grown since the Syrian crisis. Also provide crisis grants through their Emergency Hardship Fund. In 2015-16 the fund distributed over £41,000.

- Scottish Refugee Council – offers a range of services to those granted or refused refugee or international protection in Scotland, including advice services, policy and research and working with community organisations.

- Waverly Care – provide support to some asylum seekers who are living with HIV. Living with HIV presents particular difficulties when destitute, mainly keeping up with the medication when homeless.

Other issues

Evidence from the written submissions suggests that asylum seekers and those with insecure immigration status need:

- Financial support to help, not just with food, housing and clothing, but for transport to allow them to access health and support services. People are often housed away from central areas, and public transport is not affordable when destitute.

- Access to legal advice.

- Access to advocacy.

- Access to basic healthcare, such as seeing a dentist or optician.

- Access to education.

Recommendations

There were many suggestions for recommendations on how the situation for destitute asylum seekers and those with insecure immigration status in Scotland could be improved.

- The key recommendation is the need for up to date guidance on supporting destitute asylum seekers and those with insecure immigration status. The law is complex and it is not clear that it is being interpreted in a coherent way across Scotland.

Other recommendations include:
• The need for local authorities to conduct Human Rights Assessments when conducting assessments of need, which would be built in to any guidance.

• The need for funding to support a range of services, including:
  
  o an asylum advocacy service
  
  o additional funding for health, charitable and third sector organisation to provide a co-ordinated trauma informed response to destitution that provides appropriate directed support for destitute clients.

• The development of specific legal advice for families attempting to access local authority support.

• The Scottish Government to consider the significant mental health impact of destitution as a matter of urgency.

• Research into the links with exploitation and organised crime.

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