The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

EQUAL OPPORTUNITIES COMMITTEE

Tuesday 18 May 2010

Session 3

Printed and published in Scotland on behalf of the Scottish Parliamentary Corporate Body by RR Donnelley.

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EQUAL OPPORTUNITIES COMMITTEE
9th Meeting 2010, Session 3

CONVENER

*Margaret Mitchell (Central Scotland) (Con)

DEPUTY CONVENER

*Marlyn Glen (North East Scotland) (Lab)

COMMITTEE MEMBERS

*Malcolm Chisholm (Edinburgh North and Leith) (Lab)
Willie Coffey (Kilmarnock and Loudoun) (SNP)
*Bill Kidd (Glasgow) (SNP)
*Christina McKelvie (Central Scotland) (SNP)
*Hugh O'Donnell (Central Scotland) (LD)
*Elaine Smith (Coatbridge and Chryston) (Lab)

COMMITTEE SUBSTITUTES

Rhoda Grant (Highlands and Islands) (Lab)
Mary Scanlon (Highlands and Islands) (Con)
Margaret Smith (Edinburgh West) (LD)
*Shirley-Anne Somerville (Lothians) (SNP)

*attended

THE FOLLOWING GAVE EVIDENCE:

Stewart Cunningham (Ethnic Minorities Law Centre)
Linda Delgado (Unite the Union)
Keith Dryburgh (Citizens Advice Scotland)
Rami Ousta (Black and Ethnic Minority Infrastructure in Scotland)
John Wilkes (Scottish Refugee Council)

LOCATION

Committee Room 4

Scottish Parliament

Equal Opportunities Committee

Tuesday 18 May 2010

[The Convener *opened the meeting at 10:00*]

Migration and Trafficking Inquiry

The Convener (Margaret Mitchell): Good morning, everyone, and welcome to the ninth meeting in 2010 of the Equal Opportunities Committee. I remind all those present, including members, that mobile phones and BlackBerrys should be switched off completely, as they interfere with the sound system even when they are switched to silent. We have apologies from Willie Coffey and are pleased to welcome his substitute, Shirley-Anne Somerville. Bill Kidd has indicated that he will arrive later.

The first agenda item is our second evidence session in our migration and trafficking inquiry. This will be the first evidence session in which we focus on migration. The committee will hear from two panels of witnesses. The first panel will focus on voluntary sector provision; the second will focus on employment issues.

It is my pleasure to welcome the first panel. Rami Ousta is chief executive of Black and Ethnic Minority Infrastructure in Scotland; Stewart Cunningham is a senior solicitor with the Ethnic Minorities Law Centre; and John Wilkes is chief executive of the Scottish Refugee Council. You are all welcome.

What range of services do the organisations that you represent provide to the migrant population?

John Wilkes (Scottish Refugee Council): Thank you for the invitation to the meeting.

The Scottish Refugee Council deals mainly with one group of migrants, namely forced migrants. They are people who are in the United Kingdom, have been located in Scotland, are seeking asylum, and may become refugees. We are also approached by people from other migrant communities.

Principally, we provide advice and support services to people who are going through the asylum process and to people who have leave to remain or have acquired refugee status. Our services help people to integrate into society in Scotland. We primarily provide assistance with employment, education and training and housing advice—those are the critical issues that people face in the transition from seeking asylum to building a new life in Scotland.

We also campaign, and provide policy and advocacy to the Scottish and UK Governments—immigration and asylum are still reserved to the UK Parliament. We suggest how policies, processes and legislation can be improved, and we try to raise public awareness of the issues through the media and other activities. An issue that people face is the confusion in the general population about migration, the different groups of people who are here and what that might mean. We think that challenging public attitudes and stereotypes is important work in helping to ease the integration process and improving community cohesion.

Rami Ousta (Black and Ethnic Minority Infrastructure in Scotland): As an umbrella organisation, we do not provide services in the same way as the Scottish Refugee Council. We work with our members—more than 600 voluntary sector organisations throughout Scotland that provide services to migrant and other communities. As an umbrella organisation, BEMIS provides support to those organisations for capacity building, ensuring access to education and engagement in human rights education. Consequently, we enable our members to support local migrant communities to be active citizens across the field. In addition, we provide support to the major stakeholders—the police, the national health service and others—by providing direct links between them, the migrant community and the grass-roots communities on the ground.

As part of our service, we encourage migrant communities to form their own community organisations and we provide advice and support with regard to their constitutions and manage training for them. That said, we do not believe that those communities should simply exist in their own corners and we always try to build links between them and the wider community, not only through meetings but through the establishment of working relationships. Indeed, that approach has been very much acknowledged in Scotland.

In discussing migration, we should not distance the subject from the concept of race equality, in which regard Scotland enjoys a unique status. All migrants' issues fit under that umbrella, and we are involved with 650 projects throughout the country, in rural and more central areas, that seek to support migrant communities and engage them in wider civic society instead of simply classifying them as migrant groups.

Finally, as far as this issue is concerned, the first thing that many stakeholders seem to mention is the Polish community. I want to make it clear that when we discuss the migrant community we should be talking about not only the Polish community, but other community groups.

The Convener: I will be asking you to give us a breakdown of the term "migrant", because the term is bandied about so much that we need to be quite clear what it means. I imagine, though, that as an umbrella organisation, BEMIS is in a good position to provide data to the local authorities. Some of the submissions that we have received have suggested that local authorities are unable to provide the necessary services because they do not have adequate data.

Rami Ousta: The voluntary sector, especially umbrella organisations such as BEMIS, is not involved in gathering information or providing statistics. We might get a sense from our members, say, in the Highlands or Fife of the number of people from the migrant community with whom they are working, but we are not entitled to hold data. We believe that that is the responsibility of the Department for Work and Pensions and local authorities. The data issue is very sensitive; not many migrant people are happy to provide data to voluntary organisations for their records.

The Convener: Is trust a problem? After all, until accurate data are available, migrants will not be able to access the services that they should be accessing. Given its expertise, should the third sector have a role in using this vital information and intelligence?

Rami Ousta: Of course. In fact, one of our priorities is to educate our members in how to collect data in local areas. For example, we have had several meetings with those involved with the general census to support its efforts to encourage other groups to take part to ensure that data were accurate. However, you have to make a judgment whether those carrying out the census or local authorities are really keen on or committed to allowing community organisations to be involved in the collection of data. Although, as I said, we recently met those working on the census to discuss how to encourage migrant or ethnic minority communities to fill out their census forms, it seems that the structure of engagement that we proposed was too challenging and they have decided that they would rather do without it. That issue has to be addressed.

Stewart Cunningham (Ethnic Minorities Law Centre): The Ethnic Minorities Law Centre is a community service whose core work is providing legal advice and representation on three main areas: immigration and nationality law, asylum law, and employment and discrimination law.

I find it interesting that we have already picked up on the issue of the various subcategories within migration, as we at the law centre have worked with people who fall under all of them. For example, we provide advice to asylum seekers on the asylum process and represent them until their status is regularised; we help European nationals not only on immigration issues but, more frequently now, on employment rights and access to benefits; and we deal with the third-country nationals that Rami Ousta mentioned. Those people, who originate from outwith the European Union and are not asylum seekers but nevertheless come under UK immigration laws through either the points-based or the family visa system, have a different set of issues.

Our other area of work is the capacity building of mainstream advice agencies to ensure that agencies such as citizens advice bureaux are more accessible to black and minority ethnic communities and are skilled up in the specialist areas of law that we deal with, such as immigration, which is extremely complex.

The Convener: Thank you. That gives us a good overview of the services that are offered to migrants and their communities.

I want to tease out and get to the root of who we are talking about when we talk about migrants. For example, we can discuss the main countries from which they come and the different categories of migrant. We have a helpful outline in our briefing paper of different categories, including asylum seeker, refugee, refused asylum seeker, economic migrant and illegal migrant. Within that, there are also the categories of European Union and non-European Union migrants. It would help the committee if you gave us an indication of levels of migration and who we are talking about on that spectrum.

John Wilkes: About 25,000 to 27,000 people a year enter the asylum system in the UK, which has a managed process of dispersal. As the committee will probably be aware, Glasgow City Council is a participating local authority in the UK Government's dispersal programme for people seeking asylum.

The UK Border Agency used to be responsible for the statistics on asylum seekers, but it did not disaggregate the figures, which obviously made it more difficult, for example, to provide education and health services to people in the asylum system in Scotland. The disaggregation has been done, however, and the statistics are improving. For example, in the fourth quarter of 2009, 2,470 people were accommodated in the asylum system in Glasgow. Of course, that does not include people who may have come to the end of the process and who may still be in the system or have dropped out of it. It is quite hard always to have a sense of how many people are in, or are attached to, the asylum process. Currently, about 17 to 25 per cent of those who go into the asylum system subsequently get leave to remain or achieve refugee or humanitarian protection status, and more people get through on appeal. As far as

the UK Border Agency is concerned, those people are off its books at that point and in the general population.

Getting hard statistical evidence about general migrant populations is quite difficult. I sit on the Convention of Scottish Local Authorities' strategic migration partnership and I represent it on the national migration group, which is an advisory group that advises the UK Border Agency and the Home Office. Certainly, one of the big issues is getting more accurate data. The committee may be aware that trial work is going on in Scotland under the auspices of the Scottish migration partnership, looking at how we can improve data sets for migration.

A trial has been going on in Tayside in which a collection of local authorities are working with the General Register Office for Scotland to piece together evidence sets from sources such as education admissions, registrations with the health service and employment registration statistics to try to build a cumulative picture and get a more accurate sense on a regional basis of what the migrant populations might be. I understand that there is a similar trial in the west of Scotland. The goal is to roll out that work across Scotland in order to get a much better picture from a number of data sources, but that remains very difficult because, for some migrant populations, there is free movement in the EU and so on.

The lack of data makes it harder for public services to plan. I noted at the last meeting of the national migration group a sense that the Scottish approach is a development on what happens in England. Certainly, there have been great difficulties in England in getting a better sense of where people are going and where they are arriving so that public services can be planned.

The Convener: Can you say whether some countries form the main blocks? Of course, other countries will be relevant, but does a main trend involve certain countries?

10:15

John Wilkes: In relation to asylum, the population trends are well documented. As the committee would expect, such people tend to come from countries or areas where conflict happens. People in the asylum system tend to come from Somalia, Ethiopia, Eritrea, the Democratic Republic of the Congo, Nigeria, China, Pakistan, Iraq and Iran. However, the situation is fluid and depends on where conflicts arise.

The Convener: One submission referred to third-country nationals and to A2 and A8 accession countries. Was that in Stewart Cunningham's submission?

Stewart Cunningham: Yes. A third-country national is anybody who is from a country that is outside the European Union. The submission discusses a new development whereby people from the European Union—nationals of the A8 countries or the more established European Union countries—are in relationships with third-country nationals, who obtain a right to reside in the UK by virtue of such relationships.

The Convener: Does "A2" refer to countries that have been EU members for some time?

Stewart Cunningham: No specific term describes the countries that have been part of the EU for a longer time—I tend to describe them as old Europe or the more established European countries. The A8 accession countries include Poland, Latvia, Lithuania, Hungary, the Czech Republic and Slovakia and the A2 countries are Romania and Bulgaria, which joined the EU in 2007. The term "third-country nationals" covers people from any country outside the European Union.

The Convener: In your experience, how does the balance lie?

Stewart Cunningham: The only statistics that we record are on our clients who come through the door. Our submission provides a snapshot of our stats for the past year. Members will see that the vast majority of our clients are third-country nationals. In Glasgow, a small percentage—only 2 per cent—of our clients are eastern European. However, in Lanarkshire, Edinburgh and the Highlands, about 13 per cent of our clients are eastern European. That probably reflects the fact that European Union nationals have the right to reside in the UK, so they do not seek immigration advice, whereas about 80 per cent of our work is providing immigration advice. Third-country nationals predominate in our client base because such people need advice about the immigration system and how to regularise their status here.

The Convener: I understand.

Rami Ousta: In the past few years, some stakeholders have developed the wrong concept of what we mean by migration and migrant communities and have given all the attention to migrants from eastern Europe. That has caused friction in existing communities and among migrant people from other countries.

For us, talking about migration and migrant communities covers all eastern Europeans, ethnic minorities in general, non-EU migrants, refugees and the Roma community. However, some stakeholders tend to focus only on eastern European migrants. As I said, that has caused friction among existing ethnic minority communities that feel that, although they have been here for a long time, most of the attention is

given to the newer arrivals at the expense of their benefits or interests. That is a myth in itself, but it has been allowed to progress through a lack of knowledge. Stakeholders need to be educated about the concept of migrant communities.

The Convener: I ask you to address specifically the question that we are asking about the people who approach you. Your submission says that more African clients are coming forward.

Rami Ousta: I am sorry—that was not my submission. We did not make a written submission.

The Convener: Do you recognise the trend that more African clients are coming forward, as opposed to people from the established communities?

Rami Ousta: Yes, there is an increase in the number of African migrant communities in Scotland, but there is also an increase in the number of the Roma community arriving in Scotland, and also the Chinese community, yet the focus is on the Polish community—perhaps they come to the forefront because they are well established and settled more quickly than other groups.

The Convener: You have made that point and we understand it. So that we can get the most out of the evidence session, can you tell us who the bulk of your clients are or how their profile has changed?

Rami Ousta: I can talk about the bulk of our members' clients, because we do not work with clients. Our members' clients come from eastern Europe, African communities and new arrivals from the Arab community, which has been sidelined for a long time. I think that the next census in Scotland will show a dramatic increase in the Arab community.

The Convener: Is there a gender divide? Is the split 60:40 or is it 50:50?

Stewart Cunningham: Whenever we extract that information, it usually comes back as a 50:50 split, give or take a few per cent; it is pretty equal.

The Convener: Is that the feeling of the other panellists?

John Wilkes: I do not have the exact figures, but I can send them to the committee. In the asylum system there tends to be a predominance of single males, which seems logical given that the routes to try to get to Europe and the UK are increasingly challenging and difficult. It is becoming harder and harder for families and for women and children who are seeking protection under the international conventions to get here in the first place.

Hugh O'Donnell (Central Scotland) (LD): Can each panellist briefly indicate the sources of the finance that supports your work? I am particularly interested in which of you, if any, has had access to the migration impacts fund that the UK Government established.

Rami Ousta: Our major funding comes from the Scottish Government equality unit. Under that remit, we provide support to our members, who work with the migrant community. We have never received money from or been made aware of the migration impacts fund.

John Wilkes: Our funding comes from a variety of sources. Our advice services are funded through the UK Border Agency asylum programme, which is currently up for review and tender across the UK. We also receive funding from the Scottish Government to support our public involvement work and our work on community integration with refugee community organisations.

We have never received money that has been badged specifically as coming from the migrants impact fund. I am aware that in England the previous Government said that the fund would be renewed in 2010-11 with £30 million, which would involve £6 million of Barnett consequentials being shared between the three devolved nations. Obviously, we have asked the Scottish Government exactly how it intends to use that money and whether it wants to use it for something specific or whether it will be used as part of a general approach. We understand so far that the resources that come through to Scotland will be used as part of a general approach. Obviously, now that there is a new Government I am not sure whether that spending commitment will be carried through.

Stewart Cunningham: The Ethnic Minorities Law Centre also gets its funding from various pots. Our core service in Glasgow is funded by Glasgow City Council. We also work in the surrounding local authority areas, such as Lanarkshire, Ayrshire and the Renfrewshires. Those projects are all funded by the local authorities.

Our Edinburgh office is funded by the Scottish Government, as is our service in Highland. We also receive funding from the Scottish Legal Aid Board. We have recently developed a service in Aberdeen city and shire that is funded by SLAB. We also have the benefit of applying for legal aid on behalf of clients who qualify, which helps to supplement our income. We recently received funding from the Big Lottery Fund for our three-year equalities capacity building programme. I am not aware of the law centre having received any funding from the migration impacts fund.

Marlyn Glen (North East Scotland) (Lab): I invite comments on migration trends. For instance, have levels of migration to Scotland diminished and, if so, why?

Rami Ousta: That claim has surfaced in the past year, but, given the number of groups that we support, it is our experience that there is a continuing strong presence of migrant communities. The intelligence that we have collected from our members and through our local infrastructure networks across Scotland is that we are not witnessing a diminution in the number of migrants who are coming here.

Stewart Cunningham: I agree with Rami Ousta. People say that people from eastern Europe seem to be going home as the recession hits, but it is difficult for me to comment on that. We are not seeing any let-up in the number of clients who are accessing our service and that is the only thing on which I can base my judgment. Anything else on people going back to eastern Europe or declining trends is anecdotal.

John Wilkes: From the refugee perspective, the trend over the past several years has been a decline in the number of people coming to the UK to seek asylum from roughly 80,000 to 100,000 in the early part of this decade to around 25,000 to 27,000. That is a worrying trend, as the need to seek asylum and refuge has not diminished in the world. We believe that the decline is to do with the strengthening of borders across Europe. We recognise the fact that borders need to be controlled, but we share other refugee agencies' concerns about the management and control of borders. People who need protection should still get through and be able to claim that protection. The UK's borders do not stop at Heathrow or Gatwick; the UK Border Agency operates in airports around the world. We are concerned that the staff who are engaged in those activities must be able to identify the people who need protection and enable them to get through.

The Convener: Has there been any change as a result of more countries coming under the EU banner and people having a legitimate right of access through being EU citizens rather than having to seek refugee status?

John Wilkes: Of course, once people are EU citizens, the issue of being a refugee disappears. People who used to be refugees 10 years ago or who come from eastern European countries that are now EU states no longer have to seek refugee status. We are now seeing people from former Soviet republics—

The Convener: Would that account for the decrease if you felt that fewer people were coming forward? Has any study been done to see how many people would have been seeking to claim refugee status from what are now EU countries?

John Wilkes: I am not sure whether any research has been done on that, and I am not sure how much the reduction in the number of people who are seeking asylum is due to the expansion of the EU to former eastern bloc countries. Anecdotally, I would say that the number of people seeking asylum from those countries before they joined the EU was not huge; the refugees tended to come from countries in Africa and the middle east where there were conflicts.

Marlyn Glen: Has the media's portrayal of migrants had an impact on how migrants are perceived and treated?

Rami Ousta: There is no doubt that the media have had a bad influence through glorifying bad examples and stereotyping. Our approach to dealing with that has always been to try to promote the concept of human rights education within the media—within the local media, at least—to encourage them to engage with migrant communities and to promote positive action.

When the media talk about migrants, they always seem to concentrate on numbers and data but ignore the whole civic or political context of migrant communities in Scotland. Nevertheless, from our experience of working at European level with various countries, we know that the civic context of migrant communities in Scotland—the support for them and their welfare—is well in advance of the situation in other European countries. I say that out of honesty and responsibility towards Scottish society. We do not make assumptions based on the media example, which is sometimes stirred by individuals and even by local community groups that feel under tension because of threats by other groups. For instance, what happened in Govanhill is not a good example; in that area, there are very good examples of community engagement and engagement with the wider stakeholders.

The media have concentrated on the bad aspects, but we in the voluntary sector have a responsibility to promote the civic context of migration. The way that migrants fit under the race equality schemes that are promoted in Scotland is unique and it is our responsibility to continue the positive image of migration in Scotland.

10:30

Stewart Cunningham: Without doubt, the media portrayal has a negative impact on migrants' experience here. As we pointed out in our written submission, migrants who are not within the asylum system but are not European are constantly required to demonstrate to the Government that they can financially support and

maintain themselves. It is never really made clear to the public that the vast majority of those who come through the UK immigration system are entirely self-sufficient.

Apart from media portrayal, the politicians have a responsibility. That may be more relevant to Westminster members of Parliament, who have the immigration remit. However, even in the general election campaign that we have just had, misinformation was bandied back and forth by many of the candidates. I am not being party political, but the Liberal Democrats had their policy on an amnesty and the other parties put forward a lot of misinformation in response to it. I observed that happening even in the leaders debates with David Cameron and Gordon Brown.

Marlyn Glen: Perhaps we should not go down that line but talk about what is happening now—or perhaps we should.

Stewart Cunningham: It was just an illustration. I wonder what comes first: do the media and the politicians reflect public opinion or does public opinion follow what the politicians and the media say? It is probably a two-way process. The blame cannot all be placed on the media.

Marlyn Glen: So, you expect politicians to take a lead on that. Is that correct?

Stewart Cunningham: Yes.

John Wilkes: Stewart Cunningham made an interesting point. The Scottish Refugee Council's view is that the media have a hugely influential role in how the general public perceive the issues. The issues are complex because migration covers different groups—people from the EU and from outwith the EU; refugees and asylum seekers—but the media, who want to reduce them to more simplified issues, are often not terribly good at reducing complex issues.

I make distinctions in the media coverage of those different aspects of migration: between how the UK media and the Scottish media address the issues, and between how broadcast media and print media treat them. Print media tend to be worse at covering the issues than broadcast media; and the UK media are generally less good at portraying the issues sensibly and appropriately than the Scottish media. There is a sense that the issues are better reported in Scotland. We do a lot of work with editors of broadcast and print media in Scotland to try to ensure that when the issues are reported, they are reported accurately and fairly. That was reflected in the leaders debates, to which Stewart Cunningham referred. When migration came up in the last Scottish leaders debate, the way the questions were handled and the responses from politicians of all parties were, in my view, much more balanced than some of the debates that took place at UK level.

Immigration is a toxic issue. Consequently, that feeds into the way that the media portray it. That is a hard one, and there is a continual need to challenge and address it.

Marlyn Glen: To look at the other side, what positive contributions do the migrant populations make to the Scottish economy and wider Scottish society and culture? How could examples be more effectively disseminated?

Rami Ousta: As we mentioned earlier, all the attention was on the migrant community coming here to take jobs from people. Judging from our experience with our members, that myth has been put aside in the recent months and years, with the acknowledgment that the impact of migrant workers in Scotland is helping, if not to progress the economy, then to sustain it. Most voluntary sector organisations are beginning to realise that: the next step is how to acknowledge and promote that benefit to the voluntary sector organisations, which are the main windows to their communities, in order to spread the word. We feel that the wider voluntary sector has not been really active in promoting that aspect or in highlighting to communities that role, and how migration can be helpful to the economy.

Ethnic minority voluntary sector organisations have tried in their own communities to build a positive image and to educate people about how migration can add to multiculturalism and to the value of the workforce, and about how it can sustain the economy and create new businesses. We still feel that the image has not been allowed to be promoted properly among the communities so that they can explore it for themselves.

As an organisation, BEMIS has, from our work with migrant groups, no doubt that the impact of migration on Scotland has always been massive. For example, we have worked with the Irish community to promote how the Irish community settlement over the years led to a more multicultural Scotland. We have also been building links between existing and new migrant communities to help their education in settling and contributing to the civic context and not just to the economic aspect of society.

Stewart Cunningham: There is obviously an economic impact from migration—the fact is that the vast majority of European migrants and third-country nationals are economically active, and are filling jobs that are often hard to fill from the local populations.

In addition to the economic impact, there is a wider civic impact. I have come across examples of the influx of migrant communities having the effect of regenerating areas in the country. I am thinking about an example in Aberdeen, where there was an area of the city with lots of empty

housing stock that nobody wanted. The houses were given to migrants from the eight 2005 EU accession countries and, as a result, the entire area was regenerated. Businesses sprung up and a new community blossomed. That is one very positive example that I have come across.

Rami Ousta: People are looking at the benefits of migration in the short term rather than exploring the long-term impact, which has not been addressed. I am a bit confused when we hear about the contribution of migrants and migration to Scotland as being to have brought good food—I do not think that that is what we are looking for in Scotland. People forget to mention the impact of, for example, doctors and other skilled workers. The Government's fresh talent scheme has greatly helped civic society as well as the economy. Those points are not highlighted enough.

John Wilkes: The focus on the benefits of migration is often on the economic aspect, which I suppose is obvious. However, I concur with Rami Ousta and Stewart Cunningham that there are other positive aspects, that are not often talked about, in relation to cultural richness and diversity. Certainly, we see people who are given leave to remain, having been refugees and who start to build new lives in Scotland, bringing an immense array of talent. However, in progression to employment, people who have been doctors or professionals or who are skilled in other ways can find it hard to use those skills here and are often employed in occupations that do not utilise their skills because of barriers that need to be overcome.

It is clear that Scotland faces demographic issues, and migration could address certain aspects of those. However, I sit on the national migration group, and I know that the issue is not all about Scotland. Representatives of various regions of England, such as the east, talk about the need for greater flexibility in the way in which economic migrants come in. We do not know how that will pan out with the new UK Government, but greater flexibility is needed in the context of the current devolution settlement.

Malcolm Chisholm (Edinburgh North and Leith) (Lab): I do not want to be party political, but I am interested in John Wilkes's contrast between the discussion in Scotland and in England. That has been going on for some time; perhaps politicians in Scotland collectively have a different discourse on the issue from politicians in England. Does that have an effect?

The more interesting question is whether that reflects a difference in attitudes among the Scottish population compared with attitudes among the English population. There is a danger in taking a rose-tinted view of Scottish attitudes to migration. Have politicians in different parties in Scotland just been a bit bolder in showing leadership on the issue?

John Wilkes: I am not sure that I am qualified to talk about the boldness of politicians. In general, however, there has been a different discourse in Scotland at the political level because of the context in which Scotland finds itself. For example, a different approach to the integration of refugee communities was taken in Scotland in 2002. I think Malcolm Chisholm was the minister who, at that time, put in place the distinctive approach that integration begins at the point of arrival of the person in the asylum system, rather than at the point at which they get leave to remain. That is different—still—to the approach that is taken in England.

The leadership that was shown on that issue, and which has been exhibited in political discourse across the spectrum in Scotland, helps to position the debate differently from the way it is positioned in other parts of the UK. I am pleased to say that the Welsh Assembly Government adopted the Scottish approach on integration, and a lot of benefits flowed from that.

I am hesitant to say whether that approach translates to attitudes among the population. Evidence from the Scottish social attitudes survey suggests that there is the potential for negativity towards those whom people may view as "others"; they may not distinguish between refugees and migrants. The political debate helps to provide leadership in the debate, and we need to continue to work hard on the issues around community cohesion and integration to ensure that the potential for negativity that exists, particularly in times of economic tension and recession, is not allowed to come to a head. That is important.

Rami Ousta: As a voluntary sector umbrella organisation we agree, having spoken to our members, that the situation in Scotland is much more advanced than that in England and—as I said earlier—in Europe. The reason for that is a combination of the attitudes of politicians and of civic society. Scotland is a multicultural society, and it is more tolerant than other communities in England and Europe.

The best example of that is that BEMIS has so far been invited by human rights leagues in four major countries—including to France, to Vienna and to Berlin—to share with them the Scottish experience in promoting integration and engaging with migrant workers in the communities. That is a statement about how advanced Scotland is in that context.

I came here today expecting to discuss the positive aspects of how things are progressing. However, it is part of human psychology that we always focus on the negatives. It is time that the

Scottish voluntary sector and the Government acknowledged the positive contact, both civic and economic, that we have with migration and minorities in Scotland.

The Convener: Absolutely—but it is only by addressing the negatives that we begin to understand them.

Rami Ousta: We must not deal only with the negatives and leave the positives. There are various excellent examples in Scotland. I will share one example with the committee with regard to communication. The national health service has developed, with support from BEMIS, a special DVD that covers, using vision and sound, all the health services. There has been much discussion about interpretation and translation, but people forget that although some migrant groups might speak their own language, they cannot read it. That must be noted.

The Convener: The question was about positive contributions and how they can be distorted by the media.

10:45

Christina McKelvie (Central Scotland) (SNP): Talking about distortion by the media—and others—one of the things that irks me is the conflation of asylum and immigration. That is done continually by all commentators, be they in the media or in politics, and it really hacks me off. I am concerned about it because the two things are completely different and involve different views. When they are conflated, they get mixed up with the same negative view. It is important to separate them out. What problems does that cause you? Are there any positive ways to address it?

John Wilkes: On the general thrust of your question, I agree that those are complex, intertwined issues. I think it was Professor Heaven Crawley of Swansea University who did some research on the impact of public attitudes to immigration and migration and how they are reported in the press. The press would argue that it is reporting on an issue of public concern.

Let us consider the elections in 1997, 2001 and 2005. In 1997 and 2001, immigration was not at the top of the public agenda, yet it was still reported in the media as being a subject of public concern. How much does that feed into a feeling among politicians that they need to respond? Professor Crawley described how asylum seekers have effectively become the new folk devil. The term is often badged in stories that are not in fact anything to do with refugees or asylum seekers. I remember one issue to do with migrant workers that was badged in many parts of the media as being about refugees and asylum seekers. What do we do about that? It is quite hard—we must consider the independence of the media, but it is a matter of working with them to ensure that issues are reported accurately.

It is important to tackle the issues at community level. The experience of Glasgow as a dispersal city for asylum seekers was one of huge tensions. We forget that, in the early part of the dispersal programme, there were a lot of tensions around large numbers of people arriving overnight. The work that has been done at community level, through community organisations and the community integration agenda, has produced many benefits when it comes to building an understanding of the new people who have come to the communities concerned. That sort of work can also address tensions that might exist because of the influx of people from the EU.

It is incredibly important to work at a local level, and we are concerned about the impact from the pressures on public finance. The concordat and the outcome agreements with local authorities should be used to ensure that local authorities continue to prioritise work in this area.

Stewart Cunningham: I entirely agree with what Ms McKelvie said about the conflation of those two completely different forms of migration. She asked how we can address the matter, and I return to my point about the responsibility of politicians. The root of the negative portrayal lies in fear. Politicians can sometimes scaremonger among and feed fear to their constituents, so they have to take the lead in addressing the issue.

The system is extremely complex, and it is constantly changing. There has been a new immigration act practically every year. It is an absolute nightmare of a system to navigate, and it is a real challenge to translate such a complex system into straightforward, understandable terms. It is all to do with how it is communicated.

Rami Ousta: As I said, there is confusion around the whole concept of migration and migrants in certain sections of the community in Scotland. The media have exploited that confusion in a bad way—consciously and sometimes unconsciously—which has impacted on local communities. There is no way that we can convince the media suddenly to change their views; our approach to tackling the issue is to organise and empower local migrant community groups and to help them to engage with other groups, to build capacity and promote active citizenship. We are also planning a big national conference in Scotland next year, to address the whole concept of migration and attitudes to migration.

The fresh talent scheme has produced an excellent and talented workforce for Scotland.

Such approaches must be promoted and supported.

There will always be a stigma attached to asylum seekers. In the legal context, asylum is a reserved matter, which has nothing to do with the civic context of migration. The tabloid media sometimes consciously exploit the confusion.

Elaine Smith (Coatbridge and Chryston) (Lab): The witnesses' evidence is extremely interesting. In Coatbridge there is a big and successful St Patrick's day festival, which celebrates migration to the country. There are ways of looking at the issue more positively.

It is interesting that people who perhaps come from a migrant background themselves often blame other people for problems, in the way that John Wilkes talked about, rather than blame the problem itself. Rather than say that the lack of public housing is the problem, people look for someone to blame.

Stewart Cunningham said that about 80 per cent of his work comes from queries about immigration status. Will the other two witnesses comment on the main issues on which migrants seek their advice and help? Have the issues changed over the years?

John Wilkes: For us, there are two aspects to the issue. For people who are in the asylum process, it is about advice and in particular access to independent legal advice, given that we are talking about an international human right. The priority is to help people to navigate their way through the asylum process as their claim is determined by the UK Border Agency.

For people who have been given leave to remain, humanitarian protection or some other form of refugee status, the critical issue is the speed at which they are expected to make the transition to a new life. A person who is granted some form of status gets 28 days to vacate their UKBA-supported accommodation, find a new home and start the process of getting signed up into the benefits system or seeking work, education or whatever. That is a very intense time for them.

At that point in the process, the critical issue for people is housing. Housing is the big, big issue. If someone has not found themselves and their family somewhere to live, everything else becomes hugely more challenging. As has been said, there is pressure in relation to public and social housing stock. Relatively few people who come through the asylum process are able to go immediately into private sector accommodation, because of the finance issue.

Through funding from the Scottish Government, we offer a casework support service. We are also trying to advocate with housing providers, to ensure that they are more aware of the issues that people in the group that we are talking about face and to try to ease the process.

It can be difficult for people to access employment, whether that is because of language issues or because their skills and qualifications are not recognised by UK bodies. It would be helpful if the processes were speeded up in relation to training and so on.

Access to independent advice is critical, not only for refugees and people in the asylum system but for all migrants. It is important that people understand their rights and what is available to them.

Elaine Smith: People are in the asylum system because they are fleeing oppression, so it should be great when they are granted asylum. However, are you saying that when that happens much of the support that they received during the process stops and they face different difficulties, to do with integration?

John Wilkes: Yes. Once a person acquires some sort of status, they are off the UK Border Agency's books. It is the process of transition into mainstream society that people need more intensive help with. If the right support is not provided at that point, people often take a lot longer to integrate. It is more economical to provide the right support and advice on accessing housing, education, training, employment, the benefits system and so on at that point. In Glasgow, a lot of work has been done in partnership with bodies such as Jobcentre Plus and the Benefits Agency on making those transitions quicker and smoother. There are elements of good practice there that could be shared with other parts of the country.

Rami Ousta: I have a couple of points to make. Elaine Smith mentioned St Patrick's day. We work closely with the Irish community. Recently, Glasgow City Council's *Glasgow* magazine refused to promote St Patrick's day as a good example of community activism, even though it has promoted other migrant community issues. That judgment was made on the basis that it was an editorial decision. Members of the Irish community were really upset—they were mad that other migrant groups had been allowed to promote their activities but they were excluded. We agree with them fully on that. It is not right that in trying to be positive towards some migrant communities, the media sometimes damage other, existing migrant communities.

I have another point to make before I answer the question directly. Within the sector, damage is being done because some groups continue to concentrate on supporting what are called visible

minorities or visible migrant communities to the exclusion of those that are invisible, which places new migrants from eastern Europe in an extremely difficult situation. The Government's equality unit has been leading on promoting support for visible and invisible migrant communities. The fact that various ethnic minority groups have been excluding some migrant communities on the basis of their colour is damaging, and I hope that the committee will take note of that.

Elaine Smith asked about what has been happening recently. Over the past year, we have witnessed a dramatic increase in requests from migrant groups for support to set up local community organisations with their own volunteers and their own management to engage with the wider community. For example, in Glasgow in the past few months, four new migrant groups have been established in excluded areas where there have never been any local groups to work with. That trend has been witnessed in Fife and in Dumfries and Galloway. There has been a dramatic increase in the need to channel engagement with migrant communities through grass-roots community groups. We have been working to set up such groups across Scotland.

In addition, many members of the migrant community have sought knowledge of their employment rights. Although we are a strategic organisation, we always address issues directly. We developed a special document to raise awareness of employment rights and where to get advice, which also deals with all equality issues. It has been distributed, in partnership with the Scottish Trades Union Congress, to various migrant workers across the country.

The third area is lack of information on health issues. The national health service has been good in reaching out to develop a DVD in various languages that has been distributed to all stakeholders and groups that work with migrant communities. There are examples of good practice, but judging by feedback from our members, those are the three main areas in which migrant communities need help and advice.

Elaine Smith: You mentioned co-operation between the public sector and the voluntary sector—you gave the specific example of the census at the start of the meeting. Do you have any other comments on the barriers that exist to such co-operation? How could we improve the position?

Rami Ousta: I am glad that you asked that. When we deal with certain stakeholders, it is either their way or no way. They have a traditional framework and they are not happy with any creative approach to engaging with communities that falls outside that framework.

For example, the census people came to us with a list of the main stakeholders to contact. The details on that sheet, which had about 28 to 30 names on it, were 10 years out of date. Some of the people on it were dead, and it included names of people from the Commission for Racial Equality, which ceased to exist a few years ago. When we gave them advice on how to engage, they disappeared. The census staff do not take the process seriously. They want to show that they are doing something rather than actually doing anything.

The same is true of some local authorities, although some of them are good—we do not generalise. Community planning partnerships are a big concern. It is a concern to us that when stakeholders engage with the voluntary sector, they attempt to show that they are doing something rather than actually doing anything.

11:00

John Wilkes: On integrating refugees—people who have been given leave to remain—there is a degree of co-operation. There are models of good practice in Scotland, but there can always be improvement. The point that I want to make about co-operation with people who work in the asylum system is that we come across confusion and a lack of clarity about reserved and devolved matters. The immigration and asylum system is a reserved matter, but aspects that affect people in the system in Scotland, such as access to health and education, are devolved matters. There is often tension and confusion between the attitude of the UK Border Agency and the understanding of public sector providers in Scotland about entitlements and what should be provided.

An example of that, which was illustrated by the recent tragic events at the Red Road flats, is that there is supposed to be health screening at the point of entry into the UK asylum process. I am told that that happens in England; there is sexual health screening and screening for tuberculosis, but, because of the devolution settlement, it was never clarified how such screening would operate in Scotland.

There are clearly areas that we need to work on to ensure better understanding. Often the tension arises because—in our view—we in Scotland have taken a more positive, pragmatic and humanitarian approach. Decisions by the current and previous Governments in Scotland about ensuring that people in the asylum system are given the same access to services as any Scottish citizen gets, which is not the case in England, often lead to confusion and tension with the UK Border Agency, which perhaps does not always understand the differences and does not necessarily agree with them.

A consultation on access to health services for not only people in the asylum system but migrants is being carried out by the Department of Health, in consultation with colleagues from the Scottish Government health department, to see whether there should be any tightening of the criteria for access to health services by migrant populations. Those issues always cause confusion and tension and they need to be continually reviewed and understood.

Christina McKelvie: That leads nicely on to my questions, which are about rights. One of the clear themes that has arisen in evidence is that people both within and outwith migrant communities have a limited awareness of their rights. Do you accept that there is such a lack of awareness? Will you explain the differences in the rights that EU and non-EU migrants have?

Stewart Cunningham: I agree that there is a lack of awareness about rights among migrants. The biggest difference between the rights of EU and non-EU migrants is that EU migrants have an automatic right to work and an automatic right to enter the UK. They do not require a visa; it is just a case of presenting their passport and being given entry to the UK. The right to work comes with that.

Among European nationals there are three different categories: those from old or established Europe; those from the A8 countries; and those from the A2 countries. The rights of each of those groups are quite different. The established European nationals have free access to the labour market. They can work for whomever they want. There is no requirement to notify the Home Office or register. They can start work straight away. They can also have what we call work-seeker status straight away—or very soon after they arrive. That means that they can access jobseekers allowance, not necessarily the day they arrive but once they are what we call habitually resident, which tends to be after a couple of months' residence. If an established European national loses their job, they have access to jobseekers allowance while they seek other work.

The situation is slightly different for A8 nationals, to whom special rules apply during their initial year in the country. The first requirement is that they must register with the Home Office. There is a duty on them to do so within a month of starting employment. It is only by registering that they are deemed to be in lawful employment. Once they are registered on the scheme, they have access to all in-work benefits such as child benefit, tax credits and housing benefit. However, if an A8 migrant loses their job within the initial 12 months, they will have no access to the welfare system, because they cannot have work-seeker status until they have completed a full 12 months' continuous employment while registered with the Home Office. One of the difficulties we have is with people who do not know that they have to register with the Home Office and who, having completed a year's employment or more, lose their job. At that point, they realise that they should have registered and that they have no access to support.

For A2 nationals, the restrictions are even greater. They have no free access to the labour market. They can work only with prior permission from the Home Office. The way in which the current, points-based system operates is similar to the way in which the old work-permit system operated. Permission from the Home Office has to be obtained before they even come to the UK. One of the ways in which people get round that is to register as self-employed, because A2 nationals have the right to be self-employed without permission from the Home Office. Again, once someone is in lawful employment—once they have permission from the Home Office and are registered—they can access in-work benefits. However, A2 nationals, too, must complete a full 12 months' continuous employment—with permission and while registered—before they are able to access things such as jobseekers allowance if they lose their job.

That covers European nationals. Non-European nationals must have a visa endorsed in their passport before they will even be allowed to enter the country, with some minor exceptions for countries such as Canada, the States and Australia, whose citizens can get entry for six months' leave as a visitor, for example. However, for a longer stay, non-European nationals will need a visa. The visa will state on it what their entitlements are. By and large, it will say, "No recourse to public funds." People who are on a limited leave visa have no access to the welfare state and, if they lose their job, no access to jobseekers allowance, housing support or homelessness assistance. It is only when a person obtains indefinite leave to remain as a permanent resident that access to the welfare state kicks in. When someone gets indefinite leave to remain will depend on the visa that they are on. If they are on a points-based system working visa, they have to have five years' residence before they will get ILR. If, for example, they are on a spouse's visa, they will get it after two years. I hope that that is relatively clear.

Christina McKelvie: It is very detailed.

John Wilkes: As committee members are probably well aware, people in the asylum system have very few rights while their claim is being determined. They do not have the right to work and they rely on support provided by the UK Border Agency. They have restricted rights in

relation to where they can reside and travel to. Obviously, when people get leave to remain, they start to access the full panoply of rights that other citizens enjoy.

Picking up on a point that Stewart Cunningham made, we are concerned about the fact that there are groups of people who get temporary leave to remain for a five-year period. The first tranche of those people are due for review this year—in fact, in a couple of months' time—but it is still incredibly unclear how the process will be determined, which means that there are populations of people who may not be aware that their leave to remain was temporary. The responsibility will be on them to get their claim reviewed and renewed.

For those people who have established lives and are in employment, there are all of the issues that go with employers suddenly not being clear about whether they are entitled to continue to employ them. We are concerned that, at this relatively late stage, there does not seem to be much clarity about how the UK Border Agency will deal with that first tranche of people. We are concerned that a group of people who have been in this country under temporary leave to remain will face all sorts of problems. We hope that those problems will be resolved fairly soon.

Another group that we have not yet discussed is those people who go through the asylum system, are not granted leave to remain and are considered ineligible to remain in the United Kingdom, but who are still here because it is impossible to remove them or it is not safe to send them back. Those people are often in a sort of limbo, as they do not receive support in destitution and are not entitled to public funds. That issue needs to be resolved. People in the asylum process are also subject to detention, often at the end of the process.

Malcolm Chisholm: Stewart Cunningham's distinctions were useful. I invite him to add some comments on housing rights.

Stewart Cunningham: I am not a housing lawyer, so I do not have a great deal of knowledge of the issue. I understand that A8 nationals have no access to social housing during their initial 12 months but that social housing is available to them once they have completed that period. While non-European nationals are on their limited leave visas, they have no access to local authority tenancies, but they have access to social housing from housing associations. When they obtain indefinite leave to remain, access to local authority housing, too, kicks in.

Marlyn Glen: You have given a detailed answer, but I seek more details. In your written submission, you say that you have established a female support project. Can you say more about the need for that?

Stewart Cunningham: The female support project has been on the go for two or three years and works specifically with women who are claiming asylum, have experienced gender-based violence and are vulnerable. Often they are single mothers who have no other support structure. The service works by signposting women to sources of support in the city, such as counselling support and social activities. In the past year, some in-house counselling has also been available. We are hoping to extend that.

Rami Ousta: I make a distinction between legal rights and civic rights. There is ignorance in the migrant community about both types of rights, but some migrant communities have more knowledge about their rights than the stakeholders have. The issue has caused concern because some migrant groups are very aware of their rights but local authorities and others are not clear about their legal entitlements, which causes confusion.

In the voluntary sector across Scotland, there is a strong infrastructure and network to support the migrant community in relation to civic rights in areas such as equality, community cohesion and access to support. However, the Scottish Middle Eastern Council has reported to us that the British Army has brought to Glasgow from Iraq 500 families who used to work as interpreters for it and that those families have been thrown in without any support or awareness of their rights. Only the voluntary sector can engage with such communities to ensure their civic settlement and participation. I do not know whether those 500 families are classified as migrant, but they are here and are completely unaware of their rights or status in this country. There is ignorance of people's real rights.

I mentioned employment earlier. Most of the people in the groups that we work with have been in employment with the NHS and elsewhere, but they are still not aware of their rights. That is why we developed the guidance on understanding and promoting rights and seeking help.

11:15

Christina McKelvie: Hugh O'Donnell and I sit on the cross-party group on asylum seekers and refugees, which had an extremely interesting presentation on the health DVD last week. I went back and watched it, and Hugh probably did the same. It is an example of extremely good practice that we could use across the sector.

I move on to the myths and perceptions that exist in the indigenous population and in some organisations. One thing that prompted me to take an interest in the inquiry is the myths that the

British National Party peddled in a by-election in Glasgow last year, when people said, "They take our houses," or, "They take our jobs." How can we dispel those myths? In general, we have a negative media, although some aspects of the media are quite positive, and the committee often uses those to get its message across. I am wondering about your organisation and what we can do working together, because the issue is one for society as a whole and not just for politicians or organisations. How can we work together to dispel the myths?

Rami Ousta: As an umbrella organisation with a special remit to build groups' capacity, one of our most effective areas of work has been our support for migrant communities to establish local community organisations through which they can engage with the wider community, so that they build trust, co-operation and engagement.

On your point about the impact of the BNP, to be honest it has not lifted off among the communities that we work with.

Our concern is how we can ensure that migrant communities are accepted within communities in the civic context. In the examples that we have worked on so far, the engagement has been excellent. We have been taken aback by the way in which people in new migrant communities want to be part of the wider community. They have not asked for things, but there has been investment in their education, for example, and some of the groups get direct training from us and access to small amounts of funding. Our concern is that some local authorities and community planning partnerships engage with selected groups locally and ignore the 30 or 40 other community groups. That needs to be addressed.

Another area of concern is invisible minorities. Some stakeholders tend to stick to the concept of working with visible minorities at the expense of invisible minorities, where the latter are white communities and it is thought that they do not need the same help or engagement as others. We have been fighting that for the past 10 years—with support from the Government—but a strong element of the voluntary sector still works with the concept that it supports only visible minorities.

Civic engagement has been the key to promoting direct engagement between the wider community and migrant communities. If you like, I will copy to you some information on case studies that surpassed our expectations. The faith groups' engagement has been vital in the process as well.

Christina McKelvie: For the education of the committee, it would be extremely helpful to have those case studies.

Rami Ousta: We will send them to you.

John Wilkes: These are not new issues for Scotland, are they? They are often thought of as new issues, but Scotland has had to deal with new communities throughout its history, and sometimes quite large influxes of communities. It has dealt with them more or less well, as history dictates. For me, it is about some of the things that we have mentioned already. It is about engaging the media and ensuring that the debates that need to be had actually happen. It is right that the issue is debated in society, but it should be done on the basis of fact rather than myths and stereotypes.

The role of political leadership was mentioned. It is important that people take their cue from politicians' discourse about the issues. Refugee week is an event in which we try to co-ordinate a celebration of the contribution that people have made to communities. It always strikes me that, traditionally, Scottish ministers have launched refugee week whereas UK ministers have not done that at a UK level. I always think that that is evidence of the extent to which politicians stand behind the issues, say positive things and challenge the myths and stereotypes.

The fundamental challenge is how, in an increasingly diverse, pluralistic and separating society, communities, families and individuals get along with each other when people might not always agree or have different views about different groups. The challenges relate not just to incoming communities, although those are often more easily demonised, as similar challenges arise in ensuring that, for example, people do not experience homophobic abuse on the streets. The same sets of challenges need to be faced in building up understanding and a shared sense of rights for all people in Scottish society. A lot of that work needs to be done at community level, in schools and through education. We need to instil those values to help people to understand, and to get along with, difference and diversity.

As well as those strong messages, we need a strong legal framework of rights, so that people clearly understand others' individual rights and how we get along.

That might be a bit idealistic, but I think that those approaches will ultimately win out.

Christina McKelvie: That is great.

My other two questions have already been answered, but I beg the convener's indulgence to pick up on a point in the Ethnic Minorities Law Centre submission.

The Convener: You will need to be quick.

Christina McKelvie: Can I just ask a wee question on the rather different subject of trafficking, which is mentioned in that submission?

The Convener: Yes, that would be helpful.

Christina McKelvie: Paragraph 22 of the submission mentions some of the challenges that the Ethnic Minorities Law Centre and the Scottish Refugee Council have faced in helping women from the Chinese community who it is suspected have been trafficked. Can Stewart Cunningham give us a wee bit of detail on the work that is being done to raise awareness and to address the issue?

Stewart Cunningham: Sorry, I do not have any information on that, as the submission was prepared by my colleague in Edinburgh. Perhaps John Wilkes has further information.

John Wilkes: I know that the issue of trafficking is being considered, perhaps from different perspectives, by this committee and by the Equality and Human Rights Commission. Our experience is that we see people in the system who exhibit signs of what might be called trafficking. Recently, we have been dealing with Chinese women, many of them pregnant, whom we consider might be victims of trafficking. Obviously, it can be difficult to get people to disclose that they have been trafficked, but we are trying to work with the UK Border Agency to establish whether we can provide different means of support to improve people's confidence in revealing whether that is indeed their situation. It is hard to make those inroads. However, where people present as victims of trafficking, a variety of processes and protections can come into play.

One issue is that it is really hard to get clear substantive data about trafficking. Both this committee and the EHRC will probably face a similar challenge in trying to get a sense of what underlies the problem. The very nature of trafficking, whether for forced employment or for the purposes of the sex trade, means that it is a covert, criminal activity that is hard to get to grips with. However, we have certainly worked with the Ethnic Minorities Law Centre on trying to raise the profile of that particular group of Chinese women who are possible victims of trafficking.

The Convener: I think that the issue of enforced labour is also raised in the STUC's submission.

Hugh O'Donnell will move us on to the next question.

Hugh O'Donnell: My question is on employment issues, many of which have already been raised. However, I was interested to hear John Wilkes's observation on Scotland's history of dealing with the exotic or mysterious other, whether that be Highlanders coming into the lowlands as a result of the clearances or an Irish migrant population. If we check back through history, we see that such tensions have always existed and are not new. I am not sure that we yet have an ideal way of dealing with or addressing those issues.

However, employment is always an issue, particularly in times of economic hardship, such as those that we are likely to face. Briefly, in which sectors of economic activity are migrant populations, in the experience of your organisations, most likely to be involved? What challenges do migrants face, aside from those that have already been mentioned, such as that of people knowing their rights? In addition—John Wilkes referred to this much earlier in the discussion—is there a qualifications barrier? It would be helpful to get a general sense of where we are in relation to those.

Stewart Cunningham: It is hard to give a definitive response on which sectors migrant workers tend to occupy, because it depends on which group of migrants we are talking about. I have worked in Aberdeenshire for the past six months or so, predominantly with eastern European migrants. Migrants up there work in the fish processing and other food processing sectors and in agriculture, for example.

Agencies are among the biggest difficulties. Employers are getting savvy; they know how they can avoid liability under the law. I have heard examples of fish factories sacking all the agency workers whom they employed when those workers were getting up to their one-year qualifying period for unfair dismissal rates and bringing in a whole raft of new workers, simply to avoid any potential unfair dismissal claims. That is just one problem with agencies; a raft of other issues with agency workers has presented itself.

There is an issue to do with non-European nationals, whom we are seeing a lot of at the moment. Migrants who would previously have needed a work permit are now in the points-based system. The person's visa is tied to their employer. Obviously, we are seeing redundancies in the recession. People in the points-based system who are made redundant do not lose only their job; they lose their right to be here. We are fortunate in being able to deal with both issues. We can help to challenge the redundancy if there are grounds to do so and we can help the person with their status. The only thing that the person can do is find another job with an employer who is willing to sponsor them; they can then get another visa. That is not straightforward, as employers are reluctant to go through the hoops for employing non-EU workers that the UK Border Agency imposes.

People's access to benefits in the event of losing their job is the other key issue. We have talked about that. The question applies more to European nationals. What can they get? What are their entitlements? There is a lot of confusion in

the DWP about people's entitlements. For example, migrants are routinely refused access to jobseekers allowance, although it is clear that they qualify for it.

John Wilkes: With respect to the people whom we support, people with leave to remain in Scotland tend to be employed in retail and sectors of the economy that my colleague mentioned. Their lower employment rate can be due to their lack of experience of the UK or Scottish employment situation or their need to improve their English language skills, so there might be a time lag with the investment that is needed.

People have skills, experience and qualifications that may not be recognised here, which makes it much harder for them to access employment. Enabling people to retrain or to get equivalent recognition of their qualifications in Scotland or the UK is important. I think that I am right in saying that the Scottish Government is considering how the process might be speeded up through liaising with the relevant qualification authorities and bodies, some of which are perhaps taking a relatively old-fashioned attitude to equivalence of education, training and background.

Two of our board members are refugees. One, who was a lawyer in Burundi, is having to go through quite a lengthy requalification process—perhaps it is too long—to be able to practise law in Scotland. The other has a string of degrees in biological and veterinary sciences that are not recognised here. With her skills and experience, she still has to go through a period of retraining to be able to seek employment. We want that matter to be given greater consideration. It is right that we have a system that ensures that people who access the UK or Scottish economy have the appropriate skill levels and qualifications. It is not about taking short cuts; it is about saying that there may be areas in which the processes are too long and bureaucratic and that equivalence may be considered.

11:30

Rami Ousta: There is a heavy intake of migrants into the building industry workforce and for work in factories and in the fishing industry. However, we have also witnessed a great increase in the number of migrant workers who are gaining employment in the NHS, and the number of people from the migrant community who have started to take jobs in the civic, voluntary and local authority sectors is increasing.

Various groups on the ground provide support for those people, through the Scottish Qualifications Authority, to upgrade their qualifications. We also involve those groups in the education programmes that we run. Eastern European people are as entitled as Scottish students are to apply for Student Awards Agency for Scotland money and they have benefited from that, but not all migrant groups are entitled to that support.

Hugh O'Donnell: I have a quick question for Mr Wilkes. There is an academic process for comparing highers to A levels, but I am interested in the process that the professional bodies use. Do the professional bodies have any input into what the equivalences are, or is the comparison done purely within the academic field? For example, is it those who teach lawyers, rather than lawyers themselves, who decide whether there is equivalence? I can see the potential for a conflict of interest within professional bodies, which might not want to increase the number of people in their professions in Scotland.

John Wilkes: I do not have that detail with me, but I will see whether I can get the information and forward it to the committee after the meeting.

Hugh O'Donnell: That would be helpful.

Stewart Cunningham: Are you asking specifically about the legal profession?

Hugh O'Donnell: No, that was just an example.

The Convener: Stewart Cunningham said that people are often cut off before they have completed their initial 12 months' work. Do people who have entered professions receive more support and protection?

Stewart Cunningham: That is probably the case. The clients whom we see from the professions tend to be non-European nationals who are here under the points-based system. Under the points-based system, someone can get a visa only if they are skilled or a professional. The issues that we see with those clients tend to relate to redundancies and general dismissals. We deal with unsavoury employment practices more frequently in relation to clients in lower-skilled jobs.

The Convener: That is very helpful. That completes our questioning. Thank you very much. It has been a long but worthwhile evidence session. I suspend the meeting to allow the next group of witnesses to be seated.

11:33

Meeting suspended.

11:39

On resuming—

The Convener: The second panel of witnesses will focus on employment issues. We have only two witnesses, as Dave Moxham, the Scottish Trades Union Congress deputy general secretary, unfortunately took ill this morning and cannot be

with us. We are pleased to welcome Linda Delgado, who is a member of Unite the Union and sits on the STUC women's committee—she is doubly welcome in the absence of Dave Moxham—and Keith Dryburgh, who is social policy officer with Citizens Advice Scotland.

I begin by asking the panel about the range of services that their organisations provide to migrant workers and their communities.

Keith Dryburgh (Citizens Advice Scotland): Citizens advice bureaux offer a general service. They offer advice on every issue that migrant workers bring to them. We have some statistics on those issues. About half relate to benefits, so we give a lot of specialist advice in that area. A big proportion of inquiries concern employment rights, and we give an increasing amount of debt advice to migrant workers.

The Convener: Is that the same for Linda Delgado?

Linda Delgado (Unite the Union): The STUC represents Scotland's trade union movement, so it advises mainly on employment rights. It represents more than half a million working people in Scotland.

The Convener: Do migrant workers come to CABx for advice on housing issues? Are they well enough informed to know where to go for advice on employment rights? Do they use Citizens Advice Scotland initially as a catch-all service, from which they can be directed elsewhere?

Keith Dryburgh: People rarely come to us with only one issue. That is especially the case with migrant workers, who come with a myriad of issues, such as housing, employment and debt, rolled into one query. We try to offer an holistic and well-rounded advice service, as people may come with one inquiry that starts a whole cascade of issues.

The Convener: Where do Unite's referrals come from?

Linda Delgado: They come from within the working population. I echo Keith Dryburgh's point that migrant workers often come along with multiple problems, some of which are not trade union-orientated. They know to come to our service for advice, so we signpost them to other places if we cannot address their problems. They seldom come with one problem and often have a range of issues.

The Convener: In this evidence session, we are keen to tease out the term "migrant" and break it down to determine who we are talking about. What is the balance between EU and non-EU migrants among the people who come to your organisations for advice?

Keith Dryburgh: We have only recently started to collect statistics on our client profiles, so we are getting some of that information through. About half of our bureaux are now on the stats system. From a sample of approximately 15,000 clients, we worked out that 1.7 per cent—about one in 55 clients—were Polish. We can extrapolate from that figure that we see around 3,500 Polish clients a year. We see probably another 1,000 clients from other A8 countries. We mainly see A8 nationals in the bureaux, although we see quite a lot of other EU nationalities, particularly Italian and German. We see only a sprinkling of migrant workers from outside the EU.

The Convener: That is helpful.

Linda Delgado: We see a broad range of people, depending on where they work. The teaching unions would see people from universities, for example, so it differs.

The Convener: What is the gender balance?

Linda Delgado: It is roughly 50:50. I do not have figures for that but, anecdotally, I think that that is the case.

Keith Dryburgh: It is about 50:50. We get more female bureaux clients in general but, for migrant workers, the balance is about 50:50.

Hugh O'Donnell: How do people find their way to you?

Keith Dryburgh: That is a good question. There are numerous sources. In migrant communities, it is particularly through word of mouth. A couple of people might be signposted to us, and they tell one of their friends and so on. They help one another to find the right advice.

The migrant community, especially the Polish one, has a strong internet community and we have found that word of mouth through internet sites is often the best signposting. Many Government leaflets have also signposted to us for advice. We are not sure where people are signposted to us from, but our understanding is that a lot of it is through word of mouth.

11:45

Hugh O'Donnell: Would it be useful to include that in your profiling of the client base at CAS?

Keith Dryburgh: We know if they have been signposted from another organisation; we are starting to get that information. As I said, the statistics package to which we are moving is new, so we will know more about signposting in the future.

Hugh O'Donnell: Linda Delgado already mentioned that the teaching unions see people from universities. The reason why I am interested

in the matter is that, in many instances, migrant populations are migrant working populations and, by their nature, may be transient, so some of them might work in organisations that are reluctant to engage with the unions at all. How do they find you and how do you ensure that those who feel intimidated by their employers find you without threatening their employment?

Linda Delgado: That is difficult. The people who are in the temporary and more precarious types of employment have more problems but, because their employment is so precarious, they are unlikely to want to stick their heads above the parapet, for want of a better phrase.

Migrant workers tend to find us through word of mouth after someone receives help and passes the information on through the migrant community. Some unions have set up specific groups. Unite works with domestic workers mainly in London but is extending that work throughout the UK, and Unison has a health care workers group for far-eastern nurses.

There are minor networks in various unions and it is a matter of people finding us through word of mouth between migrants.

Keith Dryburgh: Hugh O'Donnell raises an interesting point about migrant workers being worried about the ramifications of seeking help and advice. Quite a lot of migrant workers come to us with significant employment issues in which their rights have clearly been infringed, but they do not want to take any action against the employer because they do not want to lose their jobs. They know that that could happen if the employer knows that they have been taking advice, so we often get people coming for advice but not taking up the offer of help because they are too scared of what will happen.

Elaine Smith: Does that mean that we could have a "Grapes of Wrath" type of situation? It is not only about the job because the place where a migrant worker lives might be tied in with the job and there might be other issues with that. Could that be the case?

Keith Dryburgh: Yes. It is complex and difficult. Many workers, particularly in rural areas, have accommodation that is tied to the job and it is difficult for them to make complaints against their employer because they are scared of losing their home. Basically, being dismissed would make them homeless.

I have brought information about a couple of cases to illustrate. One client who works as a fruit picker in the north of Scotland was told that he was being dismissed on the spot and that he would lose his accommodation at the weekend. There were 10 other Poles in the same situation. Only one of them spoke English, but they were all to be transported to Perth bus station and left there. That was the plan. It was not as if their accommodation was good, because they lived in a portakabin with no running water and there were 565 workers on site, who all shared communal toilets and showers.

I cannot give you figures for how many clients such situations affect but the ones who live in tied accommodation are particularly vulnerable to employment rights abuses.

The Convener: The media could play a part in that by raising the issue and shaming whoever the employer was in that case.

Marlyn Glen: I am glad to hear that Citizens Advice Scotland has started to collate data. That will be helpful.

From what the witnesses have said so far, it sounds as if they are dealing mainly with single people. Do they also get inquiries from people about services for families or, from women in particular, children who were born here?

Keith Dryburgh: In 2007, we produced a study that contained statistics on migrant workers from the eight accession countries. We found that quite a lot of them were single and that only about a quarter had children. Three years later, we have new statistics for comparison. Now, migrant workers are just as likely to be married or cohabiting as any other client is and they are much more likely to have children—we sampled about 350 migrant workers and found that half had children. We feel that more families have settled in Scotland.

We see more people who have settled here—particularly people who have brought their families over and who have a settled job. Because migrant workers are quite young, some have met somebody, married and had children here. We are seeing more families and more people with caring responsibilities, which means more issues with child benefit and the child tax credit, for example.

Linda Delgado: When someone has settled here and married someone from the indigenous community, that is a separate situation. However, 90 per cent of single parents are women and a lot of migrant women are here singly, so those women's position is doubly precarious. The anecdotal evidence is that about 50 per cent of migrants are female and 80 per cent are under 35, which means that there is a huge number of women who are of child-bearing age. All sorts of problems exist, such as accessing maternity pay and maternity leave, whether women have the right to return to work after a birth and registering children for schools. All those problems fall primarily to the female of the group.

Keith Dryburgh: I agree. We see vulnerable lone women parents who have often come to Scotland in a couple but who have separated from their partner. They are very vulnerable; they might not even speak English well.

Marlyn Glen: In your opinion—it might be backed by statistics—have migration levels diminished in recent years?

Keith Dryburgh: We can say only how many people come for advice. If they stop coming for advice, they might seem not to be here, but their advice needs might just not be as pressing as before.

About two years ago, a big burst occurred in the number of migrant workers who needed advice. That has died down a little in the recession and we are unsure why that is. We are not sure whether migrant workers do not want to complain about their employment because they do not want to lose their jobs or whether they have migrated back home.

Linda Delgado: It is difficult for trade unions to have the resources to plot such trends. However, we can document the number and type of complaints that are brought to us. The number of complaints is increasing, but it is difficult to say whether that is because more migrants are coming here or because word of mouth has given them the information that we will help them.

Marlyn Glen: Establishing the reasons is difficult.

In your experience, what are the main locations in Scotland to which migrant communities are attracted?

Keith Dryburgh: The recent wave of migration is interesting because it has affected not just cities but rural areas. One of the first places to receive many migrant workers was the Highlands, so that was the first place in which the bureau helped—it established the Highland migrant workers project there.

We have seen many migrant worker clients throughout the country. Rural and urban migrant workers have different issues. Migrant workers in urban areas have more employment and housing issues, whereas migrant workers in rural areas have more family issues, are more likely—as is obvious—to be in agricultural work and are more likely to have benefits issues. Migrant workers in rural areas also have problems in accessing legal advice and translating services, which they must travel a long way to reach.

Linda Delgado: The people who settle in bigger cities such as Aberdeen, Edinburgh and Glasgow possibly have fewer problems. It is the seasonal agriculture workers, who can be quite nomadic because of the nature of their work, who have repeated problems, especially as they are in more precarious, temporary employment. Because of the nature of their work, they do not get to work continuously for 12 months. Of the two populations, the city settlers are more likely to be able to access information.

Christina McKelvie: The first panel of witnesses felt that there was a lack of awareness of rights in this area. What are both your organisations doing to address that lack of awareness and how can we all work together to raise awareness?

Linda Delgado: The trade union movement is trying to seek out migrant communities. For example, Unite works with domestic workers and Unison works in nursing—various unions do such work. However, it is very difficult, because how do we predict where a migrant community will settle? Even if we had the answer to that, we would still have the problem. The more obscure employers cause the problems, so we seek out and try to speak to employers who use temporary workers. However, if an employer has a sense of corporate responsibility, people will know their rights.

Keith Dryburgh: The core aim of the citizens advice movement is to ensure that people know their rights and to empower them to solve their own problems through knowing their rights and responsibilities. On specifics, we have translated most of our leaflets into the prominent languages, so that anybody can come in and pick up a leaflet in Polish, Slovak and so on. We have worked with the Scottish migrants network, which had a poster campaign last year to raise migrant workers' awareness of their working rights. Individual bureaux have been really active in that sphere. I have heard that many Polish migrants volunteer in bureaux as advisers and interpreters, and quite a few Polish migrants work in bureaux.

The Convener: Do you want to add anything on the pan-Lanarkshire project with Lanarkshire CABx?

Keith Dryburgh: I do not know about all the projects in Scotland, I am afraid. I might have to check up on that one.

The Convener: Okay. The EMLC provided information on a project in which the local authorities in Lanarkshire work with a solicitor and an administrative officer in partnership with Lanarkshire CABx. I just wondered whether you knew anything about that.

Keith Dryburgh: I am sure that that work is going on, but I will have to check up on it.

Christina McKelvie: I asked a question earlier about dispelling the myths that the BNP and other organisations spout, which is the reason I and others are interested in this inquiry. How can we

raise awareness in the indigenous population and educate people to deal with facts not myths. What are your organisations doing in that respect?

Linda Delgado: The STUC believes that migrants contribute more to the economy than they take. In addition, what is said about housing is a myth, because the vast majority of migrants live in private houses and do not use up social housing stock. We are trying to move into migrant communities to explain our aims and bring them on board in promoting a more positive image of migrant communities. We also want to explain matters to our membership and get them involved in helping migrant communities. We have a vast resource of people who are indigenous to Scotland and live and work here who can help to promote our agenda. Obviously, the media play a large part in this area. We produce our own magazines and so on, but they go out only to our members. However, we hope that they help to dispel myths.

12:00

Keith Dryburgh: The citizens advice movement has two aims: first, to provide advice and empower people; and, secondly, to let everyone know what the situation is in the country. We see many clients and we know what their problems are, so we regard it as part of our role to propagate information about what is happening on the ground. In our report "Continental Drift: Understanding advice and information needs for A8 migrant workers in Scotland", which we published a couple of years ago, we dispelled myths by talking about what our clients who are migrant workers do and what problems they face.

Christina McKelvie: That is helpful. I got involved in many of the organisations in which I am involved as a result of a Unison project—as a Unison member, I was part of the Glasgow campaign to welcome refugees, all those years ago. I wish Linda Delgado good luck in getting union members engaged; they represent a huge, untapped resource.

Linda Delgado: Yes, they do. If we can explain to people that migrant workers are not stealing their jobs, we can dispel myths and create a much better sense of solidarity among workers.

The Convener: Can the third sector and the voluntary sector play a part in raising awareness and giving migration a more positive image, for example by giving local authorities more data and intelligence?

Keith Dryburgh: It is key that all relevant agencies and advice organisations work together to ensure that we have the best knowledge of who is where and what people's needs are, so that we can come up with the best solutions to problems and ensure that the benefits of migration are propagated.

Elaine Smith: The STUC referred in its submission to unscrupulous employers and said:

"more needs to be done to regulate these employers and to ensure that rights at work for all workers are defended."

It can be difficult for agency workers to get trade union membership. At Christmas I got involved in an issue near my constituency, which involved Unite. How can we regulate unscrupulous employers? Should we name and shame them? Is there a database of employers who get rid of agency workers before they have worked for them for 12 months, or who bus in agency workers from the kind of accommodation that Keith Dryburgh talked about?

Linda Delgado: I am not aware that there is such a database, but all trade unions could compile such information and feed it into other organisations, including the Scottish Parliament. I would be happy to move forward with such an approach.

Elaine Smith: It would be interesting to know what information trade unions have about who the unscrupulous employers are and where they are.

Christina McKelvie mentioned the contribution that migrants make to the Scottish economy. Linda Delgado said that the STUC's view is that migrants contribute more to the economy than they take from public services. In its submission, the STUC said that migrants face barriers to realising their full potential. Will you comment on that?

Linda Delgado: Qualifications are an issue—that came up earlier in the meeting. We know that a large quantity of nurses and other medical staff from the far east are totally underemployed. Their qualifications are not recognised, so they are working as auxiliaries in private health care. When such people arrive in Scotland their goal is to work in the national health service, but it is unusual for them to be able to walk into an NHS job—they have to work up to that. Unison will have valuable information on the issue, given its work on the overseas nurses network. I am sure that Unison would be happy to share its knowledge with the committee.

Elaine Smith: Do the witnesses have examples of the issues that migrants face in the workplace? What forms of discrimination have migrants experienced?

Keith Dryburgh: A number of issues have been reported to us. First, there are numerous instances of clients being paid less than the national minimum wage, often because employers made illegal deductions. Employers say, "You're paid £6.20, but"—

Elaine Smith: They have to pay for their housing and the bus to work. That relates to the point that I made about a "Grapes of Wrath" type of situation, in which people end up with much less pay.

Keith Dryburgh: Yes. Another example is somebody being told that Polish workers have to pay more national insurance, so more is taken off their wage slip.

We have had a few fly-by-night companies, which have employed people as cleaners or security guards for two or three months. The company tells them that they will be paid, but then it just disappears. The people are never paid for their work and are owed, for example, £1,000. We have had loads of example of that, particularly two years ago.

As was mentioned before, a lot of people come to us with problems but do not want to act on them because they are scared of repercussions. A lot of people who try to stand up for their rights with their employer are either shouted and screamed at or dismissed on the spot—we have heard quite a few examples of that. We have also heard of lots of people who, when they take holidays back to Poland or whichever country they are from, are told that they will be paid for the holiday but, when they get back, their employer says, "No, I never agreed to that." As a result, they do not get holiday pay.

We have had surprisingly few redundancy issues to deal with, but there have been a lot of dismissal issues. That perhaps shows that a lot of people are made redundant but are told that they are being dismissed. They are given spurious reasons: they are told that their work is not good enough and are dismissed on the spot, with no notice or redundancy pay. Often it is legally a redundancy but the employer turns it into a dismissal. Stewart Cunningham said that people were being dismissed en masse after 11 months of employment, and we have seen that happen too.

Migrant workers are often not given contracts of employment, which means that they do not know their rights and responsibilities. They do not know what they are entitled to, even in their job—for example, they do not know what they are being paid as they do not get any payslips.

Finally, we have seen a few people, particularly migrant workers, discriminated against because they are pregnant or have young children. There is one example of a client informing her employer that she was pregnant and immediately having her hours cut from 36 to 12 hours a week. Those are the main issues that we have seen.

Elaine Smith: Those answers do not paint a picture of the land of milk and honey that people are flooding into to take the houses and jobs; entirely the opposite picture seems to be emerging, in which people are suffering from discrimination and, in some ways, abuse in the workplace.

Keith Dryburgh: I must emphasise that we see the worst of the problems. If somebody is getting on really well, is paid on time and has a great employer, they never come to a CAB.

Elaine Smith: Would the trade unions have information on whether people are getting on well and have great employers?

Linda Delgado: I do not suppose so because, again, people in that situation would not come to us. I hope that we would reach out to them and they would become members, but generally the point at which we become aware of them is when there is a problem.

Most of the problems that I was going to mention have been talked about. The one that was not mentioned is that people sometimes have their documents withheld from them: their employer holds on to their passports in the place of employment so they do not feel that they can complain to the authorities. They are told that that is normal—I suppose that if someone comes from China, they might think that it is normal for their employer to hold their passport.

There are many cases of women being sacked when they become pregnant, not being allowed to return to work after having their baby or, if they return, being offered inflexible shift work that cannot be fitted in with child care so that they have to leave.

Elaine Smith: The previous panel of witnesses mentioned an inquiry into health. Does the STUC, Unite or Unison—which is not represented today—have any information about that? Have you been asked to contribute to that inquiry?

Linda Delgado: Do you mean a contribution to health profiles?

Elaine Smith: In the previous evidence session, it was mentioned that an inquiry into access to health provision for migrants is apparently going on. I am just trying to get a bit more information about it.

Linda Delgado: I cannot speak about the DVD that was discussed earlier because I have not seen it and was not involved in it. However, I know that there are many problems associated with health provision, not least with the provision of translators and interpreters. People's English may be good enough to carry on with work and normal social occasions, but when they are explaining intimate personal details to a doctor they need interpreters to ensure that they understand what procedures they are agreeing to.

There is a problem with the inappropriate use of accident and emergency units. That is not exclusive to migrant populations, but they tend to use such units because they have not registered with GPs, so they present at A and Es, rather than go through the process of being sent to hospital. There is also a problem with late presentation of pregnancies, because women are not aware that they can access antenatal care. They present at eight months—hopefully without any associated problems. There are many problems with the provision of and access to health care.

The Convener: The next two sessions will focus on education and health, so we hope to get more information about that. What you said was helpful.

Shirley-Anne Somerville (Lothians) (SNP): Are changes required to the current employment legislation to provide more protection for migrant workers, or is it more that there is a lack of awareness and a fear about taking on the rights that we have? Is a change in legislation required or are we looking at something softer within the communities?

Keith Dryburgh: From our point of view, it is more the latter. I do not think that there is anything wrong with existing employment laws; they just need to be enforced better. Migrant workers need to know their rights and responsibilities. When we see problems, two kinds of employers are involved: employers who are perhaps ignorant of their rights and responsibilities, who do not know that they are not meeting their responsibilities; and a minority of employers who actively undermine employment law, because they think that they can get away with it. Anything that can be done to promote existing laws is probably the way forward.

Shirley-Anne Somerville: In your written evidence you talk about the points-based immigration system and the negative impact that it is having. On both immigration and employment law, are we looking at changes or at something different?

Linda Delgado: I cannot speak to that—I am afraid that Dave Moxham was going to do so—but I am sure that we are quite capable of sending you more information if you need it.

Shirley-Anne Somerville: That is fine. You are in an unfortunate position—we are trying to do a double act on everything that comes up in the STUC's written evidence, too.

An issue that has arisen in a lot of the written evidence is the problem of public bodies not reacting quickly enough to changes within their population centres, a lack of planning and an inability to get moving to meet some of the new challenges. Is there an issue with how quickly the public sector—whether local authorities or health boards—reacts?

Linda Delgado: There is a need for people to move faster. I cannot say why they are not doing that, because I am not part of the COSLA group, but there is a lack of basic information on migration in Scotland specifically. Most of the information that is out there is about the UK as a whole. We need to disaggregate the data so that they are specific to Scotland. We could possibly break them down to smaller geographical areas, so we can see where the communities are. There also has to be a gender analysis, so that specific measures can be put in place.

Keith Dryburgh: You make a good point, but it must be extremely difficult for local authorities to know who is there. The statistics that they get are postdated, so they know that people are there only after they have been there for a certain amount of time. Even when local authorities know the numbers, they do not necessarily know who the people are, their age or what their issues are. That needs to be addressed. I can understand why it is difficult for local authorities.

Shirley-Anne Somerville: Do you get the feeling that local authorities and health boards are at least being proactive about trying to find that information, or is there an unwillingness, or inability, to get to that stage?

Linda Delgado: I cannot answer that. There possibly needs to be much more of a cross-agency approach to measuring who is registering at schools and who is giving birth at maternity units so that information comes in from several areas, rather than specifically from worker registrations.

Keith Dryburgh: I know that Glasgow and Edinburgh have done big research studies on the A8 migrants in their areas, but I cannot comment on other local authorities.

12:15

Shirley-Anne Somerville: Is there anything that the Scottish Government should be pursuing when it comes to its policies to assist migrant workers in the labour market?

The Convener: That is probably another question on which we would have hoped that Dave Moxham would take the lead. If you cannot think of anything now, that is quite understandable; we would be happy to receive a written submission later, following up on our questions.

Linda Delgado: I gladly accept that offer.

The Convener: Can you think of anything, Keith?

Keith Dryburgh: Not when it comes to the Scottish Government, but in relation to the UK Government—there is the worker registration scheme that all A8 nationals are required to sign up to. We found that quite a few migrant workers do not know about it, even after being here for three, four or five years. They might suddenly become unemployed and, if they have not signed up to the scheme, they will in effect have been working illegally without knowing it. Then, they try to sign up for JSA but find that they are not eligible for it, as they did not sign up in the first place.

The Convener: That problem was highlighted in the first evidence session. It is useful to have your confirmation on that issue.

Christina McKelvie: I do not know whether this has arisen in evidence already, but there is something at the back of my mind that suggests that people need to register to get a national insurance number to work, yet they do not automatically get registered for employee status, because two different departments are involved—basically, they are in the same building but they do not speak to each other. Have you come across that?

Keith Dryburgh: I have seen a few cases in which people have been employed but are then suddenly dismissed when the employer realises that they do not have a national insurance number, although they might have been sure that they had applied. I am not an expert, so I do not know why that has happened, but that has been a problem in a few cases.

Hugh O'Donnell: Most of my foxes have been shot by the previous questioners. That is fair enough, though—we have the answers.

I am interested in two particular things, which have been touched on in passing by other speakers on this and the previous panel. First, there is the mythology around migrant workers taking jobs, homes and so on, and the role of the media, politicians and the trade union movement in addressing that. A fairly high-profile campaign in the media about British jobs for British workers springs to mind. What did the STUC do to counter that perception that migrants might be taking jobs from British workers?

Linda Delgado: I cannot say anything specifically to counter that claim, which was a rather unfortunate comment from my own union, other than to say that we are trying to engender a much more friendly atmosphere in general. I cannot speak about what was done specifically, however.

Hugh O'Donnell: The question was not intended to have a go at your union—it was a general observation about the way in which the media played that, and about how politicians are sometimes dragged into the sort of negative comment that feeds the machine that gives rise to the BNP claims that other members have spoken about. Is there a TUC position that supports migrant workers? How widely publicised is it, outwith your own publications? The same applies to CAS—where does CAS stand in that regard?

Keith Dryburgh: Part of the nature of being an advice provider is that we are fairly neutral on such things. We take anybody who comes through the door and we give them the advice that they need.

Our organisation is very supportive of migrant workers, and much of the work that we do shows the positive impact that they have. They have higher employment rates, for example. It is hard to answer the question, as we do not tend to take up such issues or take part in campaigns to say that something is wrong—we are there for everybody who comes through the door.

Does that answer your question?

Hugh O'Donnell: Kind of, although I have to say that CAS does campaign on issues. However, that is a separate matter.

In the previous session, I asked John Wilkes about people not getting credit for their qualifications. Linda, how does your organisation—in this case, the STUC—feed into the process of equivalence with regard to employment and professional qualifications for those coming into communities? I believe that you mentioned the nurses network earlier.

Linda Delgado: Dave Moxham would have answered that question. I do not actually know the STUC policy for feeding into these organisations.

However, the nurses network is a Unison group, so I know how it tries to liaise with the various bodies. I am certainly aware of the problem that you raised with the previous panel of professional bodies keeping things exclusive, and there is probably some work to be done with those bodies in that respect.

Hugh O'Donnell: This might not be relevant, but are there any instances of people coming into CABx and saying, "I'm a civil engineer but I'm digging trenches. How do I get my qualifications recognised?" I imagine that the situation is easier for those from EU and accession states than it is for those coming from outside the EU.

Keith Dryburgh: We have seen a multitude of clients who have university degrees and were professionals but who, on coming to Britain and Scotland, have taken jobs that are different from what they are qualified in. The general perception is that people are moving towards what they want to do as their language and communication skills improve, but I cannot think of many cases of

people specifically asking us how they can break down the barrier between what they are doing and what they want to do.

I should perhaps qualify my earlier remarks about campaigning. We tend to embark on campaigns if we feel that certain policies are not working or client groups are not being well served, but we do not tend to take subjective positions by, for example, suggesting that people should be more positive about a certain client group.

The Convener: We always seem to come back to the issue of data and information. Leaving aside the question of matching skills with professional bodies, I wonder whether more skills matching in general could be done if more information could be made available to people on the talents that migrant workers have that are not being used, the number of them who have degrees and how they were employed in other countries. Is it fair to say that, if that is to be achieved, some public bodies need to be more willing and proactive?

Linda Delgado: I believe so. I feel that the trade unions could also assist in that respect by putting those questions to the people who bring problems to them.

The Convener: I think that they would be very well placed to take that agenda forward.

That concludes our questions. I thank the witnesses not only for their attendance but for giving us a perspective on employment issues and reinforcing some of the evidence that we heard in the previous evidence session.

As agreed at our previous meeting, we move into private session.

12:23

Meeting continued in private until 12:57.

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