

T: 0300 244 4000
E: scottish.ministers@gov.scot

Karen Adam MSP
Convener
Equalities, Human Rights and Civil Justice
Committee

By email: EHRCJ.committee@parliament.scot

14 March 2025

Thank you for your letter of 24 February, requesting an update on how the Scottish Government is responding to the Committee's report on asylum seekers in Scotland since the initial response provided to the Committee in February 2024.

The then Minister for Equalities, Refugees and Migration, Emma Roddick MSP, provided a substantial response to the Committee's report, focusing on specific recommendations or requests made to the Scottish Government. I am happy to provide the update below for the Committee's information.

Bus Travel Support

1. Your letter specifically requested confirmation regarding Scottish Government's policy to extend concessionary bus travel to people seeking asylum, with reference to an announcement of funding made in November 2023. It may be helpful to explain that the funding announced in November 2023 related specifically to plans for the provision of bus travel support in the 2024-25 financial year only. Secondary legislation would be required to extend the concessionary travel schemes.
2. As the Committee is aware, current national concessionary travel schemes are inclusive of people seeking asylum where they meet the scheme eligibility. All those aged under 22, aged 60 or over and those eligible on the grounds of disability can already access free bus travel under the existing concessionary travel schemes; which we have estimated amounts to around a third of people seeking asylum living in Scotland.
3. The 2025-26 Scottish Budget, which was passed by the Scottish Parliament on 25 February 2025, has funding allocated to provide free bus travel for people seeking asylum, who are not already eligible for concessionary travel, in the coming financial year.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

4. We are also committed to exploring if we can extend free bus travel to all people seeking asylum on a longer term basis before the end of the current parliamentary session, subject to an agreed way forward on the policy in terms of practical delivery.
5. Accordingly, the Working Group with Third Sector representatives and other interested parties will be reconvened in order to consider delivery options. Further information will be provided in due course.

Illegal Migration Act

6. There have been significant changes since February 2024 which have altered the context in relation to the Illegal Migration Act 2023. Following the UK election in June 2024, the UK Government made immediate consequential amendments repealing certain clauses of the 2023 Act and have proposed to repeal a substantial number of further clauses through the Border Security, Asylum and Immigration Bill (BSAI Bill); which was introduced on 30 January. The Scottish Government has considered the initial implications in Scotland of the provisions of the BSAI Bill as introduced and has now lodged a legislative consent memorandum with the Scottish Parliament.
7. The Scottish Government will request information from the UK Government on how changes proposed under the BSAI Bill will affect people seeking asylum who are living in Scotland. We will also continue to engage with the UK Government and New Scots partners to understand the impact of broader UK Government policy.

Human Trafficking

8. Scottish Ministers secure support and assistance for adult victims of human trafficking in line with Sections 9 and 10 of the Human Trafficking and Exploitation (Scotland) Act and where there are reasonable grounds (as determined through the NRM) to believe an adult is a victim of human trafficking and/or slavery, servitude and forced or compulsory labour. This support is discharged in the main through grant funding arrangements with Migrant Help and the Trafficking Awareness Raising Alliance (TARA).
9. TARA supports adult females who have been trafficked for the purposes of commercial sexual exploitation. Migrant Help support all other adult trafficking victims in Scotland. Support can be provided for up to 90 days, or until such times as a final decision (known as a Conclusive Grounds Decision) about trafficking status is taken, whichever comes first. Support can also be provided for such a period beyond 90 days as is considered necessary given the adult's needs. Assistance can include accommodation, daily living support, medical care (including psychological assessment and treatment), language translation and interpretation, legal advice, and help accessing other services. If a victim wishes, support can also be provided for safe repatriation. Each client receives a tailored recovery plan, designed to help them begin rebuilding their lives. This may include referrals for physical and mental health services, English language courses, community activities, and further education. Where repatriation is sought, a safe and sustainable return plan is developed in collaboration with the client, often involving partnerships with NGOs in-country and, where necessary, law enforcement agencies in their home country.
10. The Scottish Government also provide grant funding to four other organisations working to provide specialist support to victims of human trafficking under the Victim Centred Approach Fund (VCAF). Justice and Care provide two Victim Navigators who

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

are embedded within Police Scotland's National Human Trafficking Unit. Victim Navigators work with Police Scotland to identify and support victims of human trafficking and exploitation and bring perpetrators to justice. Navigators ensure victims of trafficking are treated with fairness and compassion from the point of identification, provided with greater awareness about their human rights, how to access them, and ensure they are supported in a trauma-informed manner. Navigators also support victims in the decisions that affect them, including participating in police investigations into their exploiters. Navigators were recently recognised by Police Scotland as a critical component within a successful large prosecution.

11. JustRight Scotland run the Scottish Anti-Trafficking and Exploitation Centre (SATEC), which is the only specialist legal project in Scotland that provides direct legal advice and representation to adult survivors of trafficking and exploitation. This is regardless of nationality, gender, type of exploitation and geographical location. The funding supports free weekly outreach surgeries (in partnership with TARA and Migrant Help); pro bono legal representation across Scotland; professional training/support; awareness/information material and a peer support and mentoring programme.
12. Survivors of Human Trafficking in Scotland (SOHTIS) are delivering Project Freedom. This project provides person centred, trauma informed and compassionate long-term support for up to 80 survivors of human trafficking in Scotland. The Project empowers survivors to transition from vulnerability, which can lead to re-trafficking, to independent living - restoring agency and control over their own futures. The funding supports a combination of one to one and group support, in person and remote settings.
13. NHS Greater Glasgow and Clyde (Glasgow Psychological Trauma Service) provide a national psychological trauma support service to adult trafficking victims. Their funding covers provision of comprehensive psychological assessment; formulation and care plan for victims of trafficking within the relevant period; early provision of trauma psycho-education to victims; provision of a range of individual and group psychological interventions and treatments in line with evidence based practice for clients living in and beyond NHS GGC boundaries; provision of expert psychological reports to inform NRM and asylum decisions and to advise on special measures; provision of psychological advice, information and consultation to support providers, assisting them to be trauma informed and recovery focused and provision of teaching and training to statutory and non-statutory services at local and national events.
14. We will shortly publish a progress report covering implementation of the current Trafficking and Exploitation Strategy and would be delighted to provide the Committee with a copy which sets out the breadth of work being undertaken by the Scottish Government and partners.
15. In addition, we have been working closely with partners in the anti-trafficking sector both within Scotland and beyond to refresh Scotland's Trafficking and Exploitation Strategy. While this work remains ongoing, we will share a copy of the new Strategy with you upon publication.



Unaccompanied Asylum Seeking Children

16. As noted above, the context relating to the Illegal Migration Act 2023 has changed significantly since February 2024, as a result of the UK Government's decision to repeal a number of clauses from the 2023 Act, and the steps it is taking to repeal further clauses through the BSAI Bill.
17. Age assessment remains a complex and resource intensive process for local authorities. It can take significant time and resources to fairly assess whether a UAS young person is a child or not.
18. The Scottish Government funded age assessment training for local authorities in November 2024. In addition, in response to requests from local authorities and others, the Scottish Government is leading a partial review of the current age assessment guidance for local authorities. The review is focussing on providing updated information about "initial presentations" – when a young person first presents themselves in a local authority area and says that they are a child. We expect the updated guidance to be published before the end of April 2025.
19. COSLA and local authorities are represented on the group which is providing advice about the updates to the age assessment guidance. More generally, Scottish Government officials meet regularly with COSLA officials to discuss UAS children, and Scottish Government officials attend the monthly meetings of COSLA's UASC working group for local authorities.
20. The Scottish Government also continues to fund Guardianship Scotland, which provides Independent Child Trafficking Guardians for all UAS children, and which is currently supporting more than 1,000 children and young people.
21. Following an open procurement process, Scottish Government will shortly be awarding a new contract to run the statutory Independent Child Trafficking Guardian service. The contract will start on 1 April 2025 and will run for an initial 3 years, with the option to extend by a further 2 years.
22. The new contract provides increased funding for the services – reflecting the rise in the number of UAS children in recent years, and the complexity of young people's needs.

Engagement with UK Government on asylum matters

23. Your letter specifically requested an update on communication with the UK Government on matters including right to work for people seeking asylum and access to welfare.
24. I wrote to the Committee on 26 February to share information about work undertaken to develop an asylum right to work pilot proposal. The Scottish Government published our proposal for an asylum right to work pilot on 27 November and I wrote to the UK Government to ask them to consider it. As I explained in the 26 February letter, I received a reply on 7 January saying that they were unable to commit to exploring feasibility of this proposal further at this time. I replied to make clear that I would welcome discussion if the UK Government position changes in future and also sought discussion regarding potential for improvements to be made to the current policy. I received a reply dated 28 February which confirmed that UK Government policy remains as stated in the 7 January letter, but with an offer to meet once diary commitments allow.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot



25. As the Committee will be aware, people seeking asylum are subject to immigration control and therefore have No Recourse to Public Funds (NRPF). NRPF applies to certain public funds as defined in the immigration rules, including most mainstream benefits like Universal Credit and specifically “a payment made from a welfare fund under the Welfare Funds (Scotland) Act 2015” which would include payments from the Scottish Welfare Fund. The Scottish Government is continuing to seek the removal of this from the public funds list, to enable decisions about eligibility for crisis grants under the 2015 Act to be made in Scotland.

Financial support to third sector organisations

26. In 2024/25 financial year the Scottish Government has provided over half a million pounds of grant funding to third sector organisations for projects which align with the New Scots refugee integration strategy.

27. The Scottish Government has also provided £3.6 million funding for the delivery of the Refugee Support Service in 2024/25. This has supported a national integration service for refugees, people seeking asylum, displaced people and other people who have arrived in Scotland through safe routes for humanitarian reasons. The Scottish Government intends to procure this service as a multi-year contract in 2025-26.

Ending Destitution Together strategy

28. In 2024-25 the Scottish Government continued to support the provision of a OISC registered caseworker to increase the capacity of immigration advice for local authorities. This investment is providing one-to-one and second tier immigration advice and support, increasing local authority officer awareness and understanding of factors which can cause migrant destitution, NRPF and the rights and entitlements of migrants, including EEA nationals.

29. The Scottish Government has also continued to support a diagnostic legal advice and advocacy project, delivered by Scottish Refugee Council in partnership with Fair Way Scotland. This assists in identifying where specialist legal advice is required to help resolve underlying status issues and access support.

30. In 2024-25, the Scottish Government supported the Fair Way Scotland consortium in the provision of funding to deliver a casework and emergency cash-first project. The project supports those with insecure immigration status who are at risk of or experiencing destitution, and is inclusive of those with no recourse to public funds.

31. During 2024-25, Govan Community Project have also been funded by the Scottish Government to facilitate a lived experience forum ‘Experts by Experience’. This work develops and supports an inclusive forum to continue meaningful engagement with people with lived experience of destitution and no recourse to public funds.

ESOL and Interpretation

32. The Scottish Government recognises the importance of English language learning in supporting the integration of New Scots. Colleges are responsible for decisions on course provision and are best placed to respond flexibly to local ESOL need alongside partners including local authorities and the third sector. Local authorities themselves play an important role in delivering their CLD Plans, which supports the provision of community based ESOL.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

33. The Scottish Government welcomed the independent review of community learning and development (CLD) which followed with a report, [Learning: For All. For Life report](#). The report provided 20 recommendations, including on ESOL, varying in complexity and scope. The Scottish Government and COSLA accepted recommendation 1.1 to set up a joint CLD Strategic Leadership Group (SLG). The SLG will play a central role in developing our detailed response to the remaining recommendations.
34. This financial year, £500,000 has been made available for ESOL in Glasgow from Scottish Government's Asylum and Refugee Integration Unit.. This is in response to the recommendation from the Independent Review of CLD for Scottish Government to take immediate action to address the exceptional pressures and increasing levels of need for ESOL provision in Glasgow. Funding has been made available to the Glasgow ESOL Strategy Partnership which consists of Glasgow Clyde College, Glasgow Kelvin College, City of Glasgow College, Glasgow Life, ESOL Scotland and WEA Scotland and has enabled more than 800 people to access provision.
35. The Minister for Higher and Further Education and Minister for Veterans has written to the Scottish Funding Council with supplementary guidance to ensure ESOL remains a priority for colleges in the forthcoming academic year 2025-26. This included a specific expectation for colleges to work with local authorities to identify and prioritise ESOL for UASC where college provision is an appropriate option.
36. The New Scots Delivery Plan contains a specific action aimed at helping to raise the standard of interpreters in a number of refugee community languages in Scotland. To deliver this action, the Scottish Government is providing funding to Simon Community Scotland (part of the Fair Way Scotland consortium) to: *'develop and improve access to interpretation and translation services in Scotland, recognising existing skills of New Scots'*.
37. As part of this, during 2024-25, work was undertaken to scope the demand, design and delivery of an improved social enterprise approach to language services in Scotland by developing an accredited training and development programme to fill the interpreting and translation skills gap in Scotland.

Mental Health and Wellbeing Strategy

38. Your letter requested an update on the impact of the Mental Health and Wellbeing Strategy in enabling persons seeking asylum to access healthcare. Since February 2024 we have continued to implement actions in our Mental Health and Wellbeing Delivery Plan designed to make substantial progress towards tackling mental health inequalities.
39. We have provided local authorities with over £65 million since 2020 to fund community-based mental health and wellbeing supports and services for children, young people and their families. While local authorities determine which supports and services to implement on the basis of local need, our supporting [Framework](#) states that there should be targeted provision for those in at-risk groups. For example, Glasgow City Council has used this funding to put in place targeted community outreach engagement support for refugee and asylum communities, and also mental health and wellbeing support for unaccompanied asylum-seeking young people.
40. We have also invested £66 million in our Communities Mental Health and Wellbeing Fund for adults since 2021, with around 4,800 grants made to local projects across

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot



Scotland over the first three years. Refugees and those with no recourse to public funds are one of the priority 'at-risk' groups, with more than 100 projects supporting this group in Year 3 alone.

41. As the committee will be aware the Scottish Government provided funding of just under £275,000 for 2021-24, to Simon Community Scotland in partnership with Safe in Scotland, to explore and address challenges people with No Recourse to Public Funds (NRPF) face in accessing support for their mental health.
42. In 2024/2025, we provided £70,000 of funding to Simon Community Scotland to host and facilitate action research with partners to understand the barriers people with NRPF face in accessing mental health services. We expect Simon Community Scotland to produce their report with recommendations to improve access to mental health services for people with NRPF later this year.
43. We have established a new Mental Health and Wellbeing Strategy Leadership Board to oversee the implementation of the Strategy and track progress. The Equality and Human Rights Forum, of which the Scottish Refugee Council are a member, and the Diverse Experiences Advisory Panel are key advisory groups to the Board allowing direct access to advice and challenge. Both groups also have representatives on the Leadership Board. The second meeting was held on 18th December 2024.
44. We have committed to publishing a monitoring and evaluation framework to accompany the Mental Health and Wellbeing Strategy. This will set out how we will measure progress towards the outcomes and let us understand what impact the Strategy is having. It will also take account of existing indicators and standards currently under development.

Human Rights Bill

45. We remain committed to introducing a Human Rights Bill in the next Parliamentary session, subject to the outcome of the 2026 election. Our work on the human rights incorporation agenda is continuing apace over the coming period. This includes working collaboratively with stakeholders to further test, develop and refine proposals for the legislation. We also want to use this time to work with the UK Government to explore the challenges that the constraints of the devolution settlement bring for the scope of the Bill's proposed duties. The Supreme Court judgment on the UNCRC Bill highlighted the limitations and complexities of devolution regarding the incorporation of human rights treaties. We have committed to publishing a policy product which will help to outline our thinking on the Bill overall to date, to support constructive engagement with a range of stakeholders. We aim to publish this by summer 2025.
46. We will also continue to develop and deliver a number of activities aimed at embedding human rights awareness and practices in our public services, to help prepare for potential Bill introduction and commencement. We will work with partners to further build the human rights capability of the public sector to increasingly embed rights in all we do. As part of that, we have established a capability building working group to shape and guide delivery, which will consider capability building priorities for 2025-26 and beyond. This will include targeted work on the economic, social and cultural rights we intend to incorporate through a future Bill. We are also considering the development of a tool that provides a repository of recommendations from international treaty bodies and tracks their implementation in Scotland.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

47. As advised in the previous letter to the Committee of February 2024, the Human Rights Bill will not be able to modify any laws, rules or implement policy on reserved matters, which includes Immigration and Nationality. The Bill will aim to ensure a human rights based approach is taken to the delivery of services in areas devolved to Scotland, such as housing, food and health. However, we recognise that aspects of the Immigration Rules (reserved to the UK Government) may limit the extent to which certain human rights can be realised in practice for people with insecure immigration status. We have been considering all of this carefully, and in developing the Bill we are mindful of how it will interact in practice with existing legislation and reserved areas, including asylum and immigration. As part of implementation of the Bill, we will explore what public information and awareness-raising measures need to be in place, so that all communities can be more informed about their rights under the new Bill.

I hope that the Committee finds this update helpful.

MINISTER FOR EQUALITIES

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.gov.scot

INVESTORS IN PEOPLE™
We invest in people Silver

