



OFFICIAL REPORT
AITHISG OIFIGEIL

Social Justice and Social Security Committee

Thursday 10 February 2022

Session 6



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SOCIAL JUSTICE AND SOCIAL SECURITY COMMITTEE

7th Meeting 2022, Session 6

CONVENER

*Elena Whitham (Carrick, Cumnock and Doon Valley) (SNP)

DEPUTY CONVENER

*Natalie Don (Renfrewshire North and West) (SNP)

COMMITTEE MEMBERS

*Jeremy Balfour (Lothian) (Con)

*Miles Briggs (Lothian) (Con)

*Foyso Choudhury (Lothian) (Lab)

*Pam Duncan-Glancy (Glasgow) (Lab)

*Marie McNair (Clydebank and Milngavie) (SNP)

*Emma Roddick (Highlands and Islands) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Pinar Aksu (Maryhill Integration Network)

Phil Arnold (British Red Cross)

Lidia Dancu (JustRight Scotland)

Hassan Darasi (Community Infosource)

Pam Gosal (West Scotland) (Con)

Maggie Lennon (Bridges Programmes)

Graham O'Neill (Scottish Refugee Council)

Andy Sirel (JustRight Scotland)

CLERK TO THE COMMITTEE

Claire Menzies

LOCATION

The Mary Fairfax Somerville Room (CR2)

Scottish Parliament

Social Justice and Social Security Committee

Thursday 10 February 2022

[The Convener opened the meeting at 09:00]

Decision on Taking Business in Private

The Convener (Elena Whitham): Good morning and welcome to the seventh meeting in 2022 of the Social Justice and Social Security Committee. Our first item of business is a decision on whether to take items 3, 4 and 5 in private. Do we agree to take those items in private?

Members indicated agreement.

Refugees and Asylum Seekers

09:00

The Convener: Under our next item, we will be taking evidence from two further panels on refugees and asylum seekers. Given that the topic is also of interest to the Equalities, Human Rights and Civil Justice Committee, we invited members of that committee to join this session. We welcome back Pam Gosal to our meeting. She joins us remotely.

I also welcome our first panel of witnesses, who are joining us remotely. We have Graham O'Neill, policy manager, Scottish Refugee Council; and Andy Sirel, legal director and partner, and Lidia Dancu, JustCitizens member, both from JustRight Scotland. We have received apologies from Robina Qureshi, chief executive officer of Positive Action in Housing, who is unable to join us.

I have a few things to point out before we start. Please allow our broadcasting colleagues a moment to turn your microphone on before you start to speak. You can indicate that you wish to speak by typing R in the chat function in BlueJeans—or simply by showing your hand if we are not picking you up or you are having technical difficulties.

I urge everyone to be mindful of time, because we have a lot of business to get through. You do not have to answer every question, but if you have something to add, please feel free to do so. I ask members of the committee to direct their question to a particular panel member initially. That would be very helpful.

For our first theme, I hand over to Jeremy Balfour to kick us off.

Jeremy Balfour (Lothian) (Con): Good morning and thank you for coming to give evidence. I also thank you for your written evidence, which has already been really helpful. I will start with a question for Graham O'Neill. In the previous session of Parliament, we did some work on the dispersal of refugees and asylum seekers across the whole of Scotland and there were issues with regard to housing and, in particular, access to legal advice outwith the central belt. In principle, do you think that it is a good idea for individuals not only to be placed in Glasgow, Lanarkshire and Edinburgh but to be found accommodation and support in other parts of Scotland as well? If so, how could we do that in a more effective way?

Graham O'Neill (Scottish Refugee Council): I thank the committee for inviting us to give evidence. Jeremy Balfour's question is very pertinent. In principle, the Scottish Refugee

Council, and indeed the wider refugee sector across the United Kingdom, is in favour of people being housed in communities in normal residential accommodation like the place that I am sitting in just now, as opposed to the hotel room isolation or, worse still, military barracks where they are often placed. That is not appropriate for anybody, and particularly not for people who are seeking refugee protection, who have often fled from war and persecution and may have complex psychological trauma because of repeated episodes and events with severe impacts.

We have had what is in the jargon called a dispersal system for about 20 years. Glasgow has been the biggest site in the UK over that 20-year period. Currently, about 6,000 people who are seeking asylum are housed in the city. We want people who are seeking asylum to be housed in communities, and we want local authorities, health services and charities to be supported, including by being directly funded by the Home Office, to do what they do best, which is to welcome and integrate those who are here from countries such as Afghanistan, Syria and Eritrea to seek safety at a very difficult point in their lives.

For reasons—[*Inaudible.*]—the Home Office most of all, it has persistently refused to provide direct funding to local authorities and health services. That is problematic for a number of reasons, but the first is that people are often accommodated by private outsourcing companies such as Serco, G4S, Mears Group or Clearsprings Ready Homes in some of the poorest areas of the country. It is often those areas that most warmly welcome people, but the housing is often not of good quality and has, for example, structural issues that go back many decades. Those areas are classed as areas of multiple deprivation, so they already have a lot of challenges. There have been significant cuts to UK central Government grants for local authorities over a number of years. When we put all that into the mix, it is a very difficult ask of local authorities, unless there is direct funding and they have a say in where people can be placed, so that it rubs up well with their local housing and community planning policies.

The movement of people through the dispersal programme to a wider set of local authority areas in Scotland, including beyond Glasgow, is a principle that we very much welcome and have consistently called for for a generation, but certain things such as direct funding from the Home Office need to be in place. It needs to be done on a partnership basis. The problem at the moment is that the Home Office has been rolling out what it calls contingency accommodation for the past two and a half years, which is generally people being placed in hotels, often for long periods of time and

sometimes close to a year. It is very expensive for the UK state to pay that amount of money.

The increase is stark—around 1,000 to 1,500 people in October 2019 were placed across the UK in hotel-type accommodation, which is inappropriate. Often, people's experience of institutional accommodation is that they have £1 a day to get by on, they get no real choice over the food that they eat, they are not allowed by the system to work and they are placed there without any consultation with the local authority and health services, which then have to play catch-up, which is not right. It does not need to be like that but, increasingly, it is.

We estimate that there are now just shy of 30,000 people in such contingency institutional accommodation across the UK, including close to 500 people in Scotland across, from what we can see, six or seven local authorities. That has been done through what we describe in our written evidence as a "fait accompli practice". People have been moved into those areas with no consultation with the local authority or health services. We question whether it is actually contingency accommodation, because the length of stay is significant.

As I touched on a minute ago, the costs are eye watering and, in our view, wasteful. It could be done much better. The Home Secretary gave evidence to the UK Parliament Home Affairs Committee last Wednesday and she confirmed, and the Home Office later clarified, that £3.5 million per day was being paid at that point to accommodate 25,000 asylum seekers in so-called contingency accommodation, which is generally ex-hotels and barracks. When you do a simple sum and multiply that £3.5 million by 365 days, you come to £1.277 billion that the Home Office is spending on private companies—Mears, Serco or Clearsprings—which then contract with hoteliers. I do not blame the hoteliers for taking those contracts, because many of them have lost their market during the Covid crisis. However, that figure represents a gross waste of public moneys. If even a fraction of that was diverted into local authorities, it would enable them to identify areas and—to go back to my first point—place people in communities where they can live their lives and be the normal people they are. It is just that they have faced extraordinary challenges in their lives.

Zooming out from that figure of £1.277 billion, that is what is being spent in relation to only one third of the current asylum seeker population. There are 80,000 people in asylum accommodation across the UK, so about 25,000 to 30,000 are being placed into accommodation that is inappropriate because it is ex-hotels. That is not right for people; it is traumatising for many of them. However, that £1.277 billion constitutes

more than a quarter of the £4 billion that was budgeted by the Home Office and the Treasury for those 10-year contracts. Putting that all together, we can see that it is dysfunctional and wasteful, as the committee will know better than I. It does not need to be like that and it is not sustainable.

Nobody is winning. The situation is not only very damaging for the people who are placed in that accommodation, especially the longer they are in there, but bad for the Home Office and the Treasury. I imagine that the Treasury must be wondering what on earth is going on and thinking that it cannot be allowed to happen. The present Home Secretary was the first for the best part of a decade to say, as she did in the Home Affairs Committee last Wednesday, that they will now fund local authorities directly. It is important that that promise is made good on quickly across the UK, including in Glasgow and other local authority areas in Scotland, because that is the solution.

We need to work in partnership, with direct funding for local authorities, rather than having that distribution of resources to huge private companies that then contract with hoteliers. As I have just outlined, those costs are unsustainable and wasteful. The profits that are, unsurprisingly, being made by the private companies, specifically the accommodation contractors, are there to be seen. In 2020, Clearsprings, which covers much of London and the south-east of England, was making £4.4 million of profit. The three directors share the dividends of £7 million between them. That is £2.3 million each—

The Convener: Graham, I am sorry—

Graham O'Neill: That is the company that runs Mayfair. Profits were also made by Serco and Mears Group.

The Convener: Thank you. I am sorry to interrupt, but Jeremy Balfour has another question. We only have until 9.55 and we have a lot of questions to get through.

Jeremy Balfour: That is helpful background, Graham. I will direct this question back to you, but I ask for a briefer answer. If the policy that was announced by the Home Secretary last week is carried out, is there enough appropriate housing in places such as Glasgow, Edinburgh and other parts of Scotland to accommodate those individuals? I know that Edinburgh often struggles to give any support because it does not have the accommodation. Across Scotland, do we have that accommodation or will we need more new builds and other properties that come on to the market?

Graham O'Neill: I promise to be briefer this time. Thank you for your forbearance earlier.

People in Edinburgh and Glasgow would be much better placed than I am to answer that.

However, we have picked up that there are acute housing pressures in some parts of Scotland and that the housing markets are quite tight. A discussion between the Scottish local authorities and the Home Office about how to identify appropriate accommodation and what the accommodation situation is in Aberdeen, Stirling or Dundee has never really been allowed to happen. That discussion is needed, and it can happen if there is a serious discussion about direct funding and a partnership approach is taken.

09:15

Susan Aitken, to her credit, said last week, and we fully agree, that having people come to Glasgow from all parts of the world has been a very positive development over the past 20 years. We have seen the difference that that has made in education—for example, the language diversity has enriched many schools in Glasgow. Asylum seeker children—for want of a better way of putting it—have had a positive educational impact on the wider school community.

Accommodation is possible, but the only way in which the discussion can happen is if the Home Secretary was, as we hope, being genuine in saying that direct funding can now be provided. Otherwise, what will happen is that, as I outlined earlier, people will be shunted into inappropriate ex-hotel accommodation, where they may feel isolated. Well-meaning people across the country are doing the best they can, but there is no funding behind them. It should not be like that, and it does not need to be. We need a partnership between central and local Government in order to plan how to put people into communities.

Housing could well be available, but we need to get the discussions going first, as they are currently blocked. In our experience, the Home Office is digging its heels in and pumping all the money into shadow-state private companies. It does not need to be like that. That is not a serious levelling-up agenda, and it is not serious in terms of respecting devolution. We need to get to the point of having discussions and then start to open up housing that might be sitting dormant in other local authority areas in Scotland.

The Convener: We move to our next theme, which is no recourse to public funds. A number of members want to come in on the subject. We will start with Pam Duncan-Glancy, followed by Miles Briggs and Emma Roddick, who is joining us remotely.

Pam Duncan-Glancy (Glasgow) (Lab): Good morning to the panel—thank you for joining us, and for the helpful information that you have given us in advance.

I will start by exploring the issue of no recourse to public funds and how we can use mechanisms in the third sector and other sectors to support people. The JustRight submission notes the importance of making sure that people get the right information about what funds they can and cannot access, as there is a difference. It also notes that some people assume that certain funds are unavailable to them or are listed for certain purposes that mean that they cannot access them.

My question is directed to Lidia Dancu and Andy Sirel. Could you tell us about the importance of that? How could we fix the situation? What can we do to ensure that people get the information that they need?

Lidia Dancu (JustRight Scotland): I will let Andy answer that.

Andy Sirel (JustRight Scotland): Good morning. The issue of no recourse to public funds is vexing and has been deeply problematic for a long time. One of the reasons why it is so complex and difficult for professionals, services and individuals to understand is that it is a very fluid concept. We may have an idea in our head that, when somebody has no recourse to public funds, everybody knows what that means, and it is static, but that is not the reality.

Because of the hostile environment, it is very easy for somebody to become NRPF, but there are avenues out of it. No recourse to public funds is a result of either having conditional leave to remain or being undocumented. As a result of the hostile environment, it is easy to become undocumented. Home Office decision making is erratic; administration errors are made; and some families cannot afford to pay fees for applications. Women who are fleeing domestic violence can become NRPF.

European nationals with pre-settled status can experience blockages with public funds based on whether they are working or not or whether they are exercising treaty rights. Whether they have a job can determine whether they are NRPF. It is difficult to gather the data, and understanding the nuances of the rules is a challenge for services. I completely understand that. Immigration law is extremely complex, and it is hard to convey it in simple terms when something can be so fact specific.

There are some key things that we need to ensure are widely understood. What are public funds in the immigration context, and what are not? That is a key issue, which we encounter time and again, and which leads to gatekeeping the services.

I remember delivering training a number of years ago to an educational institution that had been refusing educational funding to people for

years on the basis of no recourse to public funds, despite the fact that educational funding is not a public fund. There can be baked-in misunderstandings around that. It is important to make it clear that there is a list of what are public funds—if something is not on the list, it is not a public fund.

Connected with that would be an important round of information dissemination and training, although such things are not enough. We already have the guidance from the Convention of Scottish Local Authorities, which is very good, and some training was run off the back of that, which was successful. However, people move on from jobs, and training lasts only as long as the people who were trained are in the same job. We need to ensure that a humane, well-informed response on no recourse to public funds becomes a cultural reaction within services in Scotland—much like for child safeguarding services, where that is instinctive—and a clear understanding of what NRPF is and a reasoned, fact-specific assessment at the time when people are in front of the services concerned is critical.

It is also a matter of ensuring that services understand who to refer to. One important thing about no recourse to public funds is that it can often be remedied. If a mother and child have leave to remain but they are NRPF and they are destitute, if they are referred to an immigration lawyer as early as possible, it is very likely that that lawyer can apply to the Home Office to have that condition removed. Sometimes that can be quick and sometimes it can be slow, because of the specific circumstances, but immigration lawyers are well placed to work as quickly as they can in order to make that happen. The earlier a referral is made and the more work is done to remedy the NRPF, the less time the individuals are being supported using statutory powers while state benefits can equally support them.

There is a combination of things that need to happen, and they need to happen now. As I am sure we will discuss in a few moments, the Nationality and Borders Bill is about to explode this problem on a scale that we have never seen before.

Lidia Dancu: I want to add to what Andy Sirel has said about the impact of NRPF conditions, which continues to be felt disproportionately by women and disabled migrants, who are experiencing inequalities in an intersecting way. They are therefore more likely to need to access publicly funded support services. In particular, migrant women experiencing domestic violence are potentially being forced to remain with a perpetrator, as they do not necessarily have access to publicly funded services and refuges.

Pam Duncan-Glancy: Thank you both for that—I found that really helpful.

Could you also talk a bit about the touch points that people have with the system? Are they in the public sector? Are they in housing, or in health? Are they in the third sector? Is it all of the above? I want to get a sense of where we need to ensure the knowledge exists and what kind of network needs to be created.

There has been a cut of approximately £1 million to third sector budgets in the present budget. Do you know anything about the impact that that will have on your sector in continuing to provide support to people who have no recourse to public funds?

I direct that to Lidia Dancu and Andy Sirel.

Andy Sirel: Your first question about touch points is hard to answer. The referrals that come to JustRight Scotland come from a wide variety of places. We run a second-tier immigration advice line on Wednesday afternoons. It usually gets at least two or three calls a week from local authorities, health visitors, social workers or criminal justice workers who have come up against the phenomenon of no recourse to public funds and are wondering what they can do.

We also receive referrals directly from statutory services—that is one of the first touch points. I do not want to say that people who are at the stage of engaging with statutory services are lucky, but they are more fortunate than the people who we do not know about.

We work closely with the British Red Cross, the Scottish Refugee Council, Maryhill Integration Network, the Govan Community Project and other organisations that are on the ground and in the trenches. Those are also key touch points, and the witnesses on your second panel will be able to talk about that. When those organisations work with individuals who are NRPF, they find that it can be difficult to get those individuals in front of statutory services, for various reasons that relate to fear—lots of undocumented individuals fear engaging with statutory services—and health, among other things.

Those are the key touch points for us. We sometimes get referrals from the police or from the Trafficking Awareness Raising Alliance, and Aberlour Child Care Trust's Scottish guardianship service brings a huge number of referrals.

Those are just the people we see. We know that there are more out there, but it is difficult to reach them

Pam Duncan-Glancy: Lidia Dancu, do you have anything to add?

Lidia Dancu: Covid-19 had an impact on employment. Statutory sick pay, the furlough scheme and the self-employment income support scheme have not been accessible to migrants with NRPF conditions unless they have a work visa. Given the impact of Covid-19 on the labour market and the significant increase in the number of people who have lost their income or had it reduced, NRPF migrants who do not have access to the welfare system are much more likely to experience destitution.

The Convener: It is helpful for us to understand that.

We have only about 25 minutes left and a lot of questions to get through. I ask members and witnesses to be succinct. There are still many areas that we would like to touch on. Miles Briggs, Emma Roddick and Foyso Choudhury all have questions about no recourse to public funds.

Miles Briggs (Lothian) (Con): I have a question about the Scottish crisis fund and about how you think that has made a difference. In the interests of time, I will merge that with my second question. When you look at pressured areas, such as Glasgow City Council and the City of Edinburgh Council, how has that made a difference, and how has it been administered?

Andy Sirel, you touched on the role of the British Red Cross. I will bring you in, and anyone else who wants to comment can put an R in the chat function.

Andy Sirel: For the sake of brevity, I will defer to your next witnesses. Organisations such as the Red Cross and the Refugee Council are more likely to come into contact with the Scottish crisis fund. Graham O'Neill might have an answer. If he does not, Phil Arnold, who will be on your second panel, will be able to speak about that.

Graham O'Neill: Phil Arnold is the best person to talk on that. We see pressures on those whom we work with, in particular people who have been granted refugee status and who then—it is almost perverse—fall into destitution because they cannot get access to housing and universal credit, and the social security system, as quickly as they would hope to. They have to draw on emergency short-term payments such as the crisis fund, and there can be difficulties with that sometimes.

09:30

I caveat that by saying that our colleagues working in services see those issues more acutely than I do, so I would not want to speak too definitively on the subject. Nonetheless, I know that it has been an issue. I am sure that, later, we will touch on a point that Andy Sirel mentioned: the issue of precarious lives and destitution is

probably going to explode across parts of the UK, including Scotland, as a result of the Nationality and Borders Bill. I echo that view, but I think that Phil Arnold would be the best person to answer questions on that in more detail.

The Convener: Thank you, Graham—it is good to recognise that we have the British Red Cross appearing on the second panel, which will be helpful.

We move to questions from Emma Roddick, who is joining us remotely, followed by Foysoyl Choudhury.

Emma Roddick (Highlands and Islands) (SNP): Good morning, everyone. My question is for Lidia Dancu; it is an extension of what she said earlier.

We know that migrant women are much more likely to be subject to domestic abuse, yet the NRPF policy prevents them from accessing support services. Given the high levels of destitution among those women, do you agree that supporting them needs to be the priority in ending destitution? In your view, who is best placed to provide that support? When someone has NRPF status, does that make them even more vulnerable to further abuse?

Lidia Dancu: Yes, I think that NRPF makes people more vulnerable. It creates the conditions in which someone is—[Inaudible.]—society, because they are unable to access the same services or get the same protection. Ending destitution would help, but removing NRPF conditions would put people on a level playing field.

The Convener: We move to Foysoyl Choudhury, who also joins us remotely.

Foysoyl Choudhury (Lothian) (Lab): Good morning. I will make my questions short.

What is the impact of the known lack of data on people with NRPF on the third sector in particular? Given the time constraints, I will ask my second question too. How would you assess the role of the third sector in cities with a large number of people with NRPF? COSLA has highlighted the financial pressures in those cities in particular.

The Convener: To whom would you like to direct that question?

Foysoyl Choudhury: Whoever feels comfortable answering it. Perhaps Andy Sirel can start.

Andy Sirel: Before I try to answer your questions, I want to add a couple of points in response to the previous question from Emma Roddick, on domestic violence and the impact on women. That is critical, because, again, it is a problem that will be amplified by the Nationality and Borders Bill.

On the question of who can support survivors of domestic violence, local authorities can do so under their existing statutory powers. For example, they use section 22 of the Children (Scotland) Act 1995 to support women with NRPF who have children and are fleeing abuse. Where there is a gap is in relation to women who do not have children. There is a power under section 12 of the Social Work (Scotland) Act 1968, but in our view it is underused. We need to develop our understanding of how we can provide safeguarding support in those circumstances.

Secondly, on that subject, my understanding is that shelters, such as Women's Aid shelters, are funded by housing benefit, and as a result NRPF women are unable to access them. There are exceptions to that, but it seems to be an issue that requires to be looked at. It is perhaps within the gift of the Scottish Parliament to do that.

On the question of whether NRPF makes women even more vulnerable to domestic violence, the answer is yes, for sure. It is a means of coercive control for an abuser, but—most importantly—it is state-perpetrated economic abuse.

I will answer the second group of questions briefly. With regard to the impact of the lack of data on NRPF, I will let the Convention of Scottish Local Authorities and individual local authorities speak to that more broadly, as I am sure they did at the previous committee session. The figure for those with NRPF that I have seen in the Scottish Parliament information centre briefing—around 9,000 people in Scotland—seems to be very low indeed. We now have a population of about 300,000 Europeans who may be in that situation in the post-Brexit era; someone with pre-settled status has no recourse to public funds or may struggle to access benefits because of the assessment of their right to reside. That means that people can flit in and out of NRPF, so I think that the number in the briefing is low. If you do not have the correct numbers, I do not see how you can resource the issue.

On the question of how the third sector can assist statutory services in that regard, the sector can do an amazing number of things, but organisations across the sector—grass-roots organisations and larger services such as the British Red Cross and the Scottish Refugee Council—are really struggling with capacity at this point in time. Direct funding and resource has to be provided if there is any wish for the third sector to provide added value there.

The Convener: We move to questions on the Afghan resettlement scheme from Natalie Don, who joins us remotely.

Natalie Don (Renfrewshire North and West)

(SNP): Good morning, panel. I direct my question to Graham O'Neill.

Graham, I thank you for your thorough response in your first comments, which were very helpful. I originally had some questions around contingency accommodation, but you have answered those. What is your assessment of why asylum decisions take so long? What can be done to address the backlog as a result? What impact does that have on those who are waiting for decisions?

Graham O'Neill: In so far as the asylum system is broken, which is one of the assertions that the current Home Secretary puts forward, we think that that lies squarely within the responsibility of the Home Secretary and the Home Office. There are two major problems. The first, which you highlighted, is the pivotal one: the long-term trend since 2014 has been that the asylum decision-making process is very slow. That means that we currently have 83,000 people who are still awaiting even an initial asylum decision; 56,000 of them have been waiting for six months or more, and 23,000 have been waiting for 18 months or more.

The pattern of nationalities among those who apply for asylum is pretty standard in conventional UK terms. By that, I mean that it is quite regular—there is a pattern to it. Many of the people—at least half—who come in on UK refugee recognition terms are from high refugee recognition countries such as Afghanistan, Iran, Sudan, Vietnam, Eritrea, Syria, Yemen and so on; 70 per cent are above the refugee recognition rate.

I highlight that because, given that such a substantial number of people, over a long period of time, are coming from high refugee recognition countries in UK terms, one would think that, logically, consideration would be given to that, especially as there is now a bulging backlog of people who are literally stuck in the asylum decision-making process. One would think that some innovations might be proposed.

The Office of the United Nations High Commissioner for Refugees has touched on that, most recently last year, in respect of the need for a simplified procedure for granting refugee leave for people from high refugee recognition countries. There can be no removal of safeguards from such individuals—that is very important. Nevertheless, we could maintain the quality but speed up the system in a way that grants people leave, especially as, under the current system—before the passage of the Nationality and Borders Bill—they will ultimately be given refugee leave anyway. There is a head-in-the-sand mentality, and that has just not been considered.

The trends of chronic slowness in making asylum decisions pre-date Covid—they were already there. The number of asylum applications over that period has been fairly stable. The reasons for the backlog are not to do with a huge increase in the number of asylum applications. It is almost perverse—the number of initial decisions on asylum applications has actually fallen by 40 per cent over the past five years. What we are saying is that there is something quite irresponsible going on with regard to how the Home Office is mismanaging the asylum decision process.

You correctly asked about the impact of that. I have touched on part of the impact; the flipside of the slowness in making asylum decisions is that people are being stuck in increasingly inappropriate and eye-wateringly expensive contingency accommodation—I go back to some of the figures that I mentioned earlier—for long periods of time. If we speed up the asylum decision process, people are not going to be stuck in hotel room isolation or in barracks. They will be able to do what any person wants to do, which is to get on with their life: contribute, work and be part of the community.

As Andy Sirel mentioned, very high levels of poverty flow out of the no recourse to public funds system and the asylum support system. In fact, I would put inverted commas around the word “support”, because what people actually get in financial support—bearing in mind that they are not allowed by the Home Office to work, which is in itself an irresponsible and perverse decision—amounts to around 40 to 42 per cent below the social security minimum for financial support. That applies if someone is in community dispersal accommodation.

If they are in a hotel, they get £1 a day, or £8 a week—that is it. That would not even buy you a fish supper in most Scottish towns and cities. It is obscene. It is UK state sanctioned and it involves the severest forms of poverty imaginable, and that has an impact on people. One can empathise and imagine what that does to people, not over a few weeks, because that is not what we are talking about here, but over years, given the chronic slowness in making asylum decisions. People lose hope, and poverty starts to eat away at them. It results in increased pressures on, and a deterioration in, mental health.

I keep coming back to my original point: it does not need to be like that. If we had a better-functioning asylum decision-making system, we would be able to make swift grants of refugee leave for those who, in any event, come from high refugee recognition countries.

Instead, we are displacing issues on to the people themselves, in terms of mental health harm

and poverty. I also reiterate that eye-watering costs are displaced to benefit private interests such as accommodation companies and hoteliers. We do not blame hoteliers—they have a job to do, and in many cases they have lost their market, but that is a really dysfunctional, incompetent way for the system to operate.

It really grates on us when we hear the Home Secretary consistently say, in introducing the UK Nationality and Borders Bill, that the system is broken. An analysis of the problems in the asylum system would say, “Sort out the chronic slowness in asylum decisions; sort out the prohibitive costs and inappropriate accommodation that is being provided; and do not introduce the Nationality and Borders Bill, or at the very least leave out the criminalisation of asylum seekers, because that will just make it worse.” In fact—

The Convener: Graham, we are about to move on to that topic, as I really want to fit it in.

We have some questions on the Nationality and Borders Bill and the legislative consent memorandum. I bring in Marie McNair, who joins us remotely, and then I will hand over to Pam Duncan-Glancy.

Marie McNair (Clydebank and Milngavie) (SNP): Good morning. I will put this question to Graham O’Neill. The Scottish Refugee Council has referred to the Nationality and Borders Bill as an “anti-refugee bill” and argues that it is

“the biggest threat to refugee rights in decades”.

You have provided us with significant written evidence about the bill and the legislative consent memorandum. To ensure that there is also oral evidence on record, would you mind giving us a summary of your main concerns about the Nationality and Borders Bill?

09:45

Graham O’Neill: We have the gravest concerns about the Nationality and Borders Bill. Those of us who work in the immigration and asylum fields are assaulted with immigration and asylum legislation every three years, almost. It is an area that is heavily legislated, and a lot of instability stems out of that for people trying to make sense of the law and policy on immigration and asylum.

I say that by way of very brief context. The Nationality and Borders Bill is different. It is truly a new nadir in UK refugee law and policy. The policy that is the new plan for immigration and the proposed legislation that is the Nationality and Borders Bill sever the UK state’s link with the UN Refugee Convention. That convention flowed out of the international community’s revulsion at the horrors of the Holocaust. It came from a resoluteness in the international community

immediately after the second world war to say that we cannot have displaced peoples not being able to get into countries to seek safety and refuge—as was happening across Europe at that point—that we need to do something and that we need to create a right for people, if they meet certain criteria, to be able to get refuge.

The Nationality and Borders Bill severs the links. As the UNHCR says, it is incompatible with the Refugee Convention. That is because the convention provides the right of seeking safety in a territory. It also provides a protection for people who do that not to be subject to criminal or administrative penalties for seeking safety in a territory. Somebody coming to the UK by boat, for instance, or who has been dropped off from a lorry in a car park should not be subject to criminal or administrative penalties by dint of the manner in which they have arrived.

By the nature of it, people who are seeking refugee protection cannot get a travel document or a visa from the states or the oppressive regimes they are fleeing. Somebody is not going to go to the Taliban and ask for a document so that they can flee from them. The Refugee Convention recognises that situation, so it treats with equanimity irregular arrival without documents in the same way it treats people arriving legally and with documents. That is an important recognition that is built into the Refugee Convention, which has enabled millions of people, over 70 years, to seek safety, to be safe and to rebuild their lives, including in relatively small numbers in the UK, compared with the global number of refugee movements in the world.

The Nationality and Borders Bill reverses that principle. It does not treat with equanimity arrival that is necessarily irregular in the case of people seeking safety. It punishes people for arriving irregularly. That is why we describe it as a severing of the link with the convention and why the UNHCR says that it is incompatible. You cannot have it both ways. If you recognise irregular arrival and treat it with equanimity, not subjecting people to criminal or administrative penalties, you are complying with the Refugee Convention. If you do not do that, as with the Nationality and Borders Bill, you are replacing the current refugee protection policy in the UK with something different, and we think that it is being replaced by a refugee punishment system or regime.

If, once the bill becomes an act later in the year, somebody from Afghanistan seeking safety here arrives irregularly—necessarily so, because they do not have travel documents and they just had to get away—that person will immediately be subject to a set of interlocking penalties. That is why I

would describe the bill as a penalty and punishment regime.

That person would immediately be liable to the criminal offence of unlawful arrival, which has a sentence of at least 12 months and up to four years in prison. That person, who could be a woman who is fleeing the Taliban, would almost certainly be placed into an accommodation centre and isolated. They would probably get £8 a week to spend, as I described earlier. Their substantive protection claim would not be considered for a number of months and the Home Office would then look to see how it could remove that person through some offshoring arrangement or a readmission agreement that encompasses third-country nationals in some distant state—thankfully, such arrangements are not in place at the moment. They would not have any prospect of refugee leave; after five years' limited leave, they would need to move on to settlement.

If that person could not be removed by the Home Office, it might grudgingly give the person what is called temporary protection status, which lasts up to two and half years and may be subject to an NRPF condition, which increases the risk of destitution. They would not have any notable rights in relation to family reunion, either.

As a result of the bill, a set of interlocking penalties will be visited on somebody who necessarily arrives irregularly to the UK, and the people who will be subject to that are people who are seeking refugee—

The Convener: Graham, I am sorry; Marie McNair has a further question and Andy Sirel wants to come in.

Graham O'Neill: Of course.

Marie McNair: Thanks for that very comprehensive response. There are significant issues with the bill, to say the least. Do any other witnesses wish to add anything? I know that Andy Sirel wants to come in and we are pushed for time, but it is a very important issue.

Andy Sirel: It is an important point. I will put Graham O'Neill's comments in the context of what the bill will mean for individuals living in Scotland, what we can do about it and what the committee can recommend to colleagues and the Parliament.

Following on from what Graham said, I will read out a quote from the United Nations about the bill. It is important that we understand this. It states that the group 2 status, which is the new refugee status that Graham talked about,

“is not only inconsistent with the Refugee Convention. It is also a recipe for mental and physical ill health, social and economic marginalisation, and exploitation. The human cost to the refugees and their families (including their children) is obvious enough and—given the deterrent

purpose of the Bill set out in the Explanatory Notes and the ECHR Memorandum—deliberate. Because by definition refugees cannot 'go home', the economic and social costs of their immiseration will ultimately be borne by local authorities, communities, and the National Health Service.”

The United Nations does not enter the fray of domestic politics lightly. That really hits home in relation to the broad reserved powers that are being implemented in Scotland and what will happen to individuals.

I want to touch on one or two other important things in relation to protection standards in the bill. The law is being rewritten in the bill to reduce the prospect of obtaining protection for key groups such as women and children, particularly women who are fleeing gender-based violence.

There is a lot in the bill about age assessment, which reaches a very long arm into child law in Scotland. Scottish local authorities will be compelled by the Home Office to conduct age assessments on children and young people, or pass that on to a new national age assessment board. Its decisions will be binding on Scottish local authorities. Decisions that are made for immigration purposes will be binding on children's services in Scotland to determine the eligibility of child protection services. The bill includes long-debunked scientific methods that you would struggle to find a scientist in the UK supporting; certainly, all the regulatory bodies were dead against them.

Lastly, with regard to human trafficking and exploitation, the measures that are being put forward in the bill are very regressive. They penalise the late—or, rather, the not immediate—disclosure of deeply traumatising incidents. Anyone who works with survivors of trauma knows that traumatic disclosure happens over a period of time. Off the back of this bill, they will not be able to do that, and that applies to men, women and children in Scotland.

With regard to the trafficking of people in Scotland, which is a devolved issue, the bill is going after victims. It is looking to go after victims and reduce the number of people who are recognised as victims. Well, guess what? When fewer victims are recognised, there will be even fewer prosecutions. This is going to inhibit the Scottish criminal justice system going after traffickers as well, so no one wins.

I know that age assessment and trafficking are part of the LCM, and I just wanted to put on record our views on them, in addition to our written evidence.

The Convener: Thank you very much for that; it is very helpful. Pam Duncan-Glancy, do you have a few questions on that issue?

Pam Duncan-Glancy: I do, and I will be brief. Thank you for setting that out, Andy. I want to say for the record that that quote from the United Nations is stark. This bill is a new low for us and I hope that it does not pass. Could you briefly set out what we can do in Scotland to ensure that there is access to the support that is available or will need to be available as a result of the bill if it passes? What can we do through our councils or the Government to protect people?

Andy Sirel: Thank you for the question, Pam. I am looking in the remote chat, and I think that Graham O'Neill is lined up to answer that question. He was desperate to answer it, so it is good that you asked it. I will pass over to him.

The Convener: Graham, please be very brief, because we have a few questions left and we are over time. Thank you.

Graham O'Neill: I will do a first and be brief. The first of the five things that we want to see happen is the legislative consent motion passed by the Scottish Parliament, so that consent will be withheld in relation to trafficking information notices and age assessments.

Secondly, we would like to see the institution of a Scottish identification responsibility in relation to human trafficking and exploitation, and so the use the section 9 powers under the Human Trafficking and Exploitation (Scotland) Act 2015. In that way, we would have an end-to-end human trafficking and exploitation protection process that makes initial decisions on trafficking status and then provides the support and assessments that are already provided for in the 2015 legislation. Crucially, assessment would include whether somebody is to be recognised as a survivor of trafficking exploitation. Any recommendations that that body then made to the Home Secretary for leave to remain would be a logical thing. That is needed, because the bill is really going to affect trafficking exploitation survivors' rights.

Thirdly, we want consideration to be given to a positive duty in the Scottish human rights bill to promote refugee and migrant inclusion, so that Scottish public authorities see the refugee and see the migrant in their standard work. The point of the Nationality and Borders Bill is not to see the refugee; it is to reclassify the refugee as that really horrible term "illegal migrant" or "illegal immigrant", and to remove all their rights and criminalise them. It is important that a Scottish human rights bill creates that duty.

Fourthly, we want to see the Lord Advocate produce clear, human rights-based guidance or instructions to prosecutors that it is generally not in the public interest to prosecute people who we would regard as refugees for the new offence of unlawful arrival. The public interest that sits with

the Lord Advocate is a critical safeguard against the absurdity and perversity of, for example, people who are fleeing Syria, Iran and Afghanistan being criminalised in the Scottish criminal justice process by the unlawful arrival offence in the bill.

Fifthly, we think that it is imperative that the Scottish Government conduct a review of the key national policies as we have requested in our written evidence, including the human trafficking and exploitation strategy, the ending destitution together strategy and new Scots refugee integration, in the light of the bill, because, as Andy Sirel rightly said earlier, among other things, destitution is going to explode as a result of the bill if its provisions are implemented. Therefore, the Scottish Government must review its strategies, strengthen them and adequately resource them.

10:00

The Convener: Thank you, Graham. We have two final questions. One is from Jeremy Balfour and the other is from Pam Gosal from the Equalities, Human Rights and Civil Justice Committee, who joins us remotely.

Jeremy Balfour: I have two quick questions. It might be more helpful for you to get back to us in writing on the first one, because it will be quite a long answer. We have talked about the Afghan resettlement scheme. Looking back a little, my understanding is that the work that was done by the Scottish and UK Governments, local authorities and the third sector around the Syrian refugees who came here was very successful. What lessons have we learned from that and how can we implement them?

My second question seeks clarification. There seems to be some confusion about whether children who are refugees or asylum seekers are allowed to have bus passes under the new scheme. Does anyone have any information on whether the free bus passes are available to children in Scotland with refugee or asylum seeker status?

The Convener: The first question will require a detailed answer, so it would be fantastic if we could get some of that in writing. Does anybody have anything to add about the bus passes for under-22s? I can see that Andy Sirel has his hand up.

Andy Sirel: We are happy to put something in writing about the Afghan resettlement scheme. The lesson that we learned from the Syrian resettlement scheme was that information on rights and entitlements from an immigration perspective is critical for people who have arrived here.

There are two key elements. One is refugee family reunion. People who have been resettled are often portions of families. Their brothers, sisters, parents and even, sometimes, older children are often left behind or scattered in the region. Understandably, the first thing on people's mind is to try to see their family again. Refugee family reunion is a complex area. When we worked with communities in the Syrian resettlement scheme, the system was riddled with misinformation about what can be done to reunite people. It created a boiling pot of hope and desperation that was, to be honest, unrealistic. The lesson that we learned was that providing key concise information manages expectations.

The second thing that people will need information and advice on is British citizenship, as well as access to social security and so on. Those are some of the key lessons that we learned.

I do not have the answer on bus passes for unaccompanied minors.

The Convener: Thank you.

Pam Gosal has indicated that she does not have a question at this time but might have questions for the next panel. Thank you all for your evidence and for the written evidence that you have submitted. Please do follow up on the points where we have indicated that that would be warranted. I will suspend briefly for a change of panel.

10:03

Meeting suspended.

10:08

On resuming—

The Convener: We will continue our evidence taking on refugees and asylum seekers. The format of the session will be the same as for the previous panel. I welcome our next panel of witnesses, who join us remotely. We have Hassan Darasi, challenging violence against women project manager from Community Infosource; Phil Arnold, head of refugee services for Scotland, Wales and Northern Ireland, British Red Cross; Maggie Lennon, director of the Bridges Programmes; and Pinar Aksu, human rights and advocacy co-ordinator, Maryhill Integration Network.

As with the first panel, which I hope you were all able to listen in on, I ask for succinct questions and answers because we are trying to gather a lot of information from you. There is a lot of interest from members to ask questions. Please put an R in the chat function if you have something to add, but remember that you can follow things up in

writing if there is something that you think it is important for the committee to hear.

We will again start with questions from Jeremy Balfour.

Jeremy Balfour: Good morning, and thank you for joining us. Some of you might have heard the questions that we put to the previous panel, and the questions that I ask now will be similar.

I will pick up the issue of the overreliance on the central belt to accommodate people. Does anyone have a view on whether there should be distribution across the whole of Scotland? If so, what are some of the challenges with regard to that? If you do not have anything particularly new to say, you can just agree with previous comments, but it would be interesting to know your opinion on whether services that individuals need, such as legal or health services, can be provided across Scotland, or whether it is better to keep the provision within a small number of local authorities. That question goes to anyone who wants to jump in.

The Convener: Perhaps Phil Arnold would like to answer.

Phil Arnold (British Red Cross): Thank you for the invitation to speak to the committee.

The Red Cross supports dispersal across Scotland. It is hugely important, especially given the increasing use of institutional accommodation across the UK, which we feel is completely contrary to the principles of dignity and integration and the work that is happening on that in Scotland. I agree with the previous witnesses that there are loads of issues around how dispersal works in practice and we need to think through what that means. Funding was mentioned as one of those issues, and there are other issues to do with the specialist services that will be needed in those areas. Sometimes, we see gaps in the thinking about vulnerability and the concerns about that.

In the committee's meeting last week, there was quite a conversation about data. Part of the challenge with disclosure of trauma issues is that, often, they emerge over time. In vulnerability assessments, there are also gaps in making effective decisions on the support that individuals will need. The Red Cross has been advocating for a vulnerability screening tool to be used more effectively to help think through what wraparound services might be required. With regard to legal provision and access to health and mental health services, there are some very specialist services, such as Freedom From Torture, and those broader wraparound services are incredibly important.

With regard to vulnerability issues that emerge later, we have significant concerns about mental

health issues and the role of more community-based services, which other witnesses will be able to speak about as well. We have released various reports on that, which reflect some of the comments that have previously been made on asylum accommodation issues and standards and the link with the asylum determination process. In our recent report "Far from a home: why asylum accommodation needs reform", the Red Cross released information on 400 case files from a 12-month period where we had concerns about suicide ideation in people in asylum accommodation. Often, these situations come down to the complexity around support and making sure that services are trauma informed. There is space to think about how that can work more effectively in Scotland.

The other issue that I want to flag is that, in addition to dispersal and access to community accommodation, it is important to think about long-term integration considerations. After people get status, one of the aspects is thinking through the family reunion and what happens with integration of families when they arrive. The Red Cross has been piloting a range of programmes across the UK that focus on family reunion and integration. There are key opportunities to act more preventatively and think through longer-term integration for family members. It is important to think through not just the initial arrival of people in the asylum system but their longer-term integration.

Pinar Aksu (Maryhill Integration Network): I thank all committee members for inviting me and the other speakers.

I agree with a few of the points that Phil Arnold made. One key aspect for us is the concerns around integration, especially when people are being dispersed into remote areas where no support structure is in place. We have people calling us for support and asking how to set up groups and provide support to people, and what support people need. We have been getting a lot of questions from certain areas, especially now that hotels are being used in Falkirk, East Kilbride, Perth and other cities. We are really concerned about the fact that there is no long-term structure in place, and we have people who are potentially going to stay in those places for a short period of time.

10:15

As Phil Arnold said, there is no proper structure for people to get access to services. Indeed, having access not just to services but to information, especially on rights and the support that is in place, is key. We have been getting phone calls from local groups in other areas that are trying to provide support but do not know how

to, and they also do not have access to information on, for example, how long people are going to be in accommodation. We were hugely saddened and disappointed to hear that Glasgow will no longer be a dispersal city, and we believe that that will have a long-term impact on our work and the work of many other organisations in the sector that have been providing support in the city for many years.

We are also hugely concerned about isolation and mental health issues, especially when we are dealing with people who have not been properly assessed or directed to services and who are having to stay in accommodation, especially hotels, for a period of time. We believe that that will lead to long-term trauma and mental health issues for individuals, and there are no services in place to help them. We hear about services being in place, but we still get phone calls from people who have no access to any support mechanisms.

Questions were raised in the previous session about the Syrian resettlement programme. A learning point for us in that respect was about the use of community-based structures and the need to have programmes in place that give people access to their legal rights, to justice and to information. We believe that such programmes help people integrate into and learn about the local community that they will be calling home for the foreseeable future.

Maggie Lennon (Bridges Programmes): With regard to the original question, I agree that, in principle, wide dispersal could be very positive, not least in light of the success of the Syrian resettlement programme. However, it absolutely must happen in partnership with local authorities and the Scottish Government, and, for all the reasons that we have heard, we would resist any further attempts to put asylum seekers in hotels or institutionalised accommodation in areas away from the central belt.

What happens after people get their status? If people have to stay in certain areas of Scotland while they are seeking asylum, will they stay there once they get their status, or will they have a desire to drift back to the central belt or to other parts of the UK where there is perhaps a perception that there is more employment? We have to consider the implications of that, such as their making themselves homeless and so on, and a lot will have to be done to prepare local authorities so that they can offer a permanent home to people.

Some work is being done on that; in fact, we are in negotiation with the Government and colleagues with regard to supporting a number of local authorities to do exactly what I have been suggesting. As I said, local authorities will require

a lot of prepping, because they are going to be taking a large number of asylum seekers.

That is different from taking large numbers of Syrians, who, in the public's perception, were seen as being good refugees. People saw what had been happening in Syria, and there was an outpouring of generosity; however, we know from Glasgow that that is not always the case with asylum seekers, who tend to be demonised in the current hostile environment or put in certain areas. As we heard in the previous session, what is going to happen to that group of asylum seekers or refugees once the new legislation comes in?

As a result, all of this has to happen very much with local authority approval. What specifically concerns me about people being dispersed away from main services is their having access to English for speakers of other languages, or ESOL, provision, which is critical and crucial. Frankly, a few hours a week of community ESOL does not cut it. We are also concerned about access to legal advice and to general support and advice to ensure that people are ready and prepared to live and work in the UK if status is given. The Scottish Government believes in integration from day 1. That simply cannot happen if people are alienated from the community in institutionalised accommodation.

I urge the committee to consider what has happened with the ESOL strategy in Scotland. There used to be a stand-alone strategy, but it has now been subsumed into the adult learning strategy for Scotland and, as a result, is not getting the support and prominence that it needs. There needs to be much greater investment in ESOL across Scotland wherever—[*Inaudible.*]

The Convener: We will move on to questions on no recourse to public funds.

Pam Duncan-Glancy: I thank the witnesses for joining us, for the information that they gave us in advance and for all the work that they have done, particularly during the pandemic but also before that. The work that they do is essential.

I also put on record my thanks to the previous panel of witnesses. I had intended to say that first but got straight in to questions.

I have a couple of questions on no recourse to public funds and will try to group them in the interest of time.

I ask Phil Arnold to tell us a little bit about what is coming through the Red Cross's Scottish crisis fund. How can that fund help to reach people with no recourse to public funds? How could it work with a more statutory offer for such people? For example, is there a mechanism to develop a social security measure in Scotland that is outwith the list that the Home Office has?

Will you also speak about the excellent peer support project that the Red Cross launched recently and the "How Will We Survive: Steps to preventing destitution in the asylum system" report, so that we can have an understanding of the benefits of the recommendations in that, too?

Phil Arnold: The Scottish crisis fund is one of the initial actions in the ending destitution together strategy as things start to get under way. As part of that, there is an initial pilot to try to provide an emergency cash grant to people who are at risk of homelessness, including people with NRPF. It built on work that the Red Cross did in distributing, and enabling people to access, emergency cash. That pilot crisis grant, which is funded by the Scottish Government, looks to provide support to 600 people.

From the comments that the previous panel of witnesses made on some of the complexities and issues on data gaps with NRPF, it is clear that it is critical to have data on the use of emergency cash payments to understand who is in those circumstances and the reasons why they are in them. Enabling access to cash for everybody creates a safety net that enables us to start to learn about some of the issues.

The crisis fund is Scotland wide. Rather than talk through all the detail now, we are happy to send further details about how it runs. It includes referrers from local authorities, for example, and creates a community of practice that brings referrers together. As the committee has heard in previous evidence, the questions about the complexity of no recourse to public funds are partly about how it works in relation to people's rights and entitlements. Having a space where practitioners can come together is partly about understanding how they operate and the types of responses that have taken place. It is also about people's circumstances and how we can move to more preventative work rather than needing emergency cash provision.

We have heard about some of the data. I point out that 600 grants are a small tip of the iceberg in terms of the potential scale of need. The fund is a pilot, but we hope for long-term support to continue that bedrock. There are other grants that do similar things in other devolved countries. From the data that is coming through, we can see some of the impact. The data can help with planning services and thinking through the issues.

The grant is only one tool in a wider range of interventions that are required. Emergency cash is a starting point. As work such as the ending destitution together strategy outlines, there is a real need for independent advocacy, casework support and a far stronger consideration of mental health implications. Part of the issue with the conditions for people who have no recourse to

public funds is confusion on and separation from the ability to access public services in other areas. That is part of the “How will we survive?” report.

Working with peer educators and bringing in lived experience is important in creating a safe space for people to come together—a peer support space, so that people can understand their rights and entitlements far better and can offer insights in co-producing policies and strategies. Scotland has a strong starting point in that regard. Other panel members will be able to speak about how we create space for people with lived experience to talk about the issues that they are experiencing.

The report involved peer research with people who have experienced destitution. When we are thinking about how we design and develop services, it is key to make sure that people’s lived experience is right at the heart of that planning. One thing that we have been calling for is further Scottish Government support for peer support programmes in Scotland, to help to create those stronger social connections for people.

Pam Duncan-Glancy: That is really helpful.

I will move on to the approach to services. Will Pinar Aksu comment on the importance of local services, such as libraries, to those with no recourse to public funds? Relying on crisis funds is not a long-term solution; we need to look at a much more structural and systemic solution. However, will you describe the role of services in the absence of public funds?

Pinar Aksu: Absolutely. Especially during Covid-19, we have seen on-going injustice and the on-going issues that people who seek asylum and refuge face.

Digital exclusion is an issue. Many of those people do not have access to wi-fi, and a key reason for that is not being able to work. When people seek asylum, they are banned from working. As a result, they are not able to provide themselves with the essentials that everybody else could provide.

We have people in the asylum process who cannot open bank accounts. That potentially closes the door on a lot of resources. We have seen that not having access to bank accounts is followed by not being able to have wi-fi in the house and then by not being able to join groups and participate in them. Very quickly, we provided digital equipment and wi-fi for people to participate in online groups. We were then able to secure some devices from the Connecting Scotland scheme, which was really helpful. However, we feel that that is not a long-term solution. We need more structures in place. We need to talk about why asylum seekers cannot open bank accounts and what it would mean if they were able to do so.

Obviously, libraries being closed during the pandemic was a huge hit to the community. A lot of our service users go to the library to access the internet and computers, and to print documents such as those that need to be given to lawyers. Unfortunately, given that we were also closed, such closures were a huge barrier for people.

It was disappointing and inhumane that the total increase in asylum support during the pandemic was 26p. That is nothing. I feel that it is very dehumanising even to talk about giving people an increase of 26p in asylum support. That connected automatically to food insecurity—people not having access to food. When we referred people to food banks, which is another topic in itself, there was no food that took account of their cultures.

10:30

People have been facing a lot of issues, as was highlighted during Covid-19. Access to social services is a huge issue, as is access to ESOL classes, as the previous witnesses mentioned. Two hours a week is nothing. People have been waiting in the queue for access to ESOL classes at colleges, but even we cannot contact the colleges about their ESOL provision to get a clearer idea of when there might be places for pupils, so I cannot imagine how people would access that information for themselves. One of the key things that we have seen is that people in our groups were able to support themselves and share information. However, we are really concerned about the impact of provisions not being in place for people.

In relation to dispersal and local support, we are based in Maryhill, but we support the wider Glasgow community. We have recently learned that flats in Maryhill might be knocked down. We are hugely concerned about the impact that that would have on the asylum seekers who live in those flats and on those who live in the flats on Wyndford Road, in the Maryhill area. We are concerned that people will be dispersed again into more remote areas where no support mechanisms are in place.

We also have huge concerns about incidents of people facing discrimination and racism. People are scared to report such incidents because of their fear of the Home Office and the police, but, because those cases are not reported, the statistics suggest that we do not have any issues with hate crime or racism. We try to encourage our members to report such incidents and we provide information on how to do so. We are a third party reporting place, so we could use that aspect of our work.

However, the issue has not been looked into in the asylum seeker and refugee community. There

was a case when we were running an online meeting for our MIN voices group. While the call was live, a member witnessed a hate crime when a group of people threw a stone through their window. That was really shocking for us. The person disconnected from the call, so we obviously had to follow up with them later. That is just one case, but we are talking about many cases across the city. People do not know their rights or how to report such incidents.

I could go on to talk about other issues, but I will stop there.

The Convener: Thank you for that wee bit of powerful testimony.

Hassan Darasi wants to come in on that point.

Hassan Darasi (Community Infosource): Thank you for inviting me and giving me this opportunity. Unfortunately, I missed a lot of what was said by witnesses on the first panel, but I have been listening to what Phil Arnold, Pinar Aksu and Maggie Lennon have said. I agree that it is good to have dispersal, but everything should be taken into account.

Maggie Lennon and Pinar Aksu picked up the point about ESOL classes. There is a language barrier, so people should be well assisted and supported in those classes. We probably have a problem with ESOL classes because of digital poverty and because there is no provision for people to join the classes online. We have some helpful volunteers who would like to go the extra mile to help people with everything, but it is difficult due to digital poverty. Another issue is that there is no provision of support such as giving people mobile data to join the classes.

The problem with bank accounts has been talked about. Even if you want to give provision to asylum seekers, the Home Office has a restriction that means that you cannot send money to them. Some families have been allowed to open a bank account, but not all asylum seekers know about that.

There is also not the funding to cover everything. That issue has long been having a mental health impact on the people we work with. The project that I work on involves working with men in relation to gender-based violence and violence against women in general, but we also work with women in connection with that. The impact that all those things leave is very great.

Another issue, which Phil Arnold spoke about, is people with no recourse to public funds. There are three categories of people: people who have status but no recourse to public funds; people who have been refused status and have no recourse to public funds; and people who have been refused

status and are not known about—the Home Office does not know their whereabouts.

We only know about those people because we looked for them during the pandemic. We call them hidden asylum seekers. They do not know whether they are still in the asylum process because their case has been hidden for a long time. They are the most vulnerable people in the community. They have been using friends and family members for support. Asylum seekers have to live on only £5.39 per day, which is not enough, and even that is sometimes shared with people who have no recourse to public funds. The issue of those with no recourse to public funds should be dealt with properly and appropriately. I know that the Scottish Government is doing its part on that, but a lot needs to be done.

Miles Briggs: I thank the witnesses for joining us. During the pandemic, COSLA issued framework guidance on supporting people with no recourse to public funds. That guidance is being updated. We have heard evidence, and received written evidence, about inconsistencies in how that is being rolled out across local authorities. Have the witnesses seen that, in their experience?

I will bring in Maggie Lennon first. If anyone else wants to come in, they should put an R in the chat function.

Maggie Lennon: In relation to the discretionary element of the support that has been made available, the problem with discretionary funding is that it is just that—it is discretionary—so there is no guarantee that it will be used in the way that it was intended to be used. That can be influenced by a huge number of issues. We have seen particular problems in Glasgow and Edinburgh, where the need is greatest.

I do not want to go into too much detail about COSLA's report, because I know that it has already given both written and verbal evidence, but there is so much confusion around the issue of no recourse to public funds. That confusion relates not only to understanding what it covers but to what it means. If we simplify it and make the case that no resource to public funds is a public health matter, pure and simple, that should give policy makers a road map for how to deal with it.

There is massive confusion among local authorities and the third sector around understanding how it is the case that devolved Scottish welfare payments are nonetheless still reserved in terms of eligibility with regard to immigration. That conflict is causing the problem. Some welfare payments and other payments are not included, but others are included—to be frank, I could not tell you the list, and I have been working in the sector for 20 years and know quite a lot of stuff about it.

The Scottish Government needs to do a huge amount of work to make such things clearer. I also respectfully suggest that it needs to do a lot of work to try to draw those powers back and defend them. If that cannot be done, public health mitigations need to be put in place. The support should not just be discretionary or involve continually putting money into fantastic pilots such as those that Phil Arnold talked about. I agree with the person who said that that one-off, sticking plaster approach is not sufficient.

We do not know the number of people in Scotland who are covered by no recourse to public funds. I agree with the member of the previous panel who said that the figure of 9,000 is woefully inadequate. I appreciate that it is very difficult to plan a service without knowing the numbers, but, to be frank, we have not really known all the figures about everything to do with asylum and refugees in Britain for 20 years, and we have managed. With a bit of good will, it can happen. If we start thinking about the situation as a public health issue, that might provide a way to think about how it needs to be addressed.

Miles Briggs: Thank you for that. I am not sure whether anyone else wanted to come in on that point.

If not, I will move on to discuss models that are in place to support unaccompanied children and young people and how such models could be developed. Perhaps we could bring in Phil Arnold on this. How is that different, how do services engage directly with young people, and is there a model that the committee could consider?

Phil Arnold: The British Red Cross has a youth service in Glasgow that provides support for young people who are navigating through the asylum process and are trying to access services and start life in Scotland.

While we are really in support of the guardianship service, which we think should be extended and expanded to age-disputed young people, one consideration that we have when supporting young people is that, when people in Scotland have been assessed as being an adult, they will often be going through quite a complex process of challenging their age, and there is the matter of recognition to consider in the legislative changes.

There is huge complexity in the age assessment process, which needs to stay with specialist social workers who have the time to undertake the assessments. There is such a huge weight around people's age. Sometimes, going through an age assessment process can itself be quite traumatic. It can raise questions about people's identity with their family abroad, and there are points where young people are isolated.

We have seen some of the impact of that. Over the past few years we have supported 3,000 young people who have been going through age dispute, and more than half of them have had their stated age recognised. That takes significant periods of support. On average, we provide more than 10 months of support for those young people, and during that period they are living in adult accommodation, facing safeguarding and welfare concerns as well as various other issues. We feel that there is definitely space in Scotland to provide a more holistic service for young people in this context.

The Convener: Thank you very much for that answer, Phil. If it is okay, Miles, I need to move on.

Miles Briggs: Yes—thanks.

The Convener: I will now bring in Emma Roddick, who is joining us remotely. After Emma, Foyso Choudhury has a quick question.

Emma Roddick: This question is for Phil Arnold, and it follows on from the questions asked by Pam Duncan-Glancy earlier. On the distribution of the crisis grant, have you learned any lessons that might be helpful to the Scottish Government or to local authorities when considering any future changes to the likes of the welfare fund in providing support for refugees and asylum seekers?

Phil Arnold: We are at a very early stage—we are only six months in. Regarding the level of distribution, we provide support to more than 300 people in this context. It is very early stages for drawing any conclusions. There is definitely space for thinking through how some of the access to the Scottish welfare fund can cause issues.

We have had inquiries about whether the Scottish welfare fund can be expanded to reach more people, particularly those in groups that are struggling to access funds. Sometimes language issues can affect access to the fund and people's ability to apply for support.

There are insights, but they are anecdotal at this stage. We need a longer-term picture to enable us to draw out some of the lessons.

10:45

Emma Roddick: I have one more question, which is for Hassan Darasi. In the previous session, we spoke a lot about the effects of NRPF on women in particular. Are other groups of people, in particular those who share protected characteristics, disproportionately impacted by the policy?

Hassan Darasi: Our violence against women project works exclusively with men, but we have a partner project that works with women. By

extension, from working with men, we know that NRPF has a great effect on all the people our projects work with.

As I said previously, we became aware through the pandemic that there are people who do not know that they are NRPF. The Home Office has forgotten about them altogether, and they are living only on handouts from some charities. Some asylum seekers are getting only £5.39 per day. That has a great effect on people. For example, it has an impact on their mental health. People have not been able to develop themselves for the past few years as they have been going through the asylum process. Some of them have large families, which is a heavy burden for them, but the system also has a great impact on those who are single.

For our project, which is looking at the situation from a men's perspective, NRPF has been having an impact on people, including on their career development. There are some people who are NRPF who have gained qualifications back home, but they cannot work here because they do not have the right status. People who are NRPF but can work are in a far better situation than those who are in the asylum process or those who have been forgotten by the system altogether. There is a mix. Some of the NRPF people can work because they have the right status, but those who do not have that status are struggling and living on handouts from charities.

The Convener: I will bring in Foyso Choudhury. I understand that Pam Gosal also has a further question on NRPF.

Foyso Choudhury: After the powerful statement from Pinar Aksu, I have a small question. Given the squeeze on local authorities, do the witnesses think that the current level of third sector support is sustainable?

That question is for Pinar Aksu or Hassan Darasi.

Pinar Aksu: That is a really good point. The support that is left for the third sector and the people on the ground is not a lot. We are facing that daily, as we have been for many years. During the pandemic, we have seen how the third sector and local groups end up doing a lot of the work that other bodies, especially local authorities and Mears Group, are supposed to be doing. That has a huge impact in stretching organisations, and it affects our ability to continue to provide support.

We need to look at the root causes of the issues that we are talking about. Handing people vouchers and paying travel expenses is not a long-term solution. We need to talk about the root causes, such as people not being able to work, especially when they are seeking asylum. We have to think about how dehumanising that is and

how it prevents poor people from contributing to the economy, fulfilling their skills and sharing their expertise. Another root cause is the time that it takes for decisions to be made.

We have members who we started working with when they were newly arrived in the community. After five or six years have passed, we can see the difference in members and how they have changed. They no longer have hope, and we can see the pressure that that puts on them, their wellbeing and their mental health. They no longer want to do anything. We are seriously concerned about their welfare and wellbeing.

The third sector does a lot and so do local groups and networks, but we should not be doing the work that the authorities, or companies such as Mears, should be doing. We have cases of people who have been dispersed to hotels or other accommodation and whose fridge does not work and is not fixed for weeks. We step in to help, but it should not be us providing that support; it should be the authorities and those who get the funding to do the work.

It is really important that the Social Justice and Social Security Committee looks at the root causes and discusses what we in Scotland can do on health, education and justice with the powers that we have.

The Convener: Thank you for that, Pinar. I know that other people want to come in on that question, but we are running short on time, so I will hand over to Pam Gosal to ask another question on no recourse to public funds.

Pam Gosal (West Scotland) (Con): It has been reported that a discretionary grant, to match the self-isolation support grant, was made accessible for people who are subject to the NRPF policy. However, there was confusion and lack of awareness that it was available for those people. In the light of that, what can be done to make people with NRPF aware of the support that is available to them? I think that my question should go to Pinar Aksu.

Pinar Aksu: It is important to work with the organisations and groups that provide direct support to ensure that we are aware of such grants. It is also important to ensure that a clear structure is in place for people to apply for the grants. Usually, we operate by receiving information, then using a process to get that information to the asylum seeker and refugee communities. Information must be quite transparent, clear and accessible and, potentially, produced in different languages. For many people, obviously, English is not their first language. If that is the case, some of our staff speak a few languages so we end up translating some documents ourselves. Having a clearer way to

explain the information in documents or having other processes in place would be useful.

The Convener: We will move on to questions on the Afghan citizens resettlement scheme.

Natalie Don: I want to say a truly heartfelt thanks to our witnesses. Your comments and responses have been very helpful.

I want to focus on the Afghan citizens resettlement scheme, which has received some criticism based on its limitations and eligibility criteria and the fact that the UK Government is including in the count the total number Afghan refugees who are currently in the UK. What are your views on eligibility for the scheme? I would like to start with Pinar Aksu.

Pinar Aksu: In the previous evidence session, Graham O'Neill commented on that a lot. It is extremely worrying that the Prime Minister prioritised animals over people being taken out of Afghanistan. That is a huge concern.

If we look at the categories of the scheme and compare it to the Syrian resettlement programme, we can see that it is taking its time and it is not being done properly at the moment.

In Scotland, the Scottish Government can keep pushing and saying that there are people who need to be taken out as soon as possible, and we also need to have the structures in place.

I was really concerned and surprised to find out that the same hotels are being used to house the people from Afghanistan. When we looked at the figure that Graham O'Neill mentioned earlier, it does not make sense. It looks like a big business, where only the private sector is benefiting and the people are getting no benefit from it. The organisations that are meant to be providing the support are not seeing any of the benefits in relation to information or having the structures in place. That is extremely concerning. What more could be done? We—and the Scottish Government—need to keep pushing the UK Government to make sure that the infrastructure is in place and that we do not use hotel accommodation to house the people from Afghanistan as well as people who are seeking asylum.

I really liked what Maggie Lennon said earlier about the idea of a good refugee and a bad refugee. We need to see the people who are seeking asylum and refuge and not put the “illegal” label on them. We need to create community-based structures and stop normalising the use of hotel accommodation and asylum centres for the initial dispersal process. In Scotland, we are witnessing the normalisation of the use of hotels. We in Scotland—and the committee—need to oppose that right now, before any huge problems

happen. We have seen what happened in Glasgow, where we lost Adnan in the McLays hotel and Badreddin in the Park Inn hotel. We need to look immediately into the wider usage of hotel accommodation.

The Convener: Thank you, Pinar. Maggie Lennon would like to come in.

Maggie Lennon: It is very difficult for us to comment on eligibility for the scheme, because we do not know what it is. There is no application process for the scheme and it is increasingly opaque. We understand that there will be a referral pathway through non-governmental organisations, but we do not know the details of that, other than that the UNHCR is being asked to identify people. However, there is a suggestion that some of the people who the UNHCR is identifying are people who were in Pakistan—not from the current period of flight but from the one that happened 10 years ago. That seems unclear. Anecdotally, from the people who we support, which is all that we can go on at the moment, we hear that Afghan families here cannot find out exactly how to go about getting their families on the list. The same applies to Pakistan.

We do not know the system. I think that it is unlikely that it will cover 20,000 people in total over five years because, as Natalie Don pointed out, the UK Government will increasingly count in that number the people who came on the Afghan relocations and assistance policy scheme. Those people worked for the British Government; they are already here and are in the process of being resettled.

Our focus must be on what happens to people when they arrive in the UK. We want to ensure that people who are put in bridging hotels in Scotland are able to stay in Scotland, where they will get a much better integration experience than elsewhere in the UK. We know that because of all the work that we have done in the past.

The Convener: Marie McNair has questions on the Nationality and Borders Bill and the legislative consent memorandum.

Marie McNair: Good morning, witnesses. This question is for Phil Arnold from the British Red Cross. In your written submission, you state:

“If the bill becomes law ... it will reduce access to the ... asylum system, incentivise ... dangerous journeys, ... add to delays within the asylum system, and reduce the support”

that is available. Will you expand on those points?

Phil Arnold: Yes. The Red Cross has wider briefings that we would be happy to send to the committee after the meeting for further detail on some issues.

The bill is the largest transformation of asylum policy that we are seeing. There are so many different aspects to it that will distract people and prevent them accessing the UK and its asylum determination system. Earlier, Graham O'Neill and Andy Sirel outlined the depth of the changes that are coming through. I have a few reflections on that. The grouping of refugees in Scotland will have a significant impact on people's abilities in relation to NRPF, length of stay, family reunion rights and other aspects of how they go on to longer-term settlement routes. That will significantly increase destitution and will have a very harmful impact on people's ability to integrate in the UK if they can get asylum status.

11:00

The one-stop approach in the bill fundamentally risks people's credibility. Andy Sirel talked about the impact of disclosure and how that does not necessarily come out at the earliest point. There are issues around that and things such as the inadmissibility process and who can access the asylum system. There will be a prolonged period of time during which people struggle to access determinations, which will have a significant impact on their mental health, access to services and ability to integrate.

We are obviously not at the stage of thinking through capacity. However, it will be incredibly difficult for the voluntary sector to adapt to some of the changes that are taking place. We are often called in to understand how changes will impact different groups of people, understand what their rights will be and deal with issues around destitution and the humanitarian consequences. It will be incredibly difficult to mitigate any of that.

I am aware of the time, so I am happy to follow up afterwards on other areas of detail in the bill.

Marie McNair: We are pushed for time, but—this is for any member of the panel who wants to comment—what is your knowledge of the support provision for victims of human trafficking? Do you agree with the Scottish Government that consent should be withheld on that clause?

The Convener: Is that question for Phil Arnold?

Marie McNair: It is for anyone who can answer it.

Maggie Lennon: The short answer is yes. We must withhold consent on that, as we should on anything that cuts across devolved legislation. My understanding is that it entirely cuts across our human trafficking legislation. It will make it very difficult for Scottish courts to identify victims of trafficking and work out the best way to support them, because it is based on an immigration

consensus that is clearly wrong. It is against current human rights.

Our submission was specifically on human rights issues and how asylum seekers and refugees will be affected. Even in a Scotland that is committed to human rights, those rights have been undermined a number of times. It is too often easy to hide behind matters being reserved and to say, "It is not our fault; we can't do anything about it", but where we can, we must. I would absolutely support the LCM if it were agreed to by the Parliament. I hope that it is.

The Convener: I have two final questions from Pam Duncan-Glancy and Jeremy Balfour. We are over time, but we need to hear them.

Pam Duncan-Glancy: I will group as much as I can together. My first question is for Pinar Aksu. Last week, Councillor Susan Aitken told the committee that there was no pause on dispersal and that it was a myth that it had been paused. I am conscious of what you said in your submission and what you have told us today. What are your views on Glasgow's temporary pause on single male asylum seekers? Given that that group makes up the majority of asylum seekers, what impact will that have?

Next, will Pinar Aksu and the Red Cross comment on the use of hotels, and whether you believe that the Scottish Government could do something with the Home Office to reshape how it uses the £1.277 billion that we heard about earlier to put people in better accommodation in Scotland? What could they propose to local authorities on that?

A lot of constituents have contacted us to say that, although the Scottish Government has said that under-22s who are asylum seekers or refugees have access to the free bus system, they cannot access it. Will you tell us why you think that is the case, so that we can help to address the issue?

The Convener: There are a lot of questions in there. I remind panel members that you can submit stuff in writing, so please try to keep your answers as brief as possible.

Pinar Aksu: Thank you for the questions. I will read a sentence from the BBC on Susan Aitken's comments. It says:

"Council leader Susan Aitken told the BBC the ban would continue while the scheme was run 'on the cheap'."

The evidence is there. It is in the news that it has been said that there is a ban on Glasgow being a dispersal city. I do not have any other comment, except to say that it is clearly in the news. That can be searched for. We are greatly concerned about how that will impact on the work that we do and for the future.

When it comes to using hotel accommodation, we have recently found out that the Glasgow hotel in which, sadly, Adnan passed away is still being used to accommodate single people as well as families with children. I repeat, in the same hotel where Adnan passed away, people are still being accommodated without any sort of support. Again, local communities and services are being made to provide that support.

There is huge confusion for us because, whenever we go to Mears, it says, "It is not our responsibility; you need to contact Glasgow City Council"; and whenever we go to Glasgow City Council, it says, "It is not our responsibility; you need to contact the Home Office." There seems to be a triangle around which the ball is passed from one person to another. That is extremely confusing for everybody. We are talking about the lives of people who are being placed in accommodation that is not in line with aspects of the legislation that we have in Scotland.

I say again that we should not normalise—or be made to normalise—the use of hotel accommodation as part of the dispersal process. We said that from the very beginning. As was said earlier, we believe that, from day 1, integration should start in communities, not in hotels across the country. In addition, people should not be made to fulfil the obligations and work of the authorities that are supposed to be doing that work.

We are hugely concerned about the use of hotel accommodation and about the impact that that will have on people's welfare. I could comment on that more; perhaps I should submit written evidence and testimonies later on.

I thank Pam Duncan-Glancy for asking about bus passes. This week, a few of our members have said that, when they try to complete the application form, it asks for a form of identity such as a passport. Obviously, people who are going through the asylum process do not have such a thing, so they have not been able to access bus passes. We were going to raise that with our local MP. I am glad that the committee is looking into it, too, because it will impact on a lot of the people with whom we work.

I highlight again that we do not support the use of hotel accommodation. Staying in hotels is going to have a huge impact on people, and we should not be made to normalise that.

The Convener: In the interests of time, if anybody would like to add anything, I ask them to submit it to us in writing.

Jeremy Balfour: Again, in the interests of time, rather than receiving a verbal update, it would be helpful to get information in writing on my question. When it comes to the Syrian refugees

who came into the country, have any lessons—whether positive or negative—been learned? In particular, is there anything that we can learn to do differently?

The Convener: I see lots of heads nodding, which suggests that we will get answers in writing. Hassan, thank you very much for your comment in the chat function, which we will take note of.

I thank all our witnesses, and Pam Gosal, who joined us from her other committee meeting.

That concludes the public part of the meeting. At our next meeting, on 24 February, we will take evidence on kinship carers as part of our work to explore the breadth of the committee's remit and to establish key priorities for this parliamentary session.

We move into private to consider the remaining agenda items, for which members should join us online via the Microsoft Teams link in their calendars.

11:09

Meeting continued in private until 11:39.

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