



OFFICIAL REPORT  
AITHISG OIFIGEIL

# Social Justice and Social Security Committee

Thursday 29 February 2024

Session 6



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Pàrlamaid na h-Alba

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**Thursday 29 February 2024**

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## **SOCIAL JUSTICE AND SOCIAL SECURITY COMMITTEE**

**6<sup>th</sup> Meeting 2024, Session 6**

### **CONVENER**

\*Collette Stevenson (East Kilbride) (SNP)

### **DEPUTY CONVENER**

\*Bob Doris (Glasgow Maryhill and Springburn) (SNP)

### **COMMITTEE MEMBERS**

\*Jeremy Balfour (Lothian) (Con)

\*Katy Clark (West Scotland) (Lab)

\*John Mason (Glasgow Shettleston) (SNP)

\*Roz McCall (Mid Scotland and Fife) (Con)

\*Marie McNair (Clydebank and Milngavie) (SNP)

\*Paul O'Kane (West Scotland) (Lab)

\*attended

### **THE FOLLOWING ALSO PARTICIPATED:**

Phil Arnold (British Red Cross)

Graham O'Neill (Scottish Refugee Council)

John Somers (Scottish Government)

### **CLERK TO THE COMMITTEE**

Claire Menzies

### **LOCATION**

The Mary Fairfax Somerville Room (CR2)



# Scottish Parliament

## Social Justice and Social Security Committee

Thursday 29 February 2024

[The Convener opened the meeting at 09:02]

### Interests

**The Convener (Collette Stevenson):** A very good morning, and welcome to the sixth meeting in 2024 of the Social Justice and Social Security Committee. We have received no apologies.

Before we start, Jeremy Balfour would like to declare an interest in relation to last week's meeting.

**Jeremy Balfour (Lothian) (Con):** Thank you, convener, and my apologies. Last week, we discussed personal independence payments and adult disability payments, and I should have declared a financial interest, as I am in receipt of PIP at present.

**The Convener:** Thank you very much, Jeremy.

### Decision on Taking Business in Private

09:02

**The Convener:** Our first item of business today is a decision to take agenda items 4 and 5 in private. Are we agreed to do so?

**Members** indicated agreement.

## Housing and Refugees

09:03

**The Convener:** Our next agenda item is an evidence session on housing and homelessness, with a particular focus on asylum seekers and refugees. I welcome to the meeting Graham O'Neill, policy manager for the Scottish Refugee Council, and Phil Arnold, head of refugee support at the British Red Cross for Scotland, Wales and Northern Ireland. They are both joining us in the room.

There are a few points to mention about the format of this evidence session before we start. Please wait until I or the member asking the question says your name before speaking. Do not feel that you have to answer every single question. If you have nothing new to add to what has already been said, that is perfectly okay. I ask everyone to keep questions and answers as concise as possible.

I invite Jeremy Balfour to start the questions.

**Jeremy Balfour:** Good morning, and thank you both for coming along. I will open with a fairly general question. How will the wider dispersal of asylum seekers across Scotland impact on individuals and families when they are granted refugee status? I invite Phil Arnold to go first, perhaps followed by Graham O'Neill.

**Phil Arnold (British Red Cross):** Thanks very much for creating the opportunity for us to give evidence. The British Red Cross is the largest independent provider of support for refugees and people seeking asylum in the UK. Over the past five years, we have supported just over 11,000 people in Scotland, of whom about half have been destitute at different points.

We also undertake surveys. Over the past couple of years, we have surveyed about 1,700 people, both those seeking asylum and those with refugee status, and safe housing has been the highest priority for people, time and again. We welcome the opportunity to give evidence and talk things through.

The Red Cross fundamentally supports a community-based dispersal model that enables people to integrate from day 1, that empowers communities and that creates a space where people can connect and start life after having experienced persecution, trauma, torture and conflict in other countries. The process of expanding dispersal from Glasgow across different local authorities comes with a whole range of questions, such as whether there is infrastructure in those areas and what people's experiences have been in the asylum system prior to their

getting refugee status and starting life in those places.

We have some concerns and there are a couple of points that I want to flag. The first is around the institutionalisation of accommodation and what that currently means in Scotland. The second concerns some of the experiences of age dispute. When you are thinking about expanding dispersal across Scotland, there needs to be an effective planning framework and a strategic framework for enabling the infrastructure to move across. If there is not such a framework, gaps will appear and people will experience challenges and difficulties throughout the asylum system. That means that, at the point at which they get refugee status and start life again, they are already on the back foot and have already experienced a lot of different issues.

Over the past couple of years, there has been a growth in the use of hotels across Scotland. Between 2021-22 and 2022-23, our casework support increased by more than 900 per cent. It started at a fairly low level and it is now supporting more than 250 people who are in hotels. Inside that, a lot of changing support needs are emerging for people. Support needs for clothing have more than doubled, there is an increase in destitution and there is a need for cash. There are also some particular age considerations. Given the number of clients who are over 65, a higher percentage of health needs are emerging inside hotel accommodation. There is a significant prevalence of additional support needs for children in hotels. If people are not getting support during that process, that will cause particular issues when they come out of it and move towards getting refugee status.

I also wish to discuss age-disputed young people in Scotland. There is an element of expanding dispersal that is different between supporting people from Ukraine and supporting people who have come through an Afghan relocation programme, for example. Some of that is to do with the technical challenge of engaging with the asylum process. There needs to be an effective capacity-building programme to enable local authorities and to work around that.

Last year, we wrote to the convener of the Equalities, Human Rights and Civil Justice Committee to highlight the fact that, over the past few years, the Red Cross has supported 39 young people in Scotland who were wanting to challenge their age, either through the local authority or because of Home Office practice. Of those young people, 82 per cent were found to be children. They fell through the gaps of protection in Scotland and they lived independently for a prolonged period. Last year, the Red Cross supported 44 young people, 32 of whom were age disputed. We found that legal intervention was

required in 20 cases, and the Red Cross needed to highlight the challenges of the age assessment process. In 85 per cent of the cases, judicial review was being considered against local authorities in relation to the decision-making process. On average, it took 11 weeks for the local authority to agree to undertake an age assessment for those young people. During that time, the people were not provided with accommodation support. In one acute situation, for two young people, it took more than two years to get the local authority to undertake an age assessment.

We have young people in that situation who have lived in hotels, including hotels for more than 100 men. At that point, we must look at what it means from a protection perspective in Scotland. If you compare an age-disputed young person inside an institutional accommodation setting with a child outside of a hotel, there is a higher prevalence of the responses that the Red Cross provides around trafficking risks, suicide ideation for young people and safeguarding issues, which are all very prevalent within institutional accommodation settings.

We have significant concerns around this issue. There needs to be the infrastructure in place to enable dispersal to take place across Scotland.

**The Convener:** Graham O'Neill, would you like to come in?

**Graham O'Neill (Scottish Refugee Council):** Would it be okay to repeat the question?

**Jeremy Balfour:** I will ask that you keep your answers reasonably tight or the convener will get stroppy with you. I warn you now.

How will the wider dispersal of asylum seekers across Scotland impact on individuals and families who are granted refugee status?

**Graham O'Neill:** We associate ourselves with what Phil Arnold has just articulated, so I will try not to go over the ground that he covered so well.

The Scottish Refugee Council is really grateful to the committee for devoting time and space to the discussion of this issue. It is not lost on us that you are doing that and that you have been doing it for a number of years alongside, in particular, the Equalities, Human Rights and Civil Justice Committee.

The people out there in the refugee protection system can often, in our experience, be rendered invisible by United Kingdom Government systems. It is important that in this Parliament, through the committees, we give visibility and a voice to people. You do that alongside the Equalities, Human Rights and Civil Justice Committee.

The Scottish Refugee Council is also in favour of a community-based approach to the accommodation of and support for people who are seeking, granted and refused refugee protection. In our experience, there has been a real systemic change and an institutionalisation of the accommodation arrangements across the UK, including in Scotland, for asylum seekers.

As I speak, there are about 1,400 people in 17 hotels—we would call them ex-hotels—across 13 local authority areas in Scotland. People are living a very spartan, poverty-laden and often socially isolating experience, which, as the evidence shows, does a lot of harm to their mental health and wellbeing. That is despite a lot of good support from charities and community groups, which are often local and which step in where the state has been retreating.

Institutionalisation is a serious trend that we are witnessing across the UK, including in Scotland. As has been covered in previous committee reports, there is a question about who is benefiting from all this. We think that there is a real perversity in the fact that private companies are benefiting and getting huge amounts of public money to house people in accommodation that is often not good for them or for local communities. From that, we sometimes start to see a weakening of the confidence in and support for asylum and refugee protection. We stand that in contrast to the not perfect but generally good experience over 20 years in Glasgow, where people have taken pride in having been enriched by people who are seeking refugee protection and are contributing as part of the process of rebuilding their lives.

As Phil Arnold said, there are huge challenges because so much of the asylum system operates through private companies and private contracts. Much is being done to local areas as opposed to being done with them. As I say, most of the funding goes to private companies and does not go to local authorities, refugees or local communities at all. It does not need to be like that, but it is like that at the moment.

09:15

Before I talk about the impact on families and individuals who are granted refugee status, which I know is the focus of the question, I will flag up the fact that asylum contracts across the UK are 10-year contracts and are premised at £4 billion over the period from 2019 to 2029. There is a renegotiation clause that would take effect, if used, from 2026. We hope and expect that the Scottish ministers—and this committee—will instigate an overdue discussion with the Home Secretary about the use of that renegotiation clause. No one is talking about that at the moment, despite the fact that everyone is talking about the gross waste

of public money that goes to private companies and from which we get little back in the way of wider social outcomes. That renegotiation clause should be put front and centre over the next two elections, both the UK general election and the 2026 Scottish Parliament election. We invite the committee to consider that and can furnish members with more detail.

Regarding the impact of being granted asylum, that should be a time of joy and relief for people and a moment when they can move on to rebuild their lives. People have been left in the asylum system for a long time, because it was essentially dormant until about August or September last year, when—for various reasons that we might go into—the Home Office and the UK Government started making asylum decisions again. Those decisions have often been made at breakneck speed and, as I am sure we will discuss, have created acute pressures for individuals who are moving out of a difficult asylum system that they have been stuck in for a long time and into new housing and social security systems and, critically, into work. People want to work and to get on with defining their own lives, so, when we talk about refugee integration, we must talk about work as the central part of that. Integration goes beyond housing and social security—work is critical.

We would say that the Home Office has quite a poor asylum system that does not offer much move-on support. There is a rush to get people out of the asylum system within 28 days. From August last year, we saw a dreadful situation in which the Home Office made what we would call selfish policy decisions. It decided that the 28-day clock would start ticking from the date of service of the asylum decision, not from the date of issuance of the biometric residence permit card, which is the pivotal document that people need to be able to move from the asylum system to other systems of housing and social security.

Thankfully, the Home Office communicated in December that it was pausing that disastrous decision, but we are not yet seeing that pause coming through in practice, including in Glasgow. It is also just a pause: it could be lifted and there could be a situation in which the Home Office does what it did last summer, which was to make a decision in its own interests to shorten the already too short 28-day move-on period for people who have been newly granted refugee status. In some cases that we saw, that was shortened to just days. Our British Red Cross colleagues saw that happening at UK level and have powerfully articulated that. We also know that the committee has taken evidence from local authorities, including in Glasgow and Edinburgh, that are dealing with that.

Once again, it does not have to be like that. The asylum dispersal system was first conceived as one that would operate through joint working between local authorities, devolved Governments and central Government. Particularly in the past few years, the UK central Government has broken that contract and has pumped lots of money into private companies to do its will in local areas, increasingly by using institutional accommodation. That has led to harm to people and communities and to huge amounts of public money being distributed in a dysfunctional manner to private companies. That money goes into shareholder profits and dividends without ever benefiting local communities. It just does not have to be like that.

Often, we find that people who are newly granted refugee status are completely forgotten and do not get the support that they need. The Scottish Refugee Council and the British Red Cross do a lot of integration services work, which has never been more needed than it is at the moment. That work does not have to be done by us—we know that local authorities do it, too—but it is important that integration services are in place as a core service in Scotland. We hope and expect that the next new Scots strategy will have a funded new Scots refugee integration standard.

**The Convener:** Sorry to interrupt you, but I am conscious of the time, given that we have a lot of questions to get through, and I believe that that point will be followed up in a later line of questioning.

Jeremy, do you have another question?

**Jeremy Balfour:** I would like to pick up on one point. I know that we are looking at housing and homelessness in particular today, but, when we have considered dispersal previously, one issue that has come up is the lack of access to legal services outside central Scotland. I think that the committee last considered the issue a couple of years ago, and I wondered whether the situation had improved. If I go to Blairgowrie or Dumfries, for example, will I find that there is legal support there? Is that issue causing problems?

I have a second question, which I will ask just now. What is the impact on people whose asylum claim is refused, and how can they be supported? I invite Graham O'Neill to start this time.

**Graham O'Neill:** The question whether legal support is accessible is important, and the answer is no, it is not there. That is because of the way in which the Home Office operates: it does not think about what needs to be in place in an area to which it is moving asylum seekers, such as adequate mental health support and related services, therapeutic services and adequate access to legal advice and representatives.

The asylum process is pivotal to the lives and the future of asylum seekers and their families, but, when you talk to them, you find that they have not got access in a practical way to a solicitor who knows immigration law and particularly asylum law, which is a specialist area of law. It is important to put ourselves in the shoes of those people. When we do that, we understand that that is a problem.

I have to say that we have been disappointed by the engagement with the Scottish Legal Aid Board on the issue. We do not say that lightly. We know that SLAB is supportive of the issue of asylum seekers' access to legal services but, over a number of years, the Scottish Refugee Council has raised with SLAB and the Scottish Government's access to justice team the issue of the need for legal advice and assistance to be practically accessible for people across the international protection spectrum.

Over the past 10 years or so, there has been a welcome step change in Scotland in terms of Scotland genuinely having protection populations, with people coming through the Syrian scheme, unaccompanied children arriving, young people coming through various means and the asylum system being expanded to different parts of Scotland, although, admittedly, that has happened in problematic ways. Further, of course, 26,000 people have come from Ukraine. I think that what has happened with the Ukrainians has been a real success story, and Scotland and the Scottish Government should be proud of what has been done. Although the situation has not been perfect, what has happened has been good.

However, the issue of access to justice in relation to asylum feels a little bit like a Cinderella issue at the moment. We do not say that lightly, but we are taking this opportunity to say it, because we want the next new Scots strategy—the action plans associated with which are due to be published in June—to be of a different quality from that of its predecessors and to have a different status. Previously, the strategy has not had teeth and has not cut through to policy making across different directorates in the Scottish Government, including access to justice.

The situation with asylum seekers' access to legal services is not good at the moment. The Home Office does not think about such things—although, fundamentally, it should—and the Scottish Government and the Scottish Legal Aid Board have not been on top of the issue. We need to find ways of breaking down the barriers to access because, at the moment, people have to use Glasgow-based services that provide online advice, with people appearing remotely, as Paul O'Kane is doing today. People are not actually seeing solicitors.

**The Convener:** I am sorry to interrupt again, but I am conscious of the time, as we have only an hour for this item. We have a significant number of questions to get through and we really want to hear from both of you.

John Mason will ask the next questions.

**John Mason (Glasgow Shettleston) (SNP):** My first question is for Mr O'Neill. The Scottish Refugee Council talked about the maximisation policy, as it is called, whereby adults who are not related or who do not know each other have to share rooms. Is that a bad thing? If so, why, and what is the impact on people?

**Graham O'Neill:** Yes, it is a shocking thing. Hotel maximisation is a euphemism that the Home Office uses for the requirement for people—generally adult single men—who are in what the Home Office misleadingly calls contingency accommodation, which is hotel, barracks or other forms of institutional accommodation, to share a bedroom with an unrelated stranger—

**John Mason:** Would that be just two people, or could more people share one room?

**Graham O'Neill:** It could be more. In Scotland, it has been two people to a room. According to conversations that we had with the Home Office this Monday, about 470 people are in enforced bedroom sharing arrangements in Scotland at the moment.

**John Mason:** Some people would say that it is better to have two people in one room than one person in a room and one person on the street.

**Graham O'Neill:** I see your point, but, first of all, the Home Office has a legal duty to provide accommodation to people under section 95 of the Immigration and Asylum Act 1999. That is a good thing, too, because otherwise people would be on the street and the state would say, "You just take your chances there," with all the bad stuff that comes from that. We are a civilised society and we do not want to go there. I hope and expect that that is the case—I am confident that we do not want that. That legal duty is important in ensuring that people are not on the street.

However, with regard to the people who are in the accommodation, I suppose that the issue comes down to what kind of society we are. I do not think that anybody in this room would want to share a bedroom with a stranger for a prolonged time, which is what people are doing. When they wake up in the morning, there is a person there and they do not know who they are. If they want to get up to go to the toilet at night, they do not know who is there. It is a deep invasion of a person's privacy and limits their ability to have any sense of control in their lives.

These are long-term stays of over a year. When the Home Office talks about hotel maximisation, it is actually saying that it requires people to share bedrooms with unrelated strangers for a prolonged time, and the rooms are generally quite small.

**John Mason:** Have you seen that having a negative impact on people's health?

**Graham O'Neill:** We know that it has a negative impact. We know of one hotel in Scotland where, late last year, there were four suicide attempts. Obviously, I will not go into the detail, but that was disclosed to us by a front-line professional. We have raised that matter, as you would hope and expect.

**John Mason:** Do you think that the room sharing was part of the reason for that?

**Graham O'Neill:** Yes, completely. That happened in one of the hotels where the policy was rolled out most quickly.

More broadly, the issue has been publicised. In the Bibby Stockholm, there are four people to a room, whereas in Scotland, thankfully, it is two people to a room. It is all relative. We know that there is an increase in self-harm. We know that there is an increase in suicide ideation before self-harming, which Phil Arnold spoke about in a related context. We know that there is a heightened risk of deaths by suicide.

**John Mason:** Mr Arnold, you might want to comment on that matter, but I will also ask you another question. Does the way that people have come here make any difference to their experience? In other words, is the experience of those who have been granted refugee status after seeking asylum different from that of people who came here through the UK resettlement scheme or, as you mentioned, the Afghan relocation scheme?

**Phil Arnold:** Yes. There are a couple of points to flag. First, I want to make a quick point about legal aid in that context. The British Red Cross, with Baker McKenzie, surveyed 251 firms across the UK that were providing legal aid. In Scotland, we contacted 27 firms to find out about their provision of legal aid. Glasgow, Edinburgh and Musselburgh were the only places with any availability to help with some of the questionnaires and the streamlined asylum process.

The other point that I want to flag, which comes back to your question, is that, if somebody arrives through the asylum system and gets refugee status, at that point they have the right to also apply for family reunion. That is a technical area of work, but there is not necessarily the level of technical competence across Scotland in legal aid, so we see a lot of issues emerging for families.

The situation for somebody who arrives with their family is very different from the situation for somebody who has been separated from their family. We ran a family reunion integration service, which was funded until 2022. We have noticed that, since that time, the length of family separation—the period until people arrive—has gone up from 3.2 years, on average, to 4.6 years. A period of 4.6 years means that children can become adults, and they might not ever get the right to family reunion in the same way and to arrive in the same place.

09:30

**John Mason:** Does that affect both the resettlement scheme and the asylum-seeking scheme?

**Phil Arnold:** Yes. The refugee family reunion scheme is a separate scheme entirely, and it is one of the safe routes that is referred to by the Home Office. For comparison, between 2015 and 2022, around 28,000 people arrived through the resettlement programmes in the UK, and there were 45,000 family reunion applications. That is, there were 58 per cent more family reunion applications than there were people coming through the whole of the resettlement programmes. No advanced integration planning is taking place for those families in thinking through what happens in Scotland.

**John Mason:** So, however people come, there are problems with the system.

**Phil Arnold:** Yes. Individuals arriving through family reunion arrive on the back of someone coming through the asylum process. A lot of different programmes are running in parallel. There are the relocation programmes for people from Afghanistan; there are the UK resettlement programmes; there is the Ukraine scheme; and there are asylum arrivals, with family reunion at the end of that. There are a lot of different programmes.

**John Mason:** I think that you have made my point. I just wanted to know whether there are problems with all the programmes, and there are.

**The Convener:** I will bring in Paul O'Kane, who joins us remotely.

**Paul O'Kane (West Scotland) (Lab):** Good morning to the panel. I am interested in continuing the themes that we have already discussed, particularly regarding the role of local authorities. We have heard stories about children being abducted from asylum accommodation in England. Is there a threat of that happening in Scotland, or are there instances of it happening here? Are local authorities fulfilling their duties in that context in

respect of asylum-seeking children? I invite Phil Arnold to respond first.

**Phil Arnold:** I have made some points on some of the experiences that we have seen among people who are age disputed. Under the Human Trafficking and Exploitation (Scotland) Act 2015, there is a duty to treat a young person as a child until their age is fully determined. The Office of the United Nations High Commissioner for Refugees did an audit of the Home Office's screening and vulnerability process for when people arrive in the UK. The UNHCR flagged up concerns over age assessment, specifically about the glance assessments that are taking place. The implication is that people may be dispersed up into Scotland without having had a Merton-compliant age assessment.

As I indicated earlier, last year, we supported 32 age-disputed young people in that situation. For the majority of cases, work has to start on judicial review so that the local authority will undertake an age assessment. During the period of time concerned, the young people will be living independently, as adults, in precarious and vulnerable situations. Last year, it took the best part of three months, on average, before the local authority agreed to undertake the age assessment.

We have noticed a change of practice at Police Scotland, which is carrying out skin assessments, which basically involve contacting the Home Office. We do not understand what that policy and process is, however, so that might be an area on which you will want to take further evidence.

As we have observed, the implication is that it can be very difficult for young people to challenge their age assessment, and it can be a drawn-out process. As I said, the data that we provided previously showed that 82 per cent of the young people concerned were found to be children. Last year, about two thirds of the people we supported were found to be children, too. That gives rise to protection concerns, with gaps whereby children who are in Scotland who have faced conflict or violence abroad, who might be victims of trafficking and who have high levels of vulnerability, are being left to live independently as adults. That is the wrong way round: people should be treated as children when there is any doubt over their age.

**Paul O'Kane:** In relation to the expertise and resourcing of local authorities, and in relation to the wider context of supporting refugees, research commissioned by the Scottish Government suggests that local authorities have built up expertise. However, given some of the answers this morning, it is clear that there are gaps and there is more to be done. Graham, do you want to

comment on local authorities' capacity to support refugees?

**Graham O'Neill:** I will try to be concise. One area, which Phil Arnold has just spoken about, is to do with what is happening to children and young people particularly in relation to action that the Home Office is taking. We see systemic, almost industrial-scale use by the Home Office, particularly in the south-east, of glance assessments as a means to route people, including children and unaccompanied children, into adult Home Office accommodation. We are starting to see that in Scotland, as Phil mentioned.

Bodies will not be aware that a number of unaccompanied children are children, and a number of them will be identified as such by a front-line housing worker, a lawyer or a local community organisation, after which the age dispute process may be engaged, which, as Phil has articulated, is not straightforward. We are seeing some of the outcomes of that process. The evidence is building across the UK that, sadly, there is a lot of very bad practice by the Home Office in relation to that initial entry point.

We have a looked-after children system in Scotland. We have clear legal obligations to unaccompanied children who are seeking asylum under which we should treat them as children first, with their immigration status coming second or third. The Home Office's industrial-scale practice of punting unaccompanied children across different parts of its adult accommodation estate—including, we fear, now in Scotland as well—poses a huge challenge for the Scottish Government.

The Scottish Government and councils have not caused that challenge, but it is incumbent on us, as refugee charities working with services on the ground, to say publicly to committees such as this one that there are serious issues that the Scottish Government needs to address, such as how it is resourcing child protection teams and social workers in local authorities across Scotland, because that issue is not going anywhere. The number of unaccompanied children and young people that the Home Office is putting into adult accommodation across the UK is growing, and we are starting to see that happening in Scotland, too.

Of course, the Illegal Migration Act 2023 is one of the issues. We expect that its rotten core—the duty to remove—will commence next month, when the Safety of Rwanda (Asylum and Immigration) Bill gets royal assent. With a flick of a really bad switch, the lights will go off and a lot of people will be permanently inadmissible to the asylum system.

Therefore, the child protection issue is a key one that the Scottish Government needs to focus on as a strategic challenge. We hope and expect

that the refreshed new Scots strategy will have clear lines on that. However, the issue is wider than the new Scots strategy, because it is about looked-after children legislation, including under the Children (Scotland) Act 1995, and how we resource local authorities to deal with that.

**The Convener:** I am conscious of the time, and I believe that Marie McNair would like to come in.

**Marie McNair (Clydebank and Milngavie) (SNP):** Good morning, panel. I really appreciate your time this morning. I will focus on homelessness services. What is your experience of the impact on statutory homelessness services? Are the issues dependent on the type of refugee status a person and/or family can have?

Maybe Graham O'Neill could start.

**Graham O'Neill:** It is an important question, given the seriousness of the issue. It is one of the big challenges that affects local authorities across Scotland, alongside child protection and social work.

The starting point is that talking about refugee homelessness exposes an underlying fragility relating to homelessness across all communities in Scotland. There are pressure points in some of our main urban areas such as Glasgow, Edinburgh, Aberdeen and Dundee, where we already have homelessness issues. The cost of living crisis, which has been persistent for many communities and is worsening for many, is one of the underlying causes.

To put it bluntly, refugees do not cause homelessness in Scotland. Refugees are just one of the groups that are in vulnerable socioeconomic and legal predicaments and are at risk of homelessness or are experiencing homelessness and breaches of their right to have homelessness assistance.

For example, in November last year, our refugee integration service in Glasgow saw 27 individuals who had suffered a statutory failure to accommodate by the local authority. Some of that was to do with the fact that, as we talked about, the Home Office was accelerating asylum decisions for the first time in five years and was doing so with a shortened move-on period, which was not even 28 days; in some cases, it was seven or 14 days max. At best, people were moving into inappropriate temporary accommodation for the longer term—so it was not really temporary—or, at worst, there was a statutory failure to accommodate.

That issue has not been resolved. Asylum will continue to be a part of the homelessness issue throughout 2024. A lot of people are getting decisions, and we think that a good proportion of them will remain positive decisions, so those

people will have homelessness rights. However, we think that, throughout 2024, a growing proportion of homeless people will be people who have been refused asylum, as was touched on earlier. Those people will be in an incredibly difficult situation. Organisations such as mine and the British Red Cross are often the only places that those individuals can go. The pressures of homelessness are huge.

As we said to the committee late last year, that is one of the issues that we want the Scottish Government to get a grip of. We should make policy in the interests of the people who are in inappropriate temporary accommodation. If you asked them what they want, they would say—as Shelter Scotland has said—that homelessness is a number 1 priority but the funding is being cut. We know that politics is about priorities, but the failure to accommodate people at all, as well as, more widely, putting people into often privately owned temporary accommodation—we see that in the asylum system and in local authority procurement of temporary accommodation—needs to be addressed, because the situation will only get worse.

Practical and consistent access to decent homelessness assistance is a critical issue. If that is not dealt with, we will just be here six months or a year from now saying the same thing to you guys.

**Marie McNair:** Can you explain why the 28-day period should be longer and what the advantages and disadvantages are of extending that?

**The Convener:** I remind Graham O'Neill that we are conscious of the time, so I ask him to be as concise as possible.

**Marie McNair:** You could perhaps follow up with a written submission, Mr O'Neill.

**Graham O'Neill:** We have stuff to say on that, but I will pass over to Phil Arnold, because the British Red Cross has done a lot on it.

**Phil Arnold:** Working with the London School of Economics, we did a cost benefit analysis of the move-on period and recommended that it should be extended to 56 days. That study is publicly available, and we can reshare it. We made a number of assumptions about the percentage of people who would end up rough sleeping, the costs of quickly trying to process and access temporary accommodation, the mental health impact, and the cost to the national health service of people becoming destitute and homeless. At that point, we estimated that between £4 million and £7 million would be saved by extending the move-on period. When there is so much public pressure on local authorities, it is utterly essential to have a more planned route whereby destitution is not built into the transition period.

One general point is the concern about withdrawals of applications rather than negative or positive decisions. In the year up to September 2023, there was a 300 per cent increase in asylum withdrawal. We often do not know what has happened in those situations, but people will often not know where their asylum claim is up to, and they might be out of contact and then end up street homeless. We end up with a very reactive set of processes rather than a system that is built to prevent homelessness.

09:45

One example involves reunited families. The Red Cross supported 4,000 reunited families through the family reunion integration service and, because we paid for the flights of some families to arrive in the UK through our travel assistance programme, we could give advance notice that families would be arriving and joining a refugee sponsor in the UK. That process reduced the time that it took to access temporary accommodation from 38 days to 13 days. In Scotland, because of the overspill of pressure through homelessness, the period to access temporary furnished accommodation has gone from six days to 34 days.

We are seeing a lack of preventative work and of thinking through the experiences of refugee families who arrive for family reunion after getting refugee status. That raises the question about work being more reactive and the pressure that local authorities are under.

**Marie McNair:** Can you highlight good practice in local authorities when it comes to rehoming refugees?

**Phil Arnold:** From the range of experiences, one that we would like to draw out more—this relates not just to local authorities but more generally to housing—is the experience of Ukrainians. Scotland really stepped up for Ukraine and provided support and guaranteed accommodation for thousands and thousands of people who fled from acute conflict and warfare.

That experience needs to be reflected on. We need to consider the good practice in supporting people from Ukraine and how we can apply that to other refugees in Scotland. A plethora of good practice exists. We need to consider how we apply the learning and make sure that that approach is taken to supporting all refugees.

**Marie McNair:** Thank you.

**Roz McCall (Mid Scotland and Fife) (Con):** Good morning, gentlemen, and thank you for your evidence. You have certainly given an awful lot of evidence so far, and I understand entirely your concerns about the Home Office.

My questions are about the impact on third sector organisations. Unfortunately, our time is now very short so, although a lot of the information that you have already given about the Home Office will apply here, not repeating some of that would help us to get through this section, if you do not mind.

UK asylum policy appears to consistently change and evolve. I imagine that you want some form of evolution, because different conflicts mean different issues. How does that affect the support that organisations such as yours can provide to refugees?

**Phil Arnold:** It is difficult to know where to start, because so much has changed so quickly. There is a lot of pressure on local authorities and there are funding challenges in the sector. We are reacting time and again to a whole set of changing policies that impact people who are claiming asylum, and we are looking at the devastating impact that will be felt because of the Illegal Migration Act 2023. We are concerned that there does not seem to be a clear and effective strategy for mitigating the harm that all of that will cause, and it will impact on the voluntary and community sector.

For example, on the streamlined asylum process that was introduced just last year, we are in favour of high recognition rates and making sure that the asylum process is simplified so that people can access decisions quickly. That is effective decision making that enables people to move on. However, we have concerns that people are put into acute poverty through the asylum support system. They are not allowed to work to support themselves effectively and, because of that, they increasingly lose the ability to work. All of those things have an impact on people's mental health, wellbeing and ability to contribute.

When there are technical changes through things such as the streamlined asylum process, it takes a lot to build up an understanding of the process and of whether something is regulated activity in order to deal with the inquiries that come in.

**Roz McCall:** Can I take from that that having such a short period of time in which to make such radical changes is the main issue? Is it because it is too reactionary?

**Phil Arnold:** The situation has been caused by a mixture of things. A perfect storm is happening.

There are a range of funds. There are funds from public donations, which are challenging because of the cost of living crisis, and we do not have the access to European funds for grants that we used to have. In Scotland, different processes have happened, and there are more resettlement contracts for the third sector in other countries.

Getting funding for the sector is incredibly challenging at the moment.

We are also trying to build capacity. Casework is becoming far more complex, more and more protection issues are emerging and instances of mental health issues, suicide ideation and trafficking risks are all going up. From an operational perspective, it takes a significant period of casework support to create a space of safety.

I referred earlier to the surveys that we undertook, and in Scotland, alarmingly, 80 per cent of clients informed us that they needed our help to deal with a situation of safety. If that is representative of the 11,000 people we supported during the five-year period, a very unsafe situation is occurring for people.

**Roz McCall:** I need to move on, but I have got the gist of your concerns.

What are the main pressure points for third sector organisations that support refugees and asylum seekers? You have both touched on that a bit, but could Graham O'Neill answer that question for me, please?

**Graham O'Neill:** Phil Arnold talked about spaces of safety, which is a really good frame to look through, because they are dwindling, and there are various reasons for that. Funding is often one. There is less funding for everybody at the moment, and the third sector is definitely suffering disproportionately.

If the Illegal Migration Act 2023 duty to remove is commenced—let us be honest: it will be commenced, and I think that it will happen within two months—it will be like a switch, and tens of thousands of people's applications to the asylum procedure across the UK could be made permanently inadmissible, perhaps immediately and certainly by the end of this year. Also, if trafficking is involved, which it often is, people will not be able to access support rights. Essentially, the state is closing the door on those people and the third sector. The 2023 act is a foreseeable risk, and, to put it mildly, it will aggravate the pressures on organisations like us and on others.

We have a lot of advisers and case managers, as do the British Red Cross and others, and they are suffering. People are burning out and are struggling to cope. They will, because of the issues that they are dealing with. There is a perfect storm at the ground level, and it is also up at the high level. We are starting to see mental health issues, pressure on staff and the worsening risk of people being exploited, and we will continue to see that unless—like child protection and homelessness assistance—the third sector that works for this particularly vulnerable group has

funding, resources and other forms of support prioritised for it.

**Roz McCall:** I understand that. I am sorry that I am keeping answers tight, but I am aware of the time, and we have a lot of questions. I am aware of the main pressure points, and you gave me a good example of where two or three of them are.

What differences do you see in how you support people who are granted refugee status compared with those who are in Scotland under a UK resettlement scheme? Are there also differences between those who are here on different resettlement schemes? Phil Arnold, I will put that one to you. I am sorry that I am only asking one of you, but we are short of time.

**Phil Arnold:** That is fine. We are not contracted to provide support in Scotland for the resettlement programmes, although funding tariffs are available for local authorities. About half of our clients are in the asylum system or were refused by it. We provide support through the move-on phase and for people under the family reunion process.

Although we are not contracted to provide support for resettlement programmes in Scotland, we are in some other places. Different frameworks govern how people are treated and what happens prior to people arriving. Some learning can be applied from the resettlement programmes, such as how to prepare in advance of arrivals in family reunion cases.

In relation to the new Scots strategy, we suggested that, although it is great to have integration from day 1, we need the planning and processes to take place before day 1 to make integration work effectively for people on day 1. There are routes to apply learning from resettlement more widely.

Different funding tariffs are available through the resettlement scheme that are not necessarily available for people under other programmes. How do you have a funding strategy in Scotland that recognises the different schemes that exist, and how can you effectively ensure that the support is there for everybody?

**Roz McCall:** That was a good answer. Thank you. I am sorry that that was short.

**The Convener:** I have several questions on the theme of what further support from the Scottish and UK Governments might be useful. How should the UK Government be addressing the backlog in asylum claims? I ask Phil Arnold to answer that in as quick and concise a way as possible.

**Phil Arnold:** We are in support of simplifying the asylum process so that it enables people to get recognised as refugees earlier, quicker and with a more trauma-informed approach. It does not do that at the moment. When the streamlined

asylum process was set up, the questions were complicated, which almost replicated what might happen in a substantive interview, but the forms were just in English and people did not have legal support. We were advised that providing advice from the Office of the Immigration Services Commissioner for the completing of those forms was a regulated activity, and that caused some issues.

It would be great to simplify the process and create a quicker route, but that needs to be done in a trauma-informed way, and it needs to happen with inside legal support so that people can understand and navigate the process effectively. There are significant concerns about the administrative issues that go alongside the asylum system. The concerns around withdrawals have a significant impact on people's rights and ability to start life again if they are unaware of what to do.

On dispersal, house moves can be disruptive to people's ability to integrate, and a more effective dispersal framework that would build in integration from day 1 is required at this point.

**The Convener:** Graham O'Neill, what more could the UK Government do to ease the pressure on local authorities and third sector organisations?

**Graham O'Neill:** In a similar vein to what Phil Arnold has been saying, we would urge the UK Government—perhaps the next UK Government, more realistically, depending on who it is—to have a reset moment for the asylum system and to stand back. We have had the current asylum system since 1999, essentially, with the passage of the Immigration and Asylum Act 1999. We are a generation on now, and we have had some real regressions, in our view, with a weakening of the right to asylum, the right to dignified accommodation and the right to be free from poverty. We think that the asylum system has gone awry, basically. We think that it is really perverse: there have never been more resources in the asylum system than there are today, but all that money is not going to the public good or towards the public interest.

The first thing that we would say to the UK Government—aside from saying not to go there with regard to the Illegal Migration Act 2023—is that it should invest again in the asylum process. It should invest in how the system works across the UK, by which I mean devolved Government, local authorities and central Government having sensible discussions and working together in the way that asylum dispersal was originally conceived in 1999. It largely worked, at least for the first decade. It was not perfect and there were a lot of problems with the system, but it worked compared with where we are now, with a real separation and a parallel asylum system that is done to areas and to countries across the UK.

10:00

There should be a reset moment, which should result in sensible decisions about how intra-UK Government institutions work, with investment in the asylum process and in the people who work in that process, who are often very stressed and who get asked, through the streamlined asylum process that was instigated last year, to make three or four decisions a day. That is quick and dirty stuff, and it should not be like that.

There has been a devaluation of the asylum process, which needs to be reversed. Some structural changes need to happen. People will always move, and they will continue to come to the UK through the asylum process, albeit in very small numbers, relatively speaking. The next UK Government needs to make big political choices about what it is going to do. There is the Illegal Migration Act 2023, and the Government will need to reset how the asylum system is working and to get the different parts of the UK working again on dispersal and the asylum support system as it was always conceived to be. It should invest in the asylum process and, as Phil Arnold said, it should build integration into the asylum process when we are thinking about where we are putting people or moving people. Work should become part of the conversation, too, as it has in other European countries.

**The Convener:** I turn to more of a local issue, and I wonder whether you have an awareness of this happening across Scotland, particularly regarding Ukrainian refugees who are being housed in hotels. In my local area, they have been given notice to quit the hotel, and they are hugely concerned. They have been there for quite some time and they have already been working or attending college, for instance. Their families are there, their children are at school, and they are now registering as homeless, basically. They are concerned about the upheaval of it all. Is that upheaval and change something that you recognise across Scotland and the UK?

Would you like to respond, Phil?

**Phil Arnold:** We are not funded specifically for the Ukraine response in Scotland. Significant changes have taken place.

I want to highlight one point. A whole set of strategies are working together in Scotland, as well as the Ukraine response. One aspect of that is the ending destitution together strategy. We have a programme through the Scottish crisis fund involving 35 partners across 26 local authority areas. Over the past couple of years, that programme has supported more than 3,000 people, providing emergency cash. Around 900 children are among those who have accessed that emergency cash.

Lots of changes always take place for individuals. Part of that involves how the destitution strategies to create safe spaces work alongside the new Scots strategy, while plans are put in place to ensure that there is a safety net for everybody, irrespective of the situations that occur. Partly because of pressures, we do not currently have a long-term picture of how the strategies all work together so that we can ensure there is a protective space for everybody, including the Ukrainian families you have mentioned.

**Paul O’Kane:** I will pick up on some of the points that you have raised in your questioning, convener.

The Scottish Refugee Council’s briefings for our debates in Parliament on the Illegal Migration Bill referred to the importance of having a mitigation strategy from the Scottish Government. The Government has said that it is challenging to provide one, as it is not entirely clear what the provisions of the UK Government’s bill will be or when they will be enacted. Graham O’Neill, you have mentioned a mitigation strategy a number of times this morning and I am keen to hear your view on whether providing that is still important.

**Graham O’Neill:** A strategy is needed because the need for mitigation is foreseeable. The UK Government could not be clearer about its intentions. Sadly, the UK Parliament is about to pass the Safety of Rwanda (Asylum and Immigration) Bill. That will lead to the commencement of section 2 of the Illegal Migration Act 2023, which is the duty to remove. That provision envelops all people who arrive in the UK through irregular means, which will be the vast majority of refugees and people seeking asylum, which will include survivors of trafficking.

Sadly, the UK Government has been grimly clear about what it will do those people. It will at least hold them in part detention or in quasi-institutional accommodation facilities. It expects people to survive on around £1.30 to £1.40 a day through its—I put this in inverted commas—“asylum support system”. All of that is about to happen.

We think that the UK Government will try the test flights to Rwanda in the next two months, using the provisions of the Nationality and Borders Act 2022. That will be legally challenged in the courts. I suspect that it will wheel out and commence the duty to remove. Then it will do what it does—all the grim politics, with all the grim visuals around that—and say that that will enable the flights to Rwanda to take off.

As we have said frequently, we will see loss of life as a result of that. That will happen, and we must point that out in forums such as this one. The

UK Government, the Home Office and officials know it. It might sound like I am speaking emotively but, believe me, I am not being emotive. I am being crystal clear that the risk of suicide ideation, self-harm and death by suicide, in particular, will be heightened significantly as soon as the measures come in. Those not only will affect the individuals on a flight to Rwanda but will deepen the chilling effect.

Therefore, we need to have an integrated plan in Scotland. We understand the Scottish Government’s position that this has been a really difficult period—a limbo period—in which it has not known when the UK Government will commence the provisions. However, the duty to remove will be commenced. The UK Government will commence the provisions this side of a general election; it would not have put them in place otherwise. The provisions will be commenced when the Safety of Rwanda (Asylum and Immigration) Bill is passed.

Once that happens, we will be faced with the predicament that we have all spent the past year talking about in this committee and other committees, which is: what will happen to those people? What will happen to those people who are permanently inadmissible to the asylum system, who will have no access to trafficking support rights, including in Scotland?

It is dead clear that that will happen, so we need to get an integrated plan in place. It is important that that is part of or links to the new Scots strategy—of course that is important, because that is one of the relevant strategies. We need something in place, because the switch is getting turned off and a lot of people will be left in the dark in very dangerous situations as the asylum and trafficking support door has been closed on them.

**The Convener:** I am conscious of the time. Paul, do you have any further questions?

**Paul O’Kane:** No, convener. The new Scots strategy has been covered adequately, so I am happy to hand back to you.

**The Convener:** That concludes the evidence session and our public business. I thank the witnesses for joining us this morning. Hearing your evidence has been particularly interesting, so thank you for that.

We will now move into private to consider the remaining items on the agenda.

10:08

*Meeting continued in private until 11:01.*

This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

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Published in Edinburgh by the Scottish Parliamentary Corporate Body, the Scottish Parliament, Edinburgh, EH99 1SP

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