



Glasgow City Council

Report to Asylum Task Force

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Subject Asylum Seeking

EXECUTIVE SUMMARY

1. ASYLUM TASK FORCE SUMMARY

- 1.1. Most people seeking asylum can request support in the form of housing and/or basic living expenses while in the UK through a scheme administered by the Home Office.
- 1.2. Accommodation is offered, by the Home Office, to families and others who are destitute or about to become destitute, including their dependents. Unaccompanied asylum seeking children are supported by social care services, generally in care settings, with some financial support from the Home Office.
- 1.3. When the task force was formed, c.45,000 people were seeking asylum in the UK, and approximately c.42,000 were in Home Office supported accommodation. The remainder were in receipt of subsistence only, or did not qualify for Home Office support.
- 1.4. Glasgow is home to c.4,000 of those asylum seekers, who are provided Home Office contracted accommodation, which (in Scotland) is provided by SERCO (moving to Mears by September 2019).
- 1.5. When a person's application for asylum has been determined and their appeal rights exhausted (or are considered to not have acted in accordance with Home Office processes and / or in the time required), the Home Office will give notice to the refused applicant that their entitlement to support (accommodation and money), will end in 21 days. The Home office will also stop paying its housing contractor, which in Glasgow is currently Serco, at the expiration of this 21-day notice.
- 1.6. When the task force was formed, the proposed process for removing people from the accommodation (i.e. lock changes), was subject to legal challenge. There were 329 people (251 cases), affected by this. The breakdown of that number is noted below:
 - 31 cases (94 people), positive decisions (i.e. so granted refugee status)
 - 37 cases (42 people), negative decisions but appeals/claims etc. pending
 - 50 cases (55 people), negative decisions but potential appeals/claims
 - 133 cases (138 people), negative decisions with no know appeals/claims
 - These 138 people (none of whom were families with children), were the only group with no known, or expected barriers to eviction (subject to the pending court cases).

240 of the 251 cases were all adults (i.e. not families with children). The 11 of the 251 cases that were families would all still be provided accommodation, and were therefore not at immediate risk of eviction. For more than half the cases the claimant is aged 30 or under. The countries most represented being Iran, Iraq, Eritrea, and Pakistan.

- 1.7. **The asylum task force was formed to review the legal and process issues for the above noted asylum seekers (i.e. those affected by the proposed lock changes).**

2. ACTIONS BEING IMPLEMENTED

- 2.1. **Lock Change Process Suspended [Section 4.8.1]** – an immediate suspension of any proposed lock changes was implemented by SERCO for the affected cases, and also for any new cases since.
- 2.2. **Data Sharing Partnership [Section 6.2]** – a new data sharing agreement has been created, giving partners visibility of claimant status, to provide earlier access to advocacy.
- 2.3. **Data Sharing Reports [Section 6.2]** COSLA's migration and diversity team, via new data from the Home Office, have now been sharing weekly details on numbers, profiles and trends of supported asylum seekers in the city.
- 2.4. **Home Office Case Review [Section 7.3]** – a new partnership review is being supported of all existing cases at risk of eviction, to identify any vulnerable cases, and to ensure appropriate referrals are in place to statutory services that could reduce eviction risk.
- 2.5. **Multi-Partner Support Process [Section 7.4]** – a new partnership multi-lingual approach to work with affected people to secure submissions and appeals for their cases to reduce eviction risk, focused on securing claimant permission to share data across all key partners to support representation. This process will then remain for business as usual.
- 2.6. **Third Sector Support [Section 7.4.7]** – a new active direction to support and advocacy services with the Scottish Refugee Council (SRC), Govan Community Project, and British Red Cross, to ensure appropriate representations are made for clients, as this can reduce eviction risk by 84%¹.
- 2.7. **Capped Accommodation Removal Process** - subject to the outcome of the pending court process, a new process has been agreed, that will limit the flow of cases through any ending of Home Office accommodation support, and ensure the multi-partner support process has an opportunity to lodge any necessary appeals. So, while support for accommodation will continue to end, the removal process will be managed in small weekly numbers, and this will apply to the immediately affected cases and considered for business as usual.

¹ The 84% does relate to a small sample of cases, and over six months ago. The Scottish Refugee Council, British Red Cross and Govan Community Project, during a monitoring period in the spring of 2018, made 147 applications. In terms of sample scale, the Home Office receive approximately 80 per week. Of the 147, 115 had received decisions and 32 were still pending at the end of the monitoring period. From the applications that had received a decision at least 97 had positive outcomes either on application or on appeal, that being 84% of applications.

3. ACTIONS RECOMMENDED

- 3.1. **Claim Registration (Regional) [Section 4.2.1]** – only families or vulnerable people can claim asylum at a regional centre (e.g. Glasgow), most people must go to Croydon, and by their own means, which is often supported by charities. **The task force recommends that this process be reviewed by the Home Office, and a pilot be undertaken with Glasgow, to reduce or remove the need for claimants to travel to Croydon, to then find they are dispersed back to Glasgow.**
- 3.2. **Further Submissions (Regional) [Section 7.4.8]** - Home Office Section 4 support casework team triage Section 4 support applications. However, further submissions still require most claimants to travel to Liverpool. **The task force recommends that this process be reviewed by the Home Office, to remove the need for claimants to travel to Liverpool, for cases where they are already dispersed to Glasgow.**
- 3.3. **Employment [Section 4.4.2]** – asylum seekers are not allowed to work in the UK. If a claim takes over 1-year to be processed, they can apply for the right to work, but this is restricted to a very small number of jobs and it is extremely rare for anyone to be granted that right. For many asylum seekers this means, despite often being skilled workers and very keen to be in paid employment, they are forced to be dependent on government funds for accommodation and subsistence. This increases financial pressure on both local and central government bodies. **The task force recommends the Home Office support a pilot, in Glasgow, allowing asylum seekers to work, 6-months after asylum claim has been submitted, until final determination, without existing limitation on occupation.**
- 3.4. **Section 4 Support [Section 4.7.2]** – in theory, refused² asylum seekers will have access to Section 4 accommodation, or other statutory services, or will be detained for deportation. However, many refused asylum seekers are refused Section 4 support, and do not receive other statutory services, and are not detained for immigration enforcement. Appeals and the legal process can take longer than the allowed 21-days. This means people find themselves in destitution, and presenting themselves to local authorities or charitable organisations, and as they are not supported, they may be at risk of exploitation. **The task force recommends that the Home Office review advice on application of Section 4 decisions, and publish guidance on its application, in particular referencing where Section 4 support can be applied where the Home Office cannot apply immigration enforcement (e.g. due to difficulties with travel documentation), or appeal process delays beyond control of the applicant (e.g. accessing overseas evidence). Where guidance cannot support that, the Home Office should consider recommendations for changes in legislation, to ensure people are not left destitute through non-enforcement (and detention accommodation), or delays in legal or benefit processes.**
- 3.5. **Identity & Travel [Section 4.7.2]** – many asylum seekers reach the end of the process, having not yet secured key identity and travel papers. Where Section 4 support is denied, this leaves people destitute and unable to voluntarily return home. **The task force recommends the Home Office identify where multi-partner support can help assist asylum seekers, earlier in the process, to secure essential identity and travel papers.**

² Note, 'refused asylum seeker' generally refers to people who are also appeal rights exhausted
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- 3.6. **Amnesty [Section 4.7.4]** – for some asylum seekers, the securing of evidence, or the processing of appeals, or awaiting a final decision on their case, can extend from months to years. **The task force recommends that the Home Office consider an amnesty to allow asylum seekers, with unsecured positive outcomes after 3-years, limited leave to remain in the UK equivalent to the 5-years refugee status.**
- 3.7. **Safeguarding Responsibilities [Section 8.1]** – during the course of the task force it became clear that there is a lack of clarity on the Home Office assessment of vulnerability and its coherence with a local authority definition and assessment of vulnerability which resulted in risk for asylum seekers, particularly those with NRPF. **The task force recommends that the Home Office review its policy and assessment of vulnerability on a joint basis with local authorities, with Glasgow providing a pilot for implementation of a shared approach.**
- 3.8. **Contract [Section 10.2]** - the transition of accommodation and support provision from SERCO to Mears, will impact existing and planned housing provision. Impacts to communities, and asylum seekers (including those presently with no funding, but still housed by SERCO), will require support from Mears, the Home Office, Glasgow City Council, GCHSCP and the third sector (e.g. SRC, BRC, Night Shelter). **The task force recommends a regional partnership board is formed for statutory partners (e.g. Mears, Serco, Home Office, Glasgow City Council, GCHSCP, COSLA), to ensure the new contract has adequate clarity across partners and any supporting governance during implementation. The Partnership Board will monitor dispersal to the city, review the performance and governance of the contract, manage risks and issues with formal risk processes, and ensure the best experience of asylum dispersal for service users and the communities in which they live is delivered. This group should also inform UK wide structures that are being set up to ensure that there is appropriate oversight of the contract at a national level.**
- 3.9. **Unaccompanied Asylum Seeking Children [Appendix 2]** – are looked after via the Glasgow City Health & Social Care Partnership (GCHSCP). However, accountability for support extends to a different age in Scotland (than England), and not all cases are deemed eligible for Home Office funding. **The task force supports current representations to the Scottish Government, Home Office and the UK government on this funding gap.**

ASYLUM TASK FORCE – FULL REPORT

4. Asylum Seeking Overview

4.1. Asylum Seeker

- 4.1.1. An asylum seeker may be a displaced person or a migrant, who is seeking refugee status. A person becomes an asylum seeker by making an application for the right to remain in the UK and keeps that status until the application has a positive or negative decision.
- 4.1.2. Claiming asylum focuses on the principle a person is unable to seek protection in their home country, as they fear persecution on the grounds of race, religion, nationality, or membership of a particular social group or political opinion³.

4.2. Claiming Asylum

- 4.2.1. People must present to authorities when they arrive in the UK or as soon as they think it would be unsafe for them to return to their own country. Only families or vulnerable people can do this at a regional centre (e.g. Glasgow), most people must go to Croydon, and by their own means (the Home Office don't provide funds for travel to Croydon), so travel is often supported by charities. **This could exacerbate destitution and can lead to local authority input in both locations.**
 - 4.2.2. If people without a legal right to stay in the UK choose to stay, and not make a claim for asylum, they may be arrested on immigration offences. Immigration officers do however also support submitting asylum claims.
 - 4.2.3. Asylum seekers are asked to explain and (if possible) provide evidence on persecution in their home country, and why they are afraid to go back. The evidence required can take time to secure. **Non-government agency support to asylum seekers, on asylum support appeals, dramatically alters the decisions reached, in some cases by up to 84%⁴.**
- #### 4.3. Health, Education & Social Care Services
- 4.3.1. Irrespective of any asylum application decisions, throughout their stay in the UK, some core public services can be accessed or provided. For example, some health care via the NHS, education for children, and (where required) residential care for adults or children via health and social care partnerships (HSCP). This is also true for unaccompanied asylum seeking children (UASC), who are potentially eligible for aftercare support from Glasgow HSCP, up to the age of 26.

³ The Convention Relating to the Status of Refugees, also known as the 1951 Refugee Convention, is a United Nations multilateral treaty that defines who is a refugee, and sets out the rights of individuals who are granted asylum and the responsibilities of nations that grant asylum.

⁴ The 84% does relate to a small sample of cases, and over six months ago. The Scottish Refugee Council, British Red Cross and Govan Community Project, during a monitoring period in the spring of 2018, made 147 applications. In terms of sample scale, the Home Office receive approximately 80 per week. Of the 147, 115 had received decisions and 32 were still pending at the end of the monitoring period. From the applications that had received a decision at least 97 had positive outcomes either on application or on appeal, that being 84% of applications.

4.4. **Subsistence & Employment**

- 4.4.1. For asylum seekers who are destitute, £37.75 per person/week is provided for food, clothing and toiletries, plus small top-ups for maternity, and children. In interim short-term accommodation it is cash handed out by SERCO (who are the Home Office contractor for accommodation in Scotland), and in most other cases and longer-term accommodation, it's a charge card called ASPEN (the same as a Visa debit card).
- 4.4.2. Asylum seekers are not allowed to work in the UK. If a claim takes over 1-year to be processed, they can apply for the right to work, but this is usually restricted to certain careers. **For many asylum seekers this means skilled workers are dependent on government funds for accommodation and subsistence, as opposed to paid employment.** This increases financial pressure on both local and central government bodies.

4.5. **Dispersal & Accommodation⁵**

- 4.5.1. The policy of dispersal of those seeking asylum accommodation in the UK was introduced by the Immigration and Asylum Act 1999. The legislative intention was that by distribution across the country no one area would be overburdened by the obligation of supporting asylum seekers.
- 4.5.2. Asylum seekers can apply for support while waiting for their claim (or appeal) to be considered⁶. Support can be for accommodation and/or subsistence, according to their circumstances but on the condition that they satisfy a destitution test. If provided, accommodation is offered in a dispersal area outside of London and the South East of England.
- 4.5.3. There are currently three providers of accommodation for asylum seekers: SERCO, G4S and Clearsprings. Each has a COMPASS (Commercial and Operational Managers Procuring Asylum Support Services) contract awarded by the Home Office in 2012. A new contract is being put in place to start in 2019, for Scotland this has been awarded to Mears.
- 4.5.4. The Home Office has voluntary agreements with around one-hundred local authorities throughout the UK in accepting the dispersal of asylum seekers. As part of the regional dispersal policy established in 2000 an advisory 'cluster limit' was set by the Home Office at 1 asylum seeker for every 200 of the settled population in individual council wards. SERCO is contracted, by the Home Office, to provide this accommodation. Glasgow is the only local authority in Scotland to offer this, and also sees the 'cluster limit' being exceeded⁷.

4.6. **Granted Asylum**

- 4.6.1. Successful applicants will be granted refugee status and will be allowed to stay in the UK, ordinarily for five years in the first instance. This is termed a 'positive decision'. Various partners, including Glasgow Health and Social Care Partnership, support people with positive decisions to move-on to their own accommodation and any relevant benefits⁸. If

⁵ Policy on the dispersal of asylum seekers. Parliament questions, published 29th April 2016: https://researchbriefings.parliament.uk/ResearchBriefing/Summary/CDP-2016-0095#_ftn2

⁶ Under section 95 of the Immigration and Asylum Act 1999

⁷ The original contract with Glasgow, termed the TARGET contract, did not agree a cluster limit. The continued legacy of that is the 1:200 is viewed from a guidance perspective, as opposed to a limit that must at all times be adhered to.

⁸ The task force viewed the positive move-on aspect to be out of scope, as this has its own protocol and is already successfully managed in the city. This is covered in Section 7 of this report.

the situation in their home country has not improved after five years, they can apply to stay permanently.

4.7. **Refused Asylum**

4.7.1. Unsuccessful applicants, which is termed a 'negative decision', are considered to be refused asylum seekers. The Home Office retains accountability for refused asylum seekers. Accommodation and subsistence support is put in place by the Home Office for families and for some others who become destitute.

4.7.2. In theory, refused asylum seekers will have access to Section 4 accommodation, or other statutory services, or will be detained for deportation. However, many refused asylum seekers are refused Section 4 support, and they do not receive other statutory services, and are not detained for immigration enforcement, nor choose to leave the UK voluntarily. **This means people find themselves in destitution, and presenting themselves to local authorities or charitable organisations, and as they are not supported, they may be at risk of exploitation.**

4.7.3. For some refused asylum seekers, the Home Office does begin the process of removing them from the UK. Some are offered tickets and/or money to leave voluntarily and reintegrate to their home countries. Depending on the nature of their claim, they may be put in a detention centre or temporary housing.

4.7.4. Removal can be complicated by legal challenges, as many will be vulnerable and may have suffered abuse or torture. It can also be a lengthy process (or sometimes refused asylum seekers do not support the process) to get new identification documents issued by countries of origin, increasing the risk of destitution. **For some people, several years can pass with no stable residency status.**

4.8. **SERCO**

4.8.1. For refused asylum seekers, who are **not** eligible for support, Serco therefore have no contractual obligation to provide support to these people, and the Home Office no longer pay Serco for the accommodation and support. Asylum seekers are told to leave their accommodation by the Home Office, however many do not leave voluntarily. Serco intended to evict these people. Serco have committed, while a court decision is awaited, to suspend all lock changes on these properties. There were **251 cases** of interest, covering **329 people**.

4.9. **The asylum task force was formed to review the legal and process issues for the noted asylum seekers. The agreed terms of reference are noted below.**

5. ASYLUM TASK FORCE

5.1. Terms of Reference

- 5.1.1. The council task force has been formed to engage with government and non-government stakeholders, including third sector partners and legal charities, **to review the legal and process issues for the noted asylum seekers.**
- 5.1.2. The task force terms of reference are; to operate as a point of escalation, and partnership, and to govern, steer and validate the delivery from the noted work streams, as per their terms of reference. There are two work streams, legal and process.
- 5.1.3. The task force 'legal work stream' terms of reference are; to clarify each organisation's legal rights and duties, legal restrictions and areas of agreement or disagreement on fact or law as regards those rights, duties and restrictions. To support the process work stream in any issues regarding law, or the use or access of data.
- 5.1.4. The task force 'process work stream' terms of reference are; to ensure that there is an effective process and data sharing which will allow the task force to support the welfare of those people affected, and ensure signposting of the available advice and support options for the individuals affected is clear.

6. ASYLUM SEEKING DATA

6.1. Definitions

- 6.1.1. People seeking asylum can access support in the form of housing and/or basic living expenses while in the UK through a scheme administered by the Home Office. This support scheme was set up by the Immigration and Asylum Act 1999.
- 6.1.2. **Section 95** support is aimed at asylum seekers whose claims are ongoing, who are destitute or about to become destitute, and their dependents. This support can take the form of accommodation within a dispersal area and/or subsistence costs.
- 6.1.3. **Section 4** support is aimed at asylum seekers who have exhausted all appeal rights, are destitute, unable to return home via specific set of criteria set out by the Home Office. This support takes the form of accommodation within a dispersal area and subsistence costs.
- 6.1.4. **Section 98** support is a form of temporary support that is provided to asylum seekers who appear to be destitute and who are awaiting a decision on their application for Section 95 asylum support. This support takes the form of full-board accommodation or accommodation with subsistence within a dispersal area known as Initial Accommodation.

6.2. General Data & Trends

- 6.2.1. To support data sharing, and direction of clients to support agencies, a GDPR compliant data sharing agreement has been put in place to provide clarity on case status. This will also allow the Home Office (via Migrant Help), to better direct asylum seekers to support from other non-government bodies (e.g. Scottish Refugee Council). Below are some of the data trends COSLA have been able to evidence.
- 6.2.2. At the end of Q2 2018, 42,808 people were seeking asylum in the UK and in receipt of Section 95 support. 39,876 were in dispersal accommodation. The remainder were in receipt of subsistence only support. At the end of Q2 2018 there were a further 1,738 asylum

seekers in Initial Accommodation and in receipt of Section 98 support, and 4,179 people who were accessing Section 4 support.

- 6.2.3. Over the last year the number of people seeking asylum has steadily risen with nearly a 10% rise in those in receipt of Section 95 support since the end of Q2 2017. However, these numbers are a long way from the totals that have been seen in the past, particularly in the period 1999-2002 when the total number of asylum seekers peaked at 84,132 in 2002.
- 6.2.4. At the end of Q2 2018, Glasgow was home to 3,934 asylum seekers in dispersed accommodation, a further 465 people in receipt of Section 4 support and 176 people within Initial Accommodation and in receipt of Section 98 support. This represents approximately 10% of the total asylum population within the UK and Glasgow has seen similar increases month on month as the national picture over the last year.
- 6.2.5. Scotland is the fourth largest dispersal area in the UK – the North West of England hosts approximately 24% of all dispersed asylum seekers, followed by the West Midlands and Yorkshire and Humber, both of which host approximately 13% of the total number. However, Glasgow, as the only dispersal area in Scotland is the single largest dispersal local authority area in the UK. It continues to host above Scotland's population share of 8%, with c.10% of the UK's dispersed asylum population currently being housed in the city.
- 6.2.6. While there have been attempts to monitor and agree the number of asylum seekers dispersed to Glasgow, in reality the council has had limited ability to do this under the current contractual arrangements. For instance, while there are at least notional agreements in some parts of the UK, which set 'cluster limits' of 1 in 200 asylum seekers in individual council wards, these limits are not yet agreed for Glasgow, with numbers well in excess of that in certain parts of the city⁹.

6.3. **Cases In Scope**

- 6.4. At the end of August 2018 (shortly after the asylum task force was formed), there were **251 cases** of interest, covering **329 people**.
- 6.5. **August 2018:** of the 251 cases, 240 were all adults (i.e. not families with children), and 11 were families, with dependent children. For more than half the cases the claimant is aged 30 or under. The countries most represented being Iran, Iraq, Eritrea, and Pakistan. The breakdown of the 251 cases (August 2018) is noted here:
- 31 cases (94 people), **positive** decisions (i.e. granted refugee status)
 - 37 cases (42 people), negative decisions but appeals/claims etc. pending
 - 50 cases (55 people), negative decisions but potential appeals/claims
 - 133 cases (138 people), negative decisions with no know appeals/claims – this is the only group with no know, or expected barriers to eviction

⁹ The original contract with Glasgow, termed the TARGET contract, did not agree a cluster limit. The continued legacy of that is the 1:200 is viewed from a guidance perspective, as opposed to a limit that must at all times be adhered to.

- 6.6. **January 2019:** of the 251 cases, covering 329 people, the status is now;
- 58 cases (139 people), **positive** decisions (i.e. granted refugee status), of which:
 - 18 cases (61 people) now accommodated via GCC
 - 20 cases (44 people) have left the SERCO property
 - 20 cases (34 people) are still resident in the SERCO property, of which:
 - 3 cases offered but not yet moved (and 1 has refused)
 - 5 cases are not complying/contacting GCC
 - 4 cases in grant process / awaiting papers or BRP
 - 4 cases with medical issues or letters causing delayed
 - 4 cases status not confirmed (SERCO to advise)
 - 39 cases (50 people) are closed cases, of which:
 - 1 case was an absconder
 - 4 cases were for people removed from the UK
 - 2 cases were voluntary returns to home country
 - 2 cases were detentions
 - 2 cases have now become family cases
 - 23 cases have chosen to leave the property
 - 5 cases (5 people), negative decisions, reconsideration pending
 - 11 cases (12 people), negative decisions but appeals/claims etc. pending
 - 26 cases (30 people), negative decisions but further submissions required
 - 1 case (2 people), withdrew their asylum claim
 - The balance are negative decision cases with no know appeals/claims – this is the only group with no know, or expected barriers to eviction
- 6.7. While original case numbers have dropped, due to positive decisions, asylum seekers have continued to receive negative decisions from the Home Office and take the case numbers to **309 cases** of interest, covering **327 people**.

7. ASYLUM SEEKING APPLICATION PROCESSES

7.1. Process Review

7.1.1. On the 5th September 2018, a multi-partner workshop was facilitated to define a 'case review process'. Delegates included; Home Office, British Red Cross, Scottish Refugee Council, Migrant Help, COSLA, SERCO, Glasgow Health & Social Care Partnership, facilitated by Glasgow City Council. The workshop agreed a new process, subject to any pending court decisions, and subsequent review, this is included as **Appendix 1**.

7.2. Scope of Process Review

7.2.1. In terms of the full process of claiming asylum (e.g. from reporting at port of arrival etc.), the high level *summary* process is shown at **Appendix 1**, but is not fully narrated here.

7.2.2. The process narrative below is limited to the scope of the asylum task force, so starts with the current status of the existing cases (i.e. each applicant is now known, and has relevant applications or appeals submitted, some with final negative decisions and appeal rights exhausted), and follows the potential steps they may now take in terms of their asylum application, and the process for managing the positive and negative decisions that may stem from that.

7.3. Home Office Case Review Process

7.3.1. Section 7.3 (below) can be viewed as a process flow in **Appendix 1** [See Pages 30-32].

7.3.2. It was agreed, that four teams from the Home Office (UKVI, RCM, ICE and ROM), will review cases, checking for any asylum process barriers or vulnerabilities that could be actioned, to ensure none of the noted cases are at risk, be that through vulnerabilities or lack of potential appeals or claims. This will include supporting referrals to other government and non-government bodies.

7.3.3. The Home Office UK Visas & Immigration team (UKVI), will undertake an initial review, this will include creating templates identifying immigration history and any safeguarding issues, and ensuring any referrals are made.

7.3.4. The Home Office refusal case management team (RCM) will triage the further submissions appointments and further submissions lodged. The Home Office immigration compliance and enforcement team (ICE), and the Home Office reporting centre (ROM) will review all cases for potential removal action if suitable and for those that report, they will ensure they are offered assisted voluntarily return (AVR).

7.3.5. The above review activity will be recorded on the database (CID), updating the system to note any welfare or safeguarding issues, behavioural risks, and the offer of assisted voluntary return, and/or section 4 support via a claim¹⁰.

7.3.6. The Home Office accommodation team (UKVI COMPASS), will complete a weekly report on these cases via their management information team (UKVI PRAU and UKVI MI) that will flag any new further submissions, applications or appeals being added to any case.

¹⁰ The accommodation for refused asylum seekers who are destitute, is referred to as Section 4 accommodation.

- 7.3.7. This weekly report will identify cases where no further appeals, claims or safeguarding issues are expected, and (once the pending court cases are completed), SERCO will confirm a small number of these cases each week (e.g. 10), for consideration for eviction. This small group of potential eviction cases will be confirmed to the Home Office, a minimum of 1-week before any potential service of the 21-days agreed notice to service users (SU), identifying any concerns they may have regarding vulnerability or welfare.
- 7.3.8. Within 1-day of receiving this list from SERCO, the Home Office (UKVI) will re-review the system for each individual case for any notes on welfare, safeguarding or behavioural risks and any process barrier notes and update case information, and share this with Glasgow City Council.
- 7.3.9. Representatives of the Home Office (UKVI), SERCO, Glasgow City Council (GCC) and Glasgow Health and Social Care Partnership (HSCP) will meet jointly either in person or by telephone to agree definitions and actions for cases by type. Where there are concerns about vulnerability of a service user, where no service intervention is already in place by either the local authority or HSCP, individual care referrals would be made to the relevant statutory partners.
- 7.3.10. The intention of these meetings is for the local authority and the health and social care partnership to act in an advisory capacity in order to ensure appropriate referrals for assessment for any duty that may be owed under legislation¹¹.
- 7.3.11. It is likely that in most instances that concerns about the vulnerability or immediate wellbeing of a household will already have led to a request for service where appropriate, however in a small number of cases there may be concerns that emerge post decision. In such instances, SERCO housing officers will liaise with their team leader to determine whether a request for service/assessment from the local authority, or health and social care partnership should be made.
- 7.3.12. Where it is agreed that a referral is required, it will be made within 24 hours. All referrals will be made on the vulnerable adult emergency safeguarding form, and sent to Glasgow City Council Social Care Direct, and the Home Office safeguarding team.¹²
- 7.3.13. In all such instances stated above, Glasgow City Council and Glasgow HSCP commit to providing a written outcome updating as to whether based on the concerns raised a requirement for assessment exists, and if so what the outcome of any assessment was prior to the expiry of the eviction notice (i.e. within a maximum of 21 days). Where it is agreed assessments are required then these cases will be deferred in the eviction process, and notices of eviction stopped by the Home Office and SERCO.
- 7.3.14. Having followed the above process, this will allow the Home Office to confirm the cases that will be served the eviction notice(s), via SERCO.

¹¹ Social Work (Scotland) Act 1968, Mental Health (Care and Treatment) (Scotland) Act 2003, Children (Scotland) Act 1995, Adult Support and Protection (Scotland) Act 2007 and other relevant acts.

¹² AP1 (Appendix 3) to Social Care Direct via email to socialcaredirect@glasgow.gov.uk. Telephone follow up can be made on 0141 287 0555. All email referrals must also have the Home Office UKVI Safeguarding Team copied in at SafeguardCoordinatorSNI@homeoffice.gsi.gov.uk

- 7.3.15. Glasgow City Council and the HSCP will be advised of the final cases that will be served the eviction notice(s).
- 7.3.16. **The process above should allow families to be excluded from the following eviction steps, as nearly all adults with minor dependents retain access to Home Office funded accommodation and subsistence even if their asylum seeker claim is refused.**
- 7.4. **Multi-Partner Support Process (Subject To Court Case Outcomes)**
- 7.4.1. SERCO will serve 21-day eviction notices and confirm to the Home Office (UKVI) and Glasgow City Council, that 21-days notice has been provided.
- 7.4.2. A SERCO housing officer will provide the 21-day notice in writing with signposting to Migrant Help (the Home Office contracted support provider), and other organisations for groups and advice.
- 7.4.3. A new information and advice leaflet has been drafted in conjunction with government and non-government bodies to explain the importance of securing support, particularly around further submissions, claims or appeals, and has been translated to the most commonly used languages. This will be provided to all cases pending eviction, and earlier in the process for currently affected cases.
- 7.4.4. SERCO housing officers will endeavour in all cases to provide the information contained within the letter, leaflet and notice to quit user verbally utilising translation services. In addition the service user will be provided with a written copy of the letter and notice to quit in both English and in their first language, if it falls within the most common ten languages of the asylum population.
- 7.4.5. Migrant Help will be notified of the service user details served within 1 working day agreed to prioritise these cases for urgent appointments within 5 working days. The Home Office (UKVI) will share their template with Migrant Help to establish case status and options open to the service users, as well as any vulnerabilities or behavioural risks.
- 7.4.6. Migrant Help have agreed to provide additional resource to enable the prioritisation of these cases and will proactively make contact with the service users on the day after service to arrange an appointment within 5 days.
- 7.4.7. As part of a new partnership approach, the Home Office and Migrant Help, have now agreed to brief all service users who attend the appointment on; (a) their options, (b) to request details on any/all other contacts they have for support (e.g. Scottish Refugee Council), and (c) to complete a referral process to ensure people are actively directed to take up active support from external support agencies to ensure any possible rights of appeal, new claims, or further submissions are fully considered and actioned.
- 7.4.8. If this leads to a case review, via further submissions, the Home Office in Liverpool, via the refusal casework management and further submissions team (RCM), have agreed that if an individual wishes to submit further representations from this cohort of cases they will seek to facilitate an appointment as soon as possible. To that end the Home Office (RCM), will add and offer emergency appointments into current scheduling, include booking weekend appointments to enable an appointment within a week of contact. Unless directed otherwise,

the individuals would be expected to attend the further submission appointment in person, in Liverpool. However if there are reasons this is unsuitable these will be considered and postal submission considered. Support claims will be decided within 5 days of receipt.

- 7.4.9. The Home Office section 4 support casework team¹³ have agreed to triage section 4 support applications¹⁴ in conjunction with further submissions, applications and appeals¹⁵.
- 7.4.10. The Home Office weekly report will identify new applications and decision outcomes, which will be shared with SERCO. A weekly written notification will be given to Migrant Help, Glasgow City Council and Glasgow HSCP regarding updates on cases in the served notice process from the Home Office (UKVI).
- 7.4.11. SERCO housing officers will confirm updates to service users during weekly visits on the progress of cases (e.g. application received and decision due when, or serve decisions in person) and if eviction is deferred or cancelled.
- 7.4.12. Those service users who do not make applications, appeals, further submissions or new claims, and have no barrier to eviction, and have no welfare concerns, will be served a 7-day eviction notice by SERCO at the end of their 21-day notice, and again be advised to seek advice from signposted support organisations, as per the new advice leaflet.
- 7.4.13. At the end of the 7-day notice, and there being no new barriers to eviction then SERCO will advise Police Scotland and the Home Office (UKVI) of the eviction date and address in advance to ensure reduced risks to staff and the public. Glasgow City Council and Glasgow HSCP will also be advised, but on the day of eviction. Subject to the outcomes of the pending court cases, the process to then be followed will be as directed by law.

7.5. Home Office Process Complications

- 7.5.1. There are cases where adults with dependents have either not claimed asylum, or have withdrawn a claim, or have not complied with required reporting terms for a claim, who find themselves with support (both accommodation and subsistence), withdrawn by the Home Office.
- 7.5.2. For example, Glasgow HSCP received a referral from the Home Office about a woman in the late stages of pregnancy admitted to Home Office initial asylum accommodation on an emergency basis. The Home Office subsequently decided she didn't qualify for asylum support because her asylum claim was marked as withdrawn. She has since had her baby and the Home Office expect her to leave their accommodation. SERCO did **not** evict her. Even when her solicitor lodges further submissions on her asylum claim, the Home Office will not re-start support until they've decided on the further submissions, which in some cases has led to support from Glasgow HSCP for several months.
- 7.5.3. For these individuals there is a critical need that they seek advice from representative agencies (e.g. Immigration Lawyer, Scottish Refugee Council, British Red Cross), to re-

¹³ This Home Office team are designed to work with the Home Office refusal case management, and refusal case management further submissions teams

¹⁴ The accommodation for refused asylum seekers who are destitute, is referred to as Section 4 accommodation.

¹⁵ Also under Regulation 3(1)(a) for cases of priority consideration, within 5 working days

secure effective claims or appeals. Some of these cases present to the Glasgow HSCP for support, in this regard please refer to the legal rights and duties section of the report.

- 7.5.4. Service users who are evicted on the direction of the Home Office (UKVI), are then assumed to be refused asylum seekers, who are appeal rights exhausted. The Home Office immigration compliance and enforcement teams (who can action detention at any stage of the above processes), are then responsible for ensuring refused asylum seekers do not overstay when they have no legal right to remain.
- 7.5.5. However, the Home Office (ICE) have confirmed it is not possible to (and they do not) detain all such individuals. This is most frequently due to the necessary travel documents not yet being available, or easily obtained.
- 7.5.6. The asylum task force was not able to identify a solution for people who become appeal rights exhausted, with no legal right to remain, who are not now eligible for support (Section 4) for accommodation or subsistence from the Home Office. The Home Office expects (without immigration enforcement) for these people to voluntarily depart the UK. For people who don't voluntarily leave, they are effectively left to rely on charitable and other solutions. Please refer to notes on Section 4 support in the legal rights and duties section of this report.

8. HEALTH & SOCIAL CARE

8.1. There are four key groups of asylum seekers where health and social care will need to provide or assess needs for services:

- **New asylum seekers** with immediate need for assessment or care services
- **Unaccompanied asylum seeking children** (local authority have a responsibility for)
- **Asylum seekers without or refused Home Office support**
- **Asylum seekers given refugee status** who now need accommodation and benefits

8.1.1. Below are some general notes on the services and issues encountered for each of the four key groups.

8.2. New Asylum Seekers

8.2.1. Social work services, which in Glasgow are managed through the Glasgow Health and Social Care Partnership (HSCP), do have some duties for welfare.

8.2.2. Where a new asylum seeker appears to require a referral to social care services, a referral is made on the safeguarding form, and sent to Glasgow City Council Social Care Direct, and the Home Office safeguarding team. Glasgow City Council and Glasgow HSCP commit to providing a written outcome updating as to whether based on the concerns raised a requirement for assessment exists, and if so what the outcome of any assessment was.

8.2.3. If a person has needs which have not arisen solely due to destitution and these needs include a need for residential accommodation, then the local authority will provide that accommodation. Social care accommodation is granted for the purpose of addressing the identified needs, it is not granted just as a place to reside. It is granted in relation to an identified need, e.g. for care related to mental health. There are some rare exceptions to this, covered in the legal section of this report.

8.2.4. Families with children who have claimed asylum will (generally) continue receiving accommodation from the Home Office, even after negative decisions on their asylum claim. There will be people with children who are seeking to stay in the UK other than on an asylum basis, and people who did not have children before their claim to asylum was rejected, and some of these cases can secure social care services.

8.3. Unaccompanied Asylum Seeking Children

8.3.1. Within the terms of reference of the asylum task force, in the 251 noted cases, there were no unaccompanied asylum seeking children as these individuals would have been routed to health and social care earlier in the process. While no cases were in scope, in order to provide clarity on the service, Appendix 2 of this report covers the service and status as regards unaccompanied asylum seeking children in Glasgow. The legal status is referred to in Section 9.6.7.

8.4. Asylum Seekers Without/Refused Home Office Support

8.4.1. Local authorities are prohibited from providing homelessness assistance to persons subject to immigration control unless they fall under various excepted categories. Where a refused asylum seeker is not offered section 4 support from the Home Office, they may seek the assistance of the local authority. It is not always obvious to the local authority why support is not being provided, but the local authority will need to make its own decision.

8.4.2. More details on the process for asylum seekers who request support from social care services, is noted below in the legal rights and duties section of this report. In addition, new national guidance, currently being developed by COSLA, is due to be published early in 2019, while the GHSCP has also developed guidance for staff on these issues.

8.5. **Asylum Seekers Given Refugee Status**

8.5.1. Asylum seekers granted refugee status are viewed as having 'positive decisions', and can move-on to secure accommodation and benefits. The task force viewed these people being 'out of scope' for consideration as regards the legal and process review. However, a new protocol on positive move-on has been worked on between the Home Office, Glasgow HSCP and other key partners.

9. LEGAL RIGHTS AND DUTIES¹⁶

9.1. No Recourse To Public Funds

9.1.1. No recourse to public funds (NRPF) applies to migrants who are 'subject to immigration control' and as a result have no entitlement to certain welfare benefits, local authority housing and homelessness assistance. New guidance, for local authorities, is being created by COSLA for the Scottish Government¹⁷.

9.1.2. The definition of 'subject to immigration control'¹⁸ includes non EEA nationals who:

- Require leave to enter or remain in the UK but do not have it;
- Have leave to enter or remain in the UK which is subject to a condition that they do not have recourse to public funds, or
- Have leave to enter or remain in the UK given as a result of a maintenance undertaking (for example, adult dependant relatives of people with settled status).

9.1.3. Asylum seekers are subject to immigration control, and have no recourse to public funds¹⁹. For the sake of completeness there are other people who count as being 'subject to immigration control', such as:

- People with leave to enter or remain in the UK but with the condition 'no recourse to public funds'. The residence permit, entry clearance vignette or biometric residence permit (BRP) will say 'no public funds'
- Spouse visa, student visa, limited leave granted under family or private life rules
- Leave to enter or remain in the UK that is subject to a maintenance undertaking
- Indefinite leave to remain as the adult dependent relative of a person with settled status (five year prohibition on claiming public funds)
- No leave to enter or remain when the person is required to have this
- Visa over stayer

9.1.4. If a person has valid leave to enter or remain and there is no reference to NRPF on their immigration documentation then it should be assumed that they do have recourse to public funds. People who claim asylum successfully will be given leave to remain and will be able to access public funds.

9.1.5. There are several exceptions to the rules regarding public funds that mean that a person who has leave to remain with NRPF may be able to claim certain benefits without this affecting their immigration status. For example;

- When a person makes a joint claim for Tax Credits with a partner who has recourse to public funds, or

¹⁶ This section applies to those currently claiming asylum or who have had a claim for asylum refused, however, there are other categories of person subject to immigration control who are not the subject matter of this paper and some items in this section apply to those individuals are only included for the sake of completeness.

¹⁷ The meaning of no recourse to public funds was discussed (by the legal work stream). It was noted that the prohibition on receiving public funds applied to the particular welfare benefits and forms of social assistance listed as public funds in the UK Immigrations Rules. It was agreed that there was no blanket ban on using non-listed forms of public money to assist persons described as having no recourse to public funds.

¹⁸ Section 115 Immigration and Asylum Act 1999

¹⁹ Section 115 of the Immigration and Asylum Act 1999 excludes a 'person subject to immigration control' from being entitled to receive certain welfare benefits, and Section 119 of the Immigration and Asylum Act 1999 prohibits the provision of homelessness assistance to 'persons subject to immigration control'.

- When a person has a British Citizen child²⁰

9.1.6. In addition to the exceptions, there are many publicly funded services which are not classed as 'public funds' that a person with NRPF may be able to access.

9.1.7. Some types of NHS healthcare are free to everyone and can be accessed by people regardless of their immigration status, or whether they have NRPF.

9.2. Private Accommodation

9.2.1. In Scotland there is no duty on a private landlord to check a potential tenant's immigration status or to refuse a tenancy based on immigration status. Refused asylum seekers, however, will not be able to obtain housing benefit and will not be able to work legally. A significant practical barrier to accessing private accommodation is the inability to pay rent.

9.2.2. As a secondary consideration, it is worth remembering that if a person knowingly acts in a way that facilitates a breach of immigration law that can be considered an offence²¹. There may be a point where assisting someone known to have no right to be in UK, gives rise to such an allegation.

9.3. Home Office Funded Accommodation

9.3.1. The Home Office provides accommodation to persons who have made a claim for asylum and who are destitute²². It is provided until a claim for asylum has been determined and appeal rights are exhausted. If the claim for asylum is refused, families with children at the time of decision continue to receive accommodation. The Home Office also continue to provide accommodation to non-family refused asylum seekers who meet certain conditions²³ such as taking all reasonable steps to leave the UK. The next section covers the detail of this.

9.3.2. The accommodation for refused asylum seekers who are destitute, is referred to as Section 4 accommodation. There are set conditions for accessing this, these are²⁴:

- Must be a person who was (but is no longer) an asylum seeker and the claim for asylum must have been rejected, this includes any dependent of such a person²⁵, **and**;
- The applicant must be destitute, **and**;
- The person must fulfil **one or more** of the following conditions²⁶:
 - Is taking all reasonable steps to leave the UK or place himself in a position in which he is able to leave the UK, which may include complying with attempts to obtain a travel document to facilitate his departure, **or**;
 - Is unable to leave the UK by reason of a physical impediment to travel or some other medical reason, **or**;

²⁰ Except Zambrano-type carers who are excluded from entitlement to child benefit by virtue of the Child Benefit (General) Regulations 2003).

²¹ Section 25 of Immigration Act 1971

²² Section 95 Immigration and Asylum Act 1999

²³ Section 4 Immigration and Asylum Act 1999

²⁴ Regulation 3 of the Immigration and Asylum (Provision of Accommodation to Failed Asylum-Seekers) Regulations 2005

²⁵ Section 4(2) or (3) of the Immigration and Asylum Act 1999

²⁶ Also must abide by other conditions imposed in terms of Regulations 4 and 6 of the 2005 Regulations

- Is unable to leave the UK because in the opinion of the Secretary of State for the Home Department there is currently no viable route of return available, **or**;
- Has made an application for Judicial Review in relation to his asylum claim, **or**;
- The provision of accommodation is necessary for the purpose of avoiding a breach of a person's convention rights²⁷.

9.4. **Local Authority Accommodation**

9.4.1. Local authorities are prohibited²⁸ from providing homelessness assistance²⁹ to persons subject to immigration control³⁰ unless they fall under various excepted categories³¹.

9.4.2. The excepted categories include; (i) holding refugee status, or (ii) leave to remain with no self-sufficiency requirement, (iii) humanitarian protection [not as a refugee], and some other less frequent reasons³².

9.4.3. Interim homelessness assistance is a temporary measure. The ultimate aim of homelessness assistance is to move people from interim homeless accommodation to permanent accommodation.

9.4.4. Local authorities with their own housing stock may offer local authority accommodation³³, subject to similar legislative exceptions³⁴. In Glasgow referrals are made to registered social landlords. Generally, those who qualify for homelessness assistance (via the excepted categories) will qualify for social housing.

9.5. **Home Office v Local Authority Duty (Refused Asylum Seekers)**

9.5.1. In theory, refused asylum seekers will have access to Section 4 accommodation. However, as has become apparent, not all refused asylum seekers will be accommodated under Section 4. It is difficult to say why this is without knowing the individual circumstances of each case. In most cases it would mean the refused asylum seeker cannot meet one of the conditions mentioned above at 9.3.2.

9.5.2. Where a refused asylum seeker is not offered Section 4 accommodation they may seek the assistance of the local authority. There may be situations where a local authority will provide accommodation to refused asylum seekers who do not qualify for Section 4 accommodation. In most cases this will be where the refused asylum seeker or a family member has needs which do not arise solely from destitution.

9.5.3. Where a refused asylum seeker has needs that solely arise from destitution then there may still be a duty on the local authority to provide support and accommodation. This would be where failing to provide support or accommodation would cause a breach of a person's rights under the ECHR. For such a right to be breached there must be a genuine barrier to the

²⁷ Human Rights Act 1998

²⁸ Section 119 of the Immigration and Asylum Act 1999

²⁹ Interim Homelessness Accommodation—Part II Housing (Scotland) Act 1987

³⁰ Section 119 'immigration control' means any person who requires leave to enter or remain in the UK

³¹ Persons Subject to Immigration Control (Housing Authority Accommodation & Homelessness) Order 2000

³² They have leave to enter the UK without limitation/condition, are resident in the Common Travel Area (UK, Channel Islands, Isle of Man and Ireland), but not on undertaking of a sponsor, or a person who left Montserrat after 1 November 1995 due to earthquake, and limited classes of asylum seeker whose cases have not yet been decided, generally very old cases.

³³ Local authority housing tenancies are provided under the Housing (Scotland) Act 2001

³⁴ Section 118 of the Immigration and Asylum Act 1999

person leaving the UK. This is an area where Home Office and local authority duties potentially overlap. If there are barriers to leaving the UK Section 4 support ought to be available to a refused asylum seeker. There may be cases where the Home Office refuse to provide accommodation and the local authority to conclude it ought to provide accommodation. The local authority must make its own independent assessment.

9.5.4. It is important to remember that the Home Office accommodation mentioned is provided to asylum seekers and in some cases, refused asylum seekers. The Home Office does not provide accommodation or support to other categories of person seeking leave to remain in the UK. In such cases the local authority may have to assist where there are genuine barriers to leaving the UK and a risk that failing to assist would lead to a breach of a person's ECHR rights.

9.6. Social Work Services

9.6.1. Social work services, which in Glasgow are managed through the Glasgow Health and Social Care Partnership (HSCP), do have some duties for welfare³⁵.

9.6.2. The duty to assist persons age 18 over, who are 'in need', includes an ability to provide residential accommodation. However, residential accommodation must be provided to address an identified need³⁶.

9.6.3. If the person with an identified need is; (a) a person who requires leave to enter or remain in the UK but does not have it, or (b) a person who has leave to enter or remain in the UK but without recourse to public funds, or (c) a person who has leave to remain given as a result of someone giving a maintenance undertaking (e.g. a sponsor), or (d) a person who has leave to remain to enter or remain the UK only as a result of having a pending immigration appeal – then the legislation excludes providing assistance to address any need that has arisen solely due to destitution or the physical effects of destitution or the anticipated physical effects of destitution.

9.6.4. Accordingly, if a person has needs which have **not** arisen solely due to destitution and these needs include a need for residential accommodation, then the local authority should provide that accommodation. Social care accommodation is granted for the purpose of addressing the identified needs, it is not granted just as a place to reside³⁷. It is granted in relation to an identified need, and this is true, be it residential care with³⁸ or without nursing, or through issues related to mental health care and treatment³⁹.

9.6.5. Families with children who have claimed asylum will (generally) continue receiving accommodation from the Home Office, even after negative decisions on their asylum claim. Indeed, a local authority may not provide assistance⁴⁰ where a family is receiving Home Office support.

³⁵ Section 12 of the Social Work (Scotland) Act 1968

³⁶ Section 94 of the Social Work (Scotland) Act 1968

³⁷ Section 12 of the Social Work (Scotland) Act 1968

³⁸ Section 13A (4) the Social Work (Scotland) Act 1968 (provision of nursing)

³⁹ Article 14 of the Mental Health (Care and Treatment) (Scotland) Act 2003 (Consequential Provisions) Order 2005/2078. Similar tests to section 12 except specifically related to mental health.

⁴⁰ Section 22 of the Children (Scotland) Act 1995

- 9.6.6. However, there will be people with children who are seeking to stay in the UK other than on an asylum basis, and people who did not have children before their claim to asylum was rejected. If there are genuine barriers to the family leaving the UK then supporting the family is allowed. Separating a family without legal justification by placing a child in care would amount to a breach of European legislation⁴¹. So there is a point where this power can be said to be a duty. However, there would still need to be a genuine barrier to the family leaving the UK before a breach of an ECHR right can occur.
- 9.6.7. Unaccompanied asylum seeking children (UASC) are accommodated by the local authority⁴². The local authority owes formerly looked after children certain aftercare duties up to the age of 26⁴³, this could include accommodation. The age of 26 is higher in Scotland compared to other areas of the UK (where the age is 21)⁴⁴, but not all funding mechanisms recognise this, leaving a funding gap for the years 21 to 26.
- 9.6.8. The local authority has legal power to do anything to promote or improve the well-being of its area or persons within that area⁴⁵, in theory, could be used to provide assistance to any person. However, this power is restricted⁴⁶ where any limiting provision prohibits or prevents the local authority from using its powers in that respect, so the limiting provisions noted above (e.g. not allowed to provide accommodation⁴⁷), may remove some of this potential power as regards asylum seekers.
- 9.7. **Registered Social Landlord Accommodation**⁴⁸
- 9.7.1. It would be difficult for refused asylum seekers to access registered social landlord (RSL) accommodation, on the same basis as noted above for private accommodation (e.g. ability to pay rent). There might also be challenges from those already on RSL housing waiting lists or homeless persons waiting for a referral for permanent accommodation.
- 9.8. **Charity Accommodation**
- 9.8.1. There is no specific legal bar prohibiting a charity from providing accommodation to prevent rough sleeping or provide humanitarian services to refused asylum seekers. A possible difficulty would be if the charity knew the persons being assisted have no right to be in the UK, as that can be considered an offence⁴⁹. Provision of accommodation might be considered an offence where that the accommodation was provided to facilitate a breach of immigration. Any organisation contemplating providing accommodation to refused asylum seekers would be well advised to take legal advice on the extent to which accommodation may be provided to those they know to have no right to remain in the UK.

⁴¹ Article 8 of the European Convention of Human Rights

⁴² Section 25 of the Children (Scotland) Act 1995

⁴³ Section 29 of the Children (Scotland) Act 1995

⁴⁴ In certain circumstances in England a person can continue to get help and advice from the council and a personal adviser until they are 25: <https://www.gov.uk/leaving-foster-or-local-authority-care>

⁴⁵ Section 20 of the Local Government (Scotland) Act 2003

⁴⁶ Section 22 of the Local Government (Scotland) Act 2003

⁴⁷ Section 119 of the Immigration and Asylum Act 1999

⁴⁸ Section 118 of the Immigration and Asylum Act 1999 do not apply to RSL, as it refers to housing authorities, which is synonymous with the local authority

⁴⁹ Section 25 of Immigration Act 1971

10. PARTNERSHIP, DISPERSAL & CONTRACTS

10.1. Dispersal (Context)

- 10.1.1. Asylum dispersal was introduced under the Immigration and Asylum Act 1999 as a means of reducing pressures faced by receiving local authorities in London and the South East of England. Until that time, most people seeking asylum arrived into, and claimed asylum in, those areas.
- 10.1.2. Starting in 2000, the Home Office entered into contracts with local authorities across the UK to house dispersed asylum seekers. Most of this accommodation came from a combination of hard-to-let social housing and private rented accommodation sub-contracted by local authorities. In 2000 the Home Office and Glasgow City Council signed a formal contract for the dispersal of asylum seekers to the city. Since then, Glasgow has hosted the vast majority of asylum seekers that have come to Scotland and it continues to be the sole dispersal area in Scotland.
- 10.1.3. In 2009 new contractual arrangements were announced. The COMPASS (Commercial and Operational Managers Procuring Asylum Support Services) contracts sought to drive down the cost, to UK Government, of providing asylum accommodation. They effectively priced local authorities out of the market, with only large private sector companies able to compete for the contracts in a meaningful way.
- 10.1.4. In 2011 Serco was awarded the contract to deliver asylum accommodation and associated support within Scotland and Northern Ireland. This was one of six regional contracts delivered by three private sector companies (Serco, G4s and Reliance – now Clearsprings). The contracts were awarded for an initial 5 years with the possibility of a two-year extension (which each contractor subsequently received).
- 10.1.5. The new contracts marked a significant change in the role of local authorities within dispersal, with councils having very limited influence over dispersal within their areas. The primary relationship was now between the Home Office and the providers, albeit that councils retained a limited role in monitoring where the contractors were procuring property. The COMPASS Property Procurement Protocol is an example of this in Glasgow.

10.2. Contract Status & Renewal

- 10.2.1. The current COMPASS contract is due to end in September 2019 and will be replaced by the Asylum Accommodation and Support Services Contracts (AASC) and Advice, Issue Reporting and Eligibility (AIRE) contracts.
- 10.2.2. Bidding for both contracts is now complete and the announcement of who has been awarded the contracts was made in January 2019. There will then follow a period of mobilisation and transition, where dispersal will move from COMPASS to AASC and AIRE. This will involve a change of contractor in some areas including Scotland where the new accommodation Provider will be Mears. The AIRE contract has been awarded to Migrant Help who currently deliver the advice related contract in Scotland.
- 10.2.3. During the last few months there has been increasing pressure on the Home Office from local authorities involved in dispersal, LGAs, devolved governments, and the third sector due to the lack of involvement of Local Government in the contracting process and the ongoing delivery of dispersal. This has emphasised that the dispersal model can only work

if there is a genuine and meaningful partnership between Local and UK Government and the contract providers. Such a partnership must be characterised by shared information and decision making and underpinned by sufficient funding to support the key role that local authorities play to support the dispersal of asylum seekers in their communities.

10.2.4. The Immigration Minister has, in recent weeks, indicated that the UK Government would wish to work more closely with Local Government to develop a new partnership approach. This includes addressing the various concerns highlighted by Local Government, and developing a place-based approach which recognises that a one-size-fits-all approach to dispersal will not work.

10.3. **Scottish Political Context**

10.3.1. Immigration and asylum are reserved matters and, as such, Scottish Government has no control over the asylum process and dispersal within Scotland. Scottish Government is very clear that Scotland should be a welcoming country for everyone and is, in principle, supportive of local authorities participating in asylum dispersal. However, Scottish Government shares the concerns of Local Government with respect to the current model of provision and the lack of control and funding afforded to local authorities.

10.3.2. Scottish and Local Government's perspective on asylum matters is most evident in our shared commitment to integration through the development of the New Scots Strategy. This strategy, now in its second iteration, was developed in partnership between Scottish Government, COSLA and Scottish Refugee Council. The New Scots vision is "For a welcoming Scotland where refugees and asylum seekers are able to rebuild their lives from the day they arrive."

10.3.3. Recently, the Minister for Communities' and Local Government has supported Glasgow City Council's Leader in calls to the Home Office to stop the evictions of asylum seekers from Serco properties and has also supported the asks from COSLA and the other Local Government associations in relation to the AASC and AIRE contracts. There continues to be some debate between the UK Government and Scottish Government about where funding should come from in relation to supporting the needs of asylum seekers and for those who are appeals rights exhausted and who have no recourse to public funds.

10.4. **Partnership Working**

10.4.1. There has been a long history of partnership working on issues surrounding asylum seekers and refugees in Scotland and, as a result, Scotland is considered to be a leader in the field of refugee integration policy. The first New Scots refugee integration strategy, which was published in 2014, was a demonstration of this cross-sectoral commitment to supporting the rights and needs of asylum seekers and refugees. The second New Scots strategy was launched in January 2018 and is ambitious in its vision, although it requires significant commitment from partners to deliver within restricted resources.

10.4.2. The role of the third sector in shaping this environment has been crucial. Organisations such as Scottish Refugee Council, British Red Cross and Govan Community Project provide a breadth of knowledge, formal and informal support in relation to refugees and asylum seekers that shapes both delivery of services and policy. In addition, in the context of constrained public finances, and the restrictive legal framework that exists, the role that

numerous third sector organisations play to support asylum seekers in the city should never be underestimated.

1. APPENDIX 1 – PARTERSHIP ASYLUM PROCESS

1.1. Detailed notes and process created by the process work stream of the asylum task force.



Home Office | Glasgow Asylum Numbers (Part 2)

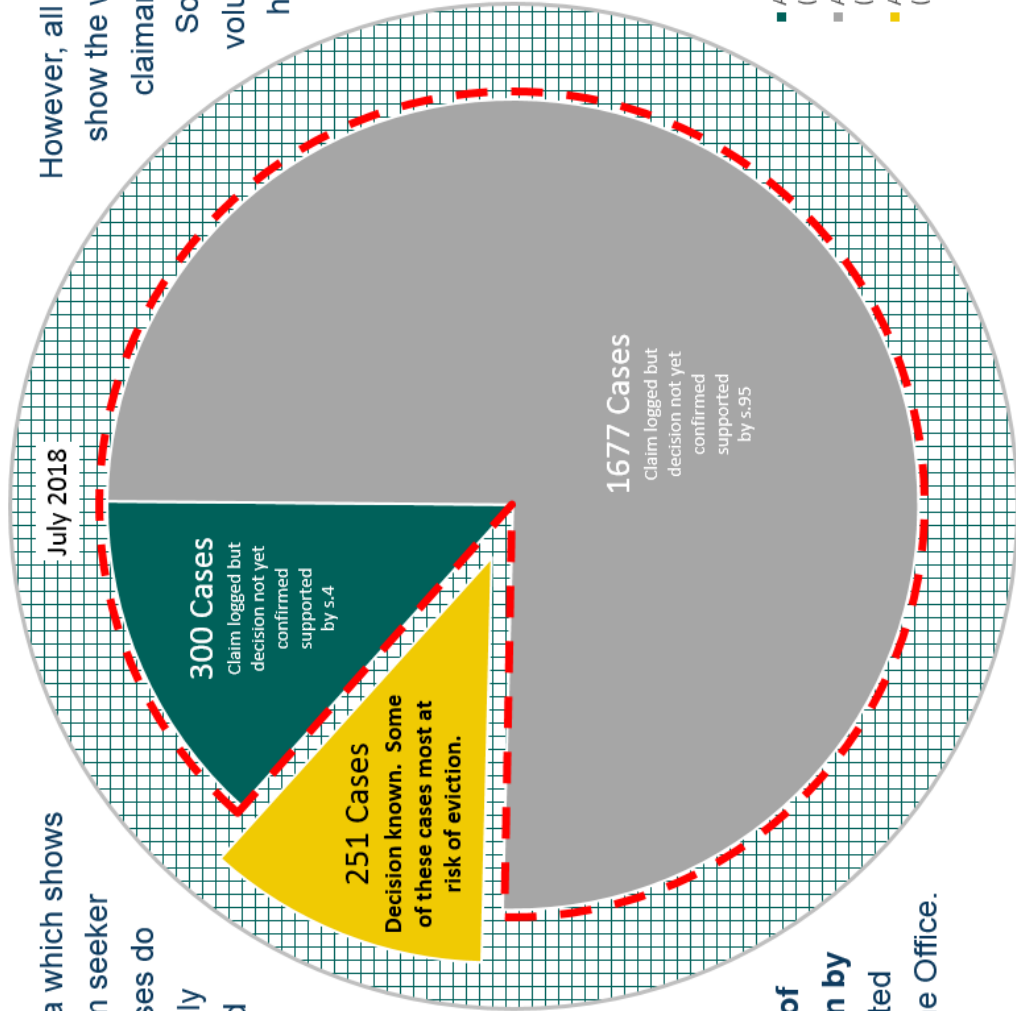


The Home Office provide data which shows the monthly number of asylum seeker cases in Glasgow. These cases do **NOT** have a decision. For July this was 1977 cases. The red dashed line in the pie chart shows those cases. 300 are supported under s.4 and 1677 supported by s.95 totalling 1977.

The Home Office also shared Data on cases that do have decisions. There are 251 cases with decisions and it is a **segment of these cases that are at most risk of any potential eviction action by SERCO**, who are the contracted Housing provider for the Home Office.

However, all these numbers don't show the whole picture. Some claimants move to statutory Social Care support, or voluntarily return to their home country, or over stay in the UK, and are not on support so may be at risk of exploitation.

This group is represented by the graph checked by  outer circle.



- Asylum Claim Negative (Section 4 - Support)
- Asylum Claim Processing (Section 95 - Support)
- Asylum Claim Decided (No s.4 or s.95 Support)

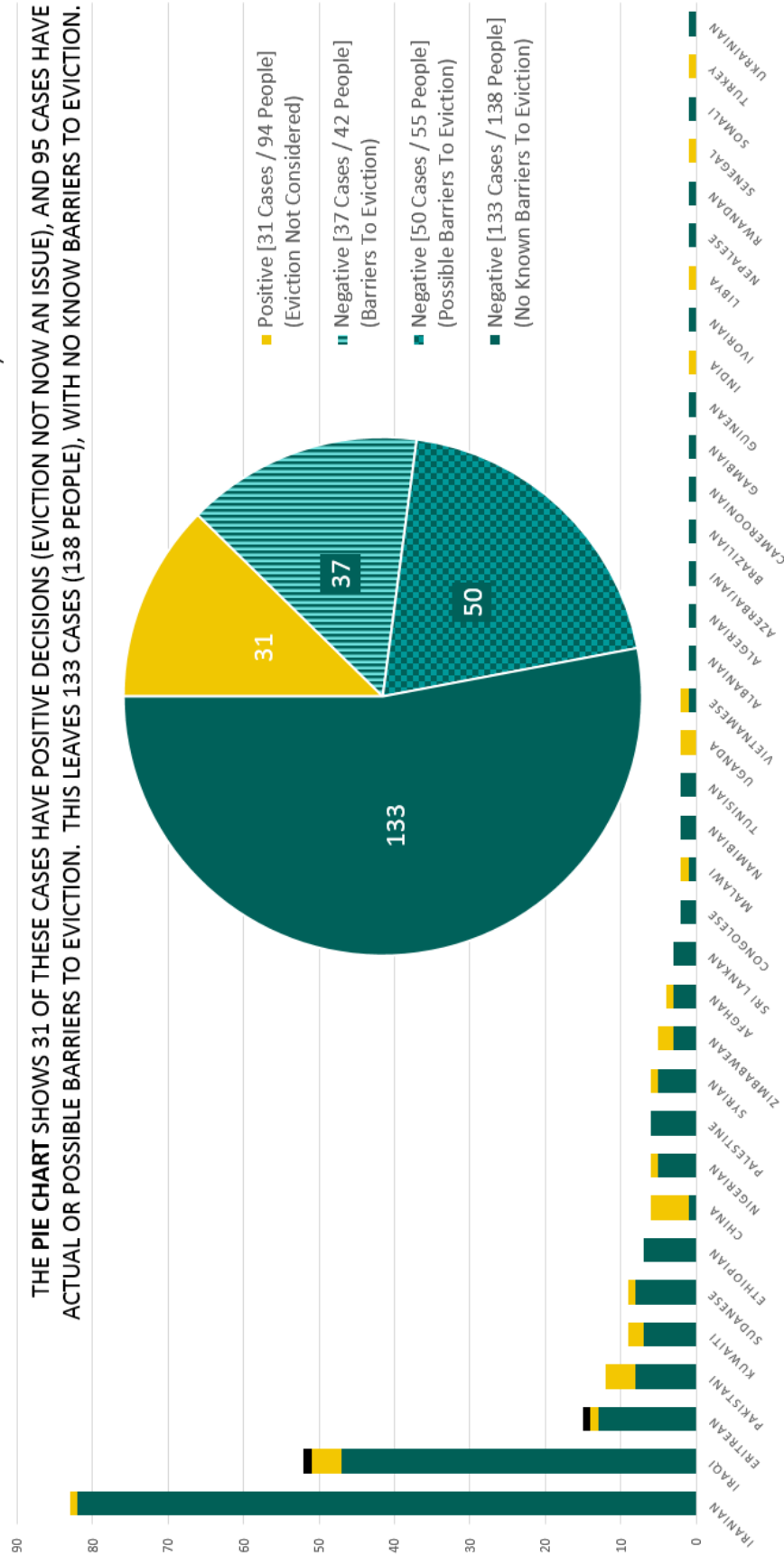
Home Office Data Note: data has not been quality assured. The information is subject to change and should be treated strictly as provisional management information. These statistics are not for public disclosure or release to the media.

Home Office | 251 Glasgow Cases (329 People)



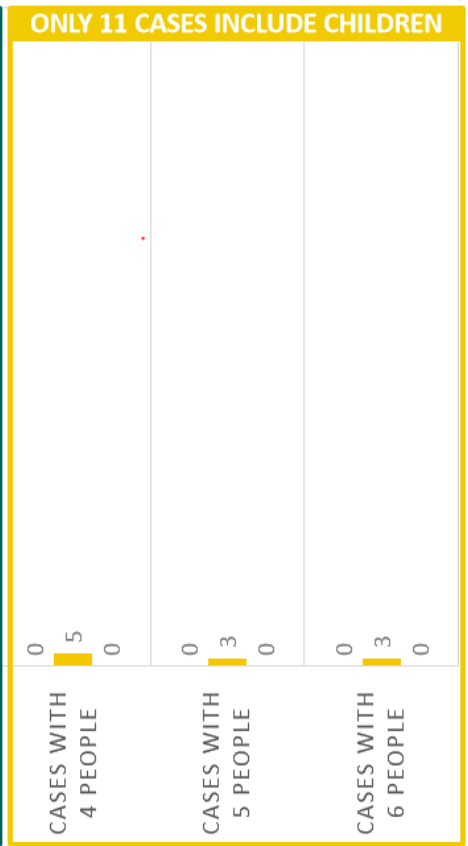
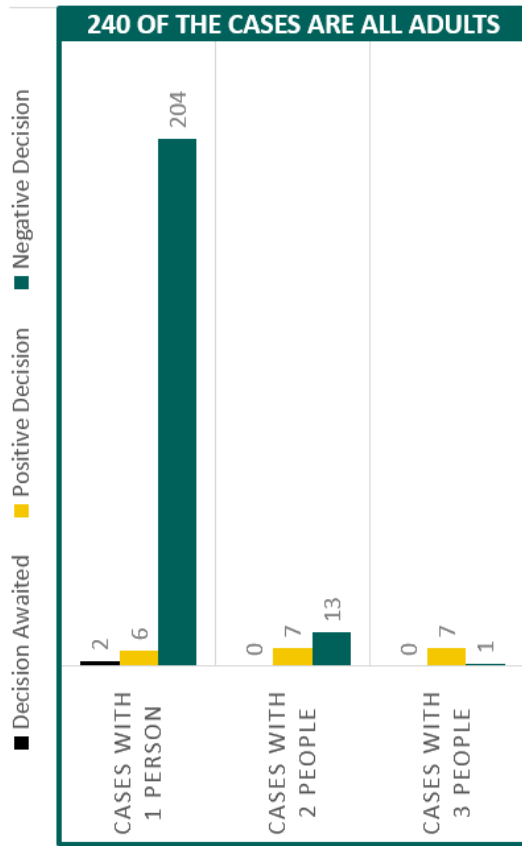
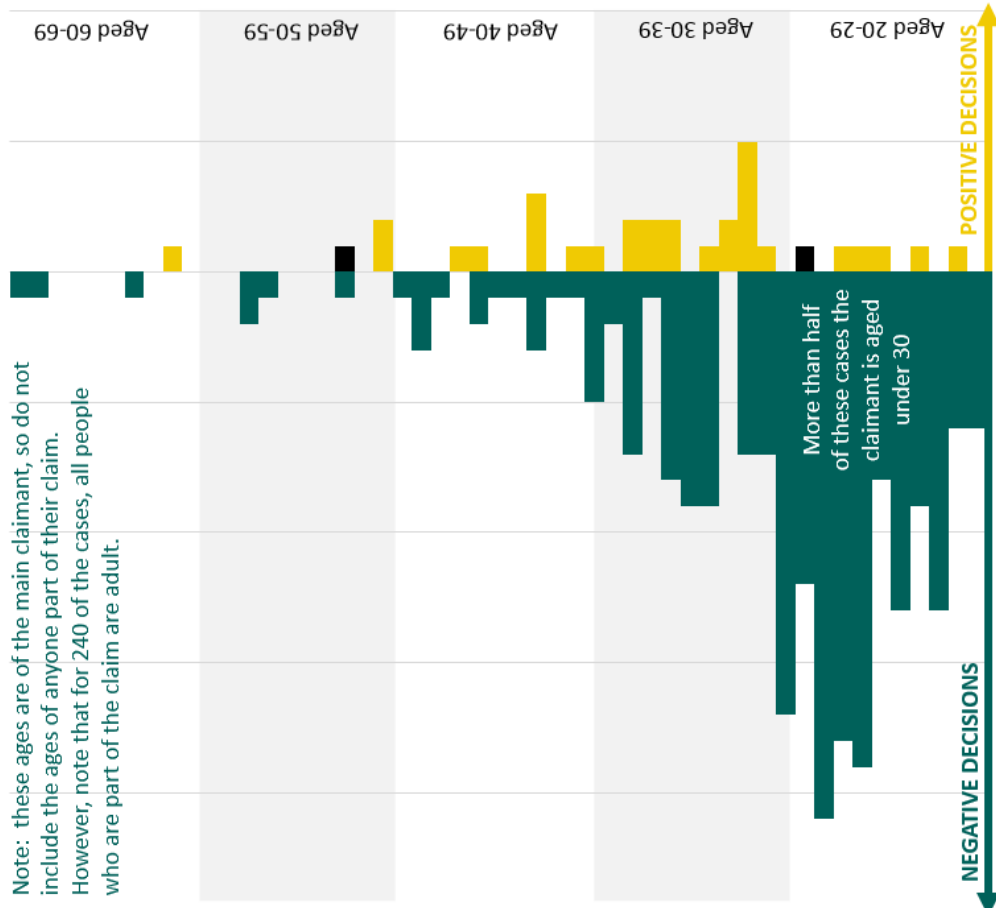
THE BAR CHART SHOWS THE CASE NATIONALITY, AND CURRENT DECISION STATUS.

THE PIE CHART SHOWS 31 OF THESE CASES HAVE POSITIVE DECISIONS (EVICTION NOT NOW AN ISSUE), AND 95 CASES HAVE ACTUAL OR POSSIBLE BARRIERS TO EVICTION. THIS LEAVES 133 CASES (138 PEOPLE), WITH NO KNOW BARRIERS TO EVICTION.



Home Office Data Note: data has not been quality assured. The information is subject to change and should be treated strictly as provisional management information. These statistics are not for public disclosure or release to the media.

251 Cases | Case Size + Claimant Age Curve

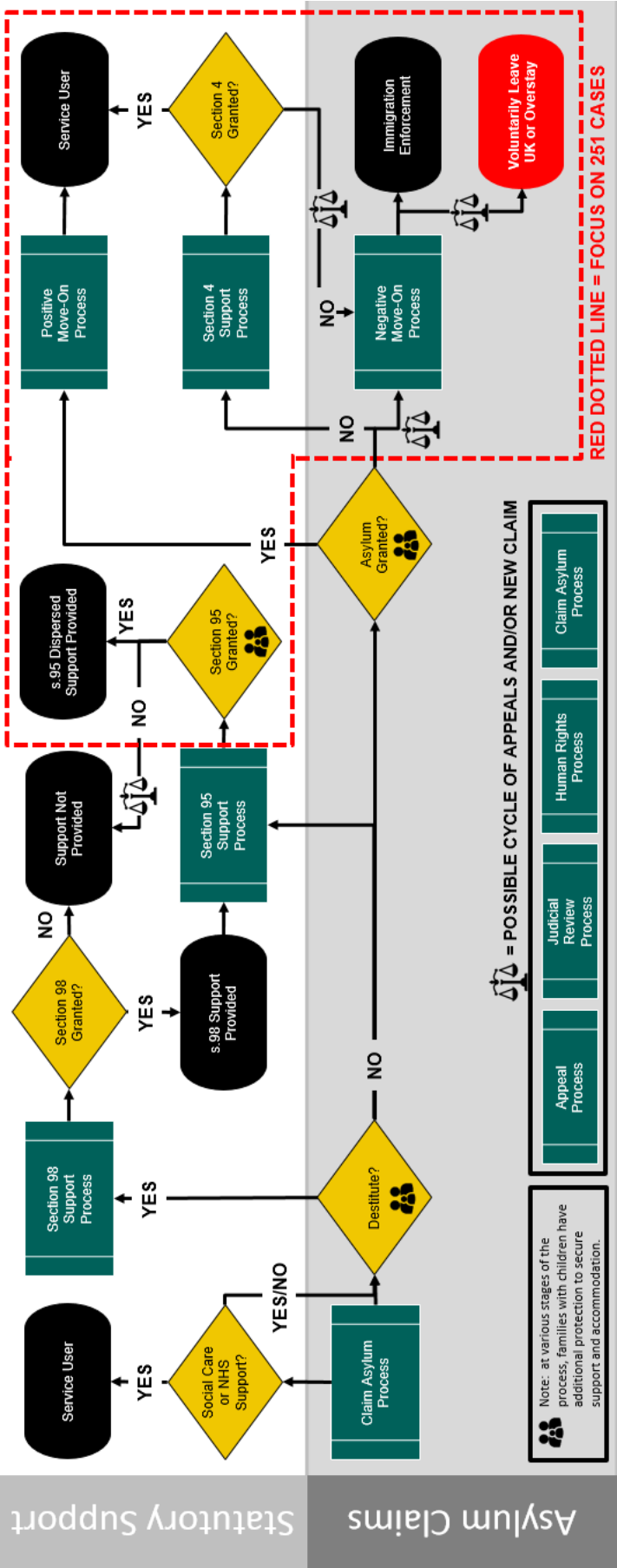


Home Office Data Note: data has not been quality assured. The information is subject to change and should be treated strictly as provisional management information. These statistics are not for public disclosure or release to the media.

Asylum Seeker | High Level Process Overview

Key	Defined Process	Process Step	Document	Decision	Process End
	Each 'Defined Process' will have it's own process flow, which will show key 'Process Steps', key 'Documents', and 'Decisions'	Each 'Process Step' will define the actions undertaken. For this project, the next layer down will not be documented (i.e. operational detail).	'Document' refers to any key input or output. Not all documents will be noted as the process flow will not cover all operational detail.	'Decision' will refer to key branching points for asylum seekers. 00 = notes paragraph	'Process End' will refer to end outcomes. This may then lead to other processes out with the scope of Asylum Seeking.

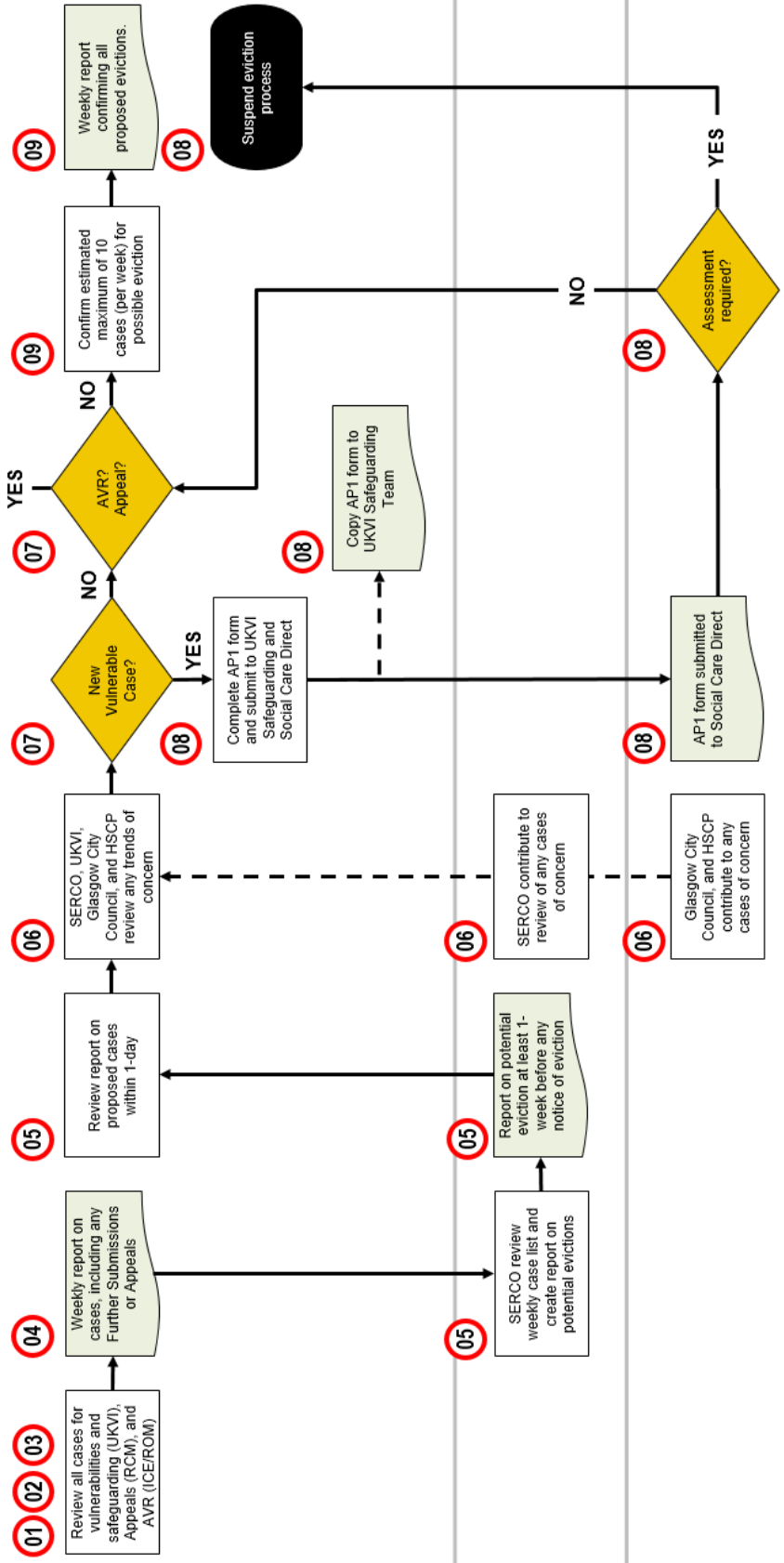
Key Defined Processes For Asylum Seekers | Note: not all possible processes are listed





Case Review Process & Protocol (Part 1)

00 = notes paragraph

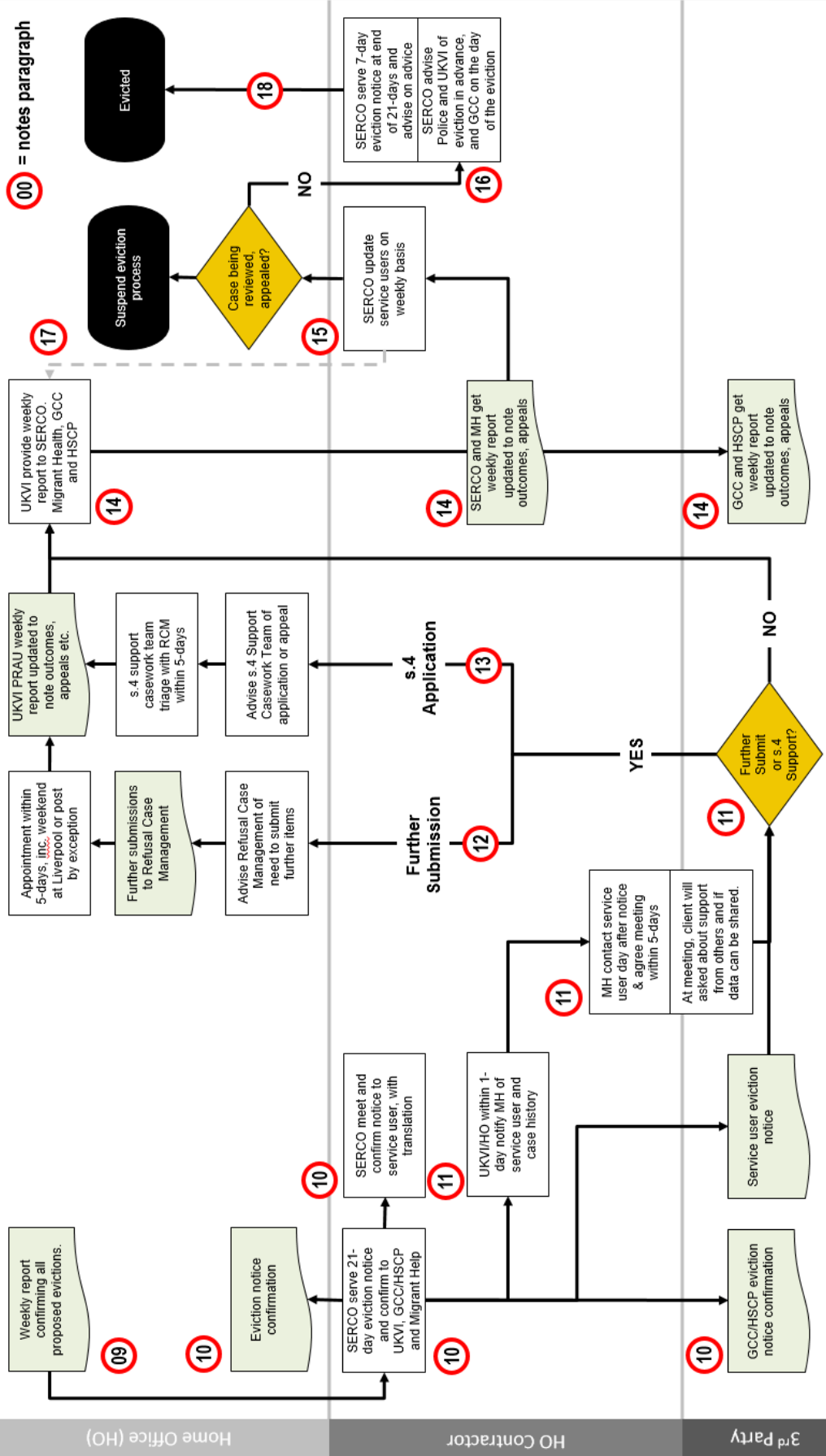


Home Office (HO)

HO Contractor

3rd Party

Case Review Process & Protocol (Part 2)



Key Abbreviations Used by Home Office



- **Home Office**
 - Border Force
 - ICE
 - RCM
 - RCM (F SUBS)
 - ROM
 - S4 Support Casework
 - UKVI
 - UKVI ACW
 - UKVI COMPASS
 - UKVI Gatekeeper
 - UKVI MI
 - UKVI PRAU
 - UKVI Routing
 - Law enforcement, immigration and customs controls
 - Immigration Control Enforcement
 - Refusal Casework Management Team
 - Refusal Casework Management (Further Submissions)
 - Reporting centre
 - Review s.4 support applications
 - can work with RCM / RCM F SUBS
 - UK Visas & Immigration
 - ACW = Asylum Case Work Team
 - COMPASS = Accommodation
 - Gatekeeper = Initial Accommodation Destitution Decision Makers
 - MI = Management Information
 - PRAU = Management Information Team / Process
 - Routing = the team who disperse people across the UK
-
- **Home Office Contractors**
 - MH
 - SERCO
 - Migrant Help (to support through asylum process)
 - Contracted accommodation provider

Key Abbreviations Used In Process



- AP1 Form to refer Vulnerable Adult to Social Care Direct (GCC / HSCP)
- ARC Asylum Registration Card (issued to all post-screening)
- ARE Appeal Rights Exhausted
- ASF1 Form to request s.95 support
- AVR Assisted Voluntary Return
- DA Dispersal accommodation (both initial and permanent)
- FAS Failed Asylum Seeker
- IA Initial Accommodation
- LTR Leave To Remain
- NTQ Notice To Quit served by providers (SERCO)
- PTA Permission To Appeal
- RoA Right of Appeal
- SU Service User
- s.95 Section on support/accommodation during claim process
- s.98 Section on 'destitute' support/accommodation at initial claim stage
- s.4 Section on support/accommodation for beyond appeal stages

2. APPENDIX 2 – UNACCOMPANIED ASYLUM SEEKING CHILDREN

- 2.1. In recent years there has been a significant increase in the number of unaccompanied children reaching the UK and claiming asylum. These young people become the responsibility of the local authority in which they present, which means the majority are looked after by the local authorities in London and the South of East of England that are close to major points of entry into the UK. In order to ease pressure on these local authorities the Home Office and the Department for Education in England has developed a National Transfer Scheme (NTS) to disperse unaccompanied asylum seeking children around the UK. Secondary legislation has now been passed which extends the NTS to Scotland.
- 2.2. The young people who make their own way into the UK must submit a claim for asylum before they are recognised as refugees or granted humanitarian protection. Most will be granted discretionary leave until they turn eighteen at which point their case will be reviewed and their leave to remain in the UK may be withdrawn. It is expected that young people who are brought into the UK *by* the Government will have been granted some form of humanitarian protection before entering the country, in the same way as those arriving through the Syrian Resettlement Scheme.
- 2.3. Glasgow City has a long history of supporting young unaccompanied asylum seekers who have presented in our City, and established a specialist team eleven years ago to work with these young people. Unaccompanied young people are predominately male and aged between 14 and 16 years. The most common countries of origin are Somalia, Afghanistan, Iraq, Iran, China and Vietnam.
- 2.4. If young people are believed to be trafficked an NRM form (National Referral Mechanism) is completed, facilitating a multi-agency response, including the police, for the purpose of gathering intelligence and investigation.
- 2.5. When young unaccompanied asylum seekers present, who are under the age of 18, they require to be treated with the same status as young people looked after by the Local Authority although they tend not to present issues of risk and the need profile as other young people in care. However, service responses currently require to be compliant with Scottish legislation⁵⁰, which includes requirements to ensure any placements and services are regulated and inspected by the Care Inspectorate and that crucially we now also require to provide support until the age of 26, or until a decision is taken regarding their immigration status.
- 2.6. Many young people who present seeking support/asylum in Glasgow claim to be younger than we or the Home Office believe them to be and as a consequence they require to be age assessed. In addition, all young people under 18 years have access to the Guardianship project in Scotland, funded by the Scottish Government fund and delivered by a third sector organisation. The project covers all of Scotland, with Glasgow hosting approximately half of the young people.
- 2.7. The care system in Glasgow and across Scotland is already under significant pressure due to the demands from our existing population, e.g. in Glasgow there are currently no placements in our provided children's residential service, there is a waiting list for Supported

⁵⁰ The Children (Scotland) Act 1995, Children and Young People Act (2016) and associated legislation
Glasgow City Council | Asylum Task Force

Carers for young people in care, our fostering service is consistently full, and all of the supported accommodation projects for young people leaving residential care currently operate a waiting list due to the levels of demand.

- 2.8. The presentation of need within the young unaccompanied asylum population is generally not at the same level as our care population, and there are risks in placing unaccompanied asylum seeking young people in placements designed for the wider looked after population. The young people have very different needs from the looked after population and provision and may need services such as English language support.
- 2.9. For young people pursuing asylum claims it is important that they have access to legal support and the expertise in this area of law is currently concentrated in Glasgow.
- 2.10. The need to treat young unaccompanied asylum seekers as looked after children limits the capacity of local authorities to develop innovative, person centred responses to these young people, e.g. we are unable to use the offers already made by many community and faith based organisations to provide refuge to these young people without the need to undertake full assessments, checks and registration of individuals and organisations. Glasgow has recently developed a family based care service specifically for UASC, and is in the early stages of placing young people.
- 2.11. The level of funding currently proposed, will not cover the actual costs incurred by local authorities. Given the availability of foster care in Scotland it seems more likely the young people are to be treated as looked after children, they would have to be accommodated within residential or group living units and it is likely that additional capacity would need to be commissioned. There is a significant deficit between the funding available and the costs of providing residential care or supported accommodation.
- 2.12. In 2016/17 Glasgow supported 230 UASC, of which 88 were eligible for Home Office funding and 142 were not. In respect of the 88 who were eligible, the Glasgow City Health and Social Care Partnership (GCHSCP) incurred costs of £4.26m but was reimbursed by only £1.67m (a funding shortfall of £2.59m). In respect of the 142 UASC who were not accepted as being eligible and for which no funding was received, whilst the costs were not tracked for these individuals, our calculations shows this represents a further estimated unfunded cost of £1.9m.
- 2.13. In 2017/18 the total number supported was 185 of which 72 were eligible and 113 not eligible. GCHSCP incurred costs of £4.5m but was reimbursed by only £2.15m (a funding shortfall of £2.35m). For those not eligible, the estimated costs to Glasgow was £1.62m.
- 2.14. It will be important to ensure that Glasgow City Council continues to participate in the national discussions on how Scotland may respond to the challenges of proving support to an increased number of young unaccompanied asylum seeking children.

3. APPENDIX 3 - MEMBERSHIP OF ASYLUM TASK FORCE



Asylum Task Force

Legal Work Stream

Process Work Stream

This presentation focuses on the process work stream...

Membership	Terms of Reference
<p>Annemarie O'Donnell, Glasgow City Council (AMOD), Carole Forrest, Glasgow City Council (CF), Trish McMonagle, Home Office (TM), Sarah Burnett, SERCO (SB), John Dawson, Glasgow City Council (JD), Scott Ross, SERCO (SR), Jackie Walder, Scottish Government (JW), Lesley Irving, Scottish Government (LI), Andrew Morrison, COSLA (AM), Graham O'Neill, Scottish Refugee Council (GO), Gayle Findlay, COSLA (GF), Susanne Millar, Glasgow HSCP (SM), David Bookbinder, Glasgow & West of Scotland Forum of Housing Associations (DB), David Williams, Glasgow HSCP (DW), Julie Rogers, SERCO (JR).</p>	<p>To operate as a point of escalation, and partnership, and to govern, steer and validate the delivery from the noted work streams, as per their terms of reference.</p>
<p>Carole Forrest, Glasgow City Council (CF), David Bookbinder, Glasgow and West of Scotland Forum of Housing Associations (DB), Gayle Findlay, COSLA (GF), Graham O'Neill, Scottish Refugee Council (GO), Trish McMonagle, Home Office (TM), Ken McDonald, Glasgow City Council (KM), John Dawson, Glasgow City Council (JD), Tasneem Said, SERCO (TS), Jackie Walder, Scottish Government (JW).</p>	<p>To clarify each organisation's legal rights/duties, legal restrictions and areas of agreement or disagreement on fact or law as regards those rights, duties and restrictions. To support the process work stream in any issues regarding law, or the use or access of data.</p>
<p>Trish McMonagle, Home Office (TM), Owen Fenn, Glasgow Integration Network (OF), Jillian McBride, British Red Cross (JMcb), Graham O'Neill, Scottish Refugee Council (GO), Esther Muchena, Scottish Refugee Council (EM), Tesfay Waldemichael, Migratn Help (TW), Gayle Findlay, COSLA (GF), Jackie Walder, Scottish Government (JW), Duncan Campsie, Glasgow HSCP (DC), Scott Ross, SERCO (SR), Anne Kinghorn, SERCO (AK), Katy Wood, SERCO (KW), Charlotte Petrie, Home Office UKVI Safeguarding (CP), Marion Gibbs, Scottish Government (MG), Wafa Shaheen, Scottish Refugee Council (WS), Lesley Irving, Scottish Government (LI), Margaret Ball, Glasgow HSCP (MB), Priscille Muilhearn, Migrant Help (PM), James McCourt, Glasgow City Council (JMcc), Aziz Karsli, Glasgow City Council (AK), Darren Rough, SERCO (DR).</p>	<p>To ensure that there is an effective process and data sharing which will allow the task force to support the welfare of those people affected, and ensure signposting of the available advice and support options for the individuals affected is clear.</p> <p>SEE SLIDES 12-14 FOR PROCESS</p>