

[COR0146]

Written evidence submitted by JustRight Scotland (COR0146)

1. JustRight Scotland was established by an experienced group of human rights lawyers, working towards a new model of Collaborative Social Justice. We use the law to defend and extend people's rights, working collaboratively with non-lawyers across Scotland towards the shared aims of increasing access to justice and reducing inequality. We do this by providing direct legal advice to individuals and organisations, running outreach legal surgeries and helplines, delivering rights information, training and legal education, and contributing to research, policy and influencing work.
2. We work across a number of policy areas including women's legal justice, trafficking and migration and citizenship. Whilst our work is specific to Scotland, we appreciate that our areas of focus cover both devolved and reserved legislation and as such we endeavour to work across both the Scottish and UK Parliament where appropriate.
3. We work with clients directly providing legal advice and representation. In this briefing we highlight specific cases to demonstrate clearly the lived experience of migrants and asylum seekers, and the reality of harm caused by current policies and systemic inequalities.

Summary:

4. Covid-19 is exacerbating pre-existing inequalities across the UK and impacting minority groups disproportionately. There is already mounting evidence illustrating that BAME communities are suffering most and dying at up to 4 times the rate of white communities. Whilst this is caused by a number of factors including BAME individuals being more likely to work on the frontline and being more likely to live in deprived areas, migrants and asylum seekers are some of the most vulnerable communities across the UK, made so by entrenched inequalities and often without access to vital support and funds needed to protect their lives.
5. JustRight Scotland believes that a competent response to Covid-19 can only be achieved if those furthest away from access to power and opportunity are centred in policy making and preparedness. Further we believe that policy making requires an intersectional lens, which provides accuracy in how we respond to those who are most disadvantaged and avoids seeing migrants and asylum seekers as a homogenous group.

End to No Recourse to Public Funds (NRPF) Conditions

6. No individual in the UK should put at risk of Covid-19 or pushed into destitution due to their immigration status. Those on NRPF visas currently face the choice of potentially risking their health to continue having an income, or risk falling into destitution. No access to mainstream social security benefits is available for asylum seekers who are forced to live on less than £38 a week asylum support for food and essentials which is provided via a cashless card only able to be used in certain shops and rarely online. As a consequence, asylum seekers again put themselves at risk; this is particularly relevant for those asylum seekers over 70 years old, with certain pre-existing conditions or who are pregnant and should be shielding (on Government advice).
7. Women migrants who are NRPF and who are experiencing violence and domestic abuse can struggle to access support and protection, where important services such as places at safe refuges are funded by 'public funds' and where doing so would contravene their visa conditions. Migrants are left potentially trapped in a violent environment with no or limited access to emergency helplines, services or domestic abuse refuges.

[COR0146]

8. No Recourse to Public Funds conditions have been challenged in the High Court, which recently ruled that broad application of the NRPF condition breaches Article 3 of the European Convention on Human Rights, which prohibits “inhuman and degrading treatment or punishment.”

9. From our work across the sector in Scotland: *Many asylum seekers are struggling to access financial support, and are relying on charities to deliver food and essentials. Others are struggling to meet the increasing costs of lives in lockdown. Some migrants who have lost jobs in underground economies will not be eligible for government assistance.*

Trust in policing and access to healthcare

10. In the context of frontline emergency services, whether police or within the NHS, a lack of trust of these institutions plays a critical role as to whether those impacted by Covid-19 will come forward for the support/assistance they need. As such, preparedness of these institutions will be limited as a consequence of hostile environment policies. Focus need to be paid to ensuring Covid-19 messaging from these institutions is provided in multiple languages and in accessible formats.

11. In Scotland, a decision has been taken to suspend all NHS charging for Covid-19 testing and treatment, to ensure all individuals have full access to healthcare. NHS Scotland also does not share information regarding immigration status between health services and the Home Office. The continuation of charging (and surcharges) and data sharing in England will result in migrants and asylum seekers not accessing the support they need and may have health implications for society more widely if Covid-19 is not fully suppressed.

Extension of Leave

12. Whilst the UK Government has granted some leniency in the visa system, it does not go far enough to protect migrants' lives in the current crisis. A two-tier system has been created between those employed in frontline work who have been authorised automatic visa extensions and those who work in other sectors, where the majority of migrants can only obtain an extension to 31st May 2020. This distinction is, in our view, unjust. All migrants currently in the UK should have their visas extended in order to minimise risk to their health. Furthermore, conditions regarding employment or earnings should be suspended to prevent any penalisation due to loss of work, reduction in hours or earnings cause as a consequence of Covid-19.

13. We are also co-signatories of the Helen Bamber Foundations' urgent call for the UK Government to protect and safeguard survivors of Modern Slavery who have insecure immigration status. Their asks are:

(a) The UK Government to publish a coherent strategy for survivors of human trafficking/modern slavery ('survivors') with specific procedural measures to protect and safeguard them throughout this public health crisis. It must set out clearly the Government's actions in all respects in relation to the Covid-19 public health crisis.

(b) That the Government should set up and be guided by a Covid-19 Modern Slavery Crisis Committee of experts from the UK's clinical and anti-trafficking sectors.

(c) Urgent steps should be taken to ensure that vulnerable survivors have access to the protection and the support, rights and entitlements provided by the UK NRM and asylum systems. This includes at a minimum sufficient terms of leave to remain and safe and appropriate housing due to their specific vulnerability to health risks and re-trafficking/further crimes committed against them.

Settled Status for EU Migrants and Home Office Processes

14. The immigration system in the UK is needlessly complex, and with the changes which have been announced and the rapidly changing policy environment, the process has become even more cumbersome. In order for migrants and asylum seekers to access their rights and the correct routes to remain in the UK, action is needed to communicate these changes clearly, and an overhaul is needed to create accessible and affordable pathways to citizenship, visas and leave to remain for all migrants.

15. From our work with clients: *Vulnerable EU citizens and those without smartphones are now struggling to apply for settled status, as the primary route to applying to the Home Office is through an app. Without this status, it is harder to pass the habitual residency test, and in some cases means they are unable to access benefits, leaving them destitute and homeless.*

Access to Safe Accommodation

16. Whilst we accept that an emergency response may be needed in light of Covid-19, many asylum seekers have been moved to hotel accommodation which is not a safe long-term solution. Shared accommodation, shared meals and overcrowding pose a significant health risk in the current circumstances. Local authorities need to be given authorisation to support all asylum seekers through financial assistance and support services to intervene when emergency measures end to prevent asylum seekers from facing destitution. In many of these cases, asylum seekers have not been communicated with, have been provided with no accessible information to explain these emergency measures and have faced being moved out of their assigned accommodation and into hotels with as little as 30 minutes' notice.

17. From our work with clients: *Asylum seekers, including a pregnant female survivor of trafficking supported by JRS, have been moved by Mears Group from flats to hotel accommodation, with all financial support stopped. Principal concerns include the psychological distress caused as a result of previous experiences, as well as the greater risk of contracting COVID-19 in this setting where communal meals are served. Earlier this month, a 30-year-old Syrian man was found dead in his room at the McLay Guest House in Glasgow. Friends claim he suffered mental distress and reported having flashbacks in the weeks and days leading up to his death.*

18. The preparedness of the Home Office, and relevant institutions it governs, must be assessed through the extent of the negative or positive impact of interventions and policies on the most disadvantaged in our society. Migrants, asylum seekers and refugees experience significant inequalities, often as a direct consequence of Home Office "hostile environment" policies. JustRight Scotland would like to see this inquiry fully review how migrants' and asylum seekers' lives have been impacted by Covid-19 and to what extent the response of the Home Office considered migrants and asylum seekers, as well as a review into whether this response has helped or hindered their safety during this global crisis.