

Cabinet Secretary for Social Justice, Communities and Pensioners' Rights  
Alex Neil MSP

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



James Brokenshire MP  
Immigration Minister  
Home Office  
2 Marsham Street  
London  
SW1P 4DF



8 December 2015

Dear James,

Thank you for your letter of 3 November about the proposed changes to asylum support under Schedule 6 of the Immigration Bill. We have also received Clive Peckover's letter of 12 November about changes planned to Schedule 3 of the Nationality, Immigration and Asylum Act 2002 with your officials, and I know that Scottish Government officials have had the opportunity to hear more about these changes from Mr Peckover.

The Scottish Government maintains its concerns that the proposed framework in Schedule 6 of the Immigration Bill does not provide the necessary safeguards for children and has the potential to leave highly vulnerable people in destitution and at clear risk of abuse and exploitation.

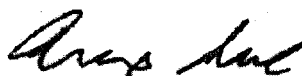
We remain particularly concerned about the repeal of Section 4 and Section 95 support for families with children. I note that you will reflect on the length of the grace period between refusal of an asylum claim and the withdrawal of support and I urge you to extend this period from the proposed 28 days to 90 days, as recommended by our key stakeholders who have substantial experience of the needs of asylum seekers in Scotland.

The Scottish Government believes asylum seekers and refugees must be treated humanely and fairly, and with their dignity and rights upheld, at every stage of the asylum process. This is particularly important in cases where claims are not successful, where people are returned to their countries of origin and where children are involved. Despite your reassurance that safeguarding responsibilities will be upheld under Section 17 of the Children Act 1989, I strongly believe these proposals will negatively impact children of asylum seeking families.

I have noted the changes to Schedule 3 of the 2002 Act on local authority support for asylum seekers, which you plan to extend to Scotland. Once again, I am extremely concerned about the impact this will have, particularly on children and young adults. Care leavers face some of the most difficult challenges in our society. To cut off their support at a time, when they are at their most vulnerable is both morally wrong and also places them at serious risk of harm. Furthermore, I also believe it is wrong to seek to remove young adults who may have spent the majority of their lives in the UK and may no longer have any connection with their countries of origin.

I understand that Home Office officials have been in contact with the Convention of Scottish Local Authorities (COSLA) for their views on these proposals, given the role of local authorities in providing services for care leavers. However, I am concerned that these changes will leave charities and other third sector organisations to 'plug the gap' in supporting destitute asylum seekers and children and seeking to mitigate the impacts of destitution and homelessness. The impact of the Immigration Bill on and implications for the third sector must be carefully considered.

I hope that you will seriously consider and take on board the comments I have made. I believe the proposals in the Bill will not achieve their objectives, are wrong in principle and undermine our ambition to build a fairer Scotland.



ALEX NEIL