

RAS 11

Ymchwiliad i ffoaduriaid a cheiswyr lloches yng Nghymru

Inquiry into refugees and asylum seekers in Wales

Ymateb gan: Asylum Justice

Response from: Asylum Justice

Asylum Justice is a charity providing legal services to refugees and asylum-seekers in Wales. We are a registered charity and regulated by the Office of the Immigration Services Commissioner (OISC) to provide Level 3 Immigration and Asylum Advice. Asylum Justice has a long history of working with asylum seekers and refugees in Wales over the last decade. We are part of the City of Sanctuary movement and are working with Welsh Refugee Coalition partners. We are members of the Welsh Refugee Coalition and endorse the recommendations made within their submission.

We hope this response offers the Committee a snapshot from an independent legal service provider and is illuminating in assisting the creation of a progressive, far-reaching, rights-based set of services for all refugees, asylum seekers and those whose claim has been refused. As a legal services provider, we are deeply concerned by the removal of legal aid for family reunion cases (which make up a large proportion of our caseload) and changes by the Immigration Act 2016 to limit further rights to appeal and removal of asylum support for those whose claim has been refused.

Whilst we are aware that immigration and asylum and legal services are not devolved to Wales, the impact of changes in these areas is directly felt by other support services (advice, social services, housing, health etc) which the Welsh Government does have competency for. Asylum Justice very much welcomes the Welsh Government's recognition that "*refugee inclusion begins on day one of arrival*"; we would therefore advocate that inclusion can only be realised if an asylum seeker is able to access the asylum system. Legal advice should be provided from 'day one' as it is a fundamental starting point for asylum seekers arriving in Wales, and is the point from which every other aspect of integration should follow. The provision of advice and paralegal services can and has been supported by the Welsh Government in the past. In view of the significant cuts to legal aid and asylum support over the last eight years since the Welsh Government's Refugee Inclusion Strategy (2008) was devised, as well as the removal of an accredited advice and advocacy service for all refugees and asylum seekers (Welsh Refugee Council all-Wales 'one stop shop' service which ceased April 2014), the need for services like ours is significantly outstripping supply.

1. The pace and effectiveness of the Welsh Government approach to resettling refugees through the UK Government's Syrian Vulnerable Persons Relocation Scheme (SVPRS)

Asylum Justice does not deal with refugees coming through this scheme and therefore cannot comment.

2. The effectiveness of the Refugee and Asylum Seeker Delivery Plan

There are a number of areas of this plan which remain areas of concern regarding service provision to refugees. Asylum Justice is aware of delays in providing 'move on' services to refugees.

Quality of housing to asylum seekers remains an issue of particular concern – Lynx House and the associated properties on Newport Road in Cardiff continue to offer an extremely poor standard of accommodation, and there is no independent advocacy support for asylum seekers in asylum support accommodation which leads to poor quality housing going unchecked as tenants fear reprisal from housing managers.

It is noted that the current All Wales Multi Agency Toolkit regarding unaccompanied minors is in the process of being re-drafted. This process has halted and it is currently uncertain when the new guidance will be published – it is vital that this guidance is made available as soon as possible.

Asylum Justice is aware of cases where asylum seekers and refugees have not been suitably assisted in education. In a recent case repeated requests by education providers had been made for the young person to be tested for special educational needs. These had been ignored and when, at the point of an immigration appeal, an Asylum Justice legal adviser questioned why he had not progressed further in English in his time in the UK the personal adviser responded that he had not been attending school and college. Asylum Justice are also concerned by the delays faced by unaccompanied asylum seeking young people aged 16 and above in accessing further education.

3. The support and advocacy available to unaccompanied asylum seeking children in Wales

Asylum Justice remains deeply concerned about the levels of support and advocacy available to unaccompanied asylum seeking children in Wales. The main provider of independent advocacy services – the ‘Fair and Square’ project run by Tros Gynnal Plant – closed in February 2016. Since then young people have been left in many cases without an independent advocate. This project was the main provider of independent adults for Local Authority age assessments, and without this service a variety of inappropriate persons have been used in their stead – including Home Office accommodation staff. It is vital that a source of independent adults for age assessment is found. Should Wales follow the Scottish model of providing guardians for unaccompanied asylum seeking children, this might alleviate this issue. The removal of any mention of a guardianship service from the more recent iteration of the Refugee & Asylum Seeker Delivery Plan, however, is a disturbing omission if symptomatic of an intention to ignore this need altogether.

The quality of age assessment services in Wales remains patchy. Asylum Justice is aware of a case where a lone male worker was sent to age assess a female victim of trafficking found in a brothel, who subsequently and unlawfully declined to undertake a full assessment. It is vital that training is made compulsory for any social worker carrying out an age assessment. The reinstatement of a Wales No Recourse to Public Funds Network would be a good start in ensuring the required training and current case law awareness is up to date, Wales currently being the only region of the UK without an NRPF Network in operation. Furthermore, it is noted that at present there is only one solicitor in Wales that specialises in advising on and challenging unlawful age assessments. It is therefore difficult for Local Authorities to be held to account when unlawful assessments are carried out. The Welsh Government must act to ensure lawful assessments are carried out in every case.

It is clear that the well-being of children is not being taken into account when decisions regarding their immigration cases are being made. As Asylum Justice does not charge for its services it appears that it has become the provider of choice for immigration advice for Local Authorities across South Wales – which impacts on the level of service that can be provided for clients who have no choice in where they go for legal advice. Asylum Justice has been asked to represent young people by a number of Local Authorities in Wales, where they have not been entitled to Legal Aid. Asylum Justice clients have been told incorrectly by Local Authorities that the Authority cannot pay for legal representation in cases where Legal Aid is not available – there appears to be no distinction between cases which are ‘out of scope’ for Legal Aid purposes, and cases where Legal Aid has had to be withdrawn

due to the poor merits of a case. Asylum Justice is aware of a case where a Local Authority declined to lodge appeal papers for a young person where the legal representatives had withdrawn, without informing the young person or undertaking any consideration of whether doing so would promote the well-being of the young person. It is gravely concerning that case management decisions are being made by workers without appropriate training.

Asylum Justice has also recently been referred a ten year old child who has been placed with a family member for two years before advice was sought regarding how to regularise her immigration status. It is inappropriate for Local Authorities to be seeking to rely on the third sector for specialist advice in these cases. It is vital that Local Authority legal advisers are trained in immigration and asylum law so that appropriate advice can be obtained in a timely fashion without placing an undue burden on the third sector.

4. The role and effectiveness of the Welsh Government's Community Cohesion Delivery Plan in ensuring the integration of refugees and asylum seekers in Welsh communities.

Asylum Justice is unable to comment on this aspect other than to say that refugees who arrive without their families will find it extremely difficult to integrate if they are unable to make an application for family reunion. The first and foremost concern will be for the safety of their family and they will be consumed by worry and fear until their family are arrive in the UK.

Conclusion

Asylum Justice would like to conclude by highlighting the lack of good quality legal advice available for asylum seekers in Wales (and would also like it to be noted the lack of solicitors able to lodge judicial review applications in asylum related matters). This lack of provision coupled with the restrictions on legal aid (both in terms of the merits test and matters which fall out of scope) impacts the ability of asylum seekers to access justice. Asylum Justice recommends that the Welsh Government gives urgent consideration to funding legal advice provision in Wales to readdress this injustice and disparity compared to other parts of the UK.

Yours faithfully,



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