

# The Calman Commission & Asylum Seeking Children

2011



## Background

The Welsh Refugee Council has over twenty-one years experience of working with refugees, asylum seekers and refused asylum seekers. It provides confidential and independent advice services across Wales, advocates for the rights of refugees and asylum seekers, supports capacity building for refugee community organisations, and promotes good community relations. Its vision is to ensure that refugees and asylum seekers are safe, and that they get the support they need to rebuild their lives in Wales.

The Welsh Refugee Council's work is guided by the core principle that the right to seek asylum is a fundamental right. This year marks the 60<sup>th</sup> anniversary of the 1951 UN Convention Relating to the Status of Refugees, an international standard that has provided the essential protection to save hundreds and thousands of lives since it was established.

## Findings and Recommendations from the Calman Commission following a submission of evidence from the Scottish Refugee Council

1. The Scottish Refugee Council responded in 2008 to a consultation to the Calman Commission (a Commission organised by Labour, Lib Dems and Conservatives in Scotland looking at what further powers should be devolved). They stated:
2. *'The key concern we have is the extent to which the UK Government has interpreted its reserved competence of immigration to treat any issue related to asylum seekers, asylum-seeking children and refugees as reserved including those areas which are devolved competences of the Scottish Parliament. We contend that this has in many instances run counter to the Scottish Parliament's foundations on human rights, equality and children's rights and raises fundamental questions of democratic and financial accountability.'*
3. This was picked up in the final report of Calman (2009) which stated that:

*'RECOMMENDATION 5.7: In dealing with the children of asylum seekers, the relevant UK authorities must recognise the statutory responsibilities of Scottish authorities for the well-being of children in Scotland'*.

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<http://www.commissiononscottishdevolution.org.uk/uploads/2009-06-12-csd-final-report-2009fbookmarked.pdf>

4. In 2010 the UK Government published its White Paper on the Scotland Bill. The Bill will implement recommendations of the Final Report of the Commission on Scottish Devolution (the Calman Commission). It will make changes to the finances of the Scottish Parliament, including a new Scottish rate of income tax, and make a number of adjustments to the boundary of devolved responsibilities. The Bill is currently going through Westminster and the majority SNP government are asking for further powers to be devolved.
  
5. *The Government agrees with the Commission that there should be a single framework for managing immigration in the UK, with the flexibility to meet Scottish needs. The UK Border Agency works closely with Scottish authorities to discuss approaches to immigration policy which work best for Scotland. The Migration Advisory Committee oversees a Scottish Shortage Occupation list to address specific gaps in the Scottish labour market. In respect of another of the Commission's recommendations, the Government is committed to working with Scottish authorities to ensure that their statutory obligations towards the children of asylum seekers are respected.*
  
6. *UKBA recognises the statutory responsibility of Scottish authorities for the well-being of children in Scotland. The UKBA regional office hosts quarterly meeting of corporate partners from across the asylum community, including refugee charities, to provide a forum to discuss pertinent asylum issues.*
  
7. For further details please see: 'Strengthening Scotland's Future' (November 2010)  
Available online [http://news.bbc.co.uk/1/shared/bsp/hi/pdfs/30\\_11\\_10\\_scotlandbill.pdf](http://news.bbc.co.uk/1/shared/bsp/hi/pdfs/30_11_10_scotlandbill.pdf)

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