

RAS 09

Ymchwiliad i ffoaduriaid a cheiswyr lloches yng Nghymru

Inquiry into refugees and asylum seekers in Wales

Ymateb gan: Oxfam Cymru

Response from: Oxfam Cymru

## **Oxfam Cymru submission to Equality, Local Government and Communities Committee inquiry into refugees and asylum-seekers in Wales**

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Oxfam has a long history of working with asylum-seekers and refugees in the UK, particularly in Wales over the last decade, and we represent the Welsh Refugee Coalition on the Welsh Government's Syrian Resettlement Operations Board and are working with the Coalition to try to establish Wales as a Nation of Sanctuary. We fully support the evidence submission and recommendations presented to the Committee by the Welsh Refugee Coalition.

In May 2015, we completed a three year Sanctuary in Wales<sup>1</sup> project (funded by Big Lottery Fund) in the four asylum dispersal areas – Cardiff, Swansea, Newport and Wrexham – alongside our partners [Oasis Cardiff](#), [African Community Centre](#), [Displaced People in Action](#), [BAWSO](#) and [Business in the Community](#). Over 450 women participated in this project sharing their experiences and identifying issues important to them. Some of these women reflected their experiences in this short video: <https://www.youtube.com/watch?v=9F-8b72mBUU>.

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

1. The SVPRS<sup>2</sup> was launched in September 2015 and in response the Welsh Government set up a Syrian Refugee Taskforce and an Operations Board. Initially set up to oversee the effective implementation of the SVPRS, the remit of these bodies has been extended to include a Children's Task and Finish Group, which looks beyond the SVPRS to other Home Office schemes such as the Vulnerable Children Resettlement scheme<sup>3</sup> and the Unaccompanied Asylum Seeking Children (UASC) National Transfer Scheme<sup>4</sup>. The Operations Board has not met since June 2016.
2. Oxfam was critical of the pace of resettlement at the beginning of the process, although there has now been an improvement. An announcement by WLGA in November 2016 stated that *'So far around 17 authorities have resettled refugee families and we anticipate families will have been resettled within all 22 council areas by the end of the year.'* By the end June 2016, Local Authorities in Wales had resettled 112 refugees from Syria through the SVPRS with updated Home Office statistics available on 1 December 2016<sup>5</sup> providing official information up to the end of September.
3. Oxfam welcomed Welsh Government's aspiration to provide a coordination role for the SVPRS, however it is not clear what influence either the Taskforce or Operations Board has had or whether Welsh Government has been able to add value to the work of the WLGA, local authorities and civil society. The Refugee and Asylum Seeker Delivery Plan, for example, does not mention the SVPRS or how Welsh Government is approaching the resettlement of refugees through this scheme. We believe Welsh Government has a role to play in offering greater strategic leadership in responding to humanitarian crises, providing a greater urgency and 'troubleshooting' to ensure local authorities, communities and service providers can respond quickly to such challenges. It is not clear to us that Welsh Government has played this role in responding to the SVPRS.
4. In responding to the SVPRS, there has been a risk of creating a 'two-tier' system, where those arriving through this scheme have received a different level of support to Syrians arriving via the asylum route or those of other nationalities. In assessing the Welsh response to the SVPRS, it is vital that we do not allow this two-tier structure to become permanent. Welsh Government should act to learn from what has and hasn't worked across all schemes in Wales – including through meaningful dialogues with people in Wales – with a clear view to improving provision for all refugees and asylum-seekers in Wales.

5. To that end, having a specific Taskforce and Operations Board focussing on this single scheme while in many ways welcome, risks giving the impression of endorsing a two-tier system. A new, permanent, structure should be created to co-ordinate services for all refugees and asylum-seekers in Wales, which would provide an improved starting point to act in response to urgent humanitarian crises.
6. For example, the Welsh Government has engaged with stakeholders interested in the Refugees, Asylum Seekers and Migrants Inclusion Project specification and budget through a parallel process. Although this engagement has been welcomed, a more strategic approach could have utilised cross sector expertise from the Operations Board to inform and co-produce the specification. This would not only have saved time and resources but may also have enabled a better understanding of how Home Office, third sector and local authority provision could be delivered to provide a more seamless service for asylum-seekers and refugees across Wales. Working in this way could also have prevented delays in issuing this contract which would have allowed maximum opportunity to make effective transition arrangements for when the new contract is in place.

### **The effectiveness of the Refugee and Asylum Seeker Delivery Plan**

7. Oxfam Cymru has welcomed Wales' positive humanitarian stance towards those seeking sanctuary, with asylum-seekers provided with free access to NHS healthcare and access to education. As a globally responsible nation, it is vital that Wales continues to play its part.
8. The Welsh Government Refugee Inclusion Strategy (2008)<sup>6</sup> was seen as progressive: *'One of the principles on which the strategy is based is that refugee inclusion begins on day one of arrival in the UK and successful inclusion is closely related to the standard of reception procedures and people's experiences as asylum-seekers.'* This recognises that the asylum system itself and the support provided to asylum-seekers has a significant impact on the ability of people to integrate into the community and ultimately how well they will integrate once status has been granted. Immigration and asylum is a non-devolved area and successive UK governments have introduced restrictive legislation. The Welsh Government nevertheless has responsibility for many areas that have a key impact on the lives of people seeking sanctuary. This includes health, housing, education, transport and social services.
9. Oxfam Cymru was disappointed with the quality of the Refugee and Asylum Seeker Delivery Plan which lacks concrete and accountable actions in areas of devolved responsibility and lacks any provision to mitigate impacts of UK Government legislation or policy on people living in Wales. At present, many of the actions listed under each priority are not delivery actions but focus on guidance and toolkits, which are unlikely to improve life significantly for refugees and asylum-seekers living in Wales. We would like to see much more detail in the actions that will be taken to achieve each priority. What will Welsh Government do? What will others do? How will the actions be resourced? What is the budget for this work? How will the impact of actions be monitored?
10. In addition to the above concerns, there are a number of significant omissions from the Delivery Plan, some of which are outlined below.

### **Supporting people faced with destitution or with No Recourse to Public Funds (NRPF)**

11. Wales is the only region within the UK not to have a forum or specific staff dedicated to supporting people with NRPF and there is currently no NRPF Network in Wales<sup>7</sup>. This risks leaving an extremely vulnerable group of people without co-ordinated support or ongoing monitoring of practice. Action is needed to ensure people faced with destitution and with NRPF are effectively supported across Wales and that health and social services have expertise and oversight built in. We would recommend the reforming of the NRPF Network.
12. There is clear evidence that the lack of institutional, social and economic resources faced by people living in destitution or with NRPF denies them a sustainable livelihood, and results in a life that is robbed of dignity and unacceptable by human rights standards<sup>8</sup>. Oxfam research documented the humiliating and degrading strategies adopted by destitute asylum-seekers to survive and avoid deportation. This is not acceptable in Welsh society. Oxfam believes that no one should have to live in poverty. The poverty experienced by asylum-

seekers is a consequence of policy that is designed to force them into destitution and encourage their voluntary return to their country of origin. As research shows, not only is current policy deeply inhumane, it simply does not work.

13. We welcome the possible inclusion of practical advice and support for 'those at risk of destitution' in the draft specification the Refugees, Asylum Seekers and Migrants Inclusion Project, but recommend the eligibility criteria for the Discretionary Assistance Fund (DAF) should be expanded to include those with NRPF.

#### **Access to justice/ legal support / cuts to legal aid**

14. With the loss of advocacy support as part of the Welsh Refugee Council's (WRC) 'one-stop-shop' service in April 2014, access to justice on areas relating to and outside of the asylum claim has become much more difficult to obtain. The loss of this service, coupled with a lack of accessible [legal] advice services or any advocacy support to replace it, makes it increasingly difficult to ensure asylum-seekers and those with NRPF have access to legal support in the event of errors and failure to support them. With the Home Office looking to increase the number of dispersal areas, monitoring provision across Wales will be of great importance. It should not be the case that asylum-seekers have significantly different access to legal support depending on where they are located.
15. The lack of legal aid provision has an even greater impact on women and girls, including those who have experienced violence or sexual abuse, including victims of trafficking. In Wrexham, asylum seekers must now pay a fee for lawyers who travel from Manchester. Fresh asylum claims (from those already in Wales) now have to be made in person in Liverpool at the UK Visa and Immigration (UKVI) office – a recent change made by the Home Office. The Welsh Government should urgently explore whether such claims could once again be made in Wales to reduce costs for asylum-seekers.
16. This is especially important in the field of family reunion. Long term separation causes costs to Welsh public services (in particular around mental health provision). Yet the issues are complex and require legal support for an application to be successfully filed. Even if a family reunion application is successful, very limited support is available to ensure practicalities such as flights are covered to enable the reunion to take place.

#### **Impact of UK Government legislation and policy**

17. The UK Government Immigration Act 2016 is of serious concern. In response to the UK Government Welfare Reform Act, the Welsh Government set up a Ministerial Task and Finish Group that commissioned extensive research<sup>9</sup> into the impacts of welfare reforms on people living in Wales. This evidence base was used to inform mitigating action across a range of devolved policy areas<sup>10</sup>. The Immigration Act introduces new sanctions on illegal working, changes to financial asylum support, aims to prevent undocumented migrants from accessing housing, driving licences and bank accounts, and introduces additional measures to enforce existing immigration laws.
18. Certain aspects of the Immigration Act impact upon areas of devolved competence including residential tenancies, availability of local authority support and transfer of responsibility for relevant children, which affords the Welsh Government an opportunity to influence and challenge how these provisions are implemented in Wales. Welsh Government should assess this legislation in the same way it has assessed the impact of Welfare Reform, commissioning extra research where necessary and introducing new policies to mitigate negative impacts.
19. In addition to the above, we have some comments on existing sections of the Delivery Plan including:

#### **Language Services – English for Speakers of Other Languages (ESOL)**

20. Welsh Government has a positive policy to provide free ESOL courses. Improvements are required in the local availability of and access to ESOL classes. This is essential as the ability to speak English has an enormous impact on an ability to integrate, social outcomes and community cohesion. Barriers prevent people – particularly women – accessing formal ESOL classes including a lack of childcare and transport as well as issues around the timings of classes.

21. With class intakes often commencing annually, individuals who arrive at other times in the year are often forced to wait many months before accessing formal provision. The provision of more advanced ESOL Level 2+ classes is incredibly limited and not adequate to support the need identified. Gender analysis of need and provision is required because of the additional barriers facing women (e.g. caring responsibilities, cultural barriers).
22. Welsh Government must work with initial accommodation providers (e.g. Clearsprings) or the Home Office or Migrant Help to ensure we have an understanding of the level of ESOL supply versus demand.

### **Health services – Interpretation & Language Line**

23. Welsh Government policy providing primary and secondary health services to asylum-seekers is particularly welcome. This is not the case in England and is something we should be proud of providing.
24. There is a particular challenge, however, around language and interpretation, which can lead at worst to misdiagnosis and errors in prescribing – both of which were reported by women we worked with. We have evidence from women who have had to rely on their children to interpret for them about health conditions. Clearly this is not appropriate and has occurred at GP surgeries and at hospitals. For example, some Wrexham GPs were found not to be using Language Line despite the fact that health visitors in the area do so.
25. Welsh Government needs to work with health colleagues to ensure all health services in Wales fully integrate Language Line into local health provision. Any guidance needs to make clear that Language Line is not an optional extra. There is also a need for retention of in-person interpretation and not an overreliance on Language Line where particular vulnerabilities are identified and in all complex cases.
26. There could be a role for the Public Services Ombudsman for Wales to ensure that complaints procedures are accessible and there is clarity about the separation of health and immigration services for any patient. At the moment, there is no ability for refugees and asylum-seekers to complain, and as a group they are much less likely to do so due to vulnerability because of their immigration status.

### **Housing**

27. It is unacceptable that asylum housing in Wales, particularly 'Initial Accommodation', is not subject to any independent scrutiny on standards and that provision is not subject to any independent means of complaint. The result is that people are forced to endure housing which would not be of an acceptable standard for any other publically funded accommodation. Historically, the advocacy service provided by the WRC assisted with such complaints, as well as collecting data on issues of concern and problem areas for asylum-seekers and refugees. An independent advocacy service must be re-established which enables refugees and asylum-seekers to raise issues of concern without fear of the consequences.
28. The quality of the Home Office contracted housing provider Clearsprings' housing management also differs considerably. A project participant we worked with had reportedly been threatened with eviction by her housing manager, having complained following a conflict with a house mate. There is legal right to do this.
29. The Welsh Government should prioritise finding ways of using its devolved powers to improve asylum accommodation in Wales by engaging actively with the UKVI Asylum Accommodation and Support Transformation (AAST) stakeholder consultation on new contracts for asylum housing; insisting that the quality of asylum housing is scrutinised by Welsh Government or local authorities; and bringing the next asylum accommodation contract into Wales by supporting a bid from one or more Welsh housing associations, other third sector organisations or Local Authorities, or negotiating with the Home Office to undertake the contracting process itself.

### **Employment**

30. Further action is needed to ensure employers in Wales are as accessible and open as possible to employing people from all backgrounds including refugees. Evidence from our programme experience in Wales suggests:

- The public and third sectors should be actively enabling asylum-seekers and refugees to volunteer in their organisations to build up language skills, social/professional networks, and gain valuable UK work experience.
- The Business Wales service was inaccessible for all the women we worked with during our three year Big Lottery funded project and this area of enterprise was the most challenging to develop. The generic advice and courses available on the website and even on the phone are not adequate in providing the holistic support which refugees often require to get a sound grounding in the UK economy, local markets and opportunities, and the requirements in terms of HMRC and employment law which will likely be very different to the set-up in countries of origin.
- Involving businesses and employee volunteers is a key way of getting employers to value and seek out the contributions of a diverse workforce, including refugees.
- Cuts to Voluntary Community Service (Cymru) in Cardiff, for example, and other volunteering services are further stymieing asylum-seekers' opportunities to volunteer as the competition for voluntary places increases. There needs to be a dedicated training programme for volunteer bureaux across Wales so that the involvement of asylum-seekers and refugees and the positive contributions they can bring are able to be realised.
- There is continued demand for the preparation for volunteering and work via employability training and job coaching – something which Displaced People in Action did in the past, the recent project we ran delivered, and which now is a significant gap in ensuring equality of opportunity.
- One-to-one support is vital in determining individual requirements and providing a safe and secure environment contributing to wellbeing for refugee women and their families - a personalised approach to the delivery of support with flexibility in the allocation of funding for travel, childcare and/or training courses according to individual needs works best.

### **The support and advocacy available to unaccompanied asylum seeking children (UASC) in Wales**

31. The Refugee and Asylum Seeker Delivery Plan states that UASC will have access to independent advocacy in respect of the duties owed to them under the Social Services and Well-being Act 2014. In this regard, UASC have a statutory right to advocacy the same as any other looked after child in Wales. However, UASC all have specific vulnerabilities and need access to dedicated services. To our knowledge no such support exists for asylum seeking children in Wales despite previous commitments from Welsh Government to explore '*the need for a Guardianship model<sup>11</sup> for Wales*'.
32. Appointed Guardians will support young people by helping them to navigate immigration and welfare processes, feel supported and empowered throughout the asylum process and assist them to access the help they need when they need it and help them make informed decisions about their future.
33. Advice and support for children now appears to be included with the specification of Welsh Government's Refugees, Asylum Seekers and Migrants Inclusion Project, which is not recommending this model. Oxfam also has concerns about the age assessment process and safeguarding issues for young people going through this process. It is totally unacceptable, for example, for young people in age dispute cases to be housed in initial accommodation at Lynx House, a practice that has occurred. In accepting UASC from Calais, this was at risk of occurring again, however Cardiff Council acted fast to find alternative accommodation.

### **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**

#### **Stigma and Media Portrayal**

34. Research into the portrayal of asylum in the media, undertaken by Oxfam Scotland<sup>12</sup> over a decade ago, found that at the time of study, press coverage was negative to the point of being hostile. The research concluded that government policy was no longer subject to independent scrutiny: the press reflects the government's line that making conditions less welcoming and more hostile for asylum-seekers will deter them from travelling to Britain.
35. Nothing has changed today in 2016 – indeed the situation has worsened, with a recent UN report pointing to the prevalence of "divisive, anti-immigrant and xenophobic rhetoric"<sup>13</sup>. Welsh Government cannot change

editorial policy, but it and local authorities should understand the importance of its communications on community cohesion. Indeed negative comments, and even no comment, can maintain hostile press coverage.

### **Safeguarding**

36. Safeguarding is extremely important and we also agree with protecting the privacy of resettled families. However, a balance has to be struck to enable resettled families to establish a much needed support network of friends and neighbours within their communities. Without such a network people can become isolated which not only impacts on health but can also put people at risk and ultimately affect the success or failure of resettlement schemes.
37. We are also concerned by perceptions and understanding among people resettled via the SVPRS in terms of their rights and responsibilities and their ability to speak out on issues that are important to them. Having experienced so little control over their lives immediately prior to resettlement, people need to be empowered to make decisions on behalf of themselves and their families. Government limiting the voice or freedom of choice of residents, however well intentioned, infringes on basic human rights and has potentially damaging consequences for individuals and society as a whole.

### **Participation**

38. Action needs to be taken to ensure active participation by asylum-seekers and refugees within national and local policy development, including the involvement of asylum-seekers and refugees in policy forums and the co-production of services in Wales. We are concerned, for example, that although asylum-seekers and refugees were consulted about the drafting of the Refugee and Asylum Seeker Delivery Plan, there has been no feedback from Welsh Government on how this input was used or what was changed in the drafting of the Delivery Plan as a result.

### **Education for Global Citizenship**

39. We would like to see support for Education for Global Citizenship as a useful way of making schools more welcoming to asylum-seeking and refugee children and to help mitigate and minimise instances of discrimination/racism on the part of children, teachers and parents. There are also specific resources available like the Schools of Sanctuary resource<sup>14</sup> that could be useful for schools to promote community cohesion (especially in non-dispersal areas).
40. The development of the new curriculum in Wales offers an excellent opportunity to ensure that all our children and young people are ethical, informed citizens who ‘respect the needs and rights of others, as a member of a diverse society’, and are healthy, confident individuals who ‘form positive relationships based upon trust and mutual respect’.

### **Conclusion**

While there are examples of good practice across Wales and Welsh Government’s rhetoric has remained welcoming, there are a number of clear areas for improvement within Wales to support the refugee and asylum-seeking communities living here.

We believe that following the recommendations in our report would have a significant impact in supporting some of the most vulnerable individuals within Wales. Importantly, they would also set us on the way to becoming a Nation of Sanctuary, along the lines of the Seven Steps to Sanctuary set out by the Welsh Refugee Coalition.<sup>15</sup>

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<sup>1</sup> Arad Research (2015), Sanctuary in Wales Final Evaluation & Executive Summary <http://policy-practice.oxfam.org.uk/publications/final-evaluation-sanctuary-in-wales-project-581107>

<sup>2</sup> Home Office (2015), Syrian Vulnerable Person Resettlement Programme (SVPRP), Guidance for Local Authorities and Partners [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/472020/Syrian\\_Resettlement\\_Fact\\_Sheet\\_gov\\_uk.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/472020/Syrian_Resettlement_Fact_Sheet_gov_uk.pdf)

<sup>3</sup> Press release: Home Office (2016), New Scheme Launched to Tackle Children at risk <https://www.gov.uk/government/news/new-scheme-launched-to-resettle-children-at-risk>

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- <sup>4</sup> Home Office (2016), Interim National Transfer Protocol for Unaccompanied Asylum Seeking Children 2016-17 <https://www.gov.uk/government/publications/unaccompanied-asylum-seeking-children-interim-national-transfer-scheme>
- <sup>5</sup> Home Office (2016), Immigration Statistics (quarterly releases) <https://www.gov.uk/government/collections/immigration-statistics-quarterly-release>
- <sup>6</sup> Welsh Government (2008), Welsh Government Refugee Inclusion Strategy <http://gov.wales/topics/people-and-communities/communities/communitycohesion/publications/refugeeinclusion/?lang=en>
- <sup>7</sup> No Recourse to Public Funds Network <http://www.nrpfnetwork.org.uk/regionalnetworks/Pages/default.aspx#wales>
- <sup>8</sup> Crawley, Hemmings and Price (2011), Oxfam GB, Coping with Destitution: Survival and livelihoods strategies of refugees asylum seekers living in the UK <http://policy-practice.oxfam.org.uk/publications/coping-with-destitution-survival-and-livelihood-strategies-of-refused-asylum-se-121667>
- <sup>9</sup> Welsh Government (2015), Analysing the impact of the UK Government's welfare reforms in Wales <http://gov.wales/topics/people-and-communities/welfare-reform-in-wales/analysing-reforms/?lang=en>
- <sup>10</sup> Welsh Government (2015), Mitigating the Impact of the UK Government's Welfare Reforms <http://gov.wales/docs/dsijg/publications/151019-mitigating-impact-welfare-reform-en.pdf>
- <sup>11</sup> Scottish Refugee Council [http://www.scottishrefugeecouncil.org.uk/how\\_we\\_can\\_help/advice\\_services/the\\_scottish\\_guardianship\\_service](http://www.scottishrefugeecouncil.org.uk/how_we_can_help/advice_services/the_scottish_guardianship_service)
- <sup>12</sup> Mollard, C (2001), Oxfam GB, Asylum: The Truth Behind the Headlines <http://policy-practice.oxfam.org.uk/publications/asylum-the-truth-behind-the-headlines-111959>
- <sup>13</sup> UN Periodic Review, Committee on the Elimination of Racial Discrimination - CERD/C/GBR/CO/21-23 – 26 August 2016, p.4. [http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/GBR/CERD\\_C\\_GBR\\_CO\\_21-23\\_24985\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/GBR/CERD_C_GBR_CO_21-23_24985_E.pdf)
- <sup>14</sup> Oxfam, Schools of Sanctuary: Giving a warm welcome <http://www.oxfam.org.uk/education/resources/schools-of-sanctuary>
- <sup>15</sup> Welsh Refugee Coalition (2016), Seven Steps to Sanctuary <https://www.welshrefugeecouncil.org/sites/default/files/news/files/Welsh%20Refugee%20Coalition%20Manifesto%20CYM%2016%20English.pdf>