

Response of Bevan Foundation to Equality & Social Justice Committee consultation: Anti-racist Wales Action Plan

1. About the Bevan Foundation

- 1.1 The Bevan Foundation is an independent, non-political Welsh think tank. We create insights, ideas and impact that help to end poverty and inequality. The Foundation's Access to Justice Project seeks to increase access to legal advice and representation for migrants and asylum seekers who require immigration legal services.
- 1.2 Our response to this consultation centres on inequalities that migrants and refugees face in Wales and challenges to their rights. We believe that in any nation, but particularly in a Nation of Sanctuary, such challenges should not exist.

2. Legal advice and representation

- 2.1 Access to good quality legal advice and representation is essential for people to access justice and to attain, maintain, and exercise their rights. There can be no equality without fair and equal access to the law. Without access to free legal services, people are unable to secure and retain immigration status, challenge unlawful detention, or access basic economic and social rights. Access to justice is fundamental to all efforts to achieve equality and fight racism.
- 2.2 Section 10 of the report, *Nation of Sanctuary: support for asylum seekers and refugees*, recognises the need for expert legal advice for asylum seekers and other forced migrants. The first action is to "ensure forced migrants living in Wales can access the advice and advocacy services that they need".
- 2.3 Legal provision for migrants in Wales was extremely low when the Plan was published and has dropped even further. The Bevan Foundation's recent report, [*Firefighting: protecting legal aid for immigration services in Wales*](#), found that in less than six months, Wales has lost a quarter of its remaining premises offering immigration services under legal aid – the main route to legal representation for asylum seekers. Points of access have declined by 47% over the past five years and provision is extremely scarce.
- 2.4 There has been an alarming decline in the number of legal aid providers in Wales and more are at risk. Most immigration legal services in Wales are closed to referrals and demand is overwhelming. Providers report that people with initial asylum claims and unaccompanied children are, unusually, amongst those unable to secure legal representation. This is a shocking situation that will have devastating effects on lives. It undermines the vision of Wales as a Nation of Sanctuary.
- 2.5 The provision of free or low-cost legal advice and representation for non-asylum migrants is virtually non-existent. There is little to no affordable legal advice available for people recruited from overseas to deliver Wales's NHS services, for the increased numbers of

international students recruited by Wales's universities to bring in much-needed finance, or for those who will likely be robbed of their opportunity to settle and apply for citizenship under the new Illegal Migration Act. The demand for quick access to expert legal services is likely to grow with the implementation of the Illegal Migration Act.

2.6 We recommend the following actions for Welsh Government:

- Urgent implementation of **an interim crisis fund to facilitate access to justice** by supporting struggling providers of higher-level legal services (offering casework and representation), both within and outside of the legal aid scheme.
- **Increased funding for support services for at-risk groups**, including migrants with no recourse to public funds, undocumented migrants, and asylum seekers left destitute after eviction from NASS accommodation.
- **Engagement with funders** to promote funding to Wales and a greater understanding of the challenges in Wales.
- **A capacity fund** to support training and the development of existing and new immigration legal services.
- Fund the re-establishment and maintenance of **a referral rota within initial and dispersal accommodation.**
- **Develop resources to improve information about available legal advice services.**
- **Support legal literacy programmes and improve knowledge** amongst local authorities and frontline workers
- **Establish and fund a legal adviser and representative for local authorities** to source support for people they provide services to as a result of, or in relation to, their immigration status.
- **Advocate strongly for legal aid reform** including increased fees, hourly rates or block funding, workable payment structures, better support.

2.7 More information and recommendations can be found in [our latest report](#).

3. Leadership

3.1 The Plan sets out a recruitment target of 20% of recruits from an ethnic minority background by 2026 at all levels of Welsh Government. We believe that it is essential to implement paid development opportunities to ensure that people from lower-income backgrounds can progress into leadership roles. Commitments are needed to ensure diversity within ethnic minority recruitment and career progression.

4. Housing

4.1 The Plan refers to shelter and services for people with No Recourse to Public Funds (NRPF) and EU citizens who have not yet applied for Settled Status. We have found that staff within local authorities are not sufficiently aware of the rights of people with NRPF

and that local authorities are not applying Welsh Government guidance. During our current project researching local authority responses to people with NRPF, we have received several enquiries from local authorities asking for help, training, and advice.

- 4.2 Training for staff in housing, social services, education, and advice and information services regarding NRPF is inadequate and inconsistent across and within local authorities. Without a clear understanding of the rights of people with NRPF, and indeed who is subject to NRPF, it is not possible for local authority staff to apply the law correctly and people will inevitably be denied their full entitlements.
- 4.3 There is a glaring disparity between children from non-migrant low-income households beyond the free school meals roll-out and those from migrant low-income households who are affected by their parents' no recourse to public funds (NRPF) status. Most children affected by NRPF do not receive free school meals, regardless of how low their household income is.
- 4.4 The full findings of our NRPF research project will be published in January 2024.
- 4.5 We recommend the following actions for Welsh Government:**
- Improved training for staff within local authorities and key services regarding the law relating to NRPF and local authority responsibilities and duties. This should include Housing, Social Services, Education, and Information and Advice Services staff.
 - Improvement and strengthening of Welsh Government NRPF guidance.
 - More follow-up actions from Welsh Government to promote compliance with Welsh Government NRPF guidance and a positive approach to supporting people with NRPF.
 - The re-establishment of an NRPF forum to be attended by local authorities, third sector agencies, and representatives of the Welsh Government, Home Office, UK Government, and other interested parties.
 - Automatic provision of free school meals for children of low-income households affected by their parents' or carers' no recourse to public funds status. This requires monitoring, clear, and repeated guidance to local authorities and schools, clear information to parents about eligibility and safety (that school meals are not a public fund and will therefore not affect immigration status), improved and appropriate eligibility and evidence criteria, and adequate funding.
 - Improvement and increase of legal services for immigration and asylum cases.

Renting

- 4.6 We believe it is essential that action is taken to counteract discrimination against migrants seeking to rent. The following concerns have a significant impact on migrants and refugees and are not referred to in the Anti-Racist Wales Action Plan:
- The law regarding Right to Rent does not apply in Wales but restrictions are often enforced by landlords based in England. This leads to migrants who would be subject to Right to Rent restrictions in England being refused accommodation in Wales.
 - A lack of understanding of the law relating to Right to Rent affects migrants who are not subject to Right to Rent restrictions under English law. This leads to migrants in

Wales being refused housing where they would not even be subject to Right to Rent Restrictions under English law.

4.7 We recommend the following actions:

- Training for landlords and rental agents on the legal status of Right to Rent in Wales.
- Information and guidance on their rights for renters subject to immigration control, as well as guidance on how to seek redress when unfairly or unlawfully treated.

Destitution and homelessness

4.8 Support services report increased homelessness amongst asylum seekers and refugees being evicted from asylum accommodation. This is due both to an increase in Home Office decision-making and a reduction of eviction notice to seven days. Many people evicted from asylum accommodation do not feel safe accessing mainstream homelessness services, even where they are eligible for support. The lack of access to legal advice and representation exacerbates this, as people are unable to challenge negative decisions on their asylum claims or seek advice about legal routes to support and accommodation.

5. Employability & skills

5.1 Migrants with the right to work report that they are being denied employment because of their perceived immigration status. Employers see the employment of migrants as a 'risk' because they do not understand the law relating to the right to work.

5.2 We recommend the following actions:

- Advice and guidance for employers relating to the right to work and how to fairly and correctly check right to work status for migrants, alongside clear guidance about the illegality of racial discrimination.
- Clear information and guidance to people seeking and in employment about their rights and courses of redress when unfairly or unlawfully treated.

6. Increased asylum dispersals

6.1 Asylum dispersals to Wales are increasing. As we have seen with hotel accommodation in Snowdonia and, more recently, Llanelli, a strong far-right presence accompanies any publicised attempt to relocate asylum seekers to small and under-resourced communities in Wales. This is a deliberate attempt to pitch the needs of working class and impoverished settled communities against those of asylum seekers. Protests and agitation have a high likelihood of resulting in friction, damaging community cohesion, and resulting in intimidation, abuse, and even violence against people seeking sanctuary.

6.2 We believe that it is essential for the Welsh Government and local authorities to take a strong, proactive approach, both in welcoming housing, and supporting asylum seekers and tackling community concerns head on. The need for legal advice and representation and a clear understanding of rights, should be at the forefront of any approach.

6.3 We recommend the following actions:

- Development of ‘welcome plan’ setting out actions for local authorities accepting asylum dispersals and outlining best practice before, during, and after dispersal. This should be informed by professional and lived experience.
- A toolkit for creating a welcome pack with information and advice for incoming asylum seekers about the local area, accessing essential and leisure services, accessing legal advice and representation, and understanding rights.
- Improved support and advice for local authorities welcoming dispersed asylum seekers.
- A forum for sharing and improving best practice amongst local authorities, sharing outcomes, and receiving training and support.
- Better and more robust engagement with the Home Office and its agents to protect the interests of asylum seekers and local communities when dispersals are being planned, from the Welsh Government, Wales Strategic Migration Partnership, local authorities and local government.

For further information please contact:
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