

RAS 23

Ymchwiliad i ffoaduriaid a cheiswyr lloches yng Nghymru

Inquiry into refugees and asylum seekers in Wales

Ymateb gan: Hawliau

Response from: Hawliau

Consultation response by Hawliau Consultancy to the Equality, Local Government and Communities Committee Inquiry into Asylum Seekers and Refugees in Wales.

1 Introduction

I am pleased to respond to this formal consultation by this committee. A brief overview of the work of Hawliau can be found at the end of this submission.

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

2 It could be argued that all areas of Wales should support this initiative however much of the practice is focused on quick and easy answers rather than a considered approach to refugee integration. Wales has a well-established history of refugee integration which has been successful over many years. However, this focus upon all of Wales providing homes for Syrian refugees whilst laudable does require further exploration. Because of the continued short term thinking by UKVI (part of the Home Office) funding focusses upon supporting refugees to integrate and not about supporting the broader development of support mechanisms and systems within the dispersal communities across the 22 authorities in Wales.

3 As an example many of the homes provided will be in areas with no immigration solicitors. This is a postcode lottery in the current 4 dispersal areas in terms of effective access to legal advice. Who then is going to provide information, advice and assistance in a few years' time when people dispersed in 2016 need to further apply for a continued right to remain in the UK. As there is currently not enough supply of legal advice this is one example of lack of clarity by key agencies. I also assume that once the Brexit negotiations start then many migrants in Wales will want to explore their legal options again increasing the need for good quality legal advice. Advice on integration seems to have focused upon the 'here and now' not on the ongoing dimensions of community support which are needed to work with migrant and non migrant communities in geographical areas.

4 As mental health services are often overwhelmed in Wales again I would be concerned that specialist services do not exist. Moving from Post-Traumatic Stress to Post Traumatic Growth needs significant support and resources. We know that access to key mental health and legal services is already of concern in Wales. Whilst we know that migrants have a positive impact upon schools, for example by using surplus places in schools or learning the Welsh language to strengthen community's language profile. We are also aware that whilst generally migrants have good physical health there will be issues of demand when people have survived torture

and have ongoing physical health issues as a result. Again these are long term issues which need to be addressed .

5 Asking the Non-Governmental sector to tender for refugee support at a time when they are already overwhelmed with demand will prove challenging. This will ensure that short term pragmatism is the focus rather than the significant support which refugee integration require. The committee should be interested in the level of support already provided in Wales which will often mean that demand outstrips supply (as already discussed) but also where Grassroots activity is becoming stretched and I see signs of unsustainability within some of the refugee sector in Wales.

6 Although Wales did not respond when the Yugoslavian crisis was happening in the early 1990 's crisis dispersal was managed in a more focused way which ensured that refugee needs were understood before they were placed into local communities. Paucity of information and placement which does not use Full Cost Recovery has meant that people's needs are often not addressed effectively. This has placed additional burdens on the refugees themselves, local agencies (statutory and non-statutory) and local communities. It is as if the considerable research agenda which is built up in the Uk has been ignored when it comes to the experience of Syrian refugees under the current Uk programme. ¹

7 From my observations of asylum processes over nearly 20 years I believe that UKVI processes are often damaging and of poor quality. There is considerable anecdotal and research evidence about the poor quality of asylum accommodation and decision making as just two examples of a poor and damaging process. Anything the NAFW can do to address this two tier system for asylum seekers in Wales should be undertaken as systems which can destroy people's humanity in Wales have no place and should end.

8 Whilst Home Office competency is outside the committees remit from my experience it can often make the situation worse and seems driven by short term political priorities rather than the use of a meaningful and clear evidence base. I therefore would like to see all migration decisions made by an independent agency in the UK. This should be underpinned by a commitment to basic human rights and a legal interpretation of the Refugee Convention 1951.

9 As will be clear I think there needs to be identification and adoption of an evidence base when making decisions about migration and its future direction in Wales. Politicians I would argue have the responsibility at a number of levels to evidence their statements rather than provide comments which sometimes appear to be knee jerk reactions rather than being considered and thoughtful. As part of its commitment to community cohesion it would be useful if the NAFW explored how it could develop an evidence based migration narrative in Wales.

The effectiveness of the Refugee and Asylum Seeker delivery plan

¹ <http://www.sussex.ac.uk/migration/research/integrationcitizenship/refugeeresettlement>
<http://www.unhcr.org/en-us/protection/operations/52403d389/new-beginning-refugee-integration-europe.html>

10 Whilst the plan has some laudable objectives it needs to be refreshed and rewritten and explore the broader migration experience in Wales. Any objectives need to move from aspiration to deliverable outcomes with a clear monitoring framework and resourced effectively. If it is felt that a separate strategy is needed, then the Scottish Model should be considered and I would urge the committee to hear evidence from Scotland to influence its work in Wales. They in my opinion have combined political leadership with practical support based on deliverable outcomes.

11 This is far from the situation in Wales where funding has been fragmented and reactionary rather than focused on building a sustainable and co-ordinated sector in Wales. There should also be consideration of an equivalent to the One Scotland² campaign being implemented in Wales. This should be supported by a clear research agenda which evaluates and comes from a what works perspective. As we live in a Volatile, Uncertain, Complex and Ambiguous VUCA³ world our policy responses need to actively address this. This will mean government being proactive not reactive and supporting its own civil servants and other parts of civil society to understand what the key issues are and how agencies should respond. Whilst a commitment to funding is important Wales needs a long term strategy to address all migration issues which sets the political and policy tone for the next ten years.

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

12 I am going to be broadly critical of support for asylum seeking children in Wales. As long as I have been working on this issue there have been perverse incentives built into the system. From my experience when Welsh Local Authorities had small numbers of asylum seeking children they were able to provide positive and humanitarian solutions in their practice and would often give younger people the benefit of the doubt in terms of accommodation and support. As numbers have increased this unfunded mandate has often led to a hardening of attitude and reduced support. This in my view means that children are not getting the protection they deserve and legally entitled to.

13 Providing best practice within this area is challenging when no financial and resource support is available. Clearly not using advocacy in the age assessment process is of concern and shows how biased the system is against young people. In September of this year for example one local authority did an age assessment in a police cell. This surely cannot be right especially as the one assessor was male and the young person was female. This was not a legal assessment yet it was still viewed as being 'good enough' for this young person and led to them being placed in the adult asylum system.

14 I must emphasize that whilst there is lots of good practice in Wales it is often 'patchy and inconsistent'. From my experience the age assessment process is often a 'farce' in Wales. Effective advocacy if it existed would often address some of these issues. I would therefore like to see CSSIW inspecting local authorities on these

² <http://onescotland.org/>

³ <https://hbr.org/2014/01/what-vuca-really-means-for-you>

issues as both workers and organizations have some fundamental concerns about the way the system operates and has little attention paid to it.

This is for a number of reasons

- Assessment being linked to resources
- Lack of legally competent assessments
- Poor practice in the use of interpreters and the assessment process
- No monitoring of the outcome
- Lack of effective legal solutions in Wales
- Clear examples of poor cultural assessment and effective safeguarding processes
- Poor practice around Section 55 of the Borders, Citizenship and Immigration Act 2002⁴
- In my professional opinion the age assessment process is unfit for purpose. Any rewrite in Wales needs to be led by agencies which have no investment in diluting its effectiveness. It should comply with the duties of the UNCRC measure so it is fit for purpose in Wales.

15 In terms of Advocacy under Part 10 of the Social Services and Well Being (Wales) Act 2014 we have no equivalent of the Scottish Children's Guardianship Service⁵ and all the evidence suggests that this should be developed as a part of a commitment to children's safeguarding and the principles of the UNCRC .

16 When I work with agencies and individual professionals I am left with a sense of sadness as broadly there still seem to be concerns about the way we respond to young people who have been trafficked and criminalised and not protected in Wales. The committee would I hope therefore explore how agencies work in this situation so that we build protection into the system. When I worked at the Welsh Refugee Council we were aware that Park Prison held 30 plus young people who had been trafficked and treated as criminals and not victims of trafficking. All of the relevant agencies e.g. Police / Local Authorities and Home Office treated them as criminals and no protection was offered. Whilst I am aware that this was in 2012 I am also aware from talking to professionals on the ground that this is still an area of concern.

⁴https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/431346/Section_55_v12.pdf

⁵http://www.scottishrefugeecouncil.org.uk/how_we_can_help/advice_services/the_scottish_guardianship_service

17 The committee could if it chooses explore how advocacy is offered in this situation as there is a strange perversion in the decision making. That is if agencies do not ask for advocacy then there is no independence in the system and children are not protected. The Scottish Guardianship project has addressed these issues. I therefore celebrate work on the UNCRC by the last National Assembly for Wales. However I would like to see that policy statement embedded in practice especially where the evidence suggests that vulnerable children are not being protected.

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.

18 A plan is only as good as the people, agencies and resources behind it. Please see my comments about the Refugee and Asylum Seeker delivery plan.

Conclusion

19 In conclusion I am more than pleased to provide this submission and hope it raises a number of key issues relevant to the work of this Inquiry.

In all my speeches given on Migration over the last ten years I have always ended with the quote by Aldous Huxley, who said.

'Facts do not cease to exist because they are ignored '.

I am pleased that the committee has chosen to explore some of these facts and hope that it makes recommendations which have a positive impact upon people's lives. As you will be aware asylum seekers and refugees are some of the most vulnerable citizens in Wales. Any actions which improve their well-being is to be welcomed and supported.

Diolch yn Fawr

About Hawliau

20 By background I am a social worker and am registered with the Care Council for Wales. I have extensive experience of working in Public Services in Wales since 1984. My experience within migration includes being CEO of the Welsh Refugee Council (2007 to 2013), acting as expert witness to the Immigration Tribunal (2016), supervising social work students within the Welsh Refugee Council (2008-2013), (2014-2016), teaching migration at Cardiff University to social work students (2007 – 2016) and being Visiting Lecturer at the University of Lapland (2014-2016) where I teach a module on Migration and Social Protection.

In addition to my work on migration Hawliau also works in the fields of social care, leadership and equality and human rights.

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