

ILPA Proposed Recommendations for the Destitution, Asylum and Insecure Immigration Status in Scotland Inquiry of the Equalities and Human Rights Committee of the Scottish Parliament

The Immigration Law Practitioners' Association (ILPA) is a registered charity and a professional membership association. The majority of members are barristers, solicitors and advocates practising in all areas of immigration, asylum and nationality law. Academics, non-governmental organisations and individuals with an interest in the law are also members. Founded in 1984, ILPA exists to promote and improve advice and representation in immigration, asylum and nationality law through an extensive programme of training and disseminating information and by providing evidence-based research and opinion. ILPA is represented on advisory and consultative groups convened by Government departments, public bodies and non-governmental organisations.

ILPA provided written submissions to the enquiry on the provisions of the Immigration Act 2016, pertaining to accommodation and support, and on legal advice. On 13 March 2017 and Kirsty Thompson, co-convenor of ILPA's Scotland Working Group, provided oral evidence on 16 March 2017. We thought it might be helpful if, further to this, we set out recommendations which we should like to see the Committee report. These are:

1. No equivalent of paragraph 2(2) of Schedule 12 to the Immigration Act 2016 should be enacted for Scotland.
2. To assess properly the impact of destitution for migrant children and families, a Scotland-wide consultation should be undertaken before any regulations are made to extend the Home Office regulated local authority support provision contained within Schedule 12 of the Immigration Act 2016 to Scotland.
3. When considering the wider dispersal of asylum seekers to other areas of Scotland, consideration must be given to ensuring that there is a sufficient and resourced provision of trained and knowledgeable immigration lawyers within the proposed place of dispersal. This may involve providing incentives for experienced lawyers to be seconded to these areas.
4. Persons in Scotland who wish to claim asylum should not be required to travel to Croydon to do so, and persons in Scotland who wish to make a fresh claim for asylum should not be required to travel to Liverpool to do so. Applications should be registered in Scotland. Any essential travel, whether local or further afield, to submit a fresh claim, including overnight accommodation where necessary, should be fully funded.

Adrian Berry
Chair
ILPA

21 April 2017