

**JustRight Scotland's Written Briefing to the
Constitution, Europe, External Affairs and Culture Committee
Session on the Crisis in Ukraine
Follow-up session with the Scottish Government
13 June 2022**

JustRight Scotland (JRS) is Scotland's legal centre for justice and human rights. We use the law to defend and extend people's rights. We operate 4 national centres of legal excellence providing direct legal representation, legal outreach, and legal education: (i) the Scottish Refugee & Migrant Centre; (ii) the Scottish Women's Rights Centre; (iii) the Scottish Anti-Trafficking & Exploitation Centre; and (iv) the Scottish Just Law Centre. You can find out more about us here: www.justrightscotland.org.uk.

Introduction

1. We are providing this written update to the Committee by drawing on our lawyers' longstanding practical experience and expertise in providing legal information, advice and representation to refugees, asylum seekers, and survivors of trafficking and exploitation. Within this area, we specialise in working with children and young people, women affected by violence, those at risk of destitution, and refugee family reunion. With specific reference to the war in Ukraine, the below is informed by advice provided by our team of lawyers through the Ukraine Advice Project¹, and Ukraine Advice Scotland² which is a JustRight Scotland project funded by the Scottish Government to provide free, confidential legal advice and information to Ukrainians and their families on legal routes for seeking safety in Scotland. We have also recently launched the Worker Support Centre³ which provides support, information and advice to people of all nationalities in Scotland on the Seasonal Worker Visa.
2. In our initial briefing presented to before the Committee on the 22nd of March, we provided our perspective on (i) the existing schemes in operation for

¹ A volunteer initiative giving free legal advice on UK immigration and asylum law to those affected by the war in Ukraine - <https://advice-ukraine.co.uk/>

² See our Ukraine Advice Scotland website for further details: <http://ukraineadvice.scot/>

³ See our Worker Support Centre website for further details: <http://workersupportcentre.scot/>

Ukrainians; (ii) issues to be borne in mind by local authorities and services in Scotland in responding to the crisis.

3. This briefing draws from the evidence gathered by our caseworking team through delivery of our Ukraine Advice Scotland legal information and advice service, as well as high-profile and strategic cases on which we have and continue to separately advise. In that period, we have received and responded to over 689 individual enquiries in relation to the Ukraine immigration schemes in total.

Ukraine Advice Scotland - Trends

4. Since the last evidence session held by the Committee on the Crisis in Ukraine on the 22nd of March, we have seen a rapid increase, and more recently, a gradual decrease in the number of enquiries received.
5. Nonetheless, we continue to receive a steady flow of both emails and calls for legal information and advice – and we do not anticipate this significantly decreasing through the summer, due to continued delays and caseworking errors on the part of the Home Office, as well as some gaps in the reception and coordination of Ukrainians arriving in the UK, and Scotland.
6. Since the end of May, there has been a **growing number of individuals enquiring about delays** in their application process. These enquiries often involved some members of the family having received permission to travel whilst others are still awaiting their permission. Whilst most of these enquiries are asking about delays for the first time, there now seems to be a trend emerging of individuals seeking further clarity on delays.
7. We are now also seeing permission to travel reaching their expiry dates where some family members have not travelled because they are waiting for issuance of visas for other family members.
8. Individuals have been asking about their UKRC numbers. These enquiries tend to be regarding individuals receiving a permission to travel letter/visa but not their 'UKRC' number from the Scottish Government.
9. The UKRC is not needed to travel to the UK/Scotland, but individuals have been apprehensive about traveling without their individualised code. In some circumstances, individuals have been told that they are not allowed to travel without a UKRC number even if they have a permission to travel letter. We are unsure who is providing them with this information.

10. We continue to see **enquiries about switching between sponsors** (either into Scotland from a Homes for Ukraine sponsorship elsewhere or from a Scottish super sponsor visa to relocate elsewhere in the UK). We anticipate we will see increasing requests to switch sponsorship within the UK and recommend it would be worthwhile giving further thought to how this can be coordinated between sponsors, local authorities, and national governments across the UK.
11. There has been a growing number of enquiries regarding the possibility of university education when they arrive in Scotland – often regarding picking up their studies from where they had left of due to the war. Many of these enquiries are regarding university fees and funding as well as entry requirements.
12. From the first week of June, there seems to be **a growth in enquiries about minors (17 and below)** looking to apply for a visa and travel to the UK either alone or with another guardian (e.g., their grandmother/aunt). See below for further discussion of this issue.
13. There has been a definite rise in the number of enquiries from people outside of Ukraine asking about coming to Scotland. In the past week, for example, our team has replied to several enquiries from individuals in India asking to come to Scotland.
14. People have been enquiring about whether they can arrive and leave with ease (i.e., to bring over a family member or once a visa has been approved). These are sometimes tied in with unaccompanied children enquiries.
15. People have continued to contact us regarding what documents will be valid for a Homes for Ukraine visa (e.g., their international passport has expired, and what documents to use instead).

Enquiries on unaccompanied minors

16. In general, there are three kinds of unaccompanied minor enquiries: A minor who would travel to a UK host that has been found online and to whom the family has no prior relationship. We believe this type of arrangement raises serious safeguarding concerns, and there seems to be a real lack of understanding of what it might mean for an unaccompanied refugee child with only a 3-year visa to come to a new country.

17. A minor who would travel to the UK with their parents, but their parents will not be able to remain full time in the UK and will need to travel to-and-from Ukraine (often because they have caring commitments for an elderly relative or another child). We have seen this type of enquiry both in the context of the Scottish Government sponsorship scheme and with individual hosts. It usually involves the parents wanting to pursue a private foster arrangement. In all such cases we have highlighted the need for the local authority to be involved early in the planning process in order to ensure they are able to evaluate and monitor any private fostering plans.

Case Study

Child X, age 17, called to enquire about an arrangement with a private host. Child X was not far from 18 and was already living independently in the Ukraine, having left home to attend University. The parents of Child X were supportive of the placement, and noted that they would travel with him to make sure he was settled, and a parent would travel to the UK every six weeks thereafter to visit him. They would take him back again if they weren't happy with his situation and the local authority had been involved and supportive. Child X's current living arrangements (in a third country) were very unsuitable and the plan seemed likely to promote his welfare.

18. A minor who would travel to the UK with a relative in a kinship foster arrangement. This is a common situation in Ukraine at the moment where the child is likely already in the care of the family member (perhaps because parents are fighting or supporting the war effort). It is often the child's grandparent or aunt wanting to apply with them. Whilst this arrangement does not seem to create the same degree of safeguarding concerns as children who would be left without a kinship carer – there are still steps that require to be taken by the relevant statutory authorities, and this makes these cases more complex. Having noted that, this needs to be counterbalanced against the real concern that if the child is prohibited from applying, then they may be left behind by their family members without adequate care, possibly in Ukraine but often in a third country.
19. Currently, the Homes for Ukraine Scheme prohibits all unaccompanied children applying. Category 2 children are likely to be treated as falling within the rules of the Scheme (because they will be accompanied, even if only on arrival), but category 1 and 3 children face refusal or otherwise very long delays while their cases are escalated for consideration outside the rules. We note there seems to be no reason why category 3 children should not have their

visas granted with parental permission, even if this does mean that there will be a greater need for local authority involvement on an ongoing basis, and for welfare checks to be undertaken with particular care.

20. Finally, we note that there is a risk that private, or kinship foster, placements will break down and this risk seems increased if a host believes they are only offering a short term, time-limited home for the child; however in some cases, it may still be better for children in danger to come to safety in the UK as part of a properly managed process.

Other Trends

21. There is **a growing number of individuals who have arrived in Scotland, requesting help with their move-on plans**, including applying for benefits and access to education. These steps can be very technical and complex for new arrivals to navigate on their own – and it appears the type and volume of support that arrivals receive can vary depending on whether they are accommodated in Scotland. We suggest that case working/befriending/mentoring could be frontloaded to embed integration at the core of the Scottish Government’s Warm Welcome.
22. Whilst for many people the hotels on arrival seem to work as a triage site from where they can easily access services, others have highlighted a sense of isolation whilst staying in the hotels, and have said that they are keen to be placed with a host quickly.
23. Finally, we are receiving **a growing number of enquiries from individuals concerned about the three-year time limit on the visa**.

Case Studies

A woman and her severely disabled son have lost everything in Ukraine, and she was very worried she would have nothing to go back to in three years’ time. She had been told (we do not know the source at this stage) she would need to switch into another visa route at the end of the three years, but she is her son’s carer full time and does not see how she could – and that has caused severe anxiety.

Another enquiry was from a student applying to Scottish universities for a four-year course, asking what her options are as her visa is only for three years.

24. We note that it would be wise to raise for consideration early on the creation of a settlement/renewal route for those on Ukraine visas – and that this is not left until the last minute. We submit that people need to be able to plan their lives significantly ahead of that – and the case studies above highlight some of the key issues that arise, and will continue to arise, as people moving here from the Ukraine, take steps to make Scotland their home.

Conclusion

25. In summary, we continue to welcome the fact that the Scottish Government has established itself as a “super sponsor” for Ukrainian nationals and their family members – and we have seen this has been an effective route for welcoming Ukrainians to Scotland, via the sponsorship scheme and our Welcome Hubs.
26. However, we continue to have concerns about what is effectively the outsourcing of responsibility by the UK Government to the British general public under the Homes for Ukraine Scheme – and our casework is now highlighting some of the complex and sensitive areas – such as the safeguarding and support of unaccompanied children in kinship care and foster placements – where local authorities will require additional funding and resource.
27. Finally, we continue to raise that there remain significant challenges and risks around **safeguarding, including child and vulnerable adult protection** inherent in the operation of the Ukrainian schemes. We continue to urge that we take an approach in Scotland that takes a **gendered analysis**⁴ of the risks posed by the scheme – and remind cognisant of the risk of both domestic abuse and of **human trafficking and exploitation**.⁵

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⁴ Glasgow Violence Against Women Partnership, Women, Asylum, Immigration and Refugee (WAIR) Group, “Gendering Your Response to Ukraine Refugee Crisis” (May 2022), <https://www.justrightscotland.org.uk/wp-content/uploads/2022/05/Gendering-Your-Response-to-Ukraine-Refugee-Crisis.pdf>

⁵ We have produced factsheets in English, Ukrainian and Russian, with the Trafficking Awareness Raising Alliance (TARA) at Glasgow City Council for Ukrainian refugees arriving in Scotland to raise awareness of their rights and risks of exploitation within the schemes: <https://www.justrightscotland.org.uk/wp-content/uploads/2022/04/TARA-JRS-English-Information-Leaflet-2022-04-07.pdf>