

Report



meeting SOCIAL SERVICES STANDING SELECT COMMITTEE

date 20th July 2004

agenda item number

REPORT OF THE DIRECTOR OF SOCIAL SERVICES

ASYLUM AND IMMIGRATION (TREATMENT OF CLAIMANTS) BILL

1. Purpose of the Report

1.1 The purpose of the report is to:

- (a) advise the Select Committee of the proposed Clause 10 of the Asylum and Immigration (Treatment of Claimants) Bill, and possible implications for the County Council
- (b) allow the Social Services Standing Select Committee to consider commissioning further work to formulate policy proposals to put before the County Council.

2. Information and Advice

2.1 The Government announced proposals on asylum legislation reform to Parliament in October 2003. These proposals form the Asylum and Immigration (Treatment of Claimants Etc.) Bill and are currently before the House of Lords. Two aspects of the proposed legislation could have particular implications for the County Council; children becoming looked after when support is withdrawn and enforced community service.

2.2 The legislation will add a new class of person who will cease to be eligible for support; a failed asylum seeker with family. Under current legislation failed asylum seekers with dependent children receive asylum support until such time as they leave the United Kingdom or fail to comply with a removal direction if sooner. However under these proposals, if the Secretary of State certifies that in her/his opinion, such a person has failed without reasonable excuse to take reasonable steps to leave voluntarily or co-operate with steps to assist their departure, then asylum support for the family will cease. In this situation, the family will be rendered ineligible for other sources of support including support from local authorities except direct support for the children. This stipulation has been interpreted as meaning local authorities will not be

able to support such families but in the event of them becoming destitute, could accommodate the children as looked after and place them in care.

- 2.3 In addition amongst the measures proposed, is the requirement that people who are refused permission to live in the United Kingdom but who are unable to leave immediately, perform community work as a condition to receiving accommodation and maintenance. The new Clause 10 of the Bill would allow the Secretary of State to make regulations specifying the criteria to be used in determining whether or not to provide, or continue to provide accommodation to failed asylum seekers.
- 2.4 The clause would allow the regulations to provide that continued provision of accommodation may be made dependent on the individual performing or participating in community activities defined as activities that appear to the Secretary of State to be beneficial to the public or a section of the public.
- 2.5 The provisions would only apply if the Secretary of State has made arrangements for the activities to be available in the area where the accommodation is provided. The Secretary of State would be able to appoint a person to manage or supervise the performance or participation, or enter into a contract with a local authority or other person for this provision.
- 2.6 It is assumed there would need to be a process to decide if individuals are able to participate in the activities. This might be addressed in the detailed regulations to be drafted.

3. Summary

- 3.1 Under the proposed legislation, local authorities will have discretion whether or not to contract with the Secretary of State directly to become a manager or supervisor of these activities. Alternatively, the management or supervision could be contracted to an agency already providing services on behalf of the County Council under a purchasing arrangement from the independent sector or within a partnership.
- 3.2 The lack of the detail that will appear in the regulations or preliminary discussions between local government and the Secretary of State prior about how the scheme will operate limits the scope for debate.
- 3.3 Notwithstanding the above and any questions about feasibility, there are policy principles for the County Council to consider at this stage.

4. Recommendations

- 4.1 It is recommended that:
 - (a) a study group be established to consider the policy implications for the County Council
 - (b) the study group comprise of up to 5 Labour Group members, 2 Conservative Group members and 1 Liberal Democrat member

- (c) the working group meet 3 times to formulate a resolution to be presented to the County Council on the 18th November 2004.

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