



Cabinet Secretary for Social Security and Older People
The Scottish Government
St. Andrew's House
Regent Road
Edinburgh
EH1 3DG

Cc: Minister for Older People and Equalities

RE. Self-Isolation Support Grant (SIGG) and No Recourse to Public Funds (NRPF)

Dear Cabinet Secretary,

The Ethnic Minority National Resilience Network (EMNRN) is a union of 87 BME organisations, trade unions, academic and community members working across Scotland to respond to the social and health impacts of COVID19 in our communities.

Since 16th March 2020 we have witnessed an unprecedented expansion of destitution within our communities. For example, between 16th March and 15th April 2020, BEMIS Scotland, with support from the Scottish Government, distributed £32,170 to 243 referrals encompassing 806 individuals. Our records indicate that a significant number of these applicants are subject to NRPF.

Within our network this provision of sub-state welfare support has been mirrored within other organisations such as the Refugee Survival Trust, Dumfries and Galloway Multicultural Centre, PKAVS Minority Communities Hub, Fife Migrants Forum and Glasgow's Empower Women for Change. In short, the unrelenting evidence we are collating within our networks across Scotland is that the punitive NRPF policy is wreaking havoc within our communities.

At the beginning of this pandemic the 3rd sector, local and national government had to move swiftly to initiate processes that allowed us to respond to the needs of those subject to NRPF. Indeed, in many cases, the Scottish Government recognised this need and reinforced our sub-state provision. However, the EMNRN has also recognised that this provision of sub-state support is not a long-term solution. As such, in August 2020 the EMNRN published our community focussed recommendations that outlined the scaffolding required to help Black and Minority Ethnic citizens survive this crisis. In respect of those subject to NRPF we outlined that the Scottish Government should:

- Introduce an emergency sustenance payment to those with No Recourse to Public Funds and minority ethnic communities who require additional financial support in the event of more restrictive lockdowns.¹

Furthermore, the Expert Reference Group on COVID and Ethnicity, of which BEMIS is a member, reinforced this priority action to Ministers:

- **Recommendation 1: Emergency Sustenance Fund Payment**

During COVID-19 BEMIS actioned emergency sustenance fund payments to ensure that Ethnic Minority families and individuals were able to access food, medicine, and other supplies regardless of their immigration status. However, the delivery of such a service by BEMIS is not sustainable. The Scottish Government should deliver an emergency sustenance fund using the existing infrastructure of state support for people and families across Scotland. **This may involve using the Scottish benefits system creatively.**²

Thus, it has been established at both a community and national level that the requirement for mainstreamed state support for those subject to NRPF is required.

While we are fully aware that Immigration law remains a reserved matter, the Scottish Government has devolved powers at its disposal that can and should be utilised to support all of those who are subject to NRPF who require additional state support.

At a time of national health crisis the NRPF threat is increased to those individuals and families subject to its punitive measures. In addition, NRPF should be considered a matter of national public health.

If we do not provide citizens with the means to adhere to public health advice via the provision of sustenance support then individuals – in desperation to provide for themselves and their families – are less likely to isolate and follow FACTS advice, and are more likely to enhance the danger of continued community transmission of the virus.

For these reasons we appeal urgently for Ministers to use the devolved functions empowered to them under section 4 of the Public Health (Scotland) Act 2008³ to provide a financial settlement to local authorities to provide discretionary payment support to all people subject to NRPF as and when it is required.

For those unable to work this payment should be provided via an ongoing mechanism for the duration of the pandemic. The provision of this payment via a devolved

¹ Ethnic Minority National Resilience Network Recommendations. August 2020 – available here: <https://bemis.org.uk/wp/wp-content/uploads/2020/08/BEMIS-EMNRN-ERG-Recommendations-August-2020.pdf>

² Systemic Issues and Risk: Initial Advice and Recommendations from the Expert Reference Group on COVID-19 and Ethnicity – Available here: <https://www.gov.scot/publications/expert-reference-group-on-covid-19-and-ethnicity-recommendations-to-scottish-government/>

³ As Covid-19 was designated as a notifiable disease for purposes of the Public Health (Scotland) Act 2008 in February 2020 the payment of the SISG would be considered as meeting public health need.

mechanism and in the interest of preserving and maintaining public health would not negatively affect an individual's immigration status or application.

In addition, in the provision of the self-isolation support grant any extension of this discretionary payment to individuals identified by our Test and Protect system who are also subject to NRPF must be available to those in work and those not allowed to work. The virus does not differentiate between those in and out of work and as such the provision of state support must be available to all who need it.

If we have identified a mechanism through which to support those subject to NRPF it would be unconscionable were we to retrospectively restrict its provision to a select group of those subject to NRPF.

It is our responsibility to caution Ministers that an unintended by-product of such an approach would disproportionately impact people protected by the provisions of racial discrimination in Scotland on the basis of colour. Those subject to NRPF who are allowed to work are predominantly Eastern European and European Economic Area citizens. Those most likely to be unable to work due to their immigration status are African, Asian, Asylum Seekers and Rest of the World citizens who should not be discriminated against in the UK/Scotland on the basis of colour, nationality, ethnic or national origin.

The issue of NRPF has been a thorn in the side of both the Scottish Government and our communities for some time and the ongoing public health crisis has exacerbated this significant inequality. We have campaigned and made representations to both the UK⁴ and Scottish Government over the duration of this challenge. As such, and given the timeous nature of this urgent call for action, we have taken the decision to simultaneously publish this letter into the public domain and share with your office.

We are now entering a critical winter period which will require a national collective effort. As a nation we have a responsibility to adequately support all the people who reside within our borders with all the powers at our disposal. Now is the time to extend the support of our nation to all those subject to NRPF. For the benefit of their individual physical and mental health, and for the benefit of the nation's health.

We look forward to an urgent response on this matter.

With respect,

Rami Ousta (CEO, BEMIS Scotland)

Danny Boyle (BEMIS Scotland / EMNRN National Coordinator)

Khaleda Noon (Director, Intercultural Youth Scotland)

Fariha Thomas (Manager, Youth Community Support Agency)

⁴ <https://bemis.org.uk/open-letter-to-pm-on-no-recourse-to-public-funds/>

Christine Membi (The Hope Project Scotland)
Jennifer Ang (Director, Just Rights Scotland)
Margaret Lance (Women in Action)
Dr Elwira Grossman (GRAMNET/University of Glasgow)
Carol Alexander (Poverty Truth Community)
Charmaine Blaize (UNISON Black Workers Committee)
Martin Fotheringham (Central Scotland Regional Equality Council)
Elaine Cameron (CEO, Refugee Survival Trust)
Jenni Keenan (PKAVS Minority Communities Hub)
Dr Lynne Tammi (AyeRight)
Consolata Ogbemor (Stronger Together Social Enterprise)
Jeanette Findlay (Call it Out)
Beth Cager (Article 12 in Scotland)
Alan Grey (Forth Valley Migrant Support Network)
Margaret Chiwanza (CEO, MECOPP)
Kimi Jolly (East and Southeast Asian Scotland (ESAS))
Clare Daly (Birchwood Highland Migrant and Refugee Advocacy)
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