



Law Society
of Scotland

Consultation Response

New Scots: Refugee Integration in Scotland

September 2017



Introduction

The Law Society of Scotland is the professional body for over 11,000 Scottish solicitors. With our overarching objective of leading legal excellence, we strive to excel and to be a world-class professional body, understanding and serving the needs of our members and the public. We set and uphold standards to ensure the provision of excellent legal services and ensure the public can have confidence in Scotland's solicitor profession.

We have a statutory duty to work in the public interest, a duty which we are strongly committed to achieving through our work to promote a strong, varied and effective solicitor profession working in the interests of the public and protecting and promoting the rule of law. We seek to influence the creation of a fairer and more just society through our active engagement with the Scottish and United Kingdom Governments, Parliaments, wider stakeholders and our membership.

The Society's Immigration and Asylum Sub-committee welcomes the opportunity to consider and respond to the Scottish Government's consultation: *New Scots: Refugee Integration in Scotland*. The Sub-committee has the following comments to put forward for consideration.

General Comments

Although we did not host an engagement event as envisaged by the Scottish Government's engagement exercise, we hope that the following comments are useful in the development of a new refugee integration strategy for Scotland.

Thinking about refugee integration in Scotland, what issues are important to you now?

Although there are a wide range of important issues relevant to refugee integration in Scotland, we will focus our comments on the availability of, and access to, legal advice, representation and legal aid. This is of particular relevance and concern in light of the current independent strategic review of legal aid.

Meeting the needs of asylum seekers during the asylum process includes addressing their legal needs. This means ensuring access to good quality legal advice, assistance, and representation throughout the decision-making and appeals process, as well as provision of appropriate interpretation and translation support.

The difficulties facing law firms in Scotland doing legal aid work have been highlighted elsewhere¹ and those difficulties are reflected and heightened in immigration and asylum cases by issues such as language difference and legal complexity. In addition, the UK's future relationship with the European Union raises questions for asylum seekers and refugees, including the UK's engagement with the Common European Asylum System (CEAS).

The move to disperse refugees has made accessing lawyers with knowledge or experience of immigration and asylum law more difficult. This is a specialised area of law, and expertise is concentrated in Glasgow.

It is important that the Scottish Government's ongoing independent strategic review of legal aid engages with the needs of asylum seekers and others whose immigration status requires protection.

Equally, we believe there is a need for the Scottish Government, as it moves to take over social security powers from the UK Government, to ensure that it does not overlook the needs of refugees and asylum seekers. This would appear to be an appropriate consideration as part of the New Scots Integration programme.

The Scottish Guardianship Scheme is well respected and positively evaluated. However, as numbers increase, it requires further resourcing to ensure the same level of support for unaccompanied minors. This is particularly important given the complexity of child welfare provisions as they affect asylum seekers (and others). We would recommend that the New Scots programme ensure that the needs of these groups are not overlooked.

What changes do you want to see by 2020, and why?

We hope to see continued, and increasing, engagement between the agencies responsible for refugees and asylum seekers and the legal profession to ensure that the specialist legal services required can be provided efficiently and effectively. This includes ensuring that legal aid is appropriately structured to support the provision of legal services to this group.

For further information, please contact:

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¹ See our report on the [financial health of legal aid firms in Scotland](#), and our [response to the independent strategic review of legal aid](#).