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Constitutional and Legislative Affairs Committee

Inquiry into the Granting of Powers to Welsh Ministers in UK Laws

Response from Welsh Refugee Council



Response by the Welsh Refugee Council to the Constitutional and Legislative Affairs Committee into the Granting of Powers to Welsh Ministers in UK Law

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Background on the Welsh Refugee Council

1. The Welsh Refugee Council was established in 1990 and now employs 32 staff and has 60 volunteers. Its head office is in Cardiff and it has offices in Newport, Swansea and Wrexham. In 2010/11 it provided 22,366 advice sessions to asylum seekers, and provided nearly 7,000 advice sessions to refugees. As well as providing advice services to asylum seekers and refugees it has an influencing role and function. It receives funding from the Welsh Government, UK Border Agency, Diana Fund, Children in Need, Community Fund and Lloyds TSB Charitable Trust.

Inquiry Response

2. We are pleased to respond to this inquiry. As is generally agreed Devolution is a process which most commentators, including ourselves, arguing that it has made significant benefits to the people of Wales. As Devolution has matured stating the obvious the complexity of law making has increased and we welcome how this process is being embedded into the thinking and practice of the National Assembly for Wales.
3. One of our many roles is to explain to Refugee Community Groups about how the process of influencing the political process is structured in Wales and strategies for influencing both the National Assembly for Wales and the Welsh

Government. We are therefore after a simple, clear and straight forward process free of nuance and subtext, which has clear outcomes within the process and is easily understood. Whether this is possible is a challenge and we would like any changes made to be measured against this framework. This is especially important if all sectors in civil society are to engage effectively with the law making processes.

4. If given a simple choice between Westminster legislation giving powers to Welsh Ministers or the National Assembly for Wales giving powers to Welsh Ministers, we would like one approach that is consistent. However we are aware that the devolutionary settlement does not allow this currently. However, whilst it may be good for the process to be clear to the citizen if one approach was adopted we do not want simplicity to replace effectiveness.
5. We are aware of the deficiencies in the powers of Welsh Ministers, which are articulated in provision about Welsh Ministers in the UK August 2011 and we do not intend amplifying them further in our submission.
6. Our specific concern in responding to this is to ensure a high level of monitoring between a UK Government function which is non-devolved such as immigration. We often see lack of clarity operationally between London and Cardiff in the interface of two competing jurisdictions. As an example the current UKBA Consultation on Family Migration takes no account that health is a devolved competency. It in fact suggests a challenge to Welsh Government Policy and Practice. We would therefore like Welsh Ministers to have a more robust scrutiny role when there is an interaction between UK and Welsh Legislation and Policy and Practice. This is especially important where Cross Party Support in Wales articulates a significantly different approach to broad social issues such as Child Safeguarding or the Protection of Vulnerable Adults. Immigration may also be considered to be one of these issues. As an example the National Assembly for Wales sees inclusion as a two way process between refugee and host community. Whereas UK Government sees integration as being the responsibility of the refugee solely.
7. As a significant example which currently concerns us UKBA and WLGA are developing proposals on 'Age Assessment' of asylum seeking children which has no involvement of Welsh Government, the Children's Commissioner or broader civil society. Under our current system of legislative scrutiny these arrangements can continue without any scrutiny, which affects Welsh children as evidenced by the commitments articulated in the recent Refugee Inclusion Strategy and Refugee Inclusion Action Plan. We would therefore like powers for Welsh Ministers to increase so they are able to monitor the level of protection required so that it is consistent with the Welsh Government policy framework.
8. Additionally we see inconsistencies in the way that London and Cardiff deal with the monitoring of International Conventions and again we would like consideration to be given to the scrutiny of International Treaties, so it is consistent up and down the M4 corridor. Welsh Ministers do after all have a range of responsibilities under International Treaties, though they are not

signatories directly per se, they will be responsible for delivering significant Treaty obligations in their own right.

9. In conclusion we welcome the opportunity to respond to this Inquiry and are happy to develop any points raised, if this is felt to be appropriate.

A Michael Lewis
CEO
29th September 2011