

**Scottish Government debate:
A place of safety: supporting asylum seekers in Scotland
1 November 2019**

That the Parliament believes that Scotland must be a place of safety for people seeking asylum; that those people seeking asylum should be supported to integrate in our communities and rebuild their lives from day one of arrival; that the asylum system must treat people fairly and with dignity and respect at all times; that the UK Government must work in equal partnership with devolved governments and local government and provide local authorities with the resources required to support people dispersed to their areas; that accommodation provided to people seeking asylum must meet Scottish quality standards and be appropriate to their needs; that people seeking asylum should be allowed to work while their claim is being assessed to help rebuild their lives; that there must be a long term sustainable solution that does not leave people destitute or homeless at the end of the asylum process; and that refugee resettlement programmes provide a model of partnership working and integration support that should be replicated in the asylum system.

Introduction

1. Scottish Refugee Council supports this motion. It reflects a broad and enduring political consensus in Scotland that the legal right to seek asylum and safety and treated with dignity by the country of sanctuary is a precious one. We should never forget that this legal right emerged, after the Second World War, from the international community's revulsion at the genocide of the Holocaust.
2. Scotland has welcomed and integrated women, men and children seeking refugee protection for many generations, from Chileans fleeing Pinochet's regime to Syrians today escaping Assad and the civil war. Within this, Glasgow has been for a generation the largest asylum dispersal city in the UK and currently it has over 4,500 people in the asylum process, triple the next largest 'dispersal city' of Liverpool. Over the last 18 years, approximately 10% of asylum arrivals in the UK have been accommodated in Glasgow.
3. Schedule 5 of the Scotland Act 1998 lists asylum as a reserved matter. However, the Scottish Parliament and Government exercises competence in legislative and policy areas to support the reception and integration of asylum seekers and refugees. Successive administrations in Scotland have implemented policy to improve the lives of asylum seekers, such as access to free healthcare, immediate access to ESOL and provision of legal representation. The Concordat between the Home Office and Scottish Government (2003)

notes that “arrangements for the dispersal of asylum seekers and the designation of reception zones” is a joint area of working.

EU and UK trends toward those seeking protection

4. Scotland can and should strive to be a beacon for the [principles of refugee protection](#) at a time when they are under immense and unprecedented strain. These pressures are evident in the European context, through the shift to an externalisation and outsourcing of border management to non-EU countries like [Turkey](#) and [Libya](#). This agenda is now the de facto cornerstone of EU asylum policy. There are also risks of [EU processing centres in North Africa](#). This is an existential challenge to not only the integrity of the international refugee protection system in Europe as these challenges and worse are, for instance, evident and growing in the [United States](#), in [Bangladesh](#) and [in Australia](#).
5. These trends have also been evident in the UK, underpinning the UK government’s [hostile environment](#). This has contorted the right to asylum and safety and corroded the right to live in dignity. People seeking refugee protection in the UK have [no right to work](#). If otherwise destitute, they are in no-choice [asylum accommodation](#) ran by private companies with [no independent accountability](#). They receive [barely ½ of the social security minimum](#) and live in effectively [state-sanctioned extreme poverty](#). Asylum [initial decisions are often overturned on appeal](#) with the initial [grant rate in the UK lower than in all comparable EU states and with the appeal success rate higher](#). People live in [constant fear of destitution](#) reflecting it is 'built-in' to the UK asylum procedure. Often [gender](#), [sexual identity](#) and [disabilities](#) are mishandled in asylum claims.

Davoud* is from Iran, and was a Professor in Medical Sciences at a University. He is here with his family and struggles to provide for them. He is in the initial stages of asylum process. His mental health has deteriorated since arrival.

Asylum dispersal

6. The erosion of the right to asylum and dignity whilst in the UK is most acute and severe in the towns and cities where those seeking refugee protection are. There is no shared responsibility for welcoming and integrating those in the asylum process who are nearly always accommodated in the streets and wards in local authorities with the [highest levels of multiple deprivation](#). Asylum dispersal correlates with multiple deprivation in Glasgow, across the north of England, Yorkshire and Humberside, the Midlands and south Wales, as well as Belfast. These areas account for over 75% of all those dispersed, amounting to at least over 30,000 women, men and children.

Asylum accommodation

7. The current contract (2012-2019) for ‘asylum accommodation’ is outsourced to large private companies, including Serco and G4S. They are not accountable to local authorities and communities, who do not receive funding adequate to the challenge of being ‘asylum dispersal’ areas. As a result, they suffer cost shunting and have to make often-unfunded mitigation spend. The new Home Office contracts (2019-2029) are in tender with award decisions due before the end of the year.
8. There is an unprecedented ongoing collective representation by ‘asylum dispersal’ councils to the Home Office – including Glasgow – with a risk that unless the Home Office shift to a

genuine partnership with funding and local oversight, then with these councils may be forced, reluctantly to stop being dispersal areas. These representations have informed the renewed concerns of the [Home Affairs Committee](#) and wider campaigning led by [Scottish Refugee Council](#) and [Asylum Matters](#). Despite *arrangements for the dispersal of asylum seekers* being supposedly an area of *joint working* between the UK and Scottish Governments – the Scottish Government is excluded from any meaningful discussions or decision-making on asylum accommodation arrangements.

Asylum destitution

9. There is a national consensus, inspired by the [Scottish Parliament's Hidden Lives New Beginnings inquiry report](#) and now led by the Scottish Government, on the need to eliminate migrant destitution as part of the wider effort against homelessness in Scotland, especially rough sleeping. It is essential and welcome that Scottish Ministers are not only preparing a national strategy to prevent and mitigate vulnerable migrant destitution - including relating to those rendered homeless through the UK asylum system – but also that it has accepted the practical recommendations made by the Homelessness and Rough Sleeping Action Group to ensure that vulnerable migrants do not suffer destitution.
10. We hope and expect that these commitments be implemented in the coming months so that Scotland can demonstrate how it is preventing and mitigating vulnerable migrant and asylum destitution. This implementation will have immediate benefits including supporting the leadership of Glasgow City Council in its asylum taskforce set up to oversee the city's response to the Serco eviction scandal. This was the sudden and irresponsible announcement in late July by Serco that it would commence summary evictions from asylum accommodation of approx., 240 people using the callous, traumatic and potentially unlawful method of lock changes. People seeking asylum in Scotland should have, like everyone else, the protection of court due process as well as somewhere safe to go to get essential services and stability in order to make informed choices about their future.

Munir* is a medical doctor, he had his own practice in Sudan. He is separated from his family in the UK. He is currently destitute and sofa surfing. His solicitor is currently working on gathering new evidence on his case.

Zahid* is an electric engineer and is currently studying for a Masters degree in Engineering. He is currently destitute and overstaying in SERCO accommodation.

Access to the Labour Market

11. The Scottish Parliament and Scottish Government have consistently advocated for women and men seeking refugee protection to have the right to work and the dignity that brings. Most recently, the [Equalities and Human Rights Committee](#) noted that: *The right to work and access to opportunities that reduce the likelihood of severe poverty is an important factor in supporting the mental and physical health needs of asylum seekers. We ask the Scottish Government to negotiate for the right of asylum seekers to undertake paid or unpaid community work in Scotland.*
12. Scottish Refugee Council is part of the UK-wide [Lift the Ban](#) coalition campaign. This is a cross-sector initiative seeking to restore this crucial socio-economic right to those seeking asylum and safety in the UK. It has attracted the support of the main opposition parties in

the UK Parliament and the UK Immigration Minister recently confirmed [she is looking carefully at this issue](#). Engagement with over 2,000 people including 700 people seeking asylum and refugees to develop New Scots, Scotland's National Refugee Integration Strategy, highlighted this was a top priority for those in Scotland seeking asylum. Below are some short case studies on how lifting this ban would benefit individuals and families and enable the skills and experience that those seeking refugee protection have to benefit society.

Bertha and Priscille* both went through training to train as nursery teachers and both passed with flying colors. Both women are still in the asylum process, both with fresh claims submitted to Home Office. The council could not offer them employment because they do not have the right to work. They are both here with their families.

Sohaib* is from Jordan is an accountant in his country with a very good job. He is in the initial stages of the asylum process. He is very emotional and expresses a sense of helplessness because he can no longer provide for his family. His mental health has deteriorated.

Brexit

13. Brexit presents a challenge to rights in the UK, including refugee rights. Leaving the European Union does not mean leaving behind our legal and moral responsibilities to people fleeing persecution and seeking protection. The UK remains a founding signatory to the 1951 UN Convention relating to the Status of Refugees, the cornerstone of the international regime protecting refugees. This treaty and the UK's obligations to it should theoretically not be directly affected. Brexit however will reduce the sources and safeguards of rights for refugees and people seeking asylum in the UK. For example, the basic rights set out in the *Procedures and Reception Conditions Directive* secure the right to receive information in one's own language, the right to an interpreter when required and the right to basic living standards. The UK Government has only opted-in to very minimal standards [whilst receiving one of the highest funding allocations from the Asylum, Migration and Integration Fund](#).

There is nonetheless danger that the UK could recede from these very minimal standards, therefore the Scottish Government should look to codify its existing policies and regulations that surpass minimum standards supporting the reception, welfare and protection of asylum seekers as the relate to devolved matters into legislation. Furthermore the Scottish Government should continue to show leadership in Europe by furthering its social citizenship policies towards asylum seekers, such as extending voting rights and in ensuring equality of opportunity and access to devolved services.

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*Case studies from Scottish Refugee Council's asylum services. Names have been changed. *Scottish Refugee Council is Scotland's national refugee charity. Our vision is for a Scotland in which all people seeking refugee protection are welcome. Women, children and men are protected, find safety and support, have their human rights and dignity respected and are able to achieve their full potential.*