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refugee
council



Scottish Refugee Council
Consultation Response

The National Conversation

Response submitted by
Scottish Refugee Council

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Scottish Refugee Council response to the National Conversation

About the consultation

The Scottish Government believes that an independent, sovereign Scotland is the best option for the country's future and that the people should be invited to support that option through a referendum. The Government is initiating a wide-ranging National Conversation that will allow the people of Scotland to make an informed decision on their future. The Government suggests that there are three principal choices to be considered in the National Conversation:

- Continuing with the current constitutional settlement with no or minimal change;
- Extending devolved power in Scotland in areas identified during the National Conversation;
or
- Taking the steps to allow Scotland to become a fully independent country.

About Scottish Refugee Council

Scottish Refugee Council provides help and advice to those who have fled human rights abuses or other persecution in their homeland and now seek refuge in Scotland. We are a membership organisation that works independently and in partnership with others to provide support to refugees from arrival to settlement and integration into Scottish society. We campaign to ensure that the UK Government meets its international, legal and humanitarian obligations and to raise awareness of refugee issues. We are also an active member of the European Council on Refugees and Exiles (ECRE), a network of over 80 refugee-assisting organisations across Europe. Our vision is for a Scotland in which asylum seekers' and refugees' rights are respected and they are welcomed, treated with dignity and empowered to play a full and equal role in their new communities.

Introduction

The protection and well-being of asylum seekers and refugees can be assured through clear and enlightened legislation, leading to responsive and high quality policies and services. Scottish Refugee Council takes no view here on whether competence to achieve these benefits should lie with the UK Government or Scottish Government in any changed constitutional settlement.

However, within the current constitutional settlement we do press the case for clarity in lawmaking; for devolutionary aspects of new laws and policies to be fully considered and made good before changes are made, and for human rights and every child's welfare in Scotland to be respected in the spirit of Scotland's 1999 devolutionary settlement. Our views are based on our experience of advocating for refugees' rights and promoting best practice within the current reserved and devolved competences of the UK and Scottish Governments. In **Part 1** of our response we set out the context for asylum in Scotland and in **Part 2** we set out our experiences and recommendations.

In **Part 3** we also set out what the key principles and actions should be for government or governments with competence in the protection, welfare and integration of asylum seekers and refugees in Scotland.

We are happy for our views to be made public. We have also submitted a similar response to the Commission on Scottish Devolution.¹

¹ http://www.scottishrefugeecouncil.org.uk/pub/Scot_Devolution

Part 1 - Context: Asylum in Scotland

Since the passing of the Scotland Act in 1998 and the subsequent creation of the Scottish Parliament, there have been major developments in the field of immigration and asylum including five substantive Acts of the UK Parliament.² In addition there have been significant tensions and confusion surrounding reserved and devolved competences.

The UK Government’s asylum dispersal programme introduced in the Immigration and Asylum Act 1999 resulted in increased numbers of asylum seekers in Scotland. Prior to 1999 responsibility for the welfare and support of asylum applicants lay with the local authority in which the individual or their family first arrived in the UK. As the main entry points to the UK are in the South East of England, there were significantly fewer asylum seekers in Scotland.³ However, since 2001, at any one time there have been between 3000 and 6000 asylum seekers living in Scotland⁴. The vast majority of asylum seekers in Scotland live in accommodation provided by the UK Border Agency (UKBA), an Executive Agency of the Home Office,⁵ in Glasgow. In the year 2000 Glasgow City Council entered into a contract with the Home Office to provide 2,500 accommodation units for asylum seekers. The contract ran until 2006⁶. It included 2,000 homes for families and 500 units of accommodation for single people. Despite negotiations with other local authorities, Glasgow was and remains the only local authority in Scotland to enter into such a bilateral agreement with the Home Office.

Due to the nature of the initial contractual arrangements, there has been a higher percentage of asylum-seeking families, and therefore asylum-seeking and refugee children in Glasgow compared to other dispersal sites around the UK.

As responsibility for supporting unaccompanied asylum-seeking children still remains with local authorities, these children can in theory be supported across Scotland, however the majority of such children are also in Glasgow. At any one time there have been around 100 – 150 such children in Scotland.

Those claiming asylum may be subject to detention at any point in their asylum claim. The only immigration detention centre in Scotland is Dungavel House Detention Centre located in South Lanarkshire. The centre may detain adult applicants with their dependants including children. It is impossible to ascertain how many individuals and families are detained due to the lack of available published statistics.

² Immigration and Asylum Act 1999; Nationality, Immigration and Asylum Act 2002; Asylum and Immigration (Treatment of Claimants, etc.) Act 2004; Immigration, Asylum and Nationality Act 2006; UK Borders Act 2007.

³ Prior to 3 April 2000 when the Immigration and Asylum Act 1999 came into force 610 principal asylum seekers were being supported by local authorities in various locations across Scotland. In addition, under separate arrangements with London boroughs, before the 1999 Act came into effect, Glasgow placed in accommodation in the region of 140 principal asylum seekers (570 individuals). Such arrangements stopped in June 2000.

⁴ It is very difficult to ascertain precisely how many refugees have been granted refugee status and remain in Scotland. Scottish Refugee Council estimates that there are approximately 10,000 asylum seekers and refugees in Scotland.

⁵ Formerly the Border and Immigration Agency and prior to this the Immigration and Nationality Directorate and the National Asylum Support Service. For clarity we refer to these as the Home Office throughout.

⁶ A new five-year contract was introduced in 2006. Glasgow City Council now provides 80% of accommodation whilst YMCA and the Angel Group make up the other 20%.

Scottish Refugee Council response to the National Conversation

Asylum - devolved and reserved competences

Immigration and nationality are reserved matters under schedule 5 of the Scotland Act 1998. In the Concordat between the Home Office and the Scottish Executive, reserved and devolved competences are further elaborated. In terms of asylum, the most significant are as follows:

Reserved matters (Annex B)

- The protection of borders and allied matters – including immigration and nationality, asylum, extradition, the criminal law in relation to drugs and firearms and the regulation of the misuse of drugs.

Devolved matters (Annex A)

- The police and fire services, including general fire safety.
- Youth justice issues, including the system of children's hearings and supervision requirements for young people.
- Encouragement of equal opportunities.

Joint working (Annex C)

- Reserved matters in which the Scottish Executive has an interest including: (...) Arrangements for the dispersal of asylum seekers and the designation of reception zones

Reserved matters which are the subject of executive devolution (Annex B)

- Transfer to hospital for treatment under the Mental Health (Scotland) Act 1984 of persons held under immigration legislation.
- Appointment of medical inspectors under the Immigration Act 1971.
- Making procedural rules and being consulted about appointment and rules in respect of certain tribunals which are concerned with reserved matters.

Many services and policy areas which support and impact on asylum seekers and refugees living in Scotland are however not listed in this Concordat and whilst they could fall under the "arrangements for the dispersal of asylum seekers" they include wholly devolved competences to the Scottish Parliament. These include education, interpreting and translation, policing, housing, health care, the provision of legal aid, social work and children's services and child protection.

Aware of these responsibilities, the Scottish Executive established the Scottish Refugee Integration Forum in January 2002 with the remit to develop action plans to enable the successful integration of asylum seekers and refugees in Scotland and the provision of more accessible, coordinated and good quality services. The first action plan was published in February 2003. It provided a range of measurable actions for statutory and voluntary organisations in six areas: Media; Housing; Justice; Community Safety and Access to Justice; Children's Services; Health and Social Care and; Enterprise, Lifelong Learning, Employment and Training.⁷ A key aspect of the plan was that it saw integration as a process that should begin when asylum seekers first arrive in Scotland, not just when they are granted refugee status or other protection statuses, a policy divergence from the UK Government's National Refugee Integration Strategy. We contend that the Scottish Executive's integration policies have not just better served asylum seekers and refugees through improved access to services but it has also served the people of Scotland

⁷ <http://www.scotland.gov.uk/Publications/2003/02/16364/18140>

Scottish Refugee Council response to the National Conversation

through enhancing public understanding of refugees and improving community relations and cohesion.

A second key point is that whilst immigration legislation applies, on the whole, to the UK, it is the case that immigration legislation has applied differently in Scotland as a result of these devolved competences. Several of these differences we fully support as they have promoted refugees' rights, provided a Scottish-specific response and led to equality of provision with people in Scotland.

For example, Section 11 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 removed the rights of refugees in England and Wales who become homeless to apply for social housing to a local authority in England or Wales other than the one to which they were dispersed as asylum seekers. However, this provision, which requires refugees to remain in the local authority areas to which they were dispersed as asylum seekers, does not apply to Scotland and refugees granted status in Scotland who become homeless can apply to any local authority in Scotland. This has given and gives refugees in Scotland the possibility of securing accommodation in communities where they feel safe and secure, rather than be forced to live in areas they have been dispersed to for administrative reasons. Finding stable accommodation is an essential factor in ensuring refugees can start to rebuild their lives.

The Scottish Executive has also implemented changes within their devolved competences which have improved refugees' rights and led to equality which we applaud. For example in 2007 changes were made to education regulations which removed a 3-year residency requirement for those granted humanitarian protection in Scotland to access funding for higher education.⁸ This provision went beyond those set out in the EU Directive on minimum standards for the qualification and status of refugees.⁹

In addition, the Scottish Government further amended regulations in 2008 to give asylum-seeking children who had spent at least three years in Scottish schools the same access as Scottish children to full-time further and higher education.¹⁰

⁸The Education (Fees and Awards) (Scotland) Regulations 2007 and guidance:

<http://www.scotland.gov.uk/Publications/2007/06/28105931/1>

⁹ COUNCIL DIRECTIVE 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted. For children, the regulation change complies with Article 27 (1) states that 1.

Member States shall grant full access to the education system to all minors granted refugee or subsidiary protection status, under the same conditions as nationals. However the regulation change goes beyond the minimum standard for adults as set out in Article 27 (2): Member States shall allow adults granted refugee or subsidiary protection status access to the general education system, further training or retraining, under the same conditions as third country nationals legally resident.

¹⁰ The Education (Graduate Endowment, Student Fees and Support) (Scotland) Amendment Regulations 2007

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Part 2 – Emerging issues since devolution

We set out below a series of concerns and recommendations around the interplay of reserved and devolved competences in the area of asylum based on our experiences since devolution.

2.1. Wide-ranging interpretation of the reservation

The key concern we have is the extent to which the UK Government has interpreted its reserved competence of immigration to treat any issue related to asylum seekers, asylum-seeking children and refugees as reserved including those areas which are devolved competences of the Scottish Parliament. We contend that this has in many instances run counter to the Scottish Parliament's foundations on human rights, equality and children's rights¹¹ and raises fundamental questions of democratic and financial accountability.

The issue of the detention of children in Dungavel gives a comprehensive example of this. Detention at Dungavel has generated intense media and public debate in Scotland over the last eight years. The issue has also been debated several times in the chamber and committees of the Scottish Parliament. In 2003 a petition was brought before the Public Petitions Committee by the STUC regarding the education of children in the detention centre and calling on the Scottish Executive to ensure that it met its statutory commitment to provide mainstream education to all children in Scotland.¹² The Committee sought a response from the Scottish Executive, the Home Office and from the Scottish Parliament's legal advisers. Whilst Home Office opinion seemed to suggest that the issue was reserved, this was by no means conclusive:

...the advice from the Parliament's legal advisers is much more comprehensive. It discusses in some detail the interface between the Scotland Act 1998 and the relevant statutory provisions on immigration, asylum and education. It is acknowledged that it is possible to argue the point either way as to whether the education of children in removal centres is a reserved or a devolved matter, but our legal advisers' interpretation of the relevant legislation is that the matter is indeed reserved. However, the legal team makes the point that only the courts can give a definitive answer on the issue. It is also the team's view that the education authority may have some statutory functions in relation to the education of such children under the Education (Scotland) Act 1980.¹³

The Committee debate also raised substantive issues regarding scrutiny and financial accountability:

I want to repeat some of the questions that I asked earlier, to which we do not have answers. If the Home Office has entire and exclusive responsibility for the children in question, why can there be a situation whereby the children's reporter declares that they could convene a panel for

¹¹ The European Convention on Human Rights (ECHR) was incorporated into Scots law through the Human Rights Act 1998 and the Scotland Act 1998. The Human Rights Act requires public authorities to comply with ECHR, but UK Parliament legislation which has been declared incompatible with the ECHR remains valid, whilst the Scotland Act provides that actions of Scottish Ministers and Acts of the Scottish Parliament that do not comply with ECHR are unlawful. The UK has entered a reservation for immigration and nationality into the 1989 UN Convention on the Rights of the Child (UNCRC) However, the Scottish Executive has stated that it aims to reflect the provisions of the Convention wherever possible in the development of policy and legislation.

¹² Dungavel (Detention of Children) (PE671)

¹³ <http://www.festivalofpolitics.co.uk/business/committees/historic/petitions/or-03/pu03-0702a.htm>

Scottish Refugee Council response to the National Conversation

children in Dungavel and the care commission may and might conduct an inspection of the facilities at Dungavel?

If those devolved agencies have a statutory responsibility, what are the democratic lines of accountability for the Scottish Parliament in relation to those devolved areas?

Who would pick up the purse if the reporter to the children's panel were to become involved in a particular case? Who would pick up the purse if the care commission were to conduct an inspection? I think that such costs would be met from the Scottish purse—the block grant that we get from Westminster—so there must be a line of financial and democratic accountability.¹⁴

Subsequent opinion from the House of Commons library stated that:

It would appear therefore that Scottish education legislation neither requires the education authority to provide education in removal centres, nor prevents them from doing so. The Detention Centre Rules include a requirement to provide education at removal centres but do not state explicitly who should be responsible for doing so. In practice this is the Home Secretary or those acting on his behalf, as he has responsibility for immigration and hence detention centres, even in Scotland. We are not aware of anything more specific which either gives the Home Secretary that power in relation to Scotland, or takes it away from Scottish education authorities.”¹⁵

This suggests a lacuna and an overstatement of the reserved power.

Scottish Refugee Council believes that any child subject to immigration control should be treated as a child first and foremost and educational authorities are the most appropriately placed to provide and be accountable for children's education whether that be when they are in the community or subject to detention.

The confusion over competences highlights an interrelated issue - independent scrutiny by non-governmental regulatory bodies. In the above-mentioned debate, MSPs made reference to the Care Commission and the Scottish Children's Reporter Administration. However Dungavel has lacked the same level of independent scrutiny as other immigration detention centres in England. For example, in July 2005, as part of a report into safeguarding children's rights¹⁶, eight Chief Inspectors from various statutory bodies¹⁷ looked into the issue of asylum-seeking children in detention. However, the report did not look into arrangements for children at Dungavel as this was "outside the scope of the review."¹⁸ The only independent reports so far into conditions at

<http://www.festivalofpolitics.co.uk/business/committees/historic/petitions/or-03/pu03-0702a.htm>

¹⁵ <http://www.snp.org/node/12051>

¹⁶ Safeguarding Children July 2005 The second joint Chief Inspectors' Report on Arrangements to Safeguard Children

¹⁷ Commission for Social Care Inspection (CSCI), HM Inspectorate of Court Administration (HMICA), The Healthcare Commission, HM Inspectorate of Constabulary (HMIC), HM Inspectorate of Probation (HMIP), HM Inspectorate of Prisons (HMIP), HM Crown Prosecution Service Inspectorate (HMCPSI), The Office for Standards in Education (OFSTED)

¹⁸ Safeguarding Children July 2005 The second joint Chief Inspectors' Report on Arrangements to Safeguard Children, p.86: "7.2 This chapter also examines arrangements for children held with their families using evidence from HMI Prisons inspections of two immigration removal centres in England: Oakington (Cambridgeshire) and Tinsley House (West Sussex). The centre at Dungavel (South Lanarkshire) is outside the scope of this review, although asylum-seeking families based in England might be placed there pending deportation."

Scottish Refugee Council response to the National Conversation

Dungavel have been published by Anne Owers, HM Inspector of Prisons (HMIP), and Her Majesty's Inspectorate of Education (HMIE).

The detention of children at Dungavel is one example across a range of issues where the reserved competence has been overstretched and which has caused tensions.

We recommend that an assessment of all areas where asylum seekers interact with devolved competences should be carried out and where the reserved competence of immigration has been widely interpreted, this should be reversed. We also recommend that there is greater clarity to the precise role of non-governmental regulatory bodies in terms of their interplay with asylum issues in Scotland, including the new Scottish Human Rights Commission and the Equality and Human Rights Commission,

We are sympathetic to the view that increased use could be made of executive devolution, providing authority to Scottish Ministers within a UK framework.

2.2. Lack of awareness of devolved competences and poor implementation

In many instances the UK Government has implemented legislation or policy without properly considering or respecting how it may impact in the devolved context. For example, the provision of legal aid in Scotland is governed by the Scottish Legal Aid Board. When implementing the New Asylum Model, a new system for determining asylum applications, UKBA did not consider the impact of speedier asylum decision-making on the processes of the Scottish Legal Aid Board and thus on the ability of asylum seekers in Scotland to access legal aid before their substantive asylum interview. A similar concern is that when UK legislation is implemented which improves rights to asylum seekers or refugees, parallel rights in Scotland are slow to be implemented. For example, in the Police and Justice Act 2006 the Independent Police Complaints Commission (IPCC) was granted powers to investigate complaints arising from the use of police-like powers by immigration officers. However, the scope of the IPCC's remit does not extend to Scotland and despite the statement from Home Office Minister Lord Bassam of Brighton in July 2007 that: "*separate parallel arrangements are being developed for Scotland and Northern Ireland.*"¹⁹, we await any news a parallel system in Scotland. Lack of knowledge of the devolved context has the resultant impact of hindering effective policy implementation but it also adversely affects asylum seekers and refugees in Scotland. Whilst the establishment of a UKBA regional office and regional director in Scotland in 2006 has increased understanding by UKBA officials of devolution, there is still a need for greater understanding at a UK level of the Home Office.

We suggest that a more formal role in terms of policy development could be developed, including a legal requirement to consult before legislation to allow for appropriate timescales for the Scottish Government and Parliament to properly consider the impact of reserved legislation. This could also include an enhanced role for the Scotland Office to regulate and communicate between the Governments.

2.3. Confusion amongst service providers about their duties

It is acknowledged amongst service providers that they are confused about the interface between UK and Scottish legislation and whether duties emanate from Westminster or Holyrood. This is

¹⁹ Hansard, HL Report, 2 July 2007, col GC63

Scottish Refugee Council response to the National Conversation

supported by research conducted by the Glasgow Centre for the Child and Society into the needs and experiences of unaccompanied asylum-seeking children in Scotland²⁰ which found that: “*The ambiguity between some Scottish and UK legislation can make it difficult to advance children’s rights...*” The report recommended that to improve service providers understanding:

Clearer guidance is needed with regards to the remits and responsibilities of the Scottish and UK Parliaments. Service providers must be aware of the legislation, policies and procedures that apply to their work with unaccompanied asylum-seeking children in Scotland taking account of children’s legislation and devolution.

Similarly, an HMIE joint inspection of services for children of asylum seekers in Glasgow in June 2007 found that:

*Some managers and staff in the social work service were unsure whether children of asylum seekers and unaccompanied asylum-seeking children could be referred to the Children’s Reporter in the same way as other children. When children were referred to the Children’s Reporter, a range of appropriate actions were taken. Children’s Reporters were not always clear about the complex relationship between Scottish and United Kingdom legislation for children of asylum seekers.*²¹

We would echo this finding and widen it to include not just children but also adult asylum seekers, refused asylum seekers and those granted protection statuses or other forms of leave.

Asylum seekers and refugees in Scotland must not be disadvantaged because of statutory bodies’ confusion of where duties lie. Clear guidance is required.

2.4. Scotland as an ‘excuse’ not to implement

Very disappointingly, Scottish legislation has been used as an excuse not to develop rights for refugees across the UK as well as provide them with essential services in Scotland. Two specific examples below highlight this.

Asylum seekers with special needs

We have encountered many difficulties securing financial support and accommodation for clients with special needs such as those with severe mental health problems and disabilities. This is caused by disputes between UKBA and the local authority about responsibility for their care. In several cases Social Work Services in Glasgow refuse to support clients regardless of clear indications that clients’ needs are above and beyond that which can be met by support provided by UKBA under section 95 and section 4 of the 1999 Act. The threshold for accessing this support is set extremely high in Glasgow and the most vulnerable asylum seekers are being left in dire situations. This is due to the fact Glasgow City Council believe that a House of Lords²² ruling clarifying the responsibilities of local authorities in England and Wales for asylum seekers with care needs is not binding in Scotland.

²⁰ This is a Good Place to Live and Think About the Future, the needs and experiences of unaccompanied asylum-seeking children in Scotland, March 2006, http://www.scottishrefugeecouncil.org.uk/pub/UASC_report

²¹ <http://www.hmie.gov.uk/documents/services/glasgowasylumreport.pdf>

²² R(Westminster) v NASS [2002] UKHL 38, 1 WLR 2956, 5 CCLR

Scottish Refugee Council response to the National Conversation

Duty to promote and safeguard the welfare of children

The Refugee Children's Consortium, of which we are a member, has long lobbied for immigration officers to have the statutory duty placed upon them to promote and safeguard the welfare of children. A range of other statutory bodies such as the police and the prisons service in England and Wales are subject to this duty under Section 11 of the Children's Act 2004. However, such a general duty is not included in Scottish children's legislation and it was stated by Home Office officials²³ that this was a key reason why they would not implement the duty, as it would not cover the whole of the UK.²⁴

We recommend that the devolved settlement should not be used to limit rights across the UK. Nor should the devolved settlement be used to limit refugee rights in Scotland.

2.5. Future developments

It is vital that there are appropriate mechanisms in place for possible future developments.

For example there have been calls for certain responsibilities of UKBA, now an executive agency of the Home Office, to be devolved to other UK Government departments which do not have any or limited cross-border functions, for example, moving the responsibility of the care of unaccompanied asylum-seeking children to the Department for Children, Schools and Families and moving responsibility of refugee integration policy to the Department for Communities and Local Government.

Future UK Government restructuring should not take place until clear and binding responsibilities for consultation on policy are in place, linked to executive delegation of services and operations in Scotland to the Scottish Government. However, the devolved settlement should not be used as an excuse not to make such changes which may bring about improved rights for refugees in England and Wales.

2.6. European issues

In issues relating to the protection, integration and rights of refugees, Europe is playing an increasingly greater role. In May 2008, the European Commission set out plans for the second stage of the Common European Asylum System (CEAS). The aim of the first stage of the CEAS from 1999 to 2004 was to create minimum common standards across EU member states²⁵.

The aim of the second stage instruments in the policy plan is, positively, to improve and develop higher standards of protection across the EU and increase solidarity amongst member states. As such, it will include a review of the first stage instruments. Several of these relate to devolved competences, such as health, education and the provision of legal advice.

²³ Home Office official during consultation on its Code of Practice to Keep Children Safe From Harm

²⁴ A similar duty has now been incorporated into the draft Immigration and Citizenship Bill

²⁵ Instruments included: The reception directive - minimum standards for the reception of asylum seekers which includes housing, education and health; the procedures directive – minimum standards for first instance decision making including interview and basic standards relating to interpretation and provision of legal advice; the qualification directive – minimum criteria for qualifying for refugee status and subsidiary protection as well as the rights attached to each status; and the Dublin II regulation – defines which member state is responsible for the determination of an asylum claim.

We believe that a more formal role in terms of policy development as well as a more formal process for transposition should be developed between Governments. Better structures should also afford the possibility of promoting best practice in Scotland to other EU member states²⁶.

Part 3 - Key principles and actions to protect refugees

Below we set out an overview of the key principles and actions that should be implemented by any government which has competence for asylum in Scotland. We are happy to discuss with the Scottish Government and the UK Government our concrete and detailed proposals on how these principles can be achieved.

The asylum system

- Give every asylum seeker a fair hearing on their claim for protection with access to quality legal advice at all stages of the decision-making process ;
- Invest in better decisions early in the asylum procedure;
- Monitor decision-makers to ensure refugees receive protection; and
- Share the best practice with other EU member states, not the worst.

Access to protection

- Adapt border management to ensure access to Europe for refugees; and
- Create legal channels to enable refugees to travel to Europe.

Integration

- Welcome refugees;
- Celebrate cultural diversity;
- Afford refugees similar rights to nationals; and
- Enable asylum seekers to improve or adapt their skills from day one.

Sharing responsibility

- Take the lead in promoting international solidarity and co-operation;
- Take a fairer share of the global responsibility for protecting refugees; and
- Better share responsibility between EU member states.

Increase protection in regions of origin

- Improve refugee protection standards in Europe as well as in other regions;
- Put human rights standards at the forefront of improving protection; and
- Strengthen refugee protection in regions of origin;

Resettlement

- Offer a long-term future to refugees through resettlement;
- Expand existing resettlement programmes;
- Establish a Europe-wide resettlement programme led by the European Union; and

²⁶ For example, the EU Commission is currently planning a third edition of its Handbook on Integration matters for policy-makers across the EU at the beginning of next year. In the second edition, it is very interesting to note that there are very few references to the UK and very few of these actually mean 'the UK' but refer to England.

Scottish Refugee Council response to the National Conversation

- Develop resettlement as a complement rather than a substitute for existing asylum systems.

Return

- Ensure any return is safe, dignified and sustainable;
- Prioritise voluntary return over mandatory or forced return;
- Only return people not in need of protection after a fair and thorough examination of their asylum claim and taking all humanitarian circumstances into consideration;
- Grant a legal status and rights to asylum seekers whose claims have been rejected but who cannot return; and
- Monitor returns systematically.

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