

**Scottish Refugee Council response to
the Joint Committee on Human Rights
report into the
Treatment of Asylum Seekers**

April 2007

Introduction

On 30 March 2007, the Joint Committee on Human Rights (JCHR) published its inquiry report into the Treatment of Asylum Seekers in the UK. The JCHR is appointed by the House of Lords and the House of Commons to consider matters relating to human rights in the UK. This inquiry focused on human rights issues raised by the treatment of asylum seekers by the UK Government. The Committee examined the following areas: access to accommodation and financial support; the provision of healthcare; the treatment of children; the use and conditions of detention and methods of removal; and the treatment by the media.

Scottish Refugee Council comment on the report

Scottish Refugee Council wholeheartedly supports the Committee's report and recommendations. The report, which makes 63 major recommendations, is a scathing attack on many aspects of the current UK asylum system which it says in many instances is breaching international human rights instruments and denying fundamental basic rights to asylum seekers across the UK.

The report mirrors many of the grave human rights concerns that Scottish Refugee Council has voiced about the treatment of asylum seekers in Scotland and we are pleased that the Committee endorses many of the points we submitted in our written and oral evidence to the inquiry. ***We urge the UK Government to consider the serious human rights failings of the current UK asylum system as presented in the report and implement in full the JCHR Committee's recommendations.*** Below is a summary of the main points from the report.

Summary of main recommendations

1. Evidence rather than assertion

We welcome the Committee's key finding that in the development of asylum policy in the UK the Government should "*proceed on the basis of evidence, rather than assertion.*" We have long supported this call for a more evidence-based approach to developing asylum policy as we believe that the bases of many Government policies which impact hugely on asylum seekers are not substantiated. For example, the UK Government continues to claim that denying support and entitlements to asylum seekers, such as not allowing asylum seekers to work and support themselves and their families, reduces the number of pull factors to the UK and subsequently decreases the number of unfounded asylum claims. Such assertions, as the Committee quite rightly points out, are not based on any substantive evidence.

2. Asylum support and destitution

The report describes the system of asylum support as a "*confusing mess*", which has "*severe consequences for desperate, vulnerable people who have no other means to support themselves.*" Citing research by Scottish Refugee Council into the destitution of asylum seekers in Glasgow, the Committee asserts that "*the policy of enforced destitution must*

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cease,” and recommends that *“a coherent, unified, simplified and accessible system of support for asylum seekers, from arrival until voluntary departure or compulsory removal from the UK.”* We fully support this call from the Committee which we continue to make through the Still Human Still Here Campaign¹. We also support the Committee’s concern that destitution can be caused by *“the shortage of competent immigration advice and representation.”*

3. The right to work

The Committee states that by operating a support system which leads to widespread destitution and refusing asylum seekers permission to work can breach the threshold of *“inhuman and degrading treatment.”* It calls on the Government to allow asylum seekers whose appeal is outstanding for more than a year permission to work. It also recommends that those whose claim for asylum has been refused and where there is no prospect that they can leave the country within 12 months, then they should be granted temporary status for 12 months and the right to work.

4. Section 9 – removing support to families who have been refused

A refused asylum seeker with a child is normally entitled to receive support until the child reaches the age of 18. This was changed by the introduction of Section 9 of the 2004 Act which stated that support may be withdrawn from families if they did not take reasonable steps to leave the UK voluntarily. Scottish Refugee Council and many others have strongly contested this policy, piloted in 2005, of both threatening to remove and actually removing support to families who have been refused asylum as being inhuman and flawed. We warmly welcome the report’s statement that such a policy *“has no place in a humane society”* and support the Committee’s recommendation that *“section 9 be repealed at the earliest opportunity.”*

5. Asylum seekers with care needs

We have very pleased that the Committee has brought attention to the deeply concerning matter Scottish Refugee Council and the Scottish Refugee Policy Forum raised about poor treatment of asylum seekers with care needs in Scotland. This is caused by disputes between the Border and Immigration Agency and Glasgow City Council about responsibility for their care. The Committee has recognised this as a potential breach of the European Convention on Human Rights and has recommended that Home Office issue guidance: *“We recommend that the Government issue new guidance setting out when local authorities have a duty to provide community care help to asylum seekers and refused asylum seekers and that it implements procedures to ensure that local authorities comply with this duty.”*

6. Housing

We fully support the finding of the Committee that the standard of some accommodation around the UK for asylum seekers is *“inadequate”* and again could be breaching human rights and like the Committee, we welcome the Home Office’s assurance that it will standardise accommodation contracts to bring accommodation provided under Section 4 into line with accommodation provided under Section 95 by the end of 2007.

¹ www.stillhuman.org.uk

7. Treatment of refugee children

The Committee criticises the UK Government's continued stance of maintaining a general reservation to the application of the Convention on the Rights of the Child to refugee children in the UK, stating that it *"leaves children seeking asylum with a lower level of protection in relation to a range of rights which are unrelated to their immigration status."* We fully support the Committee's continued call for this reservation to be removed. The Committee goes on to recommend that the current reforms that the Home Office is implementing to reform support arrangements for unaccompanied asylum-seeking children should be carefully examined against the Convention to ensure that these children are not *"excluded from the care, consideration and protection to which all children and young people are entitled."* We also support the Committee's recommendation that unaccompanied asylum-seeking children should have access to a formal system of guardianship to ensure that children are able to access the support and services to which they are entitled.

8. Detention and removal

In the report, the Committee makes 25 recommendations around the removal and detention of asylum seekers. Scottish Refugee Council and partner refugee agencies² recently called on the UK Government to stop the inhumane practice of detaining children for immigration control through the No Place for a Child campaign. We are pleased the Committee reflects this call in their findings, stating that asylum-seeking children should not be detained as it is *"incompatible with children's right to liberty and is in breach of the UK's human rights obligations."*

We also welcome the Committee's many concerns about the manner in which families are taken into detention. Such 'dawn raids' have generated a great deal of fear throughout communities in Glasgow and we are pleased that the Committee fully reflects these concerns which we voiced in our written submissions. These concerns include the failure of the UK Government *"to develop alternatives to detention beyond the relatively limited use of voluntary check-in arrangements,"* and the Committee recognises that such arrangements are *"unlikely to succeed without a properly functioning casework model which can support asylum seekers throughout the process."*

² British Refugee Council, Welsh Refugee Council, Bail for Immigration Detainees and Save the Children

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Links

Tenth Report of Session 2006-2007, The Treatment of Asylum Seekers, Joint Committee on Human Rights inquiry report:

<http://www.publications.parliament.uk/pa/jt200607/jtselect/jtrights/81/81i.pdf>

Memorandum of evidence from Scottish Refugee Council:

<http://www.publications.parliament.uk/pa/jt200607/jtselect/jtrights/uc60-ii/uc6002e.htm>

Supplementary memorandum from Scottish Refugee Council:

http://www.scottishrefugeecouncil.org.uk/pub/consultations/JCHR_Response

Memorandum of evidence from the Scottish Refugee Policy Forum:

<http://www.publications.parliament.uk/pa/jt200607/jtselect/jtrights/uc60-ii/uc6002h.htm>

Oral evidence given to Committee on 4 December 2006 by Scottish Refugee Council, Inter-Agency Partnership and the Scottish Refugee Policy Forum:

<http://www.publications.parliament.uk/pa/jt200607/jtselect/jtrights/uc60-ii/uc6002.htm>

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