

A fresh start? The new Government's agenda for reforming the asylum system in the UK

Report of Scottish Refugee Council's Annual Conference 2010
Friday 29 October 2010
Hampden Park, Glasgow

November 2010

25
YEARS

building
a better
future with
refugees
in Scotland

About Scottish Refugee Council

Scottish Refugee Council is an independent charity dedicated to providing advice and information to people seeking asylum and refugees living in Scotland. Since 1985 we have been campaigning for fair treatment of refugees and people seeking asylum, raising awareness of refugee issues through the media, arts and local communities and working hard to influence policy in both Scotland and the UK.

Conference Objectives

The UK elected a new Government in May 2010. This new Government has made a series of announcements in relation to asylum policy in the UK including a review of the asylum process itself, welcome announcements around the “detention of children for immigration purposes” and improving the protection of people seeking asylum who face persecution in their country of origin on the basis of their gender identification and/or sexual orientation. The purpose of Scottish Refugee Council’s annual conference was to provide a forum for stakeholders to feed their views into these policy work streams against the background of challenging financial pressures.

Overview

The conference was chaired by **Glenn Campbell**, Scottish Correspondent, BBC. Over 100 delegates from voluntary organisations, refugee community organisations, local authorities and statutory bodies attended. In the morning session the speakers were **Bill Brandon**, Deputy Director, the UK Border Agency; **John Wilkes**, Chief Executive, Scottish Refugee Council; **Nico Juetten**, Acting Head of Policy, Scotland’s Commission for Children and Young People; **Carl Watt**, Director, Stonewall Scotland and **Colin Lancaster**, Director of Policy and Development, the Scottish Legal Aid Board.

Six workshops were held during the afternoon. These were: **The role of the voluntary sector** facilitated by Janine Hunt, Director of Operations, Scottish Refugee Council and Flutura Shala, Scottish Induction Service Team Leader, Scottish Refugee Council; **Accessing early legal advice** facilitated by Piya Muqit, Children’s Law and Policy Officer, the Medical Foundation for the Care of Victims of Torture; **LGBT Asylum Seekers and the new ‘Public Sector Duty** facilitated by Chris Oswald, Head of Policy and Parliamentary Affairs, the Equality and Human Rights Commission (Scotland) and Tim Cowan, Development Worker, the Equalities Network; **Decision making and credibility** facilitated by Steve Symonds, Legal Officer, the Immigration Law Practitioners’ Association; **Your views on improving the asylum system** facilitated by Gary Christie, Policy and Research Manager, Scottish Refugee Council; and **Refugees and ‘The Big Society’** facilitated by Mick Doyle, Community Development Team Leader, Scottish Refugee Council.

The purpose of each workshop was to formulate three key recommendations for the UK Border Agency to consider in the development of current policy reviews and changes.

Scottish Refugee Council was pleased to welcome a broad range of perspectives from all those who contributed to our conference. However those views do not necessarily reflect the views of Scottish Refugee Council.

Morning Session

Bill Brandon, Deputy Director, UK Border Agency

Remarks focused on the Asylum Improvement Project (AIP), child detention, and the treatment of LGBT people seeking asylum.

He stated that the AIP would focus on three objectives: increased efficiency in the asylum process, more sustainable decisions (i.e. not lost at appeal), and improved removal rates. The target of resolving all asylum cases within 6 months would be scrapped and the system would be geared towards maintaining a manageable number of unresolved cases. The AIP will draw on previous reviews (e.g. Family Detention Review), on lessons from abroad (France, Germany, Sweden, Denmark, and Ireland), and on the results of pilot projects (Early Legal Advice Project, Key Worker Pilot). The AIP will also explore the possibilities of involving external partners in the asylum process. The project will report to ministers in November, implement changes from January and will be evaluated in April.

Bill Brandon admitted that the UK Border Agency had not yet found a way to meet the government's promise to end child detention. They will be launching a number of pilot projects focusing on engagement with families, strengthening voluntary return, and alternatives to family detention, including the detention of one family member. A new model envisages three stages with increasing intensity of pressure on families following a negative decision: assisted return, required return, and ensured return. UKBA is also considering a separate asylum application process for families and more training and guidance of its own case workers.

UKBA remains committed to improving the treatment of LGBT asylum seekers and has implemented the Supreme Court's judgement in the case of HJ (Iran) and HT (Cameroon) vs SSHD [2010] along with specific guidance on dealing with sexual orientation and gender identity issues in asylum claims. Some of the recommendations in the Stonewall report are still being implemented, including the provision of nationwide training for case owners and the collection of reliable and comprehensive country of origin information.

John Wilkes, Chief Executive, Scottish Refugee Council

The Chief Executive noted Scottish Refugee Council marks its 25th year in 2010 and that 2011 is the 60th anniversary of the UN Convention of the Status of Refugees, a document which has saved hundreds of thousands of lives. These anniversaries are a moment to celebrate but also to reflect on the future.

In the last decade the UK saw the highest number of asylum applications in its history, this combined with a fevered atmosphere driven by the tabloid press creates an environment where decisions are difficult to make. In this atmosphere by the time asylum numbers began to decline asylum and immigration had become confused amongst the public which was detrimental for asylum seekers, refugees and politicians as well.

The previous UK government made progress in a number of key areas including quicker decisions and resolving cases which had waited too long for a final outcome. However fairness was often compromised leaving vulnerable people in appalling situations including destitution and detention.

Mr Wilkes spoke of a 'protection gap' opening up which trapped many people from countries with poor human rights records who, whilst unable to reach the threshold of the 1951 Convention, were denied any form of protection in the UK but could not be returned either e.g. no returns to Darfur or to Zimbabwe. The result has been that people were forced into destitution with no financial support and unable to support themselves.

Increasingly punitive measures were enacted such as reducing levels of support, and the denial of hospital treatment in England to refused asylum seekers which has led to seriously ill people either being billed for treatment they can never afford to repay or unable to access the health care they need at all. Scottish Refugee Council welcomed the Scottish Executive's decision to take a different approach to healthcare in 2004.

Mr Wilkes told conference that there are too many people who should not be in this position and there must be something wrong with a decision making process where 1 in 4 applications is successful on appeal rising to one in two for Eritreans and Somalis.

The previous UK Government took the decision that tougher measures would deter people from seeking asylum in the UK and forced refused asylum seekers to return home. This stance however is not supported by all the available evidence and that these measures have not had their intended effect.

Scottish Refugee Council is supportive of recent announcements related to ending child detention, improving how the UK treats LGBT claimants and the review of the asylum process. Scottish Refugee Council also welcomes the UK Border Agency review of family reunion. However, Scottish Refugee Council opposes other changes such as reductions in asylum support.

Mr Wilkes also accepted that the UK should have border controls in place however these should not have the effect of blocking safe routes into the UK for people who need protection.

Scottish Refugee Council sees access to good legal advice as crucial, an end to poverty and destitution throughout the asylum process, the restoration of the right to work for asylum seekers and those who are recognised as refugees to be given permanent status in the UK rather than 5 years limited leave to remain. Lastly Mr Wilkes said that the role of the voluntary sector and refugee community organisations must be recognised and supported in welcoming and integrating refugees in the UK.

Scottish Refugee Council's Chief Executive then turned to the current financial environment and pointed to a number of ways the UK Border Agency could cut costs focussing heavily on the savings which could be made from early access to good legal advice.

Mr Wilkes concluded by reiterating that 60 years on from the 1951 Convention the principle of protecting refugees in the UK remains essential, that there is an opportunity to renew the UK's commitment to that principal and that providing sanctuary is something to be proud of and celebrate.

Nico Juetten, Head of Policy, Scotland's Commission for Children and Young People

Nico Juetten's talk focused on the immigration detention of children and the End of Children in Immigration Detention Review.

Nico began his speech by re-iterating Deputy Prime Minister Nick Clegg's announcement and the commitment that the Coalition Government would end, not minimise, reduce or impose time restrictions upon, the immigration detention of children. Nico stated that there was concern regarding a subtle change of language during and since the end of the review period and that there had to be a complete and immediate end to the inhumane act of detaining innocent children.

Nico stated that there are a number of pieces of legislation and child protection policies that should make the unlimited time that children can currently be detained with parents difficult if not impossible. The UNCRC for example states that children must be only be detained as a last resort and for the shortest time possible. Nico stated that children should not be detained because of decisions that their parent or parents had made, but that children must be seen and accepted as individuals and that their best interests must be central in all decisions that will affect their lives.

Nico noted the compelling medical evidence and research that proves that detention, for any period, even a short period, has a detrimental effect on children's development and that some of the suggested alternatives such as splitting a family whereby one parent is incarcerated but the child remains in the community is also unacceptable. He stated that in no circumstances should immigration policy and practice trump the rights of the child.

Nico concluded by calling for a speedy and complete end to the immigration detention of children. Bill Brandon was given the opportunity to answer some of the issues raised by Nico. He did state that the Government was seeking an end to the detention of children, that there had been very many responses to the detention review and that the pilots were being rolled out and evaluated to look at what alternatives to detention might look like.

Carl Watt, Director, Stonewall Scotland

Carl Watt focussed his remarks on the findings of Stonewall's recent report, "[No Going Back](#)", an enquiry into LGBT experiences of the asylum system in the UK which includes testimony from UK Border Agency case owners, solicitors, services users and other stakeholders.

Consensual sexual acts between same sex adults are criminalised in 80 member states of the

UN. There are 6 countries where homosexuality is punishable by death. Where lesbian and gay people face persecution because of their sexuality torture is commonplace; many lesbian and gay people go to extreme lengths to conceal their sexual orientation. The families of gay and lesbian people often lead this persecution.

The Stonewall Scotland Director identified problems in the screening process with some asylum seekers not disclosing their sexual orientation at the initial interview which in turn impacts negatively on their claim further along in the process. Some case owners have perceived non disclosure at the earliest point indicative that the claim is not credible. For some asylum seekers disclosure is difficult because it is something they would not do in the country of origin.

'No Going Back' found evidence that some LGBT asylum seekers have faced homophobia in detention from members of their own ethnic or national community.

The responsibility rests with the asylum seeker to disclose they are gay and is not a question raised by the UK Border Agency at the interview stage however some claimants need time to prepare themselves to disclose. A typical question at interview is "why do you choose to be gay in your home country when you know it is illegal" and there is no UK Border Agency guidance on interviewing gay applicants. There is a lack of understanding shown by some case owners.

Carl also commented that caseworkers feel these are the hardest cases to determine because of difficulties in assessing credibility and further noted that the majority of application from lesbian, gay, bisexual and transgendered people are refused. There are also gaps in the country of origin reports which do not fully reflect what it is like to be gay in many states.

The burden of proof is difficult for some applicants some and feel under pressure to be in a relationship to demonstrate they are gay which can leave applicants open to exploitation. This is exacerbated by a lack of understanding of the reality living in the UK as a gay or lesbian person.

Moving on Carl discussed the fear of removal amongst LGBT asylum seekers with most indicating they would commit suicide rather than be returned. The freedom of being openly gay in the UK makes the prospect of returning to the country of origin to live in secret even harder.

The recommendations that Stonewall has made to the UK Border Agency are that they should develop guidelines for case owners, improve training which make case owners cognisant of the barriers to disclosure and the effects of trauma, that UK Border Agency staff need to understand the implications of the 'discretion test', that country of origin information must be improved and that judges too need comprehensive training.

Stonewall will now work with the UK Border Agency to progress some of these recommendations including improving training for UK Border Agency staff whilst monitoring for improvements. Services need to be inclusive for LGBT people and all organisations working in asylum must be aware of the issues which affect lesbian and gay people and to ensure they are treated with appropriate levels of understanding and empathy.

Colin Lancaster, Director of Policy and Development, the Scottish Legal Aid Board (SLAB)

Colin Lancaster began his remarks by stating there is an obvious pressure on finances but as yet the impact on Scotland is unclear. There is a need now to show value to clients and the taxpayer.

SLAB began a research project which sought people seeking asylum's views about the asylum process, focussing specifically on the initial stages of the process, the initial interview and issues about solicitor contact. It also sought to examine perceptions and understanding of the process as well as barriers to that understanding. The research has not yet been published.

The research found that there was low knowledge of the system, even among those who had had legal advice prior to their Home Office interview. Most could not describe the stages of the process, the agencies involved or the next steps. Some accepted this lack of knowledge while others felt that this added to their stress.

With regard to information there were a number of avenues discussed. At the Scottish Induction Service (SIS) there was limited information on the legal process. There was an issue with the timing of solicitor information in relation to the Home Office process. Some asylum claimants looked to friends, family and other residents for advice which could be unreliable and inaccurate because many of those who have been through the process still have little understanding of that process.

There was a generally positive view of the work of solicitors (although this did not extend up to the appeal stage). On average solicitors had four meetings with claimants and the frequency of interaction increased client happiness with the process. Most were positive about their interaction, the preparation and assurances given by solicitors but some did not feel they had sufficient advice and didn't feel prepared for the Home Office interview.

The key issue is the need for better information but there is a question over who should provide it, in what format and when. There is also a need to avoid information overload. Some solicitors want to drip feed rather than explain the end to end system but complete information could have a positive impact on perceptions of the system. There is also a question over whether more complete information can have an impact on outcomes. SLAB suspect this to be the case. The key issue is about the timing of advice and the interaction of that advice with the asylum process.

The lessons of the Solihull pilot also centred around the key issue of early engagement between the applicant, the legal advisor and the case owner and the need for more ongoing interaction. This leads to better decisions earlier and fewer successful appeals. It also means that less time overall is spent on a case. But there is a need in all of this to change legal aid arrangements. The evaluation of Solihull is positive but there are still questions concerning the statistical issue regarding the control group.

There are issues that relate only to Scotland. There is no contract culture unlike in England which means that any solicitor in Scotland can do any work at any time. This means there is no specific quality assurance. There is also no 'merit test' for appeals in Scotland. In England if cases fail at

appeal too often the Legal Services Commission will become involved and there is a required success rate of at least 35%. There is no such test in Scotland apart from one very particular part of the appeals process so solicitors do not need to satisfy themselves or others of the merit of a particular case. The risk in England is that solicitors are too cautious so they refuse claims with merit, whereas in Scotland the risk is the other way around which leads to rising costs and rising expectations. The test would have an impact as there are more cases in Scotland that are publicly funded but the success rate is also lower.

There are concerns around costs especially around legal representation of people detained in Dungavel where there has been a cost increase of 40% in the last 2 years, two thirds of which is made up of travel. This leads to the question should Scotland introduce a 'merits test' and how could Scotland introduce some quality assurance.

Workshops

Each of the workshops reported the key points discussed during their session.

The Role of the voluntary, Janine Hunt and Flutura Shala, Scottish Refugee Council

Key Points:

- There was a clear consensus that the role of the voluntary sector must be recognised and maintained;
- The voluntary sector provides a service which is trusted by people seeking asylum and refugees and can use its position to inform the policy processes of the statutory sector; and
- The voluntary sector can play a meaningful role in addressing isolation whether through volunteers, drop-ins or other means.

The importance of early legal advice, Piya Muqit, the Medical Foundation for the Victims of Torture

Key Points:

- There was strong support for the principles of the Early Legal Advice Pilot (ELAP); but
- ELAP cannot be simply rolled out in Scotland. A multi agency approach is key including the involvement of stakeholders such as NGOs, SLAB, legal practitioners, the Law Society of Scotland, UKBA and the Scottish Government. Discussions need to happen now.

LGBT asylum seekers and the new public equality duty, Chris Oswald, Equality and Human Rights Commission (Scotland) Tim Cowen, Equality Network

Key Points:

- There was a sense that there is a lack of understanding of LGBT issues with UK Border Agency case owners and a concern over inappropriate questioning during the asylum process;
- UK Border Agency staff should focus on sexual identity not sexual behaviour;
- Problems persist with fast-tracking decisions and with detention such as homophobia within detention centres; and
- There is still much work to be done on improving the quality of Country of Origin Information to properly reflect the reality of life as a lesbian, gay, bisexual or transgendered person.

Decision making and credibility, Steve Symonds, Immigration Law Practitioners' Association

Key Points:

- There is over reliance on the concept of 'credibility';
- In terms of evidence there should be a shared burden;

- There is a climate of disbelief which should be replaced with a culture of understanding; and
- There should be funding for preparing asylum seekers to navigate the asylum process which involves the voluntary sector which could be delivered through initial accommodation

Your views on improving the asylum system, Gary Christie, Scottish Refugee Council

Key Points:

- The asylum system should be reformed so as to serve the needs of those seeking protection and not the needs of the system itself;
- Destitution among people seeking asylum should be ended by allowing them to work 6 months after lodging their claim and by reunifying the asylum support system and handing it back to the Department for Work and Pensions; and
- People seeking protection should be allowed to claim asylum at UK Border Agency regional offices.

Refugees and the 'Big Society', Mick Doyle, Scottish Refugee Council

Key Points:

- There was a feeling of being unclear still over what the Big Society really means and whether a smaller state can really equate with a bigger society;
- There was concern that volunteerism might be used as a source of cheap or free labour rather than paying professional, trained staff within the voluntary sector; and
- An open question over whether or not there will be funding for specific 'Big Society' projects in Scotland? If so there is the danger that bigger more articulate organisations will secure access to any funding rather than community based groups including Refugee Community Organisations.

Plenary session – responses to unanswered questions

In the plenary session delegates were asked to write down a number of questions for the panel. The panel was made up of **Phil Taylor** Regional Director, UK Border Agency (Scotland and Northern Ireland); **Mike Kaye**, Still Human Still Here; **Hassan Darasi**, Scottish Refugee Policy Forum; and **Steve Symonds**, The Immigration Law Practitioners' Association. The panel responded to a range of questions on many of the key issues discussed during the earlier presentations.

Scottish Refugee Council agreed to respond to the questions below that were not able to be asked and answered by the panel. Please note that these are responses by Scottish Refugee Council and not the members of the panel.

Awareness raising

What mechanisms do you find effective as awareness raising methods?

Scottish Refugee Council is involved in a number of different ways to raise awareness of refugee issues. By working with refugees themselves, the media, politicians, communities, our members and supporters and other organisations we strive to increase public understanding and campaign for and end to discrimination, racism and prejudice and advocate for the rights of refugees and people seeking asylum. More information on all of these activities can be found on our website. www.scottishrefugeecouncil.org.uk Working together is a key element in all of this work to effectively raise awareness and challenge attitudes. Refugee Week is an excellent example of this. Refugee Week is a UK-wide festival of arts, cultural and educational events that takes place each June and celebrates the contribution of refugees to the UK, and encourages a better understanding between communities. In Scotland the programme is co-ordinated by Scottish Refugee Council and includes a vibrant mix of theatre, dance, exhibitions, film screenings, sports, seminars and community celebrations, which are held all over the country. In 2010 we helped support over 110 events and its growing all the time. Most importantly, Refugee Week is all about having fun and breaking down barriers but it also aims to celebrate the contribution of refugees to the UK, and promote understanding about the reasons why people seek sanctuary. If you would like more information or would like to get involved in events for 2011 please go to the [Refugee Week page on our website](#).

Another positive example of partnership working is the Still Human Still Here campaign to end the destitution of people refused asylum. Still Human Still Here is a coalition of more than 40 organisations that are campaigning to end the destitution of thousands of refused asylum seekers in the UK. The coalition's work has successfully raised the profile of this inhuman and ineffective policy and has led to some practical changes to the system. For more information, [please go to website of the Still Human Still Here Campaign](#)

Why is there a lack of education in Scottish schools regarding asylum seekers/refugees? Is this perhaps something to be thinking about rather than relying on misinformation via the media? Better awareness equals better support.

There can always be more education and awareness raising on issues regarding people seeking asylum and refugees. The Scottish curriculum of course is not prescriptive and is designed to allow schools to respond to local need.

This means it wouldn't be possible to have compulsory input on asylum seekers in schools. However, the curriculum for excellence framework provides plenty of opportunities to include such issues, and there are a wealth of materials available, many of them online and free, so any school that is interested should be able to get involved. Glasgow schools have gone some way to promoting refugee issues through programmes organised by charities such as Life After Iraq, (Scottish Refugee Council), Positive Images (Red Cross), Racism Workshops (Show Racism the Red Card). Of course one of the key ways that Scottish Refugee Council is working on a programme of national schools activity with our [Simple Acts campaign](#), which will be implemented Spring 2011.

Throughout all awareness raising work on asylum, it is vital never to lose sight of the fact that we are talking about people; men, women and children, many of whom have been through the most horrific and harrowing experiences that many of us cannot ever imagine. And like all of us should have their human rights and dignity respected.

Asylum system

What are the projected figures for the number of new asylum seekers being dispersed to Glasgow/Scotland?

Glasgow currently receives around 8% of the UK asylum population. However the number of claimants dispersed to Glasgow has dropped in line with the number of people who have managed to reach Europe and the UK to seek protection. At the end of 2002 there were 6000 people in the asylum process being accommodated in Glasgow. At the end of 2009 this fell to 2,520.

In July 2009, the UK Border Agency announced the launch of their COMPASS Project (Commercial and Operational Managers Procuring Asylum Support Services). The overall aim of the COMPASS Project is to examine current support arrangements for people seeking asylum and refugees that UKBA funds, such as accommodation and support contracts, and to negotiate future arrangements. The original intention was to have these arrangements in place by March 2011. Due to the UK general election and the new UK coalition Government spending review announced in October this timetable has been delayed to April 2012. Further information on the new COMPASS contracts is expected in early 2011. The outcome of the COMPASS project will have an impact on the number of people seeking asylum dispersed to Scotland. We continue to argue that increased EU and UK border control initiatives must be sensitive to the needs and rights of people seeking sanctuary, to ensure that Europe, the UK and Scotland continues to be places where people feeling persecution can find protection.

Is it acceptable to have a situation where a person seeking to claim asylum in Scotland has to travel to Croydon, unsupported, to make that claim?

No. We believe it is not acceptable that in-country claimants who arrive in Scotland must travel to the only Asylum Screening Unit in the UK in Croydon to make their claim for asylum. Between 2003 and 2008 the Refugee Survival Trust supported 527 people to travel to England to submit their claim for asylum. Without these grants it is very likely that these people would have remained in Glasgow with no accommodation or support, destitute, homeless and undocumented. They would not be able to submit a claim for asylum and their protection needs would never be considered.

Do you feel that the asylum system is too reliant on voluntary organisations as charitable donations and that Cameron's 'Big Society' will rely on voluntary input even more?

Voluntary organisations have an important role to play in the asylum process to assist people to rebuild their lives. However, there are things that the state must do such as providing adequate support and accommodation to ensure people seeking asylum and people who are refused asylum who cannot return to their country of origin can meet their essential living needs. Too often charities and community groups have to step in to assist vulnerable and destitute people survive. Support levels for asylum seekers should, at a minimum, be set at 70 per cent of Income Support and should not be less than £45 a week for single adults. This support should be paid in cash as it enables asylum seekers to get the best value for money and should be adjusted annually in line with inflation. This support should continue until an asylum seeker has been granted status in the UK or has left the UK.

How is Section 55 (duty on the UK Border Agency to promote and safeguards the welfare of children) considered in decisions about asylum support e.g. when decision to terminate support is S55 always considered?

Section 55 of the Borders, Citizenship and Immigration Act 2009 came into force on 2 November 2009. It requires the UK Border Agency to make arrangements 'to safeguard and promote the welfare of children in discharging its immigration, nationality and general customs functions'. [The guidance on the Section 55 duty can be found on the UKBA website.](#) Section 2.1.3 of the Guidance states that: *"The duty will be taken into account when developing any new policies. Where appropriate new operational and policy instructions should make reference to the duty and how it is to be taken into account."* [UKBA's asylum policy bulletin 83](#) sets out the conditions for withdrawing support and include reference to the duty under Section 55.

Policy development

Is it important for asylum seekers and refugees to have a say in policies affecting them? What is the role of the Scottish Refugee Policy Forum in ensuring this happens?

Without doubt policy makers and service providers must fully understand the realities of people's lives and how people are and will be affected by their policies and actions. Scottish Refugee Council seeks to communicate to government and other decision-makers the issues people seeking asylum and refugees face. We develop our knowledge through the direct work we do with people seeking asylum and refugees in the community; our research and the experiences of people using our services. We also seek to support individuals to speak for themselves to the media and to politicians.

The Scottish Refugee Policy Forum (SRPF) is an independent refugee-led organisation with strong links to the majority of refugee led organisations in Scotland such as refugee community organisations, Framework for Dialogue Groups and others such as the YMCA tenants' organisation. The Forum brings together the common experiences and collective voice of people from many nationalities, ethnic and cultural backgrounds. As a result, it is a very important resource and potential partner for government, campaigners or service providers. [Details of the Scottish Refugee Policy Forum and other refugee community organisations in Scotland can be found on our website.](#)

Returns

Is there a possibility of exploring other legal avenues for migration to those facing deportation i.e. if they have employment skills we need?

We believe the first avenue that must be explored is to consider why people have been refused asylum and are subject to removal. UKBA still continues to get a quarter of its initial decision wrong. The success rate for some particular countries is much higher. For example, 40% of Somalis and Eritreans won their case against a refusal on appeal in 2008. We believe also that there is a protection gap in the UK. Many people seeking asylum have been refused protection by the UK government even though it is recognised it is unsafe in their countries to return them. Thousands of people from Zimbabwe, Sudan have been left in this position of being refused asylum, left destitute, prohibited from working and unable to return home. We believe the UK Government should adopt a more inclusive approach to its assessment of who is in need of protection by recognising country policies are sometimes unhelpfully restrictive and granting more people asylum or humanitarian protection and considering a temporary status for others who need it. This would build much more credibility in the asylum system and allow people to work and contribute their skills to the UK economy.

Community based alternatives to detention – what are the options?

UNHCR has published an extensive report into [Alternatives to Detention of Asylum Seekers and Refugees](#) (2006).

There has been talk of sending Afghan young refugees back to their country of origin? How far has this policy moved forward?

The UK Border Agency announced that they were planning to the UASC Reform Programme, part of which was looking at how young asylum seeking children could be returned to their country of origin prior to reaching eighteen. One of the countries that they identified young people could be returned to on a planned programme was Afghanistan. UKBA tendered for a contractor to undertake reintegration work in a child and young person friendly centre in Kabul. There has to date been no further developments or announcements as to which company won the contract, when removals will commence or how the removals will take place.

UNHCR recently conducted research looking specifically at [Afghani child asylum seekers](#)

Is it possible to ever marry the best interests of the child with forced deportation? Particularly to a country they do not know and that their parents do not want to return to?

The Asylum Policy Instruction (API) instructing case owners on how they should handle claims from separated children was recently amended to allow UKBA to refuse outright asylum claims made by unaccompanied minors, previously there was a presumption that young people would be granted Discretionary Leave to Remain until they were 17 yrs and 6 months. It is very difficult to envisage a situation whereby the best interests of the child can be married with forced deportation however UKBA have cited cases where a child's family is found or extended family wants to be reunited with the child in the child's country of origin. Scottish Refugee Council would argue that each case must be looked at on a case-by-case basis and that the child must have his/her views and wishes sought at every stage of the process and be supported by an independent guardian who ensures the child's voice is heard and that the child fully understands what is happening at every stage in the process.

Housing and ESOL

As people are receiving status in Glasgow there appears to be significant difficulties in securing tenancies – what can we do to address this?

Refugees will experience housing difficulties and very often homelessness at the point of being granted refugee status. Refugees are entitled to all housing options available in Scotland but will mainly turn to social housing as the private rented sector or home-ownership are not affordable options for newly recognised refugees. When refugees are homeless, they are provided with temporary accommodation and receive advice and assistance to secure settled accommodation, the latter being done via Section 5 referrals from the Council to Registered Social Landlords (RSLs). Being accepted as statutory homeless with priority needs is essential as it will give them a high priority when applying for social housing. To increase the chances of securing suitable settled accommodation, it is essential that local authorities identify as early as possible the housing needs of the households and target RSLs in suitable areas. In addition to the assistance provided by the Local Authority homeless services, RSLs and the voluntary sector have a role to play. For example, Scottish Refugee Council is currently developing partnership agreements with RSLs which includes nomination rights and partnership working to increase tenancy sustainment. At the moment, Dalmeir Park Housing Association, Whiteinch and Scotstoun Housing Association have an agreement with Scottish Refugee Council to rehouse some of our service users. It is important not to limit housing options to Glasgow but to expand it to other local authority areas. This is why Scottish Refugee Council is in discussion with RSLs in Edinburgh, North Lanarkshire and West Dunbartonshire.

Education is not mentioned in the agenda for the UK asylum system. ESOL is very important for early integration and helps promote emotional well being, something concrete in an uncertain environment. Scottish Parliament funding for ESOL is secure for this year but we are uncertain about the future budget. How can Scottish Refugee Council help promote ESOL?

Scottish Refugee Council and refugees themselves agree that ESOL is vital for integration. We would wholeheartedly agree that the environment of being at college also has a profoundly positive impact on improving people's well-being and has assisted people, many of whom are often very vulnerable and traumatised, to rebuild their lives in Scotland. We applaud the role that colleges have played in facilitating this. English acquisition also plays a vital role in ensuring community cohesion and refugees' success in the labour market. Education is of course a devolved issue and the Scottish Government sets policy in this area. We fully support the Scottish Government's continued broad policy framework of 'integration for day one' which includes allowing immediate fee waivers to college ESOL classes and part-time non-higher courses for people seeking sanctuary in Scotland and throughout the asylum process until someone is either granted status or return to their country of origin. In comparison, in England fee waivers can only be accessed for ESOL courses after someone has been in the asylum process for six months and as long as they are accessing asylum support. Clearly we are concerned about cuts due to the spending review. We will continue to use our voice and influence where we can to ensure that both Scottish people and people seeking asylum in Scotland continue to benefit from this policy and that is adequately resourced.

Scottish Refugee Council would like to express its deepest gratitude to all of the speakers, workshop facilitators, staff and volunteers who contributed to the smooth running of our conference.