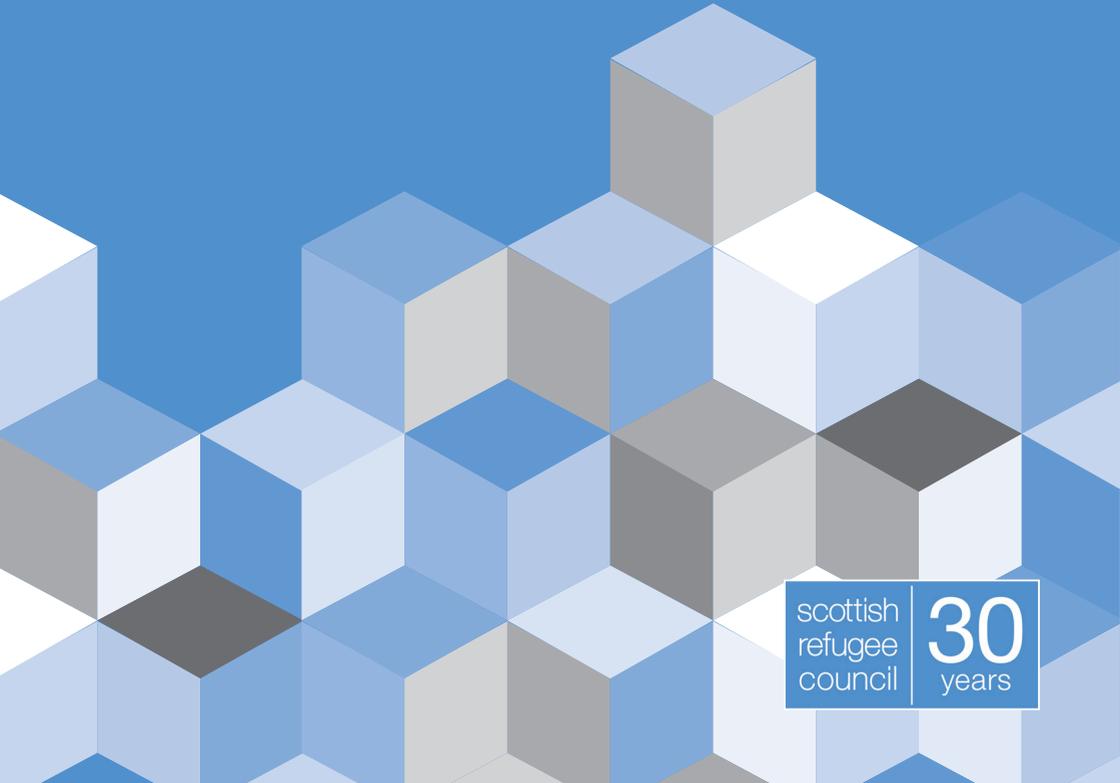


Building a Better Future:

Scottish Refugee Council's key principles
of a fair and humane system to protect
and welcome refugees



scottish
refugee
council

30
years

1.

Global solidarity and responsibility sharing

2.

Effective access to an asylum procedure

3.

A fair and efficient asylum process

4.

Reception conditions that promote dignity, empowerment and integration

5.

Refugee integration

6.

Dignity and humanity for those found not to be in need of protection

1.

All states should play a proportionate role in providing durable solutions to displacement.

The unfolding humanitarian crisis, marked by the highest number of displaced persons since records began, requires a re-evaluation of existing refugee protection systems to ensure 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.

In 2015, Scottish Refugee Council celebrated 30 years of helping those who have fled from wars, conflict or persecution in their homeland, rebuild their lives by providing essential information, advice and support. Throughout this period, Scottish Refugee Council has been advocating for refugees' rights and has acquired extensive knowledge, experience and evidence about the refugee protection system in Scotland, in the UK and Europe.

The present document outlines Scottish Refugee Council's principles of a fair and humane refugee protection system. These principles are consistent with international, European and domestic human rights and refugee law and are based on the universal values of fairness, equality, dignity, autonomy, empowerment and participation. Embedded within and across all of these principles is Scottish Refugee Council's commitment to challenging inequalities in the international protection regime and wider society, to ensure that all refugees and asylum seekers, irrespective of gender, age, race, disability, sexual orientation or gender identity, or religion or belief, have fair and equal access to protection and can rebuild their lives with dignity.

- At international level, based on the principle of solidarity and global responsibility-sharing, a long-term future for refugees should be offered through resettlement.
- At EU level, based on the principle of intra-EU solidarity and responsibility-sharing within the Common European Asylum System, there should be participation in the relocation of refugees from other EU countries and in efforts to improve the treatment of people seeking asylum and refugees across the EU.

2.

All people seeking asylum should have **access to the territory** and an **effective opportunity to submit a claim** to determine their international protection needs.

- Policies and procedures should be in place to ensure protection from refoulement, including non-rejection at the border.
- Safe and legal channels to access protection such as humanitarian visas, family reunion, humanitarian admission and resettlement, must be opened.
- Persons in need of protection must not be criminalised for not possessing proper documentation.
- Asylum seekers' access to the asylum procedure should not be hindered or delayed on account of their age, gender, sexual orientation, gender identity, or disability, or their particular circumstances including, location.

3.

All people seeking asylum must have their claims assessed in a **fair and efficient asylum process**.

- Procedures and resources aimed at making better quality decisions early in the asylum procedure (front-loading) must be in place.
- Claims must be determined by appropriately-trained and professional responsible authorities.
- Access to publicly-funded and quality legal representation at all stages of the asylum procedure must be ensured.
- All asylum seekers should have access to independent information, advice and advocacy.
- Access to quality interpretation and translation must be ensured.
- All people seeking protection should have the right to appeal an asylum decision and to remain in the country until this has been determined. Effective remedies to challenge asylum decisions through tribunals and courts must be equivalent to those in other areas where decision-making affects a person's fundamental rights.
- Asylum procedures should be designed to ensure that asylum seekers are not disadvantaged on account of their age, gender, disability, sexual orientation, gender identity, pregnancy and maternity, race, religion or belief.
- Procedures and resources must be in place to identify and take into account the specific situation, experiences and needs of each applicant during the procedure and in the assessment of their international protection needs, in particular those arising from belonging to an equality group, health, or experience of torture, rape or other serious forms of psychological, physical or sexual violence.

4.

Reception conditions, practices and support provided during the asylum procedure must promote dignity, empower asylum seekers and facilitate their integration in the community from the moment of arrival.

- People seeking asylum must not be detained while their claim is being processed and must be allowed to move freely around the country.
- All people seeking asylum should have access to appropriate and safe accommodation which conforms to the same standards as nationals, as well as financial support sufficient to ensure a dignified standard of living and equivalent to a national in need. Accommodation and financial support should continue until that person is granted protection or leaves the country.
- All asylum seekers should have full access to healthcare and education until they are granted protection or leave the country.
- In order to support integration, all asylum seekers should have immediate effective access to language courses, which take into account the different needs of learners and create clear progression pathways into further training, education and employment as appropriate.
- People seeking asylum should have prompt access to the labour market.
- Services should be personalised and should be designed to ensure asylum seekers are not disadvantaged on account of their age, gender, disability, sexual orientation, gender identity, pregnancy and maternity, race, religion or belief.
- Procedures, resources and services should be established to ensure the needs of people seeking asylum, in particular those arising from belonging to an equality group, health, or experience of torture, rape or other serious forms of psychological, physical or sexual violence are identified and addressed. Additional services, such as guardianship for unaccompanied children, should be provided where required to address individuals' particular needs and in accordance with their rights.
- People seeking asylum should benefit from public opinion favourable to refugees and should live in safe and welcoming communities.

5.

Refugee integration is a two-way process. Policies should reflect this by promoting dignity, access to rights and social interaction, enabling refugees to realise their full potential and empowering them to make a positive contribution to their communities.

- Refugees have rights similar to those of nationals and should be supported to access them, as well as mainstream services including housing, welfare, employability, health care, language courses and education.
- Refugees should be empowered and enabled to develop social connections and have opportunities to be involved and active in, and contribute to learning in their communities and cultural life.
- Upon recognition, refugees should be granted secure residence status, conferring them rights similar to those of nationals.
- Refugees should be supported in realising their right to family reunion.
- Refugees should be allowed to choose whether they wish to acquire citizenship. Barriers should not be put in their way if they choose to do so.

6.

People seeking asylum found not to be in need of protection should only be returned after a **fair and thorough examination of their application**, taking all humanitarian circumstances into consideration and in a **safe, dignified and humane way**.

- Asylum seekers found not to be in need of protection should be provided with independent information, advice and support to consider their options. Assisted Voluntary Return and Reintegration Programmes must be strengthened to ensure voluntary return is prioritised over forced return.
- People seeking asylum whose claims have been refused but who cannot return should be granted temporary legal status.
- All efforts should be made to avoid detention and ensure that alternative measures are available in law and implemented in practice. Detention pending return must not be arbitrary, and should only be used as a measure of last resort after establishing that alternative measures cannot be applied effectively. It should always be for the shortest possible time where removal is imminent and should be subject to a statutory time limit, regular reviews and judicial oversight.
- Detention should never be imposed on people to whom it might inflict additional harm on account of their identity or circumstances, including age, gender, sexual orientation, gender identity, disability, pregnancy, health, or experience of torture, rape or other serious forms of psychological, physical or sexual violence.

Scottish Refugee Council is an independent charity dedicated to providing advice and information to people who have fled horrific situations around the world.

In 2015 Scottish Refugee Council celebrated 30 years of working to ensure that all refugees in Scotland are treated fairly, with dignity and that their human rights are respected.

To find out more, please visit our website:
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