Treatment of asylum seekers

Joint Committee on Human Rights
UK Parliament

Additional memorandum of evidence submitted by Scottish Refugee Council

March 2007
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.

1. Introduction
1.1 Further to our written evidence to the Committee in September 2006 and the oral evidence that our Chief Executive Sally Daghlian gave on 4 December 2007, we would be grateful if the Committee could examine this additional short written submission in response to the oral evidence given by Liam Byrne MP, Minister of State for Immigration, Citizenship and Nationality on 21 February 2007.

1.2 This response gives our perspective on the ‘self check-in’ initiative raised by the Minister in his evidence as a viable alternative to the detention of children and enforced removal. It is based on our casework experience dealing with the asylum seekers who were targeted to take part.

2. ‘Voluntary check-in arrangements’
2.1 In response to a question put by Lord Lester on the detention of asylum-seeking children, the Minister stated that:

2.2 I will commit to this Committee that I will explore alternatives to the detention of children in the immigration detention centres which we have available. My own preference would be that when we organise voluntary check-in of families and children, people turn up. We recently organised - in Scotland, in fact - voluntary check-in arrangements for 141 individuals. One of them turned up. Where we have a situation where individuals like that are so determined to evade the instructions that they have been given by the immigration service, in accordance with laws passed by this House, these Houses, that sometimes we will have to detain people in order to remove them. It costs a great deal of money to the British taxpayer; it would be nice if we did not have to do it, it would be nice if people did indeed check in.

2.3 We welcome the fact that the Minister commits to exploring alternatives to detaining asylum-seeking children. We have raised our concerns around this inhumane and non-evidence based practice directly with the Home Office, most recently through our campaign, No Place for a Child with Save the Children, Bail for Immigration Detainees, the British and Welsh Refugee

1 http://www.scottishrefugeecouncil.org.uk/pub/Human_Rights_Inquiry
2 http://www.publications.parliament.uk/pa/jt200607/jtselect/jtrights/uc60-ii/uc6002.htm
3 http://www.publications.parliament.uk/pa/jt200607/jtselect/jtrights/uc60-vi/uc6002.htm
4 Q526
Councils\textsuperscript{5} and we have proposed alternative models based on a dedicated casework approach\textsuperscript{6}.

2.4 We would wholeheartedly agree with the Minister that it would be “nice if people [refused asylum seekers] did indeed check-in” in the sense that their return is truly voluntary, safe, dignified and sustainable. However, we would contend that the self check-in initiative he discusses in no way sought a dignified or sustainable return, nor did it allay the fears of those who were involved about returning to their country of origin. Nor in actual fact did it target fully-refused claimants, but also included those who had outstanding fresh representations.

2.5 In autumn 2006, a number of fully-refused families in Glasgow were sent “self check-in notices” asking them to report to an airport on a specified date and time in order to board flights which would return them to their countries of origin. The people who failed to turn up for the specified flights were then scheduled to have their NASS support discontinued. No agency dealing with asylum seekers in Glasgow was informed of this initiative when it started and Scottish Refugee Council only became aware of its implementation when we began to see clients presenting at our offices many of whom only appearing when their support was cut following failure to report to their specified ‘self check-in’ date.

2.6 There was great confusion within the community around the implications of these notices particularly as many of the families concerned had lodged fresh representations with IND and so believed their claims to be ongoing. Scottish Refugee Council subsequently liaised with the IND Scottish Asylum Support team to ensure that consistent and correct advice was available to those affected by the initiative. Our senior caseworkers also met with key legal representatives, advice agencies and community organisations to discuss individual cases and maintain a co-ordinated local response. This approach ensured that stakeholders were not prone to misunderstandings or to providing illegal or mistaken advice regarding issues such as reporting requirements.

2.7 In terms of client profile, the “141 individuals” mentioned by the Minister included families with young children and a significantly high proportion of single mothers.

2.8 The feedback from our casework was that:

- Clients were all extremely distressed and fearful;
- Many went without support for several weeks because they were too afraid to report to the Scottish Enforcement Unit (SEU) as they worried they would be detained on site;
- One client was detained when she reported at SEU in order to get support and was kept there, with her young children, for several hours without access to food before being taken to detention;
- Many of the clients who came to us were awaiting a decision on outstanding fresh representations and so should not have been included in this initiative;

\textsuperscript{5}See: \url{http://www.noplaceforachild.org/}

\textsuperscript{6} For example, see: \url{http://www.noplaceforachild.org/report.pdf} and \url{http://www.scottishrefugeecouncil.org.uk/pub/Family_Removal}
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- Scottish Refugee Council caseworkers were unable to effectively assist and advise those affected as they were not informed by IND about this pilot prior to its implementation; and
- Within communities, there was a great deal of misinformation and panic due precisely to the fact that no-one had been consulted or even told about this prior to the notices going out.

2.9 On the whole and not withstanding the grave concerns of including people in this initiative who had made or believed they had made fresh representations, we argue that this initiative was the disaster that the Minister describes it as being not because “individuals ... are so determined to evade the instructions that they have been given by the immigration service”, but because of two failures on IND’s part. Firstly, a failure of IND to engage effectively and constructively with key stakeholders to whom asylum seekers turn to for advice. And secondly, and most importantly, the failure of IND to engage meaningfully with individuals who remain fearful of return to their country of origin. Making frightened people even more frightened is simply not an effective (or humane) policy to ensure that individuals and families who have exhausted their claim for asylum return to their country of origin.

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