

Briefing: Evictions of asylum seekers in Glasgow

October 20, 2003



Glasgow City Council (GCC) has started to evict asylum seekers whose claims have been rejected, on the basis that to continue to accommodate them would be against the law. As a result people are being made homeless. Scores of asylum seekers will be affected by this new development. The humanitarian impact will be devastating. The Scottish Refugee Council's view is that current asylum legislation needs to be reviewed to make it more humane.

What is happening?

- Glasgow City Council (GCC) has started to evict asylum seekers from accommodation that was provided for them under the terms of the contract signed between the Council and NASS (the Home Office agency responsible for supporting destitute asylum seekers).
- The majority of those concerned are asylum seekers whose claims have been rejected and whose appeals have been turned down.
- Some of the those affected may be asking for a judicial review of the decision to reject their claim.
- A minority of those being evicted have had their support terminated after the Home Office ruled they were breaking the law by working.
- Up to 200 people in all will be affected in the first instance but this is expected to be an ongoing process.

Why is it happening?

- GCC has said it has to proceed with the evictions as to allow people to stay in accommodation they are not entitled to would be against the law.
- People whose asylum claims have been turned down are not eligible for financial support from the government. This even applies to people whose claims have been rejected but who are applying for a judicial review of that decision.
- Some people whose claims have been rejected cannot return to their countries of origin (because the situation in the country is too unstable, because it is too dangerous to travel there, because there is no agreement on repatriation with the relevant government or because the country's embassy refuses to provide travel documents). They remain in the UK but can find it difficult to access support and are not allowed to work.

Scottish Refugee Council Concerns

- This is a disaster from a humanitarian point of view. As we move into winter, vulnerable people are being thrown out onto the streets of Glasgow and are being left with no means of supporting themselves.
- Some of the people affected may be entitled to "hard cases" support. Currently, this would involve any applicant based in Scotland moving to England. This is clearly not acceptable. It would for instance create huge difficulties for anyone still applying for a judicial review of their case. It would also remove people from support networks they will have built up.
- Current legislation is plainly working against some of the most vulnerable people in the UK.
- People who are awaiting a judicial review of a decision to reject their claim could still win the right to remain in the country. These decisions can often be a matter of life or death for those who await them and they should be supported while their case is being examined. It is vital that communications with legal representatives are not compromised by evicting people from their homes.

- If a claim for asylum has been rejected, it is possible to petition the Home Office and ask for a reconsideration of a decision to issue removal directions on humanitarian grounds. Evicting people from their homes will remove them from a community which might have been able to support them and advocate on their behalf.
- If all other avenues have failed, every effort should be made to help people to return to their country voluntarily. Failing that, the Home Office is responsible for enforcing the law and ensuring that people are not residing in the country illegally. This will not be achieved by making people homeless and losing all contact with them.
- People whose claims have been rejected but who cannot be returned to their country of origin are currently left in limbo. If the state will not support them, they should be given a separate status that allows them to work and support themselves, something that exists for instance in Finland.

What the Scottish Refugee Council is doing

- We check details of cases to verify that no mistakes have been made by the Home Office or by GCC. This has enabled us to stop some evictions.
- We advise people on what help they might be able to receive from charities and are working to encourage other organisations to offer support.
- We can help people apply for hard cases support.
- We are raising the issue with Glasgow Homelessness Network and other partner agencies.
- In partnership with other refugee agencies we are lobbying the Home Office and making representations to ministers.
- There is a limit to what the Scottish Refugee Council and other charities can do when the government stops providing mainstream services.

The General Context

- These developments are happening at a time when government policy is already having a devastating impact on the wellbeing of people seeking asylum.
- Despite repeated legal challenges, the government remains determined to make asylum seekers homeless by enforcing Section 55 of the Nationality, Immigration and Asylum Act 2002. This states that people seeking asylum need to make their claim "as soon as reasonably practicable". Some of the people we have dealt with were refused support because they made a claim a few hours after arriving in the UK rather than immediately. Many have since been granted refugee status. The government has therefore deliberately left out on the streets people it accepts have fled persecution.
- The Home Office is currently trying to clear the backlog of applicants awaiting a Section 55 decision (they were provided with temporary accommodation while the legislation was being challenged in the courts). Applicants are being asked to travel to the London area where decisions will be made. Those denied support are being left homeless in the South of England. The impact on Scotland has been limited so far but we remain concerned that asylum seekers living here could be made destitute.
- As of September 2003, the Home Office has radically changed the procedures for applying for asylum in Scotland. Single people seeking to lodge an asylum claim with the Immigration Service in Glasgow are being told they need to travel to Liverpool, Croydon or Solihull to register their claims. They are not being provided with any funds to do so. Immigration officials have admitted that this is being done to help the government meet the targets it has set for delivering 75 percent of all asylum decisions within 2 months.
- For more information on the above developments, read our "Section 55" and "Changes to right to claim asylum in Scotland" briefing papers (available on our website: www.scottishrefugeecouncil.org.uk).

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The Scottish Refugee Council calls on the government to ensure that all those seeking asylum are afforded their basic human rights of food and shelter.

Hard cases support should be provided in Scotland to enable those seeking a judicial review of the decision to turn down their claim and those unable to return to their country of origin to remain in Scotland.

Given that we are dealing with matters of life or death ensuring that people have access to proper legal representation at all stages of the process is crucial.

The government should consider granting a special status to people whose claims have been rejected but who cannot be returned to their country of origin. If they are to remain in the UK they should be allowed to work and support themselves.

Asylum seekers should be allowed to work so that they can support themselves.