



Submission by Scottish Refugee Council, in response to the Call for Evidence in the Inspection by the Independent Chief Inspector of Borders and Immigration, into the Home Office's use of hotels and barracks as contingency asylum accommodation (February 2021)

Key messages

- Institutional accommodation is inappropriate for people seeking refugee protection, as what they desperately need is the stability, privacy and sense of safety of a home in communities.
- In Covid19, institutional settings with shared facilities, limited space and unwanted contact with others, is especially unsuitable. It must be an exception, short-term and never barracks.
- The use and growth of institutional accommodation preceded Covid19. That stemmed from a mismanaged system, with no slack, and resources passing only to commercial contractors.
- The Home Office must reverse this shift to institutional accommodation and start housing those seeking refugee protection in communities again, through its asylum dispersal system.
- That means funding to councils and devolved governments for dispersal; they have oversight over the policy; and that there is independent regulation of the accommodation contractors.

Introduction

1. Scottish Refugee Council has been advocating for refugee rights for over 35 years. We warmly welcome this inspection, for which there is a significant public interest. In our experience, there seems to be a worrying shift by the Home Office before and since Covid19, towards housing more people seeking refugee protection in the UK from where they should be, in communities and integrating; towards where they increasingly are, that is stuck indefinitely in institutional accommodation. Such accommodation ranging from hotel room isolation¹ to quite disgracefully, "repurposed" detention centres², military barracks³, or

¹ <https://www.theguardian.com/uk-news/2020/jul/26/hundreds-glasgow-asylum-seekers-untenable-hotel-accommodation> and as at 30 September 2020, there were 10,315 individuals in s98 support, most of whom were in hotels, constituting a quadrupling of the s98 population in the first 6months of Covid19 in the UK, from 2,577 on 31 March 2020 - [Asy_D09 - Asylum seekers in receipt of support](#).

² <https://www.bbc.co.uk/news/uk-england-beds-bucks-herts-56000320> - NB: we understand that this welcome decision to cancel this plan, was not made in principle but for practical reasons of flood risk.

³ <https://www.theguardian.com/politics/2021/feb/16/home-office-were-advised-not-to-house-asylum-seekers-in-napier-barracks> and <https://www.theguardian.com/uk-news/2021/feb/02/we-felt-like-we-were-animals-asylum-seekers-describe-life-in-uk-barracks> - NB: as you are well aware, the fact that these sites were even contemplated as suitable and, furthermore, where then used and persistently defended by Ministers, is instructive of Home Office interpretation of acceptable accommodation standard, which we reject, and also your inspection is strongly in the public interest.

ongoing efforts to procure what can only be described as desolate areas with porta-cabins⁴. We appreciate that the Home Office have stated⁵ they are keen to exit hotels and other institutional “contingency” accommodation, and we sincerely hope that is the case. However, to date, there has been no tangible evidence of an exit plan to move people, through the dispersal system, into communities and suitable and Covid-19 safe housing.

Concerns of a new nadir in UK refugee protection policy: access to asylum and the support system

2. The UK is one of the richest countries in the world but takes a tiny fraction of global refugee flows. It has received less asylum seekers than comparable European states, notably fewer than Germany, France and Spain and Italy on occasion also, with Greece receiving more in 2018 and 2019 than the UK did⁶. Despite the noise about people seeking protection by crossing the English Channel in 2020, asylum applications to the UK fell significantly in this period⁷. There is no justification for the harsh, dehumanising and irresponsible comments heard, all too frequently, from Home Office politicians, detached from the dreadful human reality of forced displacement. This is plainly ideological. That detachment is but exposed by those politicians’ ethically abject defence of the barracks. Justifying patently unsafe and inhumane conditions like barracks, and in a pandemic, is both frightening and instructive.
3. Sadly, these same politicians seem intent to force the UK down into a new nadir in refugee protection policy: one that is distant from protection and closer to the deterrence and harm characteristic of the Home Office’s hostile or “compliant” environment policy. These currents must be resisted as, if not and there is no reverse, we fear more escalation in mental health problems, in suicide attempts and, most tragically, in deaths of people who came here for safety. We may have witnessed these currents in Glasgow since Covid19, with the deaths of three people in the asylum process and a wider deterioration in mental health (please find our Covid19 research [here](#) and the wider Scotland in Lockdown report [here](#) [pp67-79]). The same deterioration is evident in the barracks and in hotel room isolation in the UK, with an institutional accommodation regime wholly unsuited to vulnerable people.
4. Beyond this shift towards institutional accommodation, we are equally concerned about a related shift in access to asylum protection itself. In particular, there seems to be a grim and dangerous movement, again led by Home Office politicians, in to fundamentally alter, even sever, the UK’s relationship with the right to seek asylum itself⁸. In so far as that is the case, to be clear, it will effectively abandon from protection, many desperate people who need it and will mark a low in the UK’s once proud history in refugee protection. The UN’s Refugee Convention, was inspired by the international community revulsion at the horrors of the

⁴ <https://www.theguardian.com/uk-news/2020/dec/09/planned-asylum-seeker-site-hampshire-village-open-prison-barton-stacey>

⁵ Home Office Minister (with, inter alia, responsibility for asylum) Chris Philp MP said in Parliament on 16th December 2020: “It is our intention, as we go into next year and as the coronavirus pandemic abates, to get hotel numbers back down again. For financial and other reasons, it is not ideal to have to use hotels and we would like to phase out their use as quickly as we possibly can in the coming year.” – ([here](#))

⁶ https://ec.europa.eu/eurostat/statistics-explained/index.php/Asylum_statistics#Number_of_asylum_applicants:_increase_in_2019

⁷ <https://migrationobservatory.ox.ac.uk/resources/briefings/migration-to-the-uk-asylum/> - NB: comparing new asylum applications at Q2 2019 and Q2 2020, the number of applicants fell by 41%, the lowest quarterly count since 2010.

⁸ [Free Movement article](#) and [House of Lords Secondary Legislation Scrutiny Committee report](#) and [Immigration Rules and Supported Accommodation - Urgent Question Debate in UK Parliament on 16 December 2020](#).

Holocaust, and it has literally saved the lives of millions across the world, including by the UK. Any practical withdrawal from this Convention may be seismic to breaking humanitarian and international law norms, including even to the point of infringing the customary international law principle of non-refoulement⁹. Relatedly, as there is a lack of transparency¹⁰ on the actual content and scope of the UK government's existing returns and readmission agreements as well as those that may be being negotiated presently. This lack of clarity should be remedied by Ministers, not least as that would reassure that non-refoulement is, in fact, guaranteed in all such agreements. In essence, we hope that short-term Home Office politicians, on the basis of a contrived problems of "uncontrolled" migration in the English Channel, step back. But, the widened scope to render protection claims as inadmissible¹¹, or indeed the apparent shift to institutional accommodation outside communities, or the mooted "Sovereign Borders Bill" itself. All of these, unfortunately, indicate Ministers on the cusp of detaching the UK from the right to asylum.

Shift from community-based accommodation to an institutional accommodation regime

5. We recognise, however, that this inspection is focused on the Home Office's increasing resort and deployment of institutional accommodation as "contingency"¹², but we think this wider and, for us, worrying context is important and relevant to the future of accommodation for those seeking protection. Furthermore, we note that the acceleration in institutional accommodation has been most notable within the context of the unprecedented Covid-19 public health situation: at end of September 2020, over 10,000 people, most of whom indefinitely, were stuck in hotel rooms with no discernible control over their lives. It was only weeks ago, that they started to receive any financial support (a paltry £8pw), and that decision by the Home Office stemmed from a successful legal challenge¹³. We recognise that Home Office officials have been working under considerable pressures since Covid19. However, it would be a mistake to explain this undoubted shift towards institutional accommodation, as stemming only from pressures induced by Covid19.

Pre-Covid19 context of underlying structural weakness of asylum dispersal, left by the Home Office

6. Pre-Covid19, there were deep-seated structural problems¹⁴ in the UK's asylum dispersal policy, left unaddressed by the Home Office for years despite frequent and clear

⁹ <https://www.refworld.org/pdfid/45f17a1a4.pdf>.

¹⁰ <https://questions-statements.parliament.uk/written-questions/detail/2021-02-04/149254> - NB: please note that this PQ was itself based on, and only possible because of an FOI response disclosing the existence (not the content) of certain such agreements, which we recently obtained from the Home Office.

¹¹ [Home Office on Inadmissibility: safe third country guidance \(December 2020\)](#).

¹² NB: we put this term in quotes, as in practice many asylum seekers are now accommodated for months – not weeks – in initial and temporary accommodation, so the lived experience is that hotels and barracks are not temporary accommodation.

¹³ <https://www.theguardian.com/global-development/2020/dec/01/home-office-faces-legal-challenge-over-asylum-seeker-payments-during-covid> - NB: we understand that this £8pw has only started to reach asylum seekers since early January 2021, despite the High Court Order that this be paid, being made in October 2020.

¹⁴ Structural problems in the asylum dispersal system have, inter alia, been well documented in major national regulatory inquiry reports, including *since* Covid19: [Public Accounts Committee inquiry \(November 2020\)](#); [Home Affairs Committee inquiry \(July 2020\)](#); [NAO inquiry \(July 2020\)](#) and *before* Covid19: [Home Affairs Committee inquiry \(December 2018\)](#); [Independent Chief Inspector of Borders and Immigration inquiry \(November 2018\)](#); and [Home Affairs Committee inquiry \(January 2017\)](#)

recommendations¹⁵, including from ICIBI, to remedy these problems. It was that failure to listen and to reform, which left the Home Office's asylum accommodation system dreadfully ill-equipped for Covid19. The pandemic exposed ruthlessly the long-term neglect of support and accommodation and wider communities in dispersal areas. This exposure in the asylum support system, led to a Home Office default to accelerate towards institutional accommodation, precisely as they had failed to nurture and respect local authority dispersal areas and services for so long. The cracks in the dispersal system, reflected deeper and dangerous social fault lines which, persistently, asylum seekers have had to tread in their lives. Our Head of Policy, Communities and Communications, Gary Christie, captured these underlying processes, in the asylum/refugee part of the Scotland in Lockdown report¹⁶:

"Covid19 has revealed the deep lines of inequality and exclusion which we know have existed in our society for a long time. It has been a traumatic year in Glasgow, as Covid19 restrictions and hostile environment policies combined to make life extremely difficult for people seeking safety here. We know from our own study that people are experiencing loneliness, food poverty and digital exclusion, and that local communities are stepping in admirably where the state is failing. But people need more than just food packages and donated laptops. Existing restrictive immigration policies and poor decision making on asylum support and asylum decisions by the Home Office has made Covid-19 and lockdown even worse for people seeking safety. People must be allowed to work and to access support, not forced into the margins and long-term institutional accommodation. The deep inequalities that Covid19 has revealed must be addressed, because the pandemic has proven how connected we all are, and everybody in our society must be kept safe in order for us all to be safe.

7. The long-term solution as we emerge from Covid19 is not more privatised institutional accommodation ran by commercial operators. Nor is it more institutional bloc-type housing with shared facilities, which in a pandemic, has never been a sensible, long-term policy. That approach may work for irresponsible, inhumane political messaging and imagery about barracks as camps, pandering to Far Right sentiments¹⁷. It may also work for commercial accommodation contractors seeking the economies of scale to realise greater profits, which

¹⁵ There have been a plethora of recommendations made in the above inquiry/inspection reports, the vast majority of which were not accepted by the Home Office, with none reflect in the then new AASC contracts. The subjects of the recommendations were wide-ranging including: (a) accommodation standards at [Chapter 3 HAC 2018](#); [Chapter 7 ICIBI 2018](#); and [Chapters 5 and 6 HAC 2017](#); (b) pressures on dispersal system at to [Paras.89-92 HAC 2018](#); (c) responsibility/cost-shunting from Home Office to local areas at [Paras.79-80, 89 HAC 2018](#) and [Para.118 HAC 2017](#); (d) failing performance management system at [Chapters 8 and 9 ICIBI 2018](#) and [Paras.83-91 HAC 2017](#); (e) need for direct funding to local dispersal areas at [Chapter 4 especially paras.74 and 90 HAC 2018](#); (f) imperative for joint working and plans between Home Office and local authorities on dispersal policy at [Paras.44 and 48 Home Affairs Committee \(2017\)](#) and [Paras.18, 34-35, 37 and 91 HAC 2018](#); (g) case for an open and effective performance management system with formal local authority inspection role at [Chapter 9 and, especially, Conclusions 3.10-3.22 and Recommendations 2-4 ICIBI 2018](#).

¹⁶ <https://www.scottishrefugeecouncil.org.uk/study-scotland-in-lockdown/>.

¹⁷ <https://www.theguardian.com/world/2020/aug/28/far-right-activists-filmed-hassling-asylum-seekers-in-hotels> and <https://www.bbc.co.uk/news/uk-england-kent-54297574> and also the recent exposure of the equality assessment conducted by the Home Office which sought, perversely, to justify use of military barracks as accommodation for asylum seekers, as to provide too generous support is justified by the need to control immigration and more generous support would undermine public confidence in the asylum system, at <https://www.theguardian.com/commentisfree/2021/feb/02/napier-barracks-fire-britain-asylum-system-pritipatel>

are now possible as a result of the substantial risk transfer¹⁸ the successful asylum accommodation tenders negotiated off their balance sheets, and onto the Home Office's, in the new accommodation contracts. However, it does not work for who matter most, namely the people in the system itself, refugees yes, but also the front-line workers, especially if on low pay in the accommodation companies, or in their sub-contractors or with hotel staff. The politicians and accommodation contractor directors and executives would seem to remain safely distant from that reality. In as far as that is the case that too must change.

Consensus pre-Covid19, to reform structure, oversight and resourcing of community dispersal

8. In March 2020, as the unprecedented and grave threat of Covid19 was penetrating into wider public consciousness, we provided the National Audit Office (NAO) with our detailed submission (appendix 1) to inform (what proved to be) its excellent report into asylum accommodation and support ([here](#)), with our response to it ([here](#)). Our submission to the NAO was devoted to the underlying structural neglect endangering community-based dispersal. Without that model, the UK is, as we may now be witnessing, facing an acute risk of slipping into an institutional accommodation regime that effectively warehouses and, unintentionally, re-traumatizes many of those it should be protecting. Shortly after our submission to the NAO; in May 2020, we also provided evidence to the Home Affairs Committee ([here](#)) to contribute to (what also proved to be) an excellent inquiry report into the Home Office's Covid19 response in terms of institutional accommodation ([here](#)).
9. These submissions and consequent reports were themselves preceded by two recent and excellent Home Affairs Committee inquiries in 2017 ([here](#)) and in 2018 ([here](#)), as well as by ICIBI's own inspection into asylum accommodation, also in 2018 ([here](#)). All of these reports noted, with concern, a persistent reliance and resort by the Home Office to temporary or contingency accommodation sometimes for months, and especially when pressure was applied to the accommodation system. We mention this to make the point that the Home Office were warned in the years preceding Covid19, of the need to reform and better support the asylum dispersal system and accommodation. Sadly, they largely ignored these recommendations. They paid lip service to pleas to give direct funding and oversight to local authority dispersal areas. Instead they gave extra monies to their large private contractors¹⁹.

¹⁸ [NAO inquiry \(2020\)](#) - NB: please note in particular at its paras. 2.7-2.11: "The Department set out to make the contracts more sustainable than COMPASS by transferring risk away from providers through changes to the pricing mechanism. Providers told us that this positively influenced their decisions to bid for the accommodation contracts. For the new contracts, the Department negotiated with providers on contract pricing rather than using an auction. We estimate that the new service costs some £560 per month for each person compared with £437 under COMPASS – a 28% increase, although this estimate is sensitive to the assumptions used. The Department estimates that the increase is currently 26%." (Our emphasis). It follows that the more people that can be put in a shared bloc, the greater economies of scale that can be achieved and, hence, profit. This is especially if the shared bloc is "cheaper", as confirmed in relation to barracks, by the Home Office Minister statement ([here](#)), with institutional accommodation reducing the need for multiple contracts with landlords for flat accommodation.

¹⁹ FN18: the NAO estimates there was a 28% increase in service costs, and a more generous profit range, in the new AASC contracts, as well as higher volumes of monies, up to £4b over 2019-2029 – all to the contractors.

10. These reports shared an analysis of a UK dispersal system that was unbalanced with no shared responsibility across the country²⁰. In fact, it was the poorest communities, hardest hit by central government austerity cuts²¹ and by definition least equipped to fill the gaps left, who were also those that welcomed asylum seekers into their communities. It is many of these areas where Covid19 has hit hardest and is often endemic²². The cracks in the dispersal system were showing well before Covid19, and stemmed directly from the Home Office's stubborn refusal to grant funding and accountability and oversight powers to those areas, in recognition of the significant responsibility they were bearing, not to mention the impact of destitution that afflicted those refused *and* those recognised as refugees. By the time Covid19 struck, the asylum dispersal and accommodation system was largely run as a parallel public service by commercial bodies in local private housing markets and hotels.
11. As we entered Covid19, the Home Office was not only running its asylum accommodation system by allocating all its increased resource to its three private contractors, it was also running a system with no slack, whatsoever. The result was, for many asylum seekers, a collapse in the distinction between settled dispersal and even initial accommodation, from the often expensive contingency private hotels (as across the UK) or serviced apartment accommodation (as in Glasgow). All that was in those same dispersal council areas, which the Home Office were refusing to provide (much needed) direct funding to. That further eroded confidence in dispersal. The NAO found that "between July and October 2019, the number of people in initial accommodation increased by 96% from 1,678 to 3,289. Since then [up-to and including February 2020], the number has averaged 2,800, of which more than 1,000 people have been in hotels each night, rather than in dedicated housing for asylum seekers"²³. The fact that as of September last year, there were over 10,000 people in initial and contingency accommodation, a quadrupling in only 6 months, is clear evidence that prior to Covid19, the Home Office oversaw a system with no contingency. So, when Covid19 did arrive, the Home Office had nowhere to turn, despite being warned for years.
12. In summary, as has been consistently documented since 2017, the Home Office have eroded the role of local public institutions in the asylum dispersal system through: (a) commercial outsourcing of asylum accommodation; (b) a persistent failure to invest in local dispersal communities and in local accountability and oversight; and (c) unreliable forecasting estimates²⁴, (ii) disregard, in practice, to respecting and nurturing good relations with local

²⁰ "Out of the UK's 379 unitary and lower-tier local authorities (Office for National Statistics, 2020), 231 were recorded as having at least one asylum seeker registered there as of 30 June 2020, meaning that 148 (39%) were recorded as having no asylum seeker registered (although the data also include 127 asylum seekers in an "Unknown" local authority, who could be registered in any local authority). *Just 20 local authorities [typically the vast majority of asylum seekers are moved to cheaper private housing in the most deprived local authorities and wards therein, heavily concentrated in the North of England, the West Midlands, Yorkshire & Humber, South Wales, and Glasgow], 5% of the total, hosted around 50% of all asylum seekers on Section 95 support.*" (Our emphasis and insertion) - <https://migrationobservatory.ox.ac.uk/resources/briefings/migration-to-the-uk-asylum/>

²¹<https://www.cam.ac.uk/research/news/austerity-cuts-twice-as-deep-in-england-as-rest-of-britain>

²²https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/908434/Disparities_in_the_risk_and_outcomes_of_COVID_August_2020_update.pdf; and <https://www.theguardian.com/world/2020/sep/05/covid-19-could-be-endemic-in-deprived-parts-of-england>.

²³ Paras. 3.14-3.15 [NAO inquiry \(2020\)](#).

²⁴ Paras. 4.1-4.4 [NAO inquiry \(2020\)](#).

and devolved governments²⁵; and (iii) in frequently having to resort to private hotels, serviced apartments and temporary accommodation whenever numbers increase. In May 2020, we told the Home Affairs Committee Covid19 inquiry of a range of “key issues”²⁶ in terms we considered are prescient to this inspection also. These key issues preceded Covid19 and, sadly, some have been realised. We highlighted these immediately below.

“Without serious and urgent reforms, the asylum accommodation system itself presents a public health risk. Over the last decade, the trend in asylum accommodation has not only been toward lower-end private housing in communities blighted by austerity and deprivation. It has been accommodation of strangers in (a) extensive use of shared accommodation, (b) acceleration in HMOs which are now a significant part of asylum housing and, as has been documented recently again, (c) forced bedroom- and dorm-sharing.

‘This is why the Home office and its providers are struggling to secure accommodation so that asylum seekers can safely socially distance, self-isolate if need be, with access to health services. The procurement of 4,000 hotels rooms since Covid-19 reflects at least an urgency. However, it is evidence of a poorly-managed accommodation system with no slack. It struggles to handle a slow asylum decisions system. There is no discernible contingency: hotels were often used before Covid-19. They are not a sustainable solution. We need accommodation that is safe, stable, with privacy.’

Institutional and “contingency” accommodation in Glasgow since Covid19, and effects on people

13. As is well-known, Glasgow has for 20years been the largest asylum dispersal area in the UK. The city remains a proud sanctuary city, welcoming refugees from all over the world. There are presently almost 6,000 people seeking refugee protection, dispersed and living in the city. However, Glasgow also has some of the most severe and entrenched poverty in the UK, with deep health inequalities²⁷. The city entered Covid19 well aware of the challenges it faced, and sought to include refugees in its protection response. However, all of structural problems described above in the asylum dispersal and accommodation system, were in Glasgow. It was therefore of huge concern to the local authority, health services and refugee rights sector, that within a week of the UK’s first national lockdown in late March, the Home Office and Mears were, unilaterally, decanting over 300 people from settled Covid19 safe accommodation to rooms in one of six hotels in the city, some of which had shared facilities.

En-masse decanting of people from settled and safe accommodation to hotel rooms

14. These en-masse moves proceeded over a 2-3week period in the first lockdown when travel was limited for only genuinely essential purposes. The moves blind-sided not only those who work with refugees in the city, but more importantly caused anguish and for many, severe distress to those people shifted from their settled and, we emphasise, typically Covid19 safe accommodation. Furthermore, it was deeply concerning that the bulk of these moves were done with extreme short notice, with no vulnerability assessments conducted prior to them (we know of no evidence to the contrary), and finally the moves affected only the 300-plus who were in (the more expensive) private serviced accommodation as opposed to the 200-

²⁵ Paras.4.7-4.11 [NAO inquiry \(2020\)](#) and FN15 (e)-(f).

²⁶ <https://committees.parliament.uk/writtenevidence/4002/html/>.

²⁷ https://www.gcph.co.uk/publications/635_history_politics_and_vulnerability_explaining_excess_mortality and <https://www.theguardian.com/cities/2016/jun/10/glasgow-effect-die-young-high-risk-premature-death>

plus, also on s98 support who were also settled in Covid19 safe housing, but that was private residential flat accommodation. To cap what for many were traumatic and needless moves, all those who arrived in the hotels then had their financial support stopped, immediately.

Vulnerability, safeguarding and impacts on people in the shift to institutional accommodation

15. In the interests of brevity, in this submission, we have attached a detailed statement (appendix 1) for the inspection team's further consideration. This elaborates on – with full references – our knowledge and experience of these en-masse moves to hotel rooms in Glasgow. It also details our understanding that the vulnerability of affected refugees was not given any or sufficient attention. If that is the case, this may be a safeguarding breach by Mears Group and the Home Office, of their responsibilities to those who in terms of the contract, are either “at risk” or have “specific needs”. We also associate ourselves with the analysis, findings and recommendations on the Glasgow hotels situation, in the Home Affairs Committee's Covid19 inquiry report into institutional accommodation²⁸. We urge your inspection team to give full regard to that report as much of its recommendations have not been implemented, most notably the Home Office have still not published or shared any contents of its evaluation report into the Glasgow hotels situation during Covid19.

16. The tragic incident, injuries and death at Park Inn on 26 June attracted UK-wide attention and concern. This was a shock to all in the city and our concerns and thoughts were – and remain – with all those affected and their loved ones. It is a testimony to the city, all its communities that stood in solidarity and navigated through tension and worry. However, whilst we at SRC were shocked by the nature and gravity of what happened at Park Inn, we were not surprised to learn of the mental pressures being suffered by all those who had been moved – in that en-masse period – to indefinite hotel room isolation. Those in such hotel room isolation had no discernible say in their lives with no financial support at all. Indeed, the tragic death of Adnan Walid Elbi at McLays Guest House in the city, discovered on 5 May, was an indication of these mental pressures. We raised then our concerns directly with the Home Office²⁹. We never received a response. As a city, we pulled together in the aftermath of Park Inn. With especially Glasgow Health and Social Care Partnership, and Mears Group, directly supported the individuals relocated from Park Inn and those in the asylum process in their discharge process from hospital into communities again. This was necessary work. It also confirmed to us safeguarding weakness in the Home Office support system. Again, for brevity in this submission, our report on this work is at appendix 2.

Deaths and mental health pressures in Glasgow in Covid19, in shift to institutional accommodation

17. As a result of the death of Adnan Walid Elbi, and subsequent tragic incidents in Glasgow, we were frustrated in being to elicit a clear policy position from the Home Office on what it does and what its responsibilities are when a death occurs in its asylum jurisdiction. We wrote to you on 17 December 2020, highlighting the then recent report in the Guardian that 29 people have died in the asylum system from September 2019 to November 2020 (inclusive) – ([here](#)). Our statement at Scottish Refugee Council is ([here](#)). We too had

²⁸ Paras. 93-126 [HAC inquiry \(2020\)](#).

²⁹ <https://www.scottishrefugeecouncil.org.uk/devastating-death-in-hotel-used-for-asylum-accommodation-in-glasgow/> and <https://www.theguardian.com/uk-news/2020/may/11/syrian-man-dies-glasgow-fears-refugees-mental-health> and <https://www.theguardian.com/uk-news/2020/oct/18/from-sudan-to-the-park-inn-the-tragic-story-of-a-migrants-killing>

identified this figure through FOIs to the Home Office and, indeed, have subsequently identified that 7 people were deceased in the asylum support system in the preceding two-year period from April 2018 to March 2020 (inclusive). One deeply concerning implication is that these latter figures confirm that there has been a rapid increase in deaths in the asylum support system from April to November 2020 (inclusive), with at least 25 people having lost their life in only 8 months, as compared to the 7 deaths in the preceding two financial years.

18. We request that you consider this worrying data in this inspection. This is particularly given the common resort by the Home Office to use of institutional accommodation, which as a rule we regard as detrimental to mental health and inappropriate for Covid19; especially when that means cramped conditions and shared facilities with a wide range of people. We recognise some deaths will be natural but others may be unexpected, sudden or related to system situational factors. At the very least, we think the Home Office need to have a public policy, case review and evaluation mechanisms so that they are accountable and learn from those deaths that do stem or were related in some way to how its asylum system affects the people in it. There is an absence of UK State responsibility here, via its Home Office, in not having a handle on or learning from deaths in its asylum support and accommodation system. We have identified, again via recourse to FOIs, that the accommodation contractors have procedures to report serious incidents, such as deaths, to the Home Office. These are attached at appendix 3. None of these procedures have a case review process, in order that they as the accommodation providers of this public service, may learn lessons to prevent risk of deaths, especially those stemming from mental health problems, suicides, or unexplained.

Policy gaps: deaths in asylum system and independent regulation of institutional accommodation

19. The extent of Home Office policy when those under its asylum jurisdiction die, is in the negative. They state they will *neither* help with funeral costs or repatriation of the deceased, to their home country or loved ones (please find Chapter 18 [here](#)). The Home Office do have a substantive policy on deaths in immigration detention (please find [here](#)), which for example does support repatriation of the body. This precedent is something that the Home Office should urgently build on and tailor to its asylum procedure and support and accommodation system. This is especially pressing now given that more than 10,000+ (and growing) asylum seekers are now in institutional (asylum) accommodation, such as hotels and barracks. These mimic much of the rule-based regimes in immigration detention. This Home Office policy vacuum on deaths needs to be filled. However, there is a wider regulation matter raised by the shift towards institutional (asylum) accommodation. In other public services, semi- or fully-supported accommodation is formally subject to specialist independent regulators, such as the Scottish Housing Regulator or the Care Inspectorate. Such should happen as a matter of course in all institutional (asylum) accommodation. In Glasgow, this regulation gap was recently highlighted ([here](#)) by the Home Office and Mears Group proceeding to open a 37-bed Mother & Baby Unit for asylum seeking expecting or new mothers, with no apparent consultation with the key regulator, the Care Inspectorate.
20. It is unclear what learning and plans the Home Office genuinely have to lessen and exit institutional, “contingency” accommodation. The Public Accounts Committee (PAC) requested such a plan by mid-February 2021³⁰. We understand they are still waiting. As we write, there are asylum accommodation roundtables being convened by the Home Office.

³⁰ Recommendation 2 [PAC inquiry \(2020\)](#).

We further understand that the Home Office's evaluation into tragic events in Glasgow since Covid19, has been completed. However, we have been told yesterday, that this will not be shared as part of these roundtables and by implication at all. This is simply unacceptable but unsurprisingly, sadly. Similarly, the Covid19 safety review of a sample of Home Office institutional accommodation, commissioned to Human Applications has similarly not been shared or published; albeit some recommendations have been provided in papers for the above roundtables. We urge your inspection to help remedy this lack of transparency. Both of these reports are in the public interest and should be subject to scrutiny. This is a public service. Additionally the Glasgow evaluation should be shared with the Lord Advocate to inform his consideration of whether to initiate a Fatal Accident Inquiry (FAI) into deaths (and risks thereto) of people in Glasgow who were in the asylum procedure (please find [here](#)). We wrote to the Lord Advocate requesting an FAI be considered, expanding on calls made [here](#) by Glasgow's MPs. Please let us know if you wish to see our letter to the Lord Advocate.

Conclusions: invest and restore community based dispersal and end institutional accommodation

21. In conclusion, Covid19 has been changed so much across society here in the UK, and beyond. The asylum and immigration system has of course been caught up in this. Indeed, many of the changes and the ease with which they could be made should inform innovation in policy, such as maintaining no refugee evictions into homelessness; or genuine investment in a humane and person-centred infrastructure around voluntary return; or to enable people to register asylum claims where they are in the UK, obviating the need for vulnerable people to traipse with no support to the Home Office in Croydon or in Liverpool. We hope that type of innovation lies ahead, but for the some of the reasons explained in this submission, we are far, far more fearful than it does not. Much of this pessimism reflects back Home Office politicians' proudly distancing themselves, in rhetoric and in practice, from the right to asylum itself, as well as not *actually* getting people back into community accommodation and away from institutional settings, where they are often isolated, worried and until recently, penniless.
22. We reiterate our recognition that many of the Home Office civil servants have been working under considerable pressure. However, the resort to institutional (asylum) accommodation had its antecedents well before Covid19, as explained and detailed in this submission, and published on recently by the NAO and the PAC. We are concerned that the Home Office may not actually be intervening (and we certainly hope they are not condoning) private accommodation contractors retaining people in institutional accommodation, in part because it is cheaper and commercially profitable for the companies to have a higher proportion of people in such institutional facilities, within their overall accommodation portfolio. The worst thing that the Home Office could now do, in terms of ethics, dignity and safety is to make institutional accommodation, rather than communities, its new reception conditions in the post-EU refugee protection system. If it does that, then we fear there will be more deaths, more mental health suffering and more destitution than presently. That would be an additional tragic legacy of Covid19. In contrast, if the Home Office learn, make ethical policy innovations in asylum decisions and accommodation and, in particular, invest in dispersal communities and local authorities that makes for a safe and sustainable refugee accommodation system in the UK. It is in the gift of the Home Office to do the right thing. We urge them to do so and pull back from the current institutional accommodation regime.

Appendices:

1. Statement, on en-masse moves to hotels by Home Office and Mears Group, in March/April 2020.
 2. Report on our direct support to those affected by the Park Inn serious incident, in June/July 2020.
 3. Home Office FOI on reporting serious incidents in asylum support system, in November 2020.
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If you have any further queries in respect of this submission, please contact:

Graham O'Neill
Policy Manager
Scottish Refugee Council
07799600545
Graham.O'Neill@scottishrefugeecouncil.org.uk
