Summary

This submission comes from the Religious Society of Friends (Quakers) in Britain, which is the umbrella body representing Quakers across Britain, General Meeting for Scotland, which acts on the concerns of Quakers in Scotland, and the Quaker Asylum and Refugee Network (QARN), a nationwide network of Quakers who have experience of working with asylum seekers and refugees. A key aim of the network is to ensure that justice and compassion are the guiding principles in the treatment of asylum seekers, forced migrants and refugees.

Our concerns are informed by our belief that everyone is equal in the eyes of God and by the experience of Quakers across Scotland and the rest of the UK. We see our work with refugees, forced migrants and asylum seekers as an expression of our commitment to justice, equality and peace.

We oppose policies which have the effect of making people destitute. We see that of God in everyone, no matter where they come from. Over the last few years, legislation passed by the UK government has removed support from asylum seekers. Enforced destitution should not be used as an instrument of immigration control and is, in any case, ineffective. Punitive measures taken by successive governments over many years have not significantly reduced numbers seeking protection in the UK. Asylum seekers who are fearful of return will not be persuaded to go back to their own countries by the removal of support.

Questions asked by the inquiry

We have focussed on two questions asked by the inquiry. In answering these questions we have combined the experiences of a number of different individuals helping asylum seekers in Scotland. These people are also working with other organisations including other faith groups, and QARN has links with many other groups working across the UK.

We have also mentioned two issues not covered by the questions, as we feel these are relevant.
Have you assisted destitute asylum seekers in a voluntary or charitable basis, what assistance do you think is required to help address the issue of destitution?

Quakers based in Scotland have assisted asylum seekers, mainly in Glasgow. Although many churches help with clothes and food, this is only ever a temporary stop-gap. Something more permanent needs to be in place.

There are different needs for night and day. A women’s night shelter is essential. Women asylum seekers are often accompanied by children, and are particularly vulnerable. In Glasgow there is a night shelter for male asylum seekers, but none for women. (glasgownightsheelter.org) There is a need for accommodation both for single women and women with children. In other places in the UK we have heard from those who have accommodation night, but can not use it during the day, so spend their days outside.

One of the contributors to this submission has been supporting destitute asylum seekers for over a decade. The asylum seekers stay in the family home, and contact them through the Red Cross or Positive Action in Housing, a charity based in Glasgow. These organisations have a register of individuals and families willing to provide temporary or longer term accommodation. Our contributor has hosted several people for a weekend or few days, and one woman for almost two years.

The right to work is essential. Not allowing asylum seekers to work and placing heavy penalties on those who do work has increased destitution and reduced dignity among asylum seekers. The Refugee Integration Policy considers that integration begins from the first day an asylum seeker arrives in Scotland. Not being able to work directly undermines this strategy, both in terms of opportunities for asylum seekers to integrate and in terms of society recognising the potential contribution of asylum seekers.

As a public service provider what are the main barriers to providing support to destitute asylum seekers? Tell us about the processes you use to assess a person’s eligibility for services and where you think these might be improved

The Immigration Act 2016 has an impact on many areas which are devolved to Scotland, such as housing, child welfare, and licensing. However, there is a lack of clarity on how Legislative Consent Motions were used during the passage of the Act, and therefore a lack of clarity around how it applies to Scotland and interacts with Scots Law. In particular, we have concerns around destitution and children, and potential conflicts of responsibility which could arise for local authorities. As Scots Law specifically prevents child destitution, asylum seeker children may be taken in care (away from their family) as a direct result of the family being made destitute under the Immigration Act 2016.

On a more detailed and practical level, there can be barriers to offering asylum seekers space to sleep in churches. Glasgow Quaker Meeting House previously considered a request to host destitute asylum seekers one night of the week at the Meeting House, with other volunteer churches hosting them one or more nights a week each. However, not enough other organisations were willing to volunteer,
possibly because of concerns about issues such as insurance policies and safeguarding issues. While such concerns may turn out to be easily overcome, they are enough to discourage organisations from offering space to asylum seekers. Clear guidance from the local authority on what churches or other voluntary sector groups could do to help asylum seekers in a practical way would help to encourage trustees and wardens of such organisations.

**Other: access to justice**

We have concerns around the practicalities of access to justice. People in Scotland are asked to travel to Croydon to claim asylum and to Liverpool to produce fresh evidence on a case. It is important that legal aid is maintained in Scotland, and consideration must be given to how justice is accessed.

A related issue is Dungavel detention centre, which is outside Glasgow in a location badly served by public transport. Firstly, this makes it difficult for asylum seekers to receive visitors. This difficulty is increased by the detention centre itself, as one of our contributors said: “To visit people in Dungavel you need to be fingerprinted and you need your passport. If the fingerprinting machine isn’t working, you can’t go in.” Secondly, detainees can be moved between detention centres, including to other parts of the UK where the legal system is different. Thirdly, asylum seekers are sometimes released from Dungavel with nothing more than a travel ticket, meaning that they have nowhere to go and are very likely to become destitute.

We have further concerns around detention which we recognise are not covered by this consultation.

**Other: flaws in decision making**

Evidence presented in an application for asylum normally cannot be re-presented or queried after a decision has been handed down by an adjudicator. A large number of people are either put in detention or have their cases refused because they are deemed to have misrepresented the facts of their case. However, some of these errors are misspelled names or incorrectly recorded dates of birth. When first arriving in the UK, asylum seekers often do not realise that dates are recorded as dd-mm-yy instead of mm-dd-yy, or that given names should appear before family names on official documents. Some cultures also have different customs regarding ages, such as in many parts of Asia where age is counted from conception. If there is any inaccuracy or misunderstanding in the first case an asylum seeker makes, it is extremely difficult to correct it.

There are two changes which would make a difference. One is the ability to change details on the grounds of human error. The second is for adjudicators in Scotland to be given basic training in the main cultural differences relating to the recording of dates and names, so that when they encounter cases with inaccuracies they are aware of how mistakes might have arisen. These changes could make a difference to the number of cases which are allowed on appeal.

Justice is better served when people seeking asylum are provided with the means to properly present their case, such as through legal aid and access to expertise. There
is a significant human and financial cost which can be avoided with a better decision making process. Destitution is a consequence for too many people.

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