

Cross-Party Group on Migration

Date and Time: 26/04/22

Minutes

Present

MPs & MSPs

- Anne Mclaughlin MP
- Bob Doris MSP
- Paul Sweeney MSP

Invited guest

- Jen Ang She/Her- Just right scotland

Non-MSP Group Members

- Erin Slaven
- the voices network- Radia, Doaa AbuAmer
- Govan Community project - Traci Kirkland, Asia Hart Eason She/Her
- safe in scotland- Mehdi saki
- Glasgow Asylum Destitution Action Network- Becky macfarlane
- refugee survival trust - catherine Mc Gee
- just and peace scotland- Daniel sweeney
- freedom from torture- alham soudi
- community info source- gillian wilson
- Red cross- kenneth watt
- MORE- Yvonne blake
- No recourse, North East partnership shelter scotland- Iona rennie
- Refugee for justice - Dylan Fatoohi, Menesia
- UNESCO- Alison philps, Brittnee Leysen
- LGBT Health and well being refugee project coordinator- Ruth Ann Mc Calla She/Her
- The welcoming - Carrie
- Maryhill Integration Network- PInar Aksu, Mohammed Altayyep, Anwar, Precious, Mary, Sekou, Ishmail, Dauwod, Juliet Enoch, Alvina, Rose Filippi
- Lorna Gledhill
- Mada
- GLadys
- Esra kaytaz

- Una Lees- TB Nurse specialist, Glasgow Royal infirmary
- Narae Bello

Apologies

- Eleanor McKnight- multi- cultural family base
- Migration policy scotland- Sarah Kyambi
- Villalba Mercedes MSP
- Hassan Darasi- Challenging violence against women

Welcome and Introduction

- Paul Sweeney MSP

Approval of Minutes of Previous Meeting

- Alison Philips
- seconded by Pinar Aksu

Agenda item 3

Pinar Aksu(MIN): Introduced the various themes that will be discussed in various CPG on migration meetings ranking according to their level of importance. Starting with the first theme which is the Nationality and borders bill followed by Housing, Right to work, Education and lastly Food justice.

Pinar(MIN): also introduced the speaker of the day, Jen Ang from Just Right scotland and opened the floor for her to speak.

Jen(JRS): Thanked the host for giving her the opportunity to share on the Topic. Jen highlighted the key things she is going to explain about the nationality and borders bill:

- what the bill looks like,
- what will be the impact of the bill for people living in scotland

Jen (JRS) :As we all know the bill is in its final stage and the house of lords are looking at the house of commons to see the response, which is more likely to pass. while jen was talking Anne McLaughlin MP joined the meeting and Jen asked her for the update on the bill.

Anne McLaughlin MP: I think the nationality and borders bill is coming back to the house of commons at 9:30 tonight and we'll be voting against it till about 1:00 in the morning, but we still don't know if that means it will come back tomorrow again but it might be finished by tonight and i also heard a rumour that the government might drop it all together, but that's because they don't have to have this to do some of the stuff they want to do.

Jen(JRS): Thanks Ann, and highlighted the key concerns. The key aspect of the bill is:

- Criminalisation of unlawful arrival: which means it makes a criminal immigration offence knowingly entering the UK without having the leave to enter or entering with limited leave or overstaying. The great worry here is that when many asylum seekers flee persecution they do not have the means of arriving with leave to enter and if we needed to consider that, we should just think what why do Ukrainians fleeing war were welcomed in other European countries without the requirements of Visas and the UK seeks the requirements. So this explains how the right to claim protection works.
- Inadmissibility of the asylum claims: This is about making a decision that claims by people who have passed through the safe third countries is inadmissible in the UK, meaning we don't have to consider them, we can look at returning them to these places that they either pass through or they can return to. The inadmissibility element is already being applied within current powers. A lot of what's happening in this bill is putting on a form of fitting or slightly expanding how these provisions work.
- Accommodation and support: This is about the introduction of the asylum accommodation centres and providing a lower basic standard accommodation centre for asylum claimants

In terms of refugee protection, the bill seeks to amend changes in the standard of proof and how people's credibility is assessed. The bill sets to substitute the definition of how refugees' claim should be considered which raises the barrier as compared to what the refugee convention and what other countries consider to be the correct statement of law. The same claim not considered in the UK is considered in other countries with exactly the same evidence, which shows that this bill is aimed at restricting people's right to access safety and protection in the UK. The NABB tempers with a huge range of processes and conditions in order to make it intolerable to claim asylum and to make it more difficult to succeed in a claim. The two- tier system is also part of the bill which shows how people who are recognised as refugees are classed based on how they came to the UK and when they claimed asylum. The first group are for people who came through the legal route and claimed asylum immediately, will have access to security, family reunion and recourse to public funds in their leave to remain, while the second group are for people who came through the illegal route and didn't claim asylum immediately will be denied security and family reunion in their leave to remain.

Other parts of the bill are the changes in how the survival of human trafficking are recognised which restricts how their cases are looked at, so cases where people have their claim late, decision makers choose to find them not credible or dishonest, and there are restrictions to the amount of time they have in order to recover from their experiences/ trauma and what choices they have to make next.

The final key point is the Age assessment. Some people who claim asylum as children but their age as given are not accepted by Home office authorities, the provision around age assessment basically interfere with the current arrangement for children in Scotland required to be assessed if there is a dispute.

In respect to the UK- Rwandan Asylum deal.

What is it?

The Rwanda deal is a bilateral agreement between UK and Rwanda to send asylum seekers to Rwanda in order to process their asylum claims and once they are processed, for those asylum seekers to settle in Rwanda either as refugees or as Economic migrants or for Rwanda to be responsible for sending them elsewhere.

Who could be sent to Rwanda under this bill?

- anyone who has arrived in the UK illegally since the first of January 2022
- Anyone who travelled through a safe third country passed through a safe third country

When is this likely to happen?

The Home Office said in its press release that it will issue its first notifications in the first few weeks and the first flight will be in the first few months, however it says people will have legal advice.

Call To Action:

- call for Scottish ministers to commit to ensuring that the planned Scottish human rights legislation provides an explicit commitment to upholding the rights of refugees and migrants in Scotland.
- call for the Scottish public authorities to implement and uphold a protective firewall between public services and immigration enforcement

In summary the problem with the bill as it stands is:

- it creates new and expands categories of individuals of people who are at particular risk or harm of exploitation.
- it fails to recognise how trauma makes it difficult for people to make asylum claims.
- Increase the risk of harm for certain groups including women and children within violence, people getting destitution and homelessness and survivors of trafficking.

Paul Sweeney MSP: Thanked Jen and opened the floor for Questions and submissions

Agenda item 4 (Questions/Answers and submissions)

Dylan Fatooh(R4J)i: one of the elements of the bill is the creation and introduction of Asylum centres and they've already started doing this in Yorkshire and I presume that they are aggressively going to do that in other areas across the UK. What powers do

the Scottish government or other devolved administration have to push against in terms of planning legislation?

Jen(JustRight Scotland): In regards to the Reception centres in Scotland and what can be done within devolved administration, in law there is a lack of clarity in terms of who is responsible for accomodation of asylum seekers in hotels for example. If it is clear that local authorities are still having a role in terms of what accommodation opens in their areas, on a national footing bill there are parts that aren't being scrutinised like rates and housing conditions are not being applied to the conditions of asylum seekers. I think lawyers and activists can use that as a tool. I think the Scottish government should consider what is proposed and look at the powers we need to assess the level of support accommodation providers are giving.

Ruth Ann Mc Calla: My worry is that working with so many vulnerable Asylum seekers or people from the global south, People from the global south have fled persecution and everything and they have come to the global north who has already robbed them of everything and now they are facing persecution again. Yes I know the Scottish government has done a lot of work but I think it's time that we as a network storm together and say, this is what we need to happen. We all have lived experience and I think it's time we all stand together because people are suffering now. How do we talk to people and say yes, we need to look after you, we need to find ways, we need to talk to our MPs and MSPs when the person who is in this cannot talk for themselves, They only see one way out. What do we do? This is not just affecting us, because people who just sit down because we all have our status, its going to affect us eventually, it just takes one thing and if they are successful its going to continue.

Radia(Voices Network): Talked about how the present asylum system affects the mental health of most people fleeing persecution and sending them to Rwanda is not a way of stopping them from coming, it will rather make asylum seekers go into hiding. she also highlighted that the Government should provide a legal route for asylum seekers to arrive in the UK.

Anne Mc laughlin MP: i was wondering if there could be a way maybe the All Party parliamentary Group (APPG) on refugees which i coach here with Lord Aldoffs and the CPG on migration can maybe work together and find the resource to pull together things that people are doing in different part of the country. speaking to colleagues in Westminster from different parts of the UK and the things they have done locally, but there is a lot of things going on that are helping to protect people, and you need a lot of imagination, courage, and i just wonder if there is a way we can work together to, pull together everything that's happening so we can be adopting ideas from other parts of the UK. So the APPG will be happy to talk to the CPG on how we might be able to do that.

Jen: agreed with Anne Mclaughlin MP, and thinks it is a positive thing to do.

Alison: Thanked Jen for her clear and honest assessment. What I wanted to say was two important things . The first is underscoring what Jen has been saying about practical actions we can take in scotland. I will be keen to work with you on the APPG with Bob, Paul and others to see if there are ways of connecting the policy/ legislative

levels. it is also worth remembering that we have a lot of international allies in our world, we need to be able to rely on them but also learn from the successes they had. I will be very happy to facilitate a discussion for example from Behrouz Boochani if necessary from Manus and from others who worked with this group or other groups particularly with the APPG just to hear and take evidence from overseas if that is welcomed.

Yvonne: My question is in relation to the powers that the Scottish government has, especially around children who are in hotel accommodation that have not been attending school? We have been visiting the hotel accommodation since the pandemic and two Saturdays ago we stopped by the mackay's guest house and in that hotel there were about 15 young people who have been in the hotel for one term without attending school. I was really moved because Glasgow city college is just a stone throw away and there are children sitting in the mackays guest house and have never set foot in the school for a whole term. It was only when I wrote a letter to Mears and Cc Nicolas sturgeon and Glasgow city council that the children were registered in school. What I am asking for support is that everyone on this call should ensure that every single child in Scotland should have access to education.

Bob Doris MSP: Thanked jen for the presentation. Talked to what Yvonne said in terms of education. Talking about the protective firewall, I think Mears didn't actually tell Glasgow city council that there are young people who need education. In terms of what Jen was talking about we can have investigative powers, in terms of housing there are set systems in terms of prioritised accommodation, social rented accommodation but a lot of those accommodation is out with the gambit of the bodies that do some of our work. So it's more interesting to know what they are doing practically and whether it is within their control or not and also making common sense with the welsh government and the local authorities in England as well. When one body does something they are accused of taking power, but when Scottish, Welsh and English local authorities join together they are much stronger.

Ishmail: which law supersedes in terms of the state law and international law? Because the NABB contravenes the UN law on human rights and refugees protection

Alham Souldi: What will happen to asylum seekers who flee rwanda? Are they going to be sent to Rwanda again?

Catherine Mc Gee: if people living in the UK are notified that they are going to be moved to Rwanda, there is a risk that they will leave their home office accommodation and disappear, possibly ending in the hands of traffickers and people who will exploit them.

Alvina: Just to add Rwanda is one of Africa's 'rogue nations'. it has one of the worst records of human rights, for people to be abandoned they are as good as shoving them into the mouth of a shark. Rwanda is not/ will not be answerable to the UK so they can basically do what they like with impunity.

Ruth Ann Mc Calla: Rwanda has a history of persecution of the LGBT community

Anne Mc Laughlin: Mears have liaison officers whose job is to ensure things like the children are enrolled in school. I am writing to them because the reason those children identified by Yvonne were not in school is because LO was off work. but that's not a good enough reason, you can't have kids wait till someone returns to work.

Jen: for the questions on Rwanda, the home office pays an amount for asylum seeker into Rwanda, claims are decided there, if you are going to be granted refugee status, you are going to be granted refugee status in Rwanda, you don't come back to the U, if you are not granted refugee status you appeal in Rwanda and you are deported from Rwanda. People fleeing persecution from Rwanda, will not be sent to Rwanda.

To answer Ishmail's question, what happens in the UK doesn't live up to the binding UN legal agreement. The answer is all in the hands of lawyers which first of all takes a long time and doesn't lead to the best outcome. So if the UK govt breaches its obligation under the refugee convention, then we in the UK can sue on behalf of people because it's broken the law but also the UN can monitor and seek to impose that breach against the UK govt.

To Yvonne's questions, what needs to be done is for people to stop looking at refugees and asylum seekers as something different. If we think about education, there are two ways of saying there are two local authorities responsible for controlling the people's education and providing education status. There are ways of asking them if you are satisfied that every child in your area is accessing education, every family knows they have a right to free primary and secondary education and they are actually enrolled. What needs to be done is finding out how many children in your local authorities have not been in school last year and ask them how many days, when they register, that's an example of simple things that doesn't require legislative change but it does require someone to do something.

In terms of housing conditions, I heard what Bob said that there's been a challenge of how to use the legislation you have in Scotland to tackle what we see today unacceptable accommodation, we should study how those cases were put together rather than wait for lawyers to legally challenge we could maybe prompt the authorities who have the powers to start the proactive discussion rather than wait for challenge on individual cases.

I will close by saying that there's so much that we can do, but the first thing is everyone on this call just flipping the question, the authorities that are resourced to do this work have we recently asked them to prove to us they have looked at the universal application of their work and everyone is equally benefitting.

Paul Sweeney MSP: Thanks Jen for such a comprehensive explanation of the bill. I will hand it over to Pinar to round it up with a closing remark.

Pinar Aksu: Thank you Jen for the amazing presentation, it's been very informative and I'm so shocked to hear that the NABB is going back to the house of common that soon and thank you so much Anne for sharing that with me. I just want to say that the next meeting will be on the 7th of June at 6pm and the next discussion will be looking at housing which will cover issues such as destitution, hotel accommodation, mother and baby unit, detention and small aspects of transportation as well. Anne, it would be

nice to have you there to share some of your insights, and if anyone has speakers from international countries like Alison mentioned to talk about their experience of having offshore processing centres, please do send the information to us.

On a final note, the journey is long and i hope we can use the power and advocacy we have and legal route as Jen mentioned in scotland to ensure that the NABB is not impacted on the work we do and for the people and to say that refugees are welcomed here no matter where they come from.

Any Other Business and Close

- Next meeting will be on the 7th of june at 6pm and the next discussion will be looking at housing which will cover issues such as destitution, hotel accommodation, mother and baby unit, detention and small aspects of transportation as well.