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## **Equalities, Human Rights and Civil Justice Committee**

# **The Human Rights of Asylum Seekers in Scotland**



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# Equalities, Human Rights and Civil Justice Committee

To consider and report on the following (and any additional matter added under Rule 6.1.5A)—

- a. matters relating to equal opportunities, and upon the observance of equal opportunities within the Parliament; and
- b. matters relating to human rights.
- c. matters relating to civil justice within the responsibility of the Cabinet Secretary for Justice and Home Affairs.

## 2. In these Rules

(a) “equal opportunities” includes the prevention, elimination or regulation of discrimination between persons on grounds of sex or marital status, on racial grounds or on grounds of disability, age, sexual orientation, language or social origin or of other personal attributes, including beliefs or opinions such as religious beliefs or political opinions; and

(b) “human rights” includes Convention rights (within the meaning of section 1 of the Human Rights Act 1998) and other human rights as for example contained in any international convention, treaty or other international instrument ratified by the United Kingdom.



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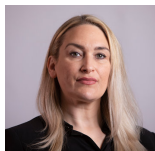
# Committee Membership



**Convener**  
**Kaukab Stewart**  
Scottish National Party



**Deputy Convener**  
**Maggie Chapman**  
Scottish Green Party



**Karen Adam**  
Scottish National Party



**Meghan Gallacher**  
Scottish Conservative  
and Unionist Party



**Fulton MacGregor**  
Scottish National Party



**Paul O'Kane**  
Scottish Labour



**Annie Wells**  
Scottish Conservative  
and Unionist Party

# Membership changes

1. On 25 April 2023 Kaukab Stewart replaced Joe FitzPatrick as Convener and Paul O’Kane replaced Pam Duncan-Glancy as Labour member. On 28 June 2023, Meghan Gallacher and Annie Wells replaced Rachael Hamilton and Pam Gosal as Conservative members of the Equalities, Human Rights and Civil Justice Committee.

# Introduction

2. The Committee held an evidence session on race inequality on 7 February 2023 <sup>1</sup> . It heard from the Scottish Refugee Council (SRC) and the Maryhill Integration Network that they consider the Scottish Government could do more within its own devolved powers to assist asylum seekers to integrate into communities.
3. At its meeting on 28 March 2023 <sup>2</sup> , the Committee agreed to undertake some work on these issues. It agreed the focus of its inquiry would be to:
  - enquire into the reality of lives for people seeking asylum living in Scotland
  - learn the impacts of the asylum system upon (a) people in the system (b) local communities (c) local and devolved government (d) private contractors, and (e) the most effective use of public monies
  - comprehend existing trends in the asylum system in the UK as they relate to Scotland, and to enquire into the implications of a future Illegal Migration Act 2023, and
  - understand and analyse the extent, nature and quality of work in Scotland for respecting the human rights of asylum seekers and enabling refugee integration.



# Background and context

## Public Sector Equality Duty (PSED)

4. Section 149 of the Equality Act 2010 requires public authorities, and any organisation carrying out functions of a public nature, to consider the needs of protected groups, for example, when delivering services.
5. The public sector equality duty requires public bodies to have due regard to the need to:
  - eliminate discrimination, harassment and victimisation
  - advance equality of opportunity between different groups
  - foster good relations between different groups.

The PSED applies to the Scottish Government and Scottish local authorities.

## Immigration and asylum

6. Immigration and asylum are reserved matters. However, the Scottish Government, using its devolved powers, supports asylum seekers and refugees in Scotland, as set out in its New Scots refugee integration strategy 2018-2022<sup>3</sup>. The Scottish Government has committed to refreshing the strategy in 2023 (Programme for Government 2021-22)<sup>4</sup>.
7. Asylum seekers are people who make a claim to the UK Government for protection (asylum) under the UN Refugee Convention 1951 and are waiting to receive a decision from the Home Office, or from the Court in relation to an appeal.
8. Refugees are people who have been recognised as having a well-founded fear of persecution in their country of origin for reasons of race, religion, nationality, membership of a particular social group, or political opinion under the UN Refugee Convention 1951. They will be granted five years limited leave to remain and can apply for indefinite leave to remain after five years.
9. There are also refugees who have been resettled in the UK under specific resettlement schemes (e.g. Syrians, Afghans and Ukrainians), and this is described separately below.

## No recourse to public funds

10. No recourse to public funds (NRPF)<sup>5</sup> is a condition that can be applied to a person's permission to enter (also known as leave to enter) and permission to stay (also known as leave to remain) in the UK. It applies to people who are 'subject to immigration control'. This includes asylum seekers.

11. The NRPF condition prevents people from accessing most mainstream social security benefits, homelessness assistance and a local authority allocation of social housing, although there are some exceptions which may mean a particular benefit can be claimed by a person with NRPF.
12. A person with NRPF is not prevented from accessing other publicly funded services, although their immigration status or length of residence may be a relevant factor in establishing entitlement to certain services.
13. Local authorities have duties to safeguard the welfare of children, young people leaving care and vulnerable adults, which can include providing accommodation and financial support when a person has NRPF and is prevented from accessing mainstream benefits and social housing by their immigration status.
14. Local authority staff working across all first points of contact should be aware of the support options that a person with NRPF may have, so that an appropriate referral can be made to the relevant social work team when a family or vulnerable adult is at risk of homelessness.

## **Financial and housing support**

15. Financial and housing support is available under section 95 of the Immigration and Asylum Act 1999. It is available to those who are destitute or likely to become destitute within 14 days.
16. The UK Government provides asylum seekers<sup>6</sup> with £47.39 a week<sup>i</sup> for each person in the household. This is given via a debit card (ASPEN card) and can be used to get cash from a cash machine.
17. If a person is living in accommodation that provides meals, they will receive £9.58 a week<sup>ii</sup>. There are extra payments each week for mothers and young children:  
Pregnant mother - £3, Baby under 1 year old - £5, Child aged 1-3 - £3.
18. Section 98 of the 1999 Act provides that the Secretary of State may provide or arrange for the provision of support for asylum seekers or dependants of asylum seekers who appear to the Secretary of State to be destitute or likely to become destitute pending the consideration of their support application under Section 95 of the 1999 Act.
19. It is temporary full board or self-catering accommodation and is intended for short term use (full board former and operating hotels, houses in multiple occupation, hostels and self – contained self – catering properties).
20. The provision of initial accommodation is a temporary arrangement for asylum seekers who would otherwise be destitute and:
  - are supported under Section 98 of the Immigration and Asylum Act 1999 and

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<sup>i</sup> This amount has recently increased. At the time of the inquiry, it was £45 per week.

<sup>ii</sup> This amount has recently increased. At the time of the inquiry, it was £9.10 per week.

awaiting a decision from the Secretary of State on whether he may provide asylum support under Section 95 of that act; or

- are supported under Section 95 and are awaiting transportation to their dispersal accommodation.

## Refugee resettlement schemes

21. The UK can also grant asylum or other forms of humanitarian protection to people living outside the UK, who are then resettled to the UK. Resettlement to the UK operates through different schemes, rather than one overarching system. All information below is taken from the House of Commons library briefing on asylum statistics originally published on 1 March 2023<sup>7 iii</sup>:

- UK Resettlement Scheme (UKRS) (2021 – present)
- Community Sponsorship (2021 – present)
- Mandate Resettlement Scheme (1995 – present)
- The Afghan Relocations and Assistance Policy (2021 – present) and Afghan Citizens Resettlement Scheme (2022 - present).

Between 2014 and March 2021, three additional resettlement schemes operated:

- Gateway Protection Programme (GPP) (2004- 2021)
- Vulnerable Persons Resettlement Scheme (VPRS) (2014 – 2021)
- Vulnerable Children’s Resettlement Scheme (VCRS) (2016 – 2021).

22. The UKRS and Community Sponsorship schemes are open to refugees in all parts of the world. The Mandate Scheme is for recognised refugees, anywhere in the world, who have a close family member in the UK willing to accommodate them.

23. The VPRS was specifically for Syrian nationals and the VCRS was for children from the Middle East and North Africa.

24. In response to the unfolding humanitarian crisis in Ukraine, the UK Government established three visa schemes for displaced Ukrainians:

- A Family Scheme<sup>8</sup> for those with family members in the UK
- An Extension Scheme<sup>9</sup> for those who held a valid UK visa on or after 1 January 2022
- A Sponsorship Scheme<sup>10</sup> through which displaced Ukrainians are sponsored

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iii The House of Commons Library briefing was subsequently updated on 12 September 2023

by hosts that offer them accommodation for at least six months. The Scottish Government acted as a supersponsor<sup>11</sup> for the scheme but applications have been paused since 13 July 2022<sup>12</sup>. The Scottish Parliament Information Centre (SPICe) blog provides further detail on the operation of the supersponsor scheme<sup>iv</sup>.

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<sup>iv</sup> [The Scottish Government's Supersponsor Scheme - one year on](#), published 24 March 2023.

# Relevant legislation

## Nationality and Borders Act 2022 (NABA)

25. The Nationality and Borders Act 2022 <sup>13</sup> (in force 28 June 2022) introduced a two-tier regime based on how asylum seekers enter the UK and whether they delay in presenting themselves to authorities. Those who entered via irregular means, including that they stopped in another country on their journey, can be removed to a 'safe third country'. In addition, those who arrive by irregular means will receive a lower standard of protection, for example, temporary leave to remain. The intention was to discourage asylum seekers from travelling via unsafe and illegal routes.
26. The 2022 Act created two categories of refugee who ultimately remain:
- Group 1: those who have come to the UK directly from a country or territory where their life or freedom was threatened and have made an asylum claim without delay. This group are normally granted refugee permission to stay for five years, after which they can apply for settlement.
  - Group 2: Refugees who do not satisfy the criteria for Group 1, fall within Group 2. Group 2 refugees are normally granted temporary refugee permission to stay for 30 months on a 10-year route to settlement.
27. However, changes were announced in a Written Ministerial Statement <sup>14</sup> on 8 June 2023. The changes made to Immigration Rules in July 2023 <sup>15</sup> mean that all refugees are aligned with Group 1. The intention is to deal with the scale of the asylum processing backlog.

## Illegal Migration Act 2023

28. The Illegal Migration Bill <sup>16</sup> was introduced on 7 March 2023. The UK Government said its purpose is to "prevent and deter unlawful migration, and in particular migration by unsafe and illegal routes, by requiring the removal from the United Kingdom of certain persons who enter or arrive in the United Kingdom in breach of immigration control."
29. The Bill received Royal Assent on 20 July 2023, several weeks after the Committee had completed taking oral evidence. It was therefore referred to as the Illegal Migration Bill by witnesses and will be referred to as a Bill in this report.
30. Explaining why the UK Government is legislating again <sup>17</sup>, it said that since the NABA was passed, "the number of people arriving by small boats has risen to 45,000 a year, 90% of whom claim asylum, and there is clear evidence that our modern slavery system is being abused."
31. The UK Government said the Bill would change the law so that "those who arrive in the UK illegally will not be able to stay here and will instead be detained and then promptly removed, either to their home country or a safe third country."

32. The SRC and JustRight Scotland issued a joint statement <sup>18</sup> on what they referred to as ‘the Refugee Ban Bill’. It was signed by over 100 organisations and called for the Home Secretary to scrap the Bill.
33. The Scottish Government urged the UK Government to scrap the Bill.
34. The Scottish Parliament debated the UK Government's Illegal Migration Bill on 25 April 2023 <sup>19</sup> .
35. The Cabinet Secretary for Social Justice, Shirley-Anne Somerville MSP, said the Bill would amend the powers and duties of Scottish Ministers to provide support and assistance to victims and potential victims of human trafficking under the Human Trafficking and Exploitation (Scotland) Act 2015. As such, the Cabinet Secretary confirmed that a legislative consent memorandum would be lodged.
36. On 20 June 2023 <sup>20</sup> , the Minister for Equalities, Migration and Refugees, Emma Roddick MSP, and officials, told the Committee that a Legislative Consent Memorandum (LCM) had been lodged on the 30 May and that it was going through the parliamentary process to determine whether it's considered to be a relevant Bill (under Rule 9B.1.1 of the Standing Orders <sup>21</sup> ).
37. The Minister said that the LCM recommends that consent should not be given to clauses 23 and 27. In her opening statement to the Committee, the Minister said that the Illegal Migration Bill would prevent people, including those who have been trafficked, from accessing safety and support. Clauses 23 and 27 were said to alter the competence of Scottish Ministers in their ability to meet their international human rights obligations to support victims of human trafficking, including children.
38. During a further debate on the Bill on 27 June 2023 <sup>22</sup> , the Minister said the Presiding Officer had concluded that the Bill does not meet the criteria in rule 9B and the Scottish Government were not permitted to lodge the LCM<sup>v</sup>. She noted that the Welsh Senedd voted to refuse consent for the Bill.

## **Human Trafficking and Exploitation (Scotland) Act 2015**

39. The 2015 Act clarified, strengthened and brought together existing laws on human trafficking. It also provides for a Trafficking and Exploitation Strategy <sup>23</sup> .

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<sup>v</sup> The [vote was passed](#) with 83 for, 28 against and 18 did not vote

# Scottish Government policy for asylum seekers

40. Immigration is a reserved matter. Housing asylum seekers in the UK is therefore the responsibility of the UK Government.
41. However, the Scottish Government sets out how it supports both asylum seekers and refugees in its New Scots strategy<sup>24</sup>. This is due to be updated. In a welcome pack for new Scots<sup>25</sup>, the Scottish Government provides information about housing options, which depends on refugee status.

## New Scots funding

42. On 5 February 2023 the Scottish Government announced<sup>26</sup> an additional £1.6 million funding to focus on the development of a refreshed New Scots Refugees Strategy ensuring refugees and asylum seekers are supported to make their new communities their home. This funding will include:
  - the award of small grants to enable wide-scale public engagement across Scotland for the refreshed New Scots Refugee Integration Strategy.
  - the extension of University of Glasgow's international research into New Scots integration for Afghan and Ukrainian Nationals focussing on efforts made by the Scottish Government, local authorities and the third sector to support integration.
  - Refugee Festival Scotland providing small grants to organisations to enable them to host events as part of the Festival.
  - £500,000 in targeted funding for two of the highest priority areas: English for speakers of other languages (ESOL) and employability.

## Ending destitution strategy

43. The Scottish Government and COSLA's Ending Destitution Strategy<sup>27</sup> aims to improve support for people with NRPF in Scotland.
44. The strategy takes a human rights-based approach, "including recognising the fundamental right to an adequate standard of living – in particular the right to food, housing and social security, which is essential to ending destitution".
45. The strategy is initially for three years, and includes 13 actions across three areas:
  - Essential needs – access to housing, food and financial support, via local authorities and the third sector, and removing barriers to health services.
  - Advice and advocacy - increase access to specialist advice and advocacy, including legal advice, to help people to navigate immigration and asylum

systems.

- Inclusion - support inclusive approaches to the design and delivery of support, including through Scotland's extended social security powers and employability. People with lived experience will continue to inform and shape the strategy.

A progress review of the strategy<sup>28</sup> was published in December 2022.

46. The Ending Destitution strategy was drawn up in response to the former Equalities and Human Rights Committee's 2017 report on Hidden Lives - New Beginnings: Destitution, asylum and insecure immigration status in Scotland<sup>29</sup>. The inquiry considered the needs of asylum seekers as well as people who have no recourse to public funds (NRPF) because of their insecure immigration status.

## **Guardianship service for asylum seeking children**

47. On 12 June 2023, the Scottish Government announced<sup>30</sup> a new guardianship service for unaccompanied asylum seeking and trafficked children arriving in Scotland.
48. Guardianship Scotland has been provided £1 million for the Guardianship Service in 2022-23, and a further £1 million annually for the next two years initially.
49. The service will support children who have arrived in Scotland alone and help guide them through the asylum process.
50. Aberlour Children's Charity and the SRC have been awarded the contract to the run the service. Professionals employed by the service, known as Guardians, will:
- accompany children and young people when they claim asylum and support them with expert advice.
  - empower children and young people in the decision-making process.
  - listen to the experiences of affected children and young people and explain what is happening to them.

## **Higher education and tuition fees**

51. The Education (Fees and Student Support) (Miscellaneous Amendment) (Scotland) Regulations 2023<sup>31</sup> came into force on 1 August 2023. It means that tuition fee funding will be extended to migrant students in Scotland, including young unaccompanied asylum seekers and children of asylum seekers who were under 18 at the time of the application<sup>vi</sup>.

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vi STV news: [Tuition fee funds to be extended to migrant and asylum seeking students](#), 12 May 2023.



52. It follows a Judicial Review of a decision of the Student Awards Agency Scotland (SAAS) not to award student Ola Jasim tuition fee support as she did not meet the residency criteria for those granted a form of leave to remain. Last year, the Court of Session ruled these criteria to be unlawful<sup>vii</sup>.

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vii BBC news: [Tuition fees residency rules breached human rights](#), 13 October 2022

# Asylum Inquiry Scotland

53. The Asylum Inquiry Scotland<sup>32</sup> was commissioned by Refugees for Justice. It is focused on events at the beginning of the first major Covid-19 lockdown including the Park Inn incident. In April 2020, in Glasgow, 321 asylum seekers were removed from their homes and placed in hotels.
54. Baroness Helen Kennedy KC chaired<sup>33</sup> the inquiry alongside a Panel and supported by an inquiry team. The inquiry was in two parts.

## Phase 1

55. A report was published in June 2022<sup>34</sup>, summarising the existing body of evidence relating to these events.
56. The Phase 1 report raised concerns about the execution of Home Office contracts, before and since their inception in 2019. It referred to the Home Affairs Committee's report Home Office preparedness for COVID-19 (Coronavirus): institutional accommodation<sup>35</sup>.
57. The UK Government's response<sup>36</sup>, not referred to in the Phase 1 report said that dispersal and relocation of asylum seekers is only undertaken when it is necessary and appropriate, and suitable accommodation has been secured.

## Phase 2

58. The Phase 2 report<sup>37</sup> was published in November 2022:

"The overall conclusion of the Panel in relation to the Park Inn incident, is that this was an avoidable tragedy. It would not have happened had people been allowed to stay in their own homes during lockdown and continued to be provided with the routine modest cash payments they had received prior to the moves, and been allowed to continue to live their lives under the same restrictions as the rest of the population during that period."
59. The Panel made 15 recommendations which included calls to overhaul the asylum determination and asylum support and accommodation systems, an immediate halt of the use of institutional accommodation for asylum seekers, a review of the right to work policy of people seeking asylum and the expansion of existing specialist services within the NHS.

# Scottish Government response to the Asylum Inquiry

60. The Scottish Government responded <sup>38</sup> to the Asylum Inquiry report, in a letter sent by the then Cabinet Secretary for Social Justice, Housing and Local Government, Shona Robison MSP, to Baroness Helena Kennedy KC. The letter is generally supportive of the Asylum Inquiry's recommendations.
61. The Committee heard from Baroness Kennedy on 20 June 2023 <sup>20</sup> .
62. Many of the findings of the Asylum Inquiry, resonate with evidence heard by the Committee, such as, people not feeling safe in hotels, the food being inadequate, a reliance on the third sector for donations and difficulty in navigating barriers to accessing healthcare particularly mental health support. It also reflects on similar conflicting evidence provided by Mears and third sector organisations.
63. Baroness Kennedy's evidence is noted within this report.

# Number of asylum seekers in Scotland

64. Annexe B to this report provides information on the number of asylum seekers currently living in Scotland.

# Consideration by the Equalities, Human Rights and Civil Justice Committee

65. The Committee began taking oral evidence on 25 April 2023 and continued taking oral evidence throughout May and June 2023.

66. On 25 April 2023<sup>39</sup> the Committee heard from:

- Phil Arnold, Head of Refugee Support – Scotland, Wales and N Ireland, British Red Cross
- Annika Joy, Programme Director, Simon Community Scotland
- Graham O'Neill, Policy Manager, Scottish Refugee Council
- Andy Sirel, Legal Director and Partner, JustRight Scotland

67. On 2 May 2023<sup>40</sup> the Committee heard from:

- Pinar Aksu, Human Rights and Advocacy Coordinator, Maryhill Integration Network
- Savan Qadir, Project Manager, Refugees for Justice
- Selina Hales, Founder and Director, Refuweegee
- Nick Hobbs, Head of Advice and Investigations, Children and Young People's Commissioner Scotland
- Maria Jose Pavez, Policy Officer, Grampian Regional Equality Council
- Dr Sarah Stewart, Volunteer and Partnership Manager, Friends of Scottish Settlers

68. On 9 May 2023<sup>41</sup> the Committee heard from:

- Bronagh Andrew, Operations Manager, TARA - Trafficking Awareness Raising Alliance
- Superintendent Claire Dobson, Partnerships, Prevention and Community Wellbeing Division, Police Scotland
- Chief Inspector Elaine Tomlinson, Safer Communities Team, Greater Glasgow Division, Police Scotland

and then from:

- Gayle Findlay, Policy Manager, COSLA
- Thomas Glen, Chief Executive, Perth & Kinross Council
- Louise Long, Chief Executive, Inverclyde Council

- Dr Nina Koruth, Consultant Clinical Psychologist, Glasgow Psychological Trauma Service, NHS Greater Glasgow and Clyde
- Susanne Millar, Chair of the Scottish Asylum Dispersal Partnership Board and Chief Officer, Glasgow City Health and Social Care Partnership

69. On 16 May 2023<sup>42</sup> the Committee heard from:

- Caroline O'Connor, Chief Executive Officer, Migrant Help
- John Taylor, Chief Operating Officer, Mears Housing Management

70. Finally, on 20 June 2023<sup>20</sup>, the Committee heard from:

- Baroness Helena Kennedy KC, Asylum Inquiry Scotland

and then from:

- Emma Roddick MSP, Minister for Equalities, Migration and Refugees and Scottish Government officials, Alison Byrne, Director for Equality, Inclusion and Human Rights (Interim) and Aileen Harding, Policy Manager, Asylum and Refugee Integration.

## **Informal engagement events**

71. The Committee also held two informal engagement sessions with asylum seekers and refugees with different lived experiences:

- At Maryhill Integration Centre, Glasgow (6 June 2023)
- At the Scottish Parliament (13 June 2023)

Notes from these sessions are available on the Committee's engagement section of the Asylum Seekers in Scotland inquiry webpage<sup>viii</sup>.

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<sup>viii</sup> [Asylum Seekers in Scotland inquiry](#) webpage.

# Key issues in the Committee's consideration of the inquiry

## Overview

72. There has been an increase in the number of people seeking asylum in the UK over recent years. The increase in applications is likely due to a continued global increase in the number of people displaced due to war and conflict.
73. Various measures are being used by the UK Government to address rising numbers. Changes to address the asylum process are happening frequently and did so during the course of the Inquiry. Prime Minister Rishi Sunak has made “Stop the Boats” one of his five priority areas<sup>ix</sup>.
74. Under the current asylum process, the Home Office has a duty to provide asylum seekers with accommodation while their claim is assessed. During that time, they are placed in temporary accommodation.
75. However, as a result of the general lack of housing across the UK, there are increasing numbers of asylum seekers being placed in hotels or other forms of institutional accommodation. While this measure is supposed to be temporary, if the backlog of processing applications is taken into account, many asylum seekers are living this way for many months and sometimes years while they wait for a decision.
76. On 5 April 2023, the UK Government announced <sup>43</sup> that a ‘berthed vessel’ will be used for the first time to accommodate asylum seekers in the UK. The aim is to reduce the reliance on expensive hotels, which is costing £6 million a day.
77. The announcement also referred to an earlier announcement that surplus military sites would be used to “accommodate migrants who have entered the UK illegally on small boats.”
78. The SRC criticised <sup>44</sup> this approach to housing asylum seekers, describing the proposals as ‘wildly inappropriate’.
79. The Committee has heard concerning evidence about the impact of the current policy to temporarily house asylum seekers in hotels, what this means for asylum seekers in Scotland, the local communities, local authorities and other organisations who support asylum seekers.
80. The Committee want the Scottish Government to consider carefully, the evidence it has received and use all the powers it has within its devolved competence to mitigate the impact of the current process and the Illegal Migration Act 2023 on all of these groups.

## Legislative context, the Illegal Migration Bill and the

<sup>ix</sup> [Prime Minister outlines his five key priorities for 2023](#)

## current asylum process

81. In recent years, there has been an increase in the number of asylum seekers requiring accommodation in the UK <sup>45</sup> . According to Home Office data, the total number of people awaiting an asylum decision more than doubled between 2020 and 2022, from around 70,000 to 166,300.
82. In oral evidence, Andy Sirel of JustRight Scotland explained how the process works. He told us “every person has the right to claim asylum in the UK” and that this right is governed by the 1951 refugee convention. He explained that the asylum process should be a straightforward one and one which should ordinarily take around six months. An individual will be interviewed by the Home Office in Glasgow, their claim will be measured against the criteria in the refugee convention, and they will be either refused or granted asylum in the UK.
83. However, the Committee heard that the process of seeking asylum is now significantly slower, taking up to 10 years in some cases. Furthermore, the number of cases waiting more than six months for an initial decision has more than doubled since 2020 and increased nearly ten-fold since 2016, suggesting a growing backlog of older cases. The number of new asylum applications being made has also risen in recent years, and the speed of asylum decision-making has slowed down. There is also evidence that, despite more asylum caseworkers in post, decision-making ‘productivity’ has been going down.
84. The UK Government has pledged to reduce the backlog by increasing the productivity of caseworker staff, hiring additional caseworkers, and streamlining the process for certain older applications <sup>45</sup> .
85. Mr Sirel said: “From 2018 onwards, the Home Office effectively stopped making asylum decisions. In 2018, the backlog was 16,000 and 80% of people were given a decision within six months. If you fast forward four short years you see that the backlog has increased by 900%. It is now at 160,000 and only 6% of people receive their decision within 6 months. Average lengths are between one and three years” <sup>19</sup> .
86. Decisions, he told us, have “fallen off a cliff” with the knock-on effect that people are not being moved from their asylum accommodation. The community accommodation has filled up and now the newly introduced hotels are filling up.
87. The Committee heard that in the years up to 2018 about 30,000-40,000 decisions were being made in a year and now it is around 19,000-20,000 a year. Although unclear why this is the case, Mr Sirel’s view was that diverting resource into schemes such as Rwanda could not be helpful, and money being invested in making the current system efficient would be a “far better use of resource and better for all the communities that you represent” <sup>19</sup> .
88. It was noted that Mears and Migrant Help, who deliver the housing and support contracts for the Home Office are not involved in the processing of asylum claims. Mears’ contract is for operational purposes, to provide accommodation to asylum seekers. Migrant Help are contracted to provide advice and guidance to asylum seekers.



89. Graham O'Neill of the SRC spoke of a general erosion of the right to asylum for 15 to 20 years and described it as being "one of the casualties of the hostile environment" <sup>19</sup> .
90. He said the UK chooses not to facilitate safe travel and, with the introduction of the Illegal Migration Bill, the UK is "turning its back on the most desperate people in the world" and, in doing so, "a lot of people will lose their lives needlessly". He told us deaths in asylum accommodation had shot up in the past three years with many of those confirmed or likely suicides, alongside those losing their lives making dangerous journeys in small boats.
91. This view was echoed by Baroness Kennedy who raised concerns about the narrative coming from Westminster and within the press. "The nature of the debates that are currently taking place around illegal migration and the business of crossing the Channel has led to rendering everyone who comes by that route as a criminal – someone who is illegal. Those people do not get an opportunity to make their case to say that they are desperately fleeing persecution, instead they are criminalised. If they are deported, they will never have the opportunity to come here, even if they have family in the UK. That is a breach of international law" <sup>20</sup> .
92. There was a sense that Scotland could take a different approach, as it has done in the past. Baroness Kennedy praised the welcome from Scotland and its policy of "new Scots" which she said was not perfect but "gave a "sense that someone comes here as part of our society" but she considered that the media were often "complicit in a presentation of immigration as being a catastrophic problem" when the "real problems are the disaster around the economy" <sup>20</sup> .
93. She described the Home Office as "dysfunctional" with the current narrative creating a moral dilemma for those working there who were leaving "in droves" as they "did not like doing the job and they were not well rewarded for it. She said "It is a painful and difficult job due, in part, to the material that they must sift through and deal with".
94. This was a view shared by Graham O'Neill of the SRC who highlighted the difficult role of the decision makers and case work handlers employed by the Home Office, and the high attrition rate (46%) recorded during a recent inspection of the Independent Chief Inspector of Borders and Immigration. He said the role is not valued as the important job it is.
95. The Illegal Migration Bill came under harsh criticism from organisations who support asylum seekers.
96. Graham O'Neill told us that the Scottish Government's new Scottish Refugee integration strategy and the Ending Destitution Strategy will "clearly not cut it" against the Illegal Migration Bill which, in his view, will "decimate things like a meteorite in a way that will leave [asylum seekers] detained, destitute and exploited or dying".
97. He said, the £1.6 million funding allocated to the new Scots Strategy was not enough but that the "levers that are available to the Scottish Government are not as significant as those that are available to the UK Government". However, his concerns were much broader. "The funding is not what we should be focussing on. We should be focusing on how policy and law are being generated across the UK.

The Illegal Migration Bill is a case study in how not to do it in the sense that it disrespects devolution and vulnerable people's human rights" <sup>19</sup> .

98. In her evidence, Pinar Aksu of Maryhill Integration Network argued that we need a different approach in Scotland "The Scottish Government needs to send a much stronger message of opposition to the Illegal Migration Bill which should focus on the consequences that it will have for us as a society. The more division the bill creates in the community, the more discrimination people will experience. We need to say that such legislation should not exist in our society and that people in Scotland are against it and to use the powers of the Scottish Parliament and the Scottish Government to ease the lives of people seeking asylum" <sup>40</sup> .
99. In written evidence to the Committee dated 24 August 2023 <sup>46</sup> , the SRC shared its letter to the Cabinet Secretary dated 20 July 2023 where it said it "stands ready to work" with the Scottish Government in an "intensification of practical work against this legislation" to "demonstrate what Scotland stands for as a responsible human rights respecting country determined to help those in need".
100. The letter proposes actions it considers necessary for the Scottish Government take to mitigate the negative impacts of the current process and in response to the Illegal Migration Act 2023.
101. Key actions suggested by the SRC include:
- A radical Scottish Humanitarian strategy resourced from the core government budget encompassing existing key policy, on New Scots Refugee Integration, Human Trafficking and Exploitation and Ending Destitution Together, led by the Cabinet Secretary and reporting to the Scottish Parliament on an annual basis which must be cross-government and require the participation of key public bodies. The SRC state that this radical new approach is needed as none of the existing policies are capable of adequately responding to the "severe harms" from the 2023 Act.
  - That the proposed Scottish Human Rights Bill includes a Scottish Government commitment to include refugees and trafficking survivors in the positive obligations on Scottish public authorities. And, that any such duties are paid due regard to and fulfilled in accordance with the protected characteristics in Equality legislation and international human rights law.
102. As an immediate priority, the SRC ask that the plan institute a set of Protect not Penalise mitigations to protect those who arrive irregularly in Scotland. It suggests the following urgent actions:
- A Scottish "firewall" between those arriving irregularly and the Home Office, until those people receive a Scottish human rights package of devolved support comprising safe reception accommodation, healthcare, independent legal advice and access to trusted charities for advocacy support
  - That the Lord Advocate exercises a presumption that is not in the public interest to (a) prosecute persons for unlawful arrival who arrive irregularly, and (b) fulfils her Instructions on the non-punishment of trafficking survivors
  - That Scotland takes clear action to maintain and safeguard access for all

trafficking survivors, irrespective of nationality, to existing rights to support and assistance in the Human Trafficking and Exploitation (Scotland) Act 2015. Or if that is impossible, a robust and equivalent form of support and assistance is instituted, to ensure no survivors fall through the cracks into organised crime exploitation.

103. Longer term, the SRC is committed to its call for the Scottish Government to create a trafficking survivor identification and decisions agency.
104. The SRC also states that it rejects that the Home Secretary should be the “corporate parent for unaccompanied children” and maintains that this “is a direct intrusion into child protection law and protection system, including our devolved competence and legislation” and reiterates its support for the recommendations previously made to the Scottish Government by the Children and Young People’s Commissioner Scotland (the Children’s Commissioner).
105. Furthermore, it calls for critical infrastructure to be put into the plan, specifically trauma informed and skilled training and ongoing support, that resources be deployed to where they can make the most impact and that there is national data-gathering, analysis and measurement, which monitors the population affected, so we can track what happens to them in Scotland.
106. The Legal Opinion <sup>47</sup> from Kay Springham KC highlighting the bill’s impact on devolved competences, human rights, trafficking and lone children and an accompanying Summary analysis <sup>48</sup> prepared by the instructing organisations is also referenced.
107. In oral evidence, Emma Roddick, Minister for Equalities, Migration and Refugees reiterated the Scottish Government’s opposition to the bill and said that officials and Ministers have continued discussions with the UK Government to make it clear what they oppose and why.

108. The Committee heard strongly expressed views that the Illegal Migration Act will change the landscape for asylum seekers seeking legal protection in the UK. The majority of the Committee supports the Scottish Government’s opposition to the Act. Members of the Committee have noted MSPs’ views expressed when the issue was debated recently in the Scottish Parliament. The Committee notes the various calls from the SRC to the Scottish Government and these are discussed further in this report.

109. The Committee agrees with calls by both the SRC and the Children’s Commissioner that the Scottish Government, as far as possible within its devolved powers, works with local authorities and other bodies to:

- Maintain the integrity of the Looked after children system and that our local authorities scrutinise the 2023 Act and maintain best interests practice for children in their care.
- Scrutinise the age assessment regime set out in the Nationality and Borders

Act 2022 and this 2023 Act.

- Maintain and enhance anti-trafficking protections, including punishment obligations in respect of children and young people.

110. Furthermore, the Committee notes concerns from stakeholders about the ongoing delays in the processing of applications by the Home Office. It heard that this is having a significant impact on the wellbeing of asylum seekers living in Scotland. While the Committee recognises this issue is reserved, it urges the Scottish Government to write to the Home Office to clarify the UK Government's plan for reducing the backlog and to provide a timescale for this work.

111. The Committee also strongly recommends the Scottish Government develops, in conjunction with third sector partners and public agencies, trauma informed and skilled training for all those who work to support asylum seekers.

## Rights and entitlements

112. The UK Government provides asylum seekers with £47.39 a week<sup>x</sup> for each person in the household. If a person is living in accommodation that provides meals, they receive £9.58 a week<sup>xi</sup>. There are additional payments for mothers and young children. This financial support must sustain asylum seekers until they are refused or granted asylum. That decision can take years.

113. Representatives from third sector organisations expressed concerns about the level of the stipend as well as the impact of delays in processing applications with no end date and the long periods spent in temporary accommodation with no right to work. The impact on mental welfare and risks posed by potential trafficking and exploitation were also highlighted. If an individual is granted asylum, they then have access to the benefit system and social housing, just as UK citizens do. They also have the right to work and will pay tax.

114. Andy Sirel of JustRight Scotland described the delays people faced as “state enforced destitution”. He told us that people remain engaged with the system as there is a possibility that they will be able to start their new lives once they are granted status. However, he said the illegal migration bill “will abolish the asylum system. That ladder out of the hole is being set on fire. What do people do then? Are they going to hang around on £45 a week for the rest of their lives or does the shadow economy – trafficking and exploitation arise? You all know the answer to that question”<sup>19</sup>.

115. Graham O'Neill added “People are desperate to work, and they are denied that right as part of the systemic denial of socio-economic rights to people who come here to

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<sup>x</sup> This amount has recently increased. At the time of the inquiry, it was £45 per week.

<sup>xi</sup> This amount has recently increased. At the time of the inquiry, it was £9.10 per week.

seek protection" <sup>19</sup> .

## When refugee status is refused

116. The Committee's Inquiry focussed on asylum seekers with applications pending and on their experience of navigating the system, and therefore did not take evidence from either those whose applications had been refused nor from those whose applications had been successful.
117. However, some witnesses highlighted significant concern for people whose applications had been refused and these are noted here for completeness.
118. The Committee heard that people whose applications are refused have limited options and can find themselves at risk of destitution and exploitation and are heavily reliant on the third sector, whose resources are already stretched, for support. Increased numbers of asylum seekers and the wider dispersal policy is exacerbating an already challenging situation.

119. Annika Joy of Simon Community Scotland told us:

"The end of the process is very brutal. When a person has had a negative decision, they will have exhausted their rights to appeal, or they will have been told that they have exhausted their rights to appeal, perhaps because their opportunity timed out, they did not have a lawyer or adequate casework, or their mental health was poor, and they were not able to engage with the paperwork that came. They will receive a decision from their Home Office contractor—in Glasgow, that is Mears. They will have a limited amount of time to leave their accommodation, and their very meagre asylum support allowance will cease."

She explained that, for these people, there is "no plan" though the third sector do their best to step in to provide support:

"If a person does not have the right to claim any benefits or to go to the council and say that they are homeless, what are their options? Their options are rough sleeping; exchanging labour, including sex, for accommodation; and being exploited by people who run Deliveroo gangs and have people riding for them. Their options are very limited. When a person is trying to survive, they have absolutely no chance of being able to re-engage with the asylum system" <sup>19</sup> .

120. In those circumstances, Anika Joy told us, an individual will be focused on survival making it difficult to re-engage with the asylum system. What is required is holistic support – providing people with a trauma-informed and person-centred approach to their needs and situation and one which enables a caseworker to advocate for them and enable them to submit a fresh claim.
121. However, she explained the capacity in the third sector is already stretched so "as the numbers of people who are likely to be refused or deemed inadmissible increase and the Home Office enforces dispersal on sites around Scotland that have no previous experience of working with people who have been refused

asylum, the risk of exploitation and high levels of rough sleeping will become a Scotland wide consideration" <sup>19</sup> .

122. Even in cases where asylum seekers have their status granted, we heard that their situations can remain difficult. Savan Qadir of Refugees for Justice told us that some refugees in those circumstances are being moved back into a hotel by Mears. He said:

“Those people who get their status get 28 days to move from their hotel and go to a different place, but we need to consider what is happening. I have Siraj with me and I have his permission to use his name. He was in the Park Inn incident. He now has status, but he is going to be moved back to the hotel. We need to think about not retraumatising people who have experienced such things. As brave as Siraj is, I think that it will be very difficult for him to go back to the same place. The Mears Group is putting him and many others back into the hotel, which is almost like starting again at the very beginning" <sup>40</sup> .

## **When refugee status is granted**

123. Once an asylum seeker has received refugee status, they have the same rights to access housing as those considered to be permanently residing in Scotland. This includes accessing social housing, owner occupation or private rented housing <sup>25</sup> .

124. The Committee recognises the challenges faced by asylum seekers given current levels of entitlement and welcomes the invaluable support that is provided to them by the third sector. It heard strongly expressed views that being granted the ability to work or access to the welfare system would be transformative for those seeking asylum, both to integrate into Scottish society, for their wellbeing, and as protection from exploitation. Of particular concern are the limited options available to those whose applications have been refused and who may find themselves at risk of destitution.

125. While it notes that areas of immigration and welfare are reserved to the UK Government, it would welcome clarity from the Scottish Government as to what communications have or are taking place with the Home Office and in which areas. It would also welcome focus from the Scottish Government on how its Ending Destitution Strategy is helping asylum seekers whose appeal rights are exhausted, particularly as this number is likely to grow.

## **Housing**

126. An area on which there was broad consensus, with no easily identifiable solution, was a lack of appropriate and affordable accommodation across Scotland and the rest of the UK.

127. Under the current asylum process, the Home Office has a duty to provide asylum seekers with accommodation if they are assessed as destitute and have nowhere else to stay while their claim is assessed.
128. The Home Office guide to Living in dispersal accommodation <sup>49</sup> provides information on the asylum accommodation journey:
- Stage 1 - initial accommodation is provided: this is housing that can be full-board, half-board, or self-catering. It is usually in a hostel-type environment or can be a hotel. It is for asylum seekers who would otherwise be destitute and need accommodation urgently, either before their section 95 support has been determined, or once determined are waiting to be dispersed to longer-term accommodation. The amount of time people stay in initial accommodation can vary before moving on to dispersal accommodation.
  - Stage 2 - dispersal accommodation: this is longer term temporary accommodation managed by accommodation providers on behalf of the Home Office. Asylum seekers will normally stay in their dispersal accommodation until their asylum claim has been fully determined. It may not always be possible to stay in the same property.
  - Stage 3 - moving on: when the asylum claim has been fully determined, the asylum seekers will have to leave asylum accommodation and Home Office support will stop. Those who are granted leave to remain will be eligible to work, claim mainstream benefits, look for housing and get help in the same way as other UK residents. Those who are unsuccessful in their claim will be expected to leave the UK.
129. John Taylor of Mears told us:
- "That is the single biggest challenge for us. When we started the contract, no one was living in a hotel, and we did not operate in hotels at the beginning of the Covid period. Because of Covid and the cessation of decisions, the system became locked, and that is when the use of hotels became a main issue" <sup>42</sup> .
130. Baroness Kennedy also recognised that a lack of housing was not an easy problem to solve. "Successive governments have failed to build new adequate housing for young families and couples. We have to have a building programme".
131. However, she emphasised that the answer was not to build lots of quick and easy places and house asylum seekers there. "That just creates silos of immigration". The long-term answer she said, is to create new housing for young people of all sorts, ensuring it is varied and that there is provision within for new arrivals – the new Scots but we "must not and cannot have new Scots new towns. It must be integrated" <sup>20</sup> .
132. Pinar Aksu of Maryhill Integration Network suggested:
- "There is a strategy by Mears and the Home Office to distract from the hostile environment that they have created over the years by placing people into hotels. We need to remember that everything to do with welcoming people and integration services worked when people were in normal accommodation,

although, obviously, there were some gaps. We do not actually need to explore new options. We know that it worked for many years..... We just need to acknowledge the fact that there is a shortage of housing and that that is not anything to do with people who are seeking asylum and refuge. There is a problem for the country—we have a housing crisis—but that is not the fault of refugees. The housing crisis is a fact, and it needs to be addressed, but it should not be blamed on people who are seeking asylum and refuge" <sup>40</sup> .

133. Addressing affordable housing more broadly, Caroline O'Connor of Migrant Help said:

"When people receive a positive decision, they potentially need to move on to UK benefits or into employment, so they will need affordable housing. Between asylum support, homelessness support, the Ukrainian scheme and the Afghan scheme, the rental market is incredibly tight. A solution needs to be found with regard to accommodation that people can afford. That is a UK-wide problem" <sup>42</sup> .

## Scottish Government policy - affordable housing

134. The Scottish Government, working with its partners (mainly councils and housing associations), aims to deliver 110,000 affordable homes across Scotland by 2032. Of these at least 70% (77,000) will be for social rent provided by councils and housing associations and 10% (11,000) will be in remote, rural and island communities.
135. In terms of progress towards the target 7,493 homes have been delivered (from 23 March 22<sup>xii</sup> to 31 December 2022). Although new affordable homes are being delivered, there has been a dip in the number of homes being approved <sup>50</sup> . In the 12 months to December 2022, approvals dropped by just over a fifth (22%). Councils, housing associations and their partners report some challenges in delivering new homes such as high construction costs and supply chain issues.

## Homeless temporary accommodation

136. In September 2022 there were 14,458 households living in temporary accommodation, including 9,130 children. The number has increased<sup>xiii</sup> despite policies aimed at improving homelessness prevention and a move to 'rapid rehousing' for homeless people <sup>51</sup> .
137. The Scottish Housing Regulator's Thematic Review of homelessness services <sup>52</sup> identified three major strategic challenges in providing homelessness services:
- dealing with the significant numbers of people currently in temporary

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<sup>xii</sup> The target is measured from 23 March 2022 as this is the date that previous 50,000 affordable housing supply target had been met. Progress towards that target had been delayed due to COVID-19.

<sup>xiii</sup> Scottish Government excel workbook: [Tables for Homelessness in Scotland, update to 30 September 2022](#) (published 31 January 2023)



accommodation

- maintaining a sufficient supply of appropriate temporary accommodation
- ensuring access to the number of permanent homes that are needed.

Some councils are finding it increasingly difficult to meet these challenges, and so to fully meet their statutory duties. The Scottish Parliament Information Centre (SPICe) blog provides further background<sup>xiv</sup>.

## Use of hotels, temporary accommodation, and the experience of asylum seekers

138. There has been an increase in the number of people in the asylum system. Initial accommodation options are currently at maximum capacity (Stage 1 above), and providers are struggling to procure more longer-term options (Stage 2 above). The average stay in short-term sites has increased from around three weeks to around six months<sup>53</sup>. Hotels are being used to house asylum seekers across the UK including Scotland.
139. John Taylor of Mears took the Committee through the process for selecting hotels which, he said, had evolved over two or three years for which they had been used:
- “We have a lot more hotels in Northern Ireland and north-east Yorkshire than we have in Scotland. We look for town centre settings, so that people are not remote, and they can leave the hotel and be part of the community, because it is clear that being isolated is a massive issue. We try to make sure that there are facilities such as adequate dining facilities on site and that there are areas where we can operate projects such as English lessons and play sessions for children if there are children at the hotel. We also try to make sure that there are sports activities for residents so that they can be active, and that there are offices that health services can use to visit the site”.
140. Feedback from “service users” he told us had been positive and that, where there were issues, “we do our best to resolve them through our welfare and safeguarding teams in order to support our service users.”. He recognised that hotels are challenging places to live for more than a few weeks and tried to ensure families were not in hotels for long periods and defended the service explaining that they had staff on site five days a week and have a seven day a week service.
141. Despite these reassurances, the Committee was told during one engagement session from one woman that a Mears housing officer had come into her flat without giving any notice and had let themselves in with a key. She told us this made her fearful they could walk in at any time. Another woman told us she had experienced staff being rude to asylum seekers and said they had little trust in the staff.
142. The use of hotels to house asylum seekers was broadly criticised. Many witnesses spoke of the dangers of the practice becoming “normalised”. Phil Arnold of the

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xiv [Homeless temporary accommodation - policy and statistics](#) (published 25 April 2023)

British Red Cross referenced their research *Far from a Home*<sup>54</sup>, which shows that people do not feel safe in hotels and can become a target for exploitation.

143. Pinar Aksu of the Maryhill Integration Network told the Committee:

“the moment that we normalise hotel accommodation by creating spaces between hotel accommodation, there will be a big problem for us. Why? That would give Mears a reason to normalise the use of hotels in the long term. We do not want that—we do not want people to stay in hotel accommodation for years and years. We want people to go back to living in the community. Before the pandemic, people were given houses in communities. They were then able to go to different networks and to colleges or other education spaces. The moment that we normalise and expand the use of hotel accommodation, there will be a problem, because that will give a reason to ensure that somebody stays in a hotel for a very long time. We strongly oppose that, because we believe that people belong in communities, not in hotel accommodation”<sup>40</sup>.

144. Phil Arnold explained that one issue with the increase in use of hotels was linked to the decision-making timescales and the delays with moving people through the system. He told us that “effective vulnerability assessments do not necessarily take place in the asylum system” and that, consequently, people do not feel safe. The British Red Cross crisis response teams received 50 requests from local authorities and national health service boards to respond to hotels with issues such as clothing and infectious disease outbreaks, such as scabies. The teams provided clothing for 2700 people.

145. He also highlighted issues such as a lack of access to healthcare and the visibility of hotel accommodation for far-right groups to target, citing far right activity at at least 15 hotel sites. Many asylum seekers were also subjected to racial abuse, had stones thrown at them or received death threats. “Where there is a high level of visibility of asylum accommodation, those risks increase exponentially”<sup>39</sup>.

146. During our engagement sessions some participants spoke of issues with communication with Mears and felt there was often a lack of consultation from them. We heard that Mears could place single men from different cultural backgrounds together in flats and this could be problematic. One man said he had to share with a man who could be very aggressive but when he spoke to Mears they did nothing but then indicated both would be moved which he felt was not the correct solution. Eventually he was allowed to stay and the other man was moved but this had been a difficult situation to manage.

147. Another man told us that the hotel room he was staying in had a leak in the ceiling which meant his mattress had been soaked and there was now a bad smell. When he complained he felt Mears did not listen. Another said when asylum seekers raised issues with Mears they could be reported by staff to the Home Office and would receive a warning letter if they complained too much.<sup>xv</sup>

148. Following the Park Inn incident, Savan Qadir of Refugees for Justice told us that

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<sup>xv</sup> The Committee asked for a copy of a letter which had been sent by the Home Office, but this was not provided.

lessons could have been learned but were not:

“What happened after that incident demonstrates what is wrong. The Home Office, Mears and the local authorities should have all learned from it that the use of hotels is wrong, and we should stop it. Instead, they started to expand them. There were only few hotels in Glasgow, but they have expanded them all around Glasgow and across Scotland. That shows a lack of care for human suffering”<sup>40</sup>.

149. The detrimental impact that the use of hotels had on asylum seekers’ mental welfare as well as access to other services such as education, transport and health was also highlighted.
150. Participants in our engagement sessions reported that when they were able to play football or go swimming or take part in other leisure activities, this had a very positive impact on their well-being.
151. Phil Arnold argued that spending long periods in rooms, often without a window, has a “serious mental health aspect” but that “the nature of trauma can often go undisclosed for a long period”. He spoke about his organisation’s “grave concerns about the use of institutional accommodation and how it might trigger past traumas in people who have experienced persecution, trauma or torture in confined spaces across the world”<sup>39</sup>.
152. Other witnesses spoke of a lack of training of housing officers and hotel staff and that, in some cases, there has been a refusal to allow charities to engage with individuals in hotels. Selina Hales of Refuweegee said. “If I’d applied for a job in hospitality and I ended up being a detention officer, I might have some concerns over that”.
153. Baroness Kennedy felt the way hotel accommodation is being presented to the public is not honest. She told us the reality is that hoteliers, who previously ran low level hotels for backpackers, found this was a much more reliable source of income and “it became a much more profitable business for the people running such provision”.
154. She emphasised the difficulties for families who were sharing small spaces:

“It is hard for families with children when they are in a room that they must share with little ones. That is really tough. Even for adults, it is very difficult.” and highlighted the housing crisis across the UK. “Investment in housing should be a priority for the nation and I do not mean just in relation to people seeking asylum. We have not got housing sorted up and down the country”<sup>20</sup>.
155. Meals are provided in the hotels, but our engagement sessions brought to light some issues with the quality of food and its accessibility. Families who are living in hotels have no access to cooking facilities and found this particularly challenging. One participant told us she was initially housed in a hotel with her nine-year-old son and described this as “very difficult” as she had no cooking facilities and it was hard to do the laundry. The hotel she told us was far from amenities, so it was hard to access activities for her son. This had impacted on their well-being.

156. Another woman told us that she and her two children were initially placed in a hotel then moved to another hotel before moving to temporary accommodation which was a “huge relief” as she was able to cook for the first time. Other participants talked about the lack of privacy with whole families being housed in one room.
157. In response, Mr Taylor of Mears told us “we talk to service users about menus. We change the menus regularly, and we try to ensure that dietary requirements and people’s views are taken into account” <sup>42</sup> .
158. In a letter <sup>55</sup> to the Committee from Mears dated 11 July, Mr Taylor added:
- “Three meals a day are provided to all services users, menus meet NHS Eat Well standards and are nutritionally balanced, and menus are reviewed and changed regularly. Overall service user feedback on food has been good and we take on board any comments and requests when we design our menus and meal options. We make special provision for dietary or religious needs, medical needs, and food intolerances. All service users have a healthcare assessment, and any food or dietary considerations are supported, including allergies or food intolerance. Culturally/religion appropriate food is available and special arrangements are made to support observance of religious festivals and holidays such as EID and Ramadan. In addition to meals, we also provide snacks (yogurt, fruit, crisps, etc) and drinks such as juice, tea, coffee, and milk, available 24-hours a day, which is self-service”.
159. Emma Roddick Minister for Equalities, Migration and Refugees told us that placement of asylum seekers in temporary accommodation or hotels is a decision wholly reserved to the UK Government. She said:
- “Asylum seekers not having the right to work and not having recourse to public funds makes their placement in hotels very different to how it would be for other cohorts. We are clear that there is a time to use hotels and there are appropriate circumstances. However, we do not see asylum seekers waiting for a decision on their immigration status as an appropriate circumstance” <sup>20</sup> .
160. She said that it was important that “temporary” meant that but given the length of waiting times for decisions it “is not fair to use the word when we place asylum seekers in hotels in Scotland”.

161. The Committee heard wide-spread criticism of the use of hotels to house asylum seekers and is deeply concerned that this practice is becoming normalised and used increasingly and for longer periods of time. The Committee agrees with the overwhelming evidence that hotels and other forms of institutional accommodation are inappropriate and should only be used as a temporary measure where absolutely necessary. The Committee noted the significant negative impact that this form of housing is having on families, on individuals’ mental health and well-being.

162. The Committee heard conflicting accounts from Mears and from those who are housed by Mears. It notes that the Scottish Government meets with Mears

regularly to discuss issues arising and seeks clarity on the nature of the discussions which are taking place, who is present during these discussions, what areas are discussed and what mechanism is in place to ensure that agreed actions are taken forward.

163. The Committee has also been unable to ascertain the mechanism by which Mears is held to account by the Home Office or whether such a mechanism exists. The Committee asks that the Scottish Government write to the Home Office to seek clarification on what data and information is collected from Mears, the nature of this information and who scrutinises it.

164. The Committee notes the current housing crisis and that local authorities are struggling in general to provide appropriate accommodation for those who need it. It urgently seeks clarification on what steps the Scottish Government is taking to address this including data it holds.

## Dispersal policy

165. For the past 20 years, the dispersal policy has meant that asylum seekers have been dispersed in different regions across the UK. Glasgow is the only dispersal region in Scotland. Before this, an asylum seeker was supported by the local authority area they made a claim in. The dispersal policy sought to spread the responsibility for supporting asylum seekers, to reduce the pressure on some local authorities.
166. In 2021, the Scottish Government said <sup>27</sup> that at any time in the past ten years the average number of people seeking asylum living in Scotland and in receipt of Home Office support, has been around 5,000. Nearly all live in Glasgow.

## Potential impact of wider dispersal

167. The Illegal Migration Bill and plans for wider dispersal in Scotland will increase the numbers of asylum seekers across Scotland. Glasgow is well supported by a range of third sector and other agencies, but access to support for asylum seekers is less developed across the country.
168. Mears said there was agreement last year to wider dispersal across the 32 local authorities. However, there is an issue with the lack of properties available:

"The issues are around the impact of wide dispersal on local authorities across Scotland—particularly on health, education and social services—and how wide dispersal can be supported and managed while not conflicting with other projects, such as the Ukrainian, Afghan and Syrian refugee and unaccompanied children programmes, all of which require accommodation.

We are very concerned that we end up chasing the same properties".

169. John Taylor explained that by procuring property across greater Glasgow, the central belt, up the east coast to Dundee and Aberdeen the Lothians and eventually in all 32 councils he hoped the supply would catch up with the demand and they could end the use of hotels so that people would not stay in hotels for the period that they are there at the moment.

170. He recognised that moving people from a city created challenges but emphasised that there were no hotels procured in rural settings and instead housing was provided in smaller towns like Perth, Dundee or Erskine. He said:

"People would prefer to be in Glasgow, but we have made the commitment that we will have no more hotels in Glasgow due to the overwhelming demand on that accommodation."

"we need to make sure that, if we take properties on in Perth, Aberdeen or Dundee, we are able to provide that service to support people while they are in dispersal accommodation and waiting for a decision on their asylum application" <sup>42</sup> .

171. Caroline O'Connor from Migrant Help told the Committee that the situation with widening dispersal is a lot more complex than it used to be when people were based in Glasgow. She told us that, when a new hotel is set up, they tend to send a team in to work with Mears staff but it can be difficult to reach people in hotels. "They share phones among them; not everyone has a phone, or some have lost their phones on their journeys to the UK" <sup>42</sup> .

172. An ideal situation, she said, would be one where everyone passed through Glasgow initially where staff and support are concentrated and thereafter, they could be dispersed after they had had their initial contact. "In that way they would be familiar with working with us and other charities in the sector. That would be the best of both worlds" <sup>42</sup> .

173. Her view was that there needed to be quicker decision making from the Home Office on applications but also that affordable housing was urgently needed. "A solution needs to be found with regard to accommodation that people can afford. That is a UK wide problem" <sup>42</sup> .

174. Baroness Kennedy told us that the UK Government should take responsibility for ensuring adequate funding was in place. She said "If the policy is going to be run from the centre, the centre must take financial responsibility for things further down the road. The money should follow the problem" <sup>20</sup> .

175. The Minister for Equalities, Migration and Refugees, Emma Roddick said that the funding from the UK government on dispersal was inadequate and this was something the Scottish Government had highlighted. She said "There is a great deal of fear about increasing asylum seeker provision without extra funding. If the Committee were minded to back our calls for the UK government to provide more funding and clarity, that would be very welcome" <sup>20</sup> .

176. The Committee notes the challenges to local authorities that wider dispersal will pose and asks the Scottish Government to set out what preparations are in place to support them. It also seeks a commitment from the Scottish Government that it will work with both COSLA and directly with individual councils to identify issues that are unique to each of them.

177. The Committee recognises challenges faced by third sector organisations based outside of Glasgow and asks the Scottish Government to ensure adequate resource is available to them so they may continue to provide individuals with information about their rights and services available. The Committee agrees with calls for further clarity and funding from the UK and Scottish Governments for accommodating asylum seekers ahead of wider dispersal being rolled out and asks for an update from the Scottish Government on this following its engagement with the UK Government.

178. The Committee notes the suggestion that all asylum seekers could pass initially through Glasgow where staff and services are concentrated ahead of wider dispersal. It would welcome a commitment from the Scottish Government's to work with COSLA to review existing provision in Glasgow and consider options with a view to reporting back to the Committee.

## Trafficking and exploitation

179. One issue which was raised repeatedly as a potential consequence of both the use of hotels and the proposed Illegal Migration Bill is an increased risk of trafficking and exploitation of asylum seekers. Currently the Human Trafficking and Exploitation (Scotland) Act 2015<sup>56</sup> enables the Scottish Government to provide support for adult victims of trafficking.

180. In his evidence, Andy Sirel of JustRight Scotland told us that the Illegal Migration Bill will effectively strip the Scottish Government of the ability to provide this support to those who have been trafficked. JustRight Scotland was seeking legal advice on this point, and it is something that may be litigated on. He said:

“The 2015 Act is about Scotland discharging its obligations under article 4 of the European Convention on Human Rights and Article 12 of the European convention against trafficking. It will be prevented from doing so by the Bill. This is a constitutional quagmire for the Scottish Government because the Scotland Act 1998 prevents the Scottish Ministers from acting in contravention of the European convention on human rights, but the Illegal Migration Bill would compel them to do so. This is a situation in which victim centred support in a devolved area which has been provided for the last eight years and is working fairly well will be extinguished with the stroke of a pen in Westminster and the use of the words “Do not apply”<sup>39</sup>.

181. There will be, he said “inevitable legal challenges” but the people who will lose the support will be female survivors of sexual exploitation in Scotland “often on an industrial scale, and young lads who have been forced into cannabis cultivation serving organised crime in your communities” <sup>19</sup> .
182. His view was shared by Nick Hobbs of the the Children's Commissioner who said “I genuinely think that one of the most extraordinary parts of the Illegal Migration Bill is the extent to which it gold plates the business model for human trafficking”.
183. He told us if victims were not protected then traffickers would not be convicted, and it would make the job of the police much harder. The bill he said will increase the risk of exploited victims being subject to arrest, detention, charge and prosecution which is in violation of Scotland’s obligations under the non-punishment principle. In effect, the bill would make Scotland’s ability to meet its international obligations much harder.
184. Bronagh Andrew of TARA (Trafficking Awareness Raising Alliance) said the Illegal Migration Bill would create a ready-made group of vulnerable women easily accessed by traffickers.
185. She described how TARA support women who have been trafficked or exploited and want to claim asylum. They have monthly meetings with Migrant Help and Mears to make sure that the women are not housed in areas where there has been exploitation. We heard that, ordinarily women would go into housing in the community, but now it is hotels, and this practice may increase:
- “Unfortunately, hotels are easily identifiable. If I was a perpetrator I would know where to go.” Moreover, she told us that many women in hotels struggle with isolation and poverty and are therefore “acutely vulnerable to grooming by traffickers who will lie to them so that they go with them. We are concerned about that” <sup>41</sup> .
186. John Taylor of Mears told us that “safeguarding is at the heart of what we do” and that they worked closely with Migrant Help and other bodies to ensure they got the induction right and that people were aware of whom they could come to for help. He told us that Mears also work closely with the local police and TARA to ensure information and its services are known and made available. “It is a priority for us, but no one is going to be complacent about what is clearly a massive risk and a concern for everybody” <sup>42</sup> .
187. He explained that Mears also provides training for staff on site, its Welfare Officers, and security guards. Welfare officers he said, have training on issues dealing with trauma and vulnerabilities. Security guards, employed through accredited security companies, will attend some training sessions so that they understand cultural differences and sensitivities.
188. Caroline O’Connor of Migrant Help told us that it works with TARA and Police Scotland to provide support to victims and potential victims. She said risks “can arise equally in initial asylum accommodation as they can in hotels, so they have always been present in the system, and it is really important that accommodation providers have good staff who are alert to such things and can flag up any risks, say, from people they see hanging around the hotels” <sup>42</sup> .



189. Bronagh Andrew of TARA was concerned that if the new Bill was enacted it would be a disincentive for survivors of human trafficking to come forward. TARA already has to provide reassurance to women who are wary of those in authority. She said:
- “Quite often traffickers have told women that they are here illegally and that they will either be imprisoned or deported immediately if they come forward for support. At the moment, we are able to provide reassurance that that is not the case and that, with legal advice and access to the National Referral Mechanism (NRM)<sup>xvi</sup>, there is a degree of protection. If the bill is enacted, we will no longer be able to offer that reassurance so there will be a clear disincentive for survivors to come forward.”
190. There would also be she argued, a “knock on effect” in that they would not be able to link women with colleagues in Police Scotland and support them accessing justice<sup>41</sup>.
191. TARA is supportive of a Scottish NRM (National Referral Mechanism), that is more local and closer to the survivor and had done so prior to the Scottish Government introducing human trafficking legislation. They also raised concerns that the Illegal Migration Bill would disapply the power for the Scottish Government to create a Scottish NRM.
192. Bronagh Andrew said:
- “At the minute, the national referral mechanism is owned by the Home Office. That is a bureaucratic process by which named first responders complete an online form which goes to one of two competent authorities. Caseworkers within that authority can make a decision on whether somebody is potentially a victim and then on whether somebody is conclusively a victim. Those are very much paper-based decisions, and they tend to happen remotely from the survivor”<sup>41</sup>.
- “My concern is that clause 23 of the UK Illegal Migration Bill would disapply the Scottish Government's power to create its own identification and protection system which is why we are so shocked and alarmed by the Bill's contents”<sup>41</sup>.
193. Baroness Kennedy agreed that the use of hotels made people more identifiable and at risk of human trafficking and exploitation. She explained that if people are vulnerable, it is easier for traffickers to come and offer them accommodation “It is a slow grooming of people into the underworld, that is where people can end up”.
194. This risk was mitigated when asylum seekers are housed in community settings:
- “If people are integrated it is much harder for the traffickers to go in and source people to be young drug carriers or mules or people for sexual exploitation. People who live in hotels are readily identifiable. It makes the job of the trafficker so much easier. Also, because people have support networks and people to go to, trafficking becomes more difficult.”

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<sup>xvi</sup> NRM is a 'framework for identifying and referring potential victims of modern slavery and ensuring they receive the appropriate support'. This link takes you to the guidance for Northern Ireland and Scotland, updated August 2023: [Modern slavery victims: referral](#)

"The new legislation does not comply with the Convention of the Rights of the Child or indeed with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) as a note that pregnant women will be drawn into these horrors too. Of course, it does not comply with the European Convention on Human Rights either. I would say that it contravenes our basic common law, in that people are being denied the opportunity of due process whereby their cases are considered, and they can claim entitlement to asylum, refuge and sanctuary because they are fleeing for their lives" <sup>20</sup> .

195. Superintendent Dobson said that there is the potential with the new legislation for victims to be less likely to engage in the NRM process for fear they will be deported, and this could increase the risk of trafficking and exploitation conditions being fostered. This could result in "victims staying in those sectors and in hidden areas of the economy where they are being exploited, for example in agriculture where we have lack of food production workers because they may not feel as though they can come forward" <sup>41</sup> .
196. The Committee also heard that many asylum seekers are reluctant to contact the police directly. This was an issue that Mears and Migrant Help had also noted and told us they were working to address by ensuring their welfare officers on site are a first point of contact.
197. Chief Inspector Tomlinson praised third-party reporting centres, with whom women were able to engage and report matters, and these "continue to break down barriers for those who are fearful about coming to a police station". CI Tomlinson said "our pleas is that there continues to be more of those centres across Scotland. We continue to train more staff which is resource intensive for us, but it is vital to Police Scotland. Your support in this would be beneficial" <sup>41</sup> .
198. Gayle Findlay of COSLA spoke about advice given by COSLA to local authorities on raising awareness and encouraging victims to report crime. She said "We have a modern slavery human trafficking lead in our team. They meet regularly with local authorities and each local authority has responded to the equally safe strategy in many cases through a specific contact".
199. She explained that there has been a change in the law regarding the requirement for local authorities to report suspected cases of trafficking and modern slavery which applies to adults and children and that they were "working with the Scottish Government to develop guidance for local authorities on what that means" <sup>41</sup> .
200. Chief Inspector Tomlinson advised that Greater Glasgow division was the first in Police Scotland to have an asylum seeker liaison officer dealing and linking with Mears and attending the delivery and procurement meetings which are also attended by COSLA and the council.
201. Chief Inspector Tomlinson told the Committee they also have internal partnership working with their human trafficking team which link in with TARA. This gives them the "time and space to discuss any concerns with the hotels and assist with any developments" <sup>41</sup> .
202. They found that the notice period had been sufficient for their senior management

team and Mears' head of operations to introduce any plans and listen to local concerns. Their community policing officers also go into the hotels. Police Scotland told us that education is also part of their work particularly "educating staff and giving them an awareness of the asylum seekers and their vulnerabilities. We engage fully with staff and embed that work to ensure they have much greater awareness and can report any matters to us" <sup>41</sup> .

203. The Minister for Equalities, Migration and Refugees, Emma Roddick reiterated the concerns of the Scottish Government that, should the Illegal Migration bill pass in its current form, it would be severely limited in its ability to identify then support victims of trafficking because they would have the extra burden of not being able to come forward and explain their situation given the potential for their removal from the UK.

204. The Committee heard strongly expressed views that the Illegal Migration Bill will end protection for survivors of trafficked exploitation and modern slavery provided under the Human Trafficking and Exploitation (Scotland) Act 2015 ("the 2015 Act").

205. The Committee agrees that the Scottish Government must take clear action to maintain and safeguard access for all trafficking survivors, irrespective of nationality, to existing rights to support and assistance under the 2015 Act. The Committee urges the Scottish Government to develop guidance to ensure a robust and equivalent form of support and assistance is instituted to ensure no survivor falls into exploitation.

206. The Committee heard broad support for third party reporting centres including from Police Scotland and other support organisations as a way to identify and support vulnerable individuals who are unlikely to contact the police directly. The Committee requests an update from the Scottish Government on how these centres are working currently and whether it will consider providing further resource and training for more of these to operate.

207. The SRC proposes that the Scottish Government institute a devolved national referral mechanism for the identification of trafficking. Furthermore, it calls for a human-rights based trafficking identification and decision- making agency to provide an end-to-end anti- trafficking protection system. The Committee asks the Scottish Government to give consideration to these calls to provide protection for all victims of trafficking and exploitation as part of its longer-term strategy.

## Impact on children

208. A key focus of the Committee's work was to explore the impact that seeking asylum has on children who are stuck in the system sometimes for years.

209. Nick Hobbs from the Children's Commissioner said that no child should be living in a hotel regardless of legal status or who has responsibility for their care. "A hotel is not an appropriate environment. That is really important." He added "We have serious concerns about child protection and safeguarding risks which have been raised with the Scottish Government's child protection team – the risk of exposure to alcohol, drugs, and the risk of violence, criminality, and exploitation" <sup>40</sup> .
210. Other witnesses and those with lived experience raised concerns that there were insufficient communal areas in hotels or opportunities for children to socialise normally. Many children of asylum seekers wish to take part in activities, but simply have no funds to do so. This impacts on a child's wellbeing with the consequence that children are not participating equally with their peer group.
211. Selina Hales of Refuweege said "No one who is pregnant and has a two-year-old should have to exist in a single hotel room for six months, but that is what we see day in day out. We did not expect that space would be one of the most important things that Refuweege provides" <sup>40</sup> .
212. She also spoke about a situation where a woman and her two young children spent eight months in a hotel. As a result, the children became unwell because there was a lack of fresh, nutritious food. Families who had lived in hotels but were then moved to temporary flats or larger accommodation reported this as positive and allowed the children to integrate better and play as this was difficult due to the lack of communal spaces in the hotels.
213. John Taylor of Mears said "When we take on a hotel, we try to ensure that it has a communal area where we can create playrooms. We can and do work with voluntary organisations to ensure that toys, play spaces and books in various languages are available. If we move them into dispersal accommodation, we try to ensure we minimise the possibility of the need for a move to another school". However, he recognised that the situation was "far from ideal" but that it was about "doing the best we can to provide the environment that a child needs – a hotel clearly is not that" <sup>42</sup> .
214. Third sector organisations argued that there were additional barriers for young asylum seekers who want to attend university or college, because they are treated as international students and cannot afford the fees. This impacts on their mental health because they are unable to pursue their further or higher education and plan for their future. Since taking this evidence the Committee has noted this issue has resolved via The Education (Fees and Student Support) (Miscellaneous Amendment) (Scotland) Regulations 2023 which came into force on 1 August 2023 <sup>31</sup> .

## **Mother and baby units**

215. The Committee also heard of the negative impact the use of Mother and Baby units had on women and the early years of a child's life. Mears told the Committee their use has now ended.
216. In reference to the use of a mother and baby unit, Nick Hobbs said:

“That was not a hotel, but it shared many of the issues that appear in hotel accommodation to do with living in institutional-type accommodation. Mothers raised issues with us about food and nutrition, safety, physical and mental health, children’s development and the ability of children to access education and engage in play and leisure. Those are all significant and interconnected children’s rights issues. We have visited one of the hotels—I will not name it, because we need to be very sensitive about doing that—where mothers and babies are being accommodated. Again, exactly the same issues came out. Such environments create and exacerbate trauma and they exacerbate health issues, particularly mental health issues. We are concerned about children aged zero to two. The environment is not just impacting on an individual; it is impacting on an individual and their relationship with their child, as well as directly and indirectly on that child”<sup>40</sup>.

217. He told us that mothers felt they were failing but this was due to decisions made by the state outwith their control. “Of course, it is not their failure, it is the failure of the state to support them. It is the failure of the state to value them and their children as human beings to value the relationship between mother and child and to put in place what is needed to protect it”<sup>40</sup>.

218. John Taylor of Mears said that type of unit has been successful elsewhere but that it responded to feedback in order to improve:

“It is a very emotional area and I appreciate everyone has their views. We have talked to the Children’s Commissioner on multiple occasions. The Children’s Commissioner was concerned that the building did not meet the needs of mothers and babies in the way that it should. We took that on board, ended its use and used it for something different. We listen, we learn, and we do things for the best reasons”<sup>42</sup>.

219. Caroline O’Connor told us that Migrant Help had concerns about Mother and Baby units because there had been limited testing of their use and limited evidence, and felt more needed to be done to understand and evidence the impact on mothers and babies. She made reference to a pilot programme in London which is exploring the evidence.

## Unaccompanied children

220. Some witnesses raised concerns about the number of unaccompanied children in hotels and while local authorities are not able to prevent the use of hotels, it was suggested they do have the power to argue about the impact hotels will have on children’s rights. However, the local authorities we heard from told us there were no unaccompanied children living in hotels in Scotland.

221. Andy Sirel of JustRight Scotland said “There are unaccompanied children in the hotels. The Helen Bamber Foundation has just released a report that says that of the 1,386 referrals made to local authorities in relation to potential children, 867 were accepted as children. That means that two thirds of the kids who were referred were accepted as children. Under the Illegal Migration Bill, that would be too late; they would be gone. Those are kids who are dispersed as adults by the Home

Office. The point about bolstering the statutory sector is an important one. Glasgow City Council, I am afraid to say, has an unaccompanied minors hotel. That is just something that we have now" <sup>39</sup> .

222. The Committee heard that there are two types of unaccompanied child asylum seeker. The first are those who present as adults but are later assessed as children. The second are those who are unaccompanied children. With the former, the Committee was told that there is a high level of vetting in Scotland, so there have been few such cases, in contrast with England. With the latter, there have been over 300 children arrive in a planned way. Each local authority is required to take children in an organised placement. These children are not placed in hotels.

223. Gayle Findlay of COSLA said:

“because of the vetting that goes with being in Scotland and the distances that people are travelling there is a slightly higher level of vetting of those who arrive in Scotland. On their arrival it immediately falls to the local authority to provide services to those young people, to do an age assessment and to decide whether to move them out of their hotel immediately or to do a full age assessment. It is done on a case-by-case basis”.

“For unaccompanied asylum-seeking children there is a separate programme of asylum dispersal that COSLA oversees. Over the past year more than 300 young people have arrived in a planned if not very quick way in Scotland. Local authorities are allocated a number of young people whom they are mandated to take by the UK Government. There is a rota system in Scotland and each of the 32 local authorities is required to take unaccompanied asylum-seeking children. They then move on to an organised placement provided by the local authority”.

224. Speaking about age assessment, Andy Sirel of JustRight Scotland suggested that if the UNCRC is incorporated (under the UNCRC Bill) "... it can prevent things such as mandatory scientific age assessments. For those assessments, children are forcibly subjected to MRI scans to determine their age and, under the bill, if they refuse consent, they will be determined to be an adult....There are UNCRC protections that can come into place and really bolster what we can do here”.

225. Louise Long of Inverclyde Council said that unaccompanied children represent a challenging area for local authorities, particularly smaller ones, who are under pressure with more children and fewer spaces in their children’s houses or fostering:

“We are mandated to take children and we have a responsibility when we take children to make sure that they have a good placement are safe and are given an opportunity to flourish” (9 May). “We do not have any children in hotels nor would we. I could see in the future having no places in Inverclyde and having to place them outwith the authority at great cost. The finance relating to unaccompanied children does not pay for the cost of their placement even in our children’s houses” <sup>41</sup> .

226. Thomas Glen of Perth and Kinross Council said:

“When we move to full dispersal and Mears has to manage that and seek

accommodation outwith hotels a level of risk could be introduced with regard to the monitoring of where people have been placed and the potential for adults not to be adults but to in fact be children. We would suggest that is a risk with the full dispersal programme" <sup>41</sup> .

227. Gayle Findlay welcomed the introduction, by the Scottish Government, of independent child trafficking guardians as a follow on from the Scottish Guardianship service which tackles the issue of trafficking children. Guardian ship Scotland was launched on 12 June 2023 (see paragraphs 48-51 of this report). It means that anyone under the age of 18 who is a suspected victim of trafficking will be given an independent guardian and that anyone who comes through the unaccompanied asylum-seeking children service will also be given a guardian.

228. The Committee heard evidence from local authorities about unaccompanied children and was assured there are no unaccompanied children living in hotels in Scotland. However, it heard conflicting evidence from Andy Sirel of JustRight Scotland on this point and is frustrated that it was not able to clarify whether or not this is the case. It asks the Scottish Government to investigate and provide clarification on this issue as a matter of urgency.

229. The majority of the Committee has particular concerns about the impact the Illegal Migration Act will have for unaccompanied children as it includes a power to remove them from local authority areas. It calls on the Scottish Government to set out its plans on how it will safeguard children including unaccompanied children in Scotland in light of this new power.

230. The Committee further asks the Scottish Government what assistance it is making available to local authorities to ensure asylum seeking children who are living in hotels with their families and, who are facing barriers to participation due to financial hardship, are able to realise their rights.

231. The Committee welcomes the introduction of the new guardianship service for unaccompanied children seeking asylum and asks the Scottish Government for an update on its progress.

232. The Committee heard, and the majority agree, that the use of Mother and Baby Units is unacceptable. The Committee asks the Scottish Government to investigate the use of such units, and report back to the Committee.

# Relationship with Mears and key stakeholders

## Mears' contract with the Home Office

233. A number of witnesses including the SRC and the Maryhill Integration Network believed that a percentage of the profits made by Mears from its contract with the Home Office should be spent on supporting asylum seekers and local communities.
234. Graham O'Neill of the SRC said:
- “Around £3 billion a year is spent on the asylum accommodation support system in the UK. About 99 per cent of that money goes very quickly from the Treasury, through the Foreign and Commonwealth Office or the Home Office, depending on the year in which it is allocated, straight into the coffers of Mears, Serco and Clearsprings Ready Homes—those are the three asylum accommodation contractors—and the network that some of those contractors have of subcontractor companies or hotels that they do deals with to put asylum seekers in. None of it touches local communities, local services or refugees, of course—they get £1.30 a day. Think about £1.30 a day going to the refugee, with nothing going to the local community or services, and close to £3 billion a year going to private companies, and ask yourself the question: what is going on here?”<sup>39</sup> .
235. Pinar Aksu of the Maryhill Integration Network agreed:
- “On privatisation, the hotels are making millions from temporarily hosting people. If that profit was to be used in the local community, it would benefit the local community, it would benefit the people who are being housed and it would benefit the various services that that money would go back into. The millions of pounds of profit that is being made by hotels is outrageous”<sup>40</sup> .
236. There was a sense of frustration that requests made to local authorities by the third sector to fund projects were always met with the same response. Savan Qadir of Refugees for Justice explained that if they asked the local authority for something, they were told that no funding was provided by the Home Office and that local authority budgets were already stretched.
237. He suggested exploring a model where the Home Office could provide the council with money directly to use to build infrastructure, including housing and other support provisions. “That is an issue because, at the moment, Mears is not contributing a penny to schools, the NHS and other services; it is just sitting down making profit, and it expects councils to fill those gaps for them”<sup>40</sup> .
238. Baroness Kennedy said she would have preferred a not-for-profit organisation to deliver the contract and one whose priorities were not to shareholders’ interests. She told us “Mears made a lot of money over the Covid crisis out of the privatisation of certain aspects of our existence as did many other organisations. I do not feel that profit making in that area is a good thing. If we looked at the sums of money that were made at that time, I think that it would be a shock to our system”<sup>20</sup> .
239. In its opening statement to the Committee, Mears responded to these criticisms saying:



“Overall, we do not expect to achieve a profit margin from our public sector work of more than 5 per cent to ensure value for money and are “committed to ensuring that asylum accommodation is safe, habitable and fit for purpose and that it meets contractual and regulatory standards”<sup>42</sup> .

240. In a letter<sup>55</sup> to the Committee from Mears dated 11 July, Mears further responded to specific criticism from Baroness Kennedy that it had “made a lot of money over the Covid crisis” stating that this was not accurate. Mr Taylor said:

“Profits on the provision of asylum accommodation and support are capped by the Home Office and subject to contractual limitations and thoroughly audited Gainshare mechanisms. Further to this, in our Scottish Responsible Business charter, we commit to a margin of 5% on our contracts with Scottish Councils and RSLs to ensure that we remain value for money to the Scottish taxpayer”.

## Relationship with local authorities and local communities

241. The Committee heard conflicting evidence from Mears and from third sector organisations on the issue of prior communication with local communities when placing people in hotels. Graham O'Neill from the SRC said it involved next to no prior communication:

“Our experience is that next to nothing is done in advance of a hotel being procured by the Home Office and/or a private contractor. In relation to one of the hotels that was procured in Scotland back in October 2021—sadly, this practice has continued across Scotland and, indeed, the rest of the UK—the contractor, which, in this case, is Mears, will, at best, set up a network or forum or, more commonly, become part of a local forum. Mears will sit around the table with well-intentioned public sector and, particularly, community sector organisations basically knocking their pan in, to use an old phrase. They will be working as hard as they can to help people in need”<sup>39</sup> .

242. However, local authorities, Police Scotland and TARA advised that they had a good relationship with Mears and considered the monthly meeting as a good opportunity to troubleshoot.
243. Police Scotland also said they are involved in broader national meetings with Mears and COSLA and that support is provided through local policing divisions where there is a hotel, so there are discussions with a range of partners including local authorities, Mears, health and social care partnerships. Those discussions look at support that is in place and where it is lacking which may be different around the country, depending on the local authority.
244. Council representatives from Perth and Kinross and Inverclyde spoke positively about their relationship with Mears and about the diversity asylum seekers were bringing to their communities but also highlighted challenges in the limited support and activities for those housed within their areas for long periods and this was a key difference for areas outside Glasgow where resources were already in place.
245. In November 2021, we heard that Perth and Kinross Council, were invited, ‘more

likely instructed' to accommodate asylum seekers through the Home Office and Mears programme. Thomas Glen told us that they were initially advised that they would be receiving up to 70 men in a hotel in central Perth, within a couple of days. However, they advised that more time would be required to set up support. The Council has now accommodated 120 men in hotels.

246. Mr Glen described the local Mears presence as being positive and that they have a system locally that brings together a range of partners.

"The first couple of weeks were probably the most difficult. We have sought to work where we can make the experience better for those individuals.

However, we recognise that we have limited opportunities to offer anything more than a range of activities to make their time as productive as we can.

There is a lack of things for them to be able to engage with and some of the have been in the same accommodation for over a year" <sup>41</sup> .

247. Gayle Findlay of COSLA emphasised that after initial difficulties, things were improving. She said "what we're seeing now is that Scotland has a more planned approach, sometimes months in advance, allowing them to put plans in place. At the start of using hotels, local authorities were given 2-3 days notice, but now it is more like 4 weeks. This has allowed for more communication with the local community."

248. A lack of funding continued to be a significant issue with councils and third sector filling the gaps. She said "there is no money attached to the asylum hotels, so there is an expectation that community groups and local authorities are providing services for free" <sup>41</sup> .

249. Susanne Millar, Chair of the Scottish Asylum Dispersal Partnership Board, works with colleagues at Mears and the Home Office. She told us that the relationship with the Home Office and Westminster Government has at times been very difficult, but it is necessary to work in that difficult space. "We have worked hard to use the human relationship that we have with a number of folk in the Home Office and Mears to get the best that we possibly can for people who are settling in Scotland" <sup>41</sup> .

250. John Taylor of Mears reported positive working relationships with local authorities and the Scottish Government who they meet with once a month to ensure that it is "fully informed of the accommodation contracts and the issues that we are facing."

251. He told the Committee that in the lead up to their putting forward a hotel as available there is "substantial consultation with the local authority around services including education, health services and the police". Conversations, he said, took place between Mears and both statutory agencies and the third sector. Ultimately, the responsibility for the decision on whether a hotel was booked rested with Home Office.

252. Mr Taylor also recognised the challenges ahead "We will always work closely with the Scottish Government. I hope that we will work ever closer because the next couple of years could be very challenging. Wide dispersal changes the landscape significantly" <sup>42</sup> .

## Integration and community tensions

253. The Committee heard less positive reports from third sector organisations and individuals navigating the asylum system who felt the placement of people in hotels is creating barriers to community integration.
254. Third sector organisations highlighted the importance of relationship building and explained that the third sector can provide this role where there is expertise, but it must be allowed to continue to work with communities throughout the process.
255. In our engagement sessions, people reported that they found the lengthy periods of time spent in hotels particularly difficult and feel their lives are on hold; they are thinking of their families abroad and how to survive financially, and this can impact their ability to take up ESOL or engage in other activities. The high visibility of the hotels and lack of safeguards also undermines approaches to integration.
256. Representatives also raised concerns that the placement of asylum seekers in hotels and a failure to work with local communities beforehand is resulting in hostility, isolation and disconnection from society. A gap created by a lack of notice, communication and education can generate tension in the community and had the potential to provide opportunities for far-right extremists to target already vulnerable communities. One example was apparent in Erskine due to a lack of infrastructure there to support asylum seekers.
257. Superintendent Dobson of Police Scotland told us that they “have community impact assessment structures in place which provide a structured process whereby they can record, manage and monitor any tensions, mitigate risks and put actions in place.” She said that process was monitored both nationally and locally <sup>41</sup> .
258. Chief Inspector Tomlinson said that they were “mindful” of the tensions that can exist in local communities and that it is about “listening to people’s concerns properly and ensuring we take them into consideration when we put plans in place” but that they continually engage with communities at local level and national level.
259. John Taylor of Mears said that when the hotel was set up the police would also often come in to talk to the residents about community safety and understanding of cultural differences. He told us they must be very careful about who they could allow on site and must know the reasons for doing so as they “discovered that some people who wanted to come on site had other motives. There are a lot of far-right protesters, so we have to be very careful about who is allowed in. We ask that people come to us through voluntary organisations so we can agree access and make sure people are safe” <sup>42</sup> .
260. Much of the criticism from asylum seekers centred on issues arising within the hotels, difficulties in communicating with Mears and delays in their attending to issues such as maintenance requirements or broken appliances. John Taylor of Mears acknowledged that delays could be “frustrating” if two or three days were taken to respond when the residents feel it should be the same day. “Maybe it should be, and we are trying to make sure that we are responsive to those needs” <sup>42</sup> .
261. Baroness Kennedy emphasised that, in many cases, the Inquiry found that people

are anxious about complaining about problems and are reluctant to do so. She said “If you have come from a state where you were persecuted and the powers that be were authoritarian you might know that Britain is not supposed to be like that but you think that if you complain you might not get asylum”. The voices in their head are saying “Be careful what you say here as it may be held against you”<sup>20</sup>.

262. There was criticism too of the migrant helpline provided by Migrant Help UK. This echoed evidence that Baroness Kennedy heard during the Inquiry. She told us people complained that they would be “hanging on the phone for hours” without the resources to do so and who may be in distress. “It was very poor in its response to people who were in crisis and wanting help. I felt that the helpline, which is another privatised thing, was inadequate”<sup>20</sup>.

263. There were also calls to address the “dangerous” narrative in the press and from the UK Government around asylum seekers which is resulting in de-humanising treatment of people seeking asylum. Savan Qadir said “You talk about community tension. How did that tension start? It started from the top with the Home Secretary’s language, it started with “invaders” and went on from there. If we did not have that type of language, we probably would not need more officers to deal with the tension that comes with it. The UK Home Office is creating this environment in which communities are being set against each other. We do not need more police. I think that what we need is more moderate, compassionate language”<sup>40</sup>.

264. The Minister for Equalities, Migration and Refugees, Emma Roddick advised that the new Scots strategy is being refreshed. “It is important to keep remembering that, even though “new Scots” is an umbrella term for all different groups of migrants the groups are not homogeneous even among refugees and asylum seekers, they have various needs and expectation on arriving in Scotland.” She told us that the Scottish Government will engage with people who have raised concerns and ensure they are taken into account to ensure the strategy is relevant to them.

265. The Committee notes conflicting accounts of communication between Mears and local communities. Public sector organisations report positive accounts while third sector organisations are more circumspect. The Committee notes that public sector bodies, local authorities and Mears continue to work to build positive relationships.

266. The Committee agrees that it is vital that local authorities have as much notice as possible ahead of asylum seekers moving into an area to enable them to prepare local communities and services. The Committee asks the Scottish Government and local authorities, as part of their relationship with Mears, to continue involvement of third sector organisations at every step to ensure individuals have trauma informed organisations they can access.

267. The Committee agrees that issues highlighted in this section are best addressed in Scotland and calls on the Scottish Government to ensure that Scottish public sector bodies, for example Police Scotland and the Health Service, are able to

access training and understand the implications of the Illegal Migration Act so that problems can be resolved locally.

268. The Committee asks the Scottish Government to be proactive in their discussions with the Home Office countering the extensive evidence heard around the “hostile” narrative and encouraging the use of more compassionate language. The Committee agrees that this is the responsibility not only of the Scottish Government but for all elected representatives across the UK.

## Third sector support

269. Third sector organisations told the Committee about the range of support they provide to asylum seekers, including those in hotels, but their resources are stretched. This includes provision of food, toiletries, clothing, language support and companionship as well as organising classes and art therapy for children.
270. Those working in the Northeast of Scotland faced particular challenges as there was less infrastructure there. They told us there is often little time to prepare for the arrival of asylum seekers before dispersal is announced.

271. Maria Jose Pavez of Grampian Regional Equality Council said:

“It is very important that we have access to the hotels. At the same time, that access is important because it allows us to raise awareness of the other services and organisations in the community so that people can go to them, too. That gives people agency and the capacity to choose which organisations to go to. It is key that, when we go into the hotels at the beginning, we raise awareness of the various services that are available and say that people are welcome to go out into the community to those organisations. For example, GREC provides support with casework, language and integration—there is a language cafe every week. It is very important that, when providing those services, we do not bring them all to the hotels, because that is not conducive to integration”<sup>40</sup>.

272. John Taylor of Mears said that it asks voluntary organisations to go through them, to agree access “and make sure that people are safe and that there is no poor behaviour, which is more than possible. The security and safety of the residents must come first”<sup>42</sup>.

273. The Minister for Equalities, Migration and Refugees, Emma Roddick told us that the Scottish Government has provided more than £2 million from two funding streams. Much of the funding from the ending destitution strategy goes to the British Red Cross to provide crisis grants to people who are at risk. She said:

“It is very difficult to continue to fund at such levels to mitigate failure in the UK Government’s immigrations system given that that is not something that we are able to change. However, we have a duty to try to make things better around the edges. I would much prefer to make big changes to the rights and entitlements of asylum seekers by saying that we will remove NRPF and give

people the right to work. Given that we cannot do that we are left to provide crisis grants and other support through different means" <sup>20</sup> .

274. The Committee recognises the importance of the Right to Work for Ukrainian refugees and believes that all asylum seekers should be able to work in Scotland. The Committee therefore asks the Scottish Government to engage with the UK government on this issue, specifically on either granting the right to work for asylum seekers across the UK or devolving these powers to Scotland and to be kept informed of these discussions.

275. The Committee also recommends that the Scottish Government works closely with third sector organisations on development of any new policy, including allocation of funding streams, to ensure resources are focussed where they are most needed and the geographical inequalities that exist in the current system are tackled.

## **Access to support and services**

### **Travel**

276. The Committee heard that there are difficulties in accessing immigration advice for asylum seekers in Aberdeen, and people need to travel to Glasgow.

277. The cost of travel was also referred to as a barrier to various other types of support. Assistance with travel costs is often provided by third sector organisations. There was a pilot scheme in Aberdeen offering asylum seekers bus passes for six months, and there is a current pilot scheme in Glasgow. Despite the widening use of hotels across Scotland, evidence suggests a lack of resources in different local authorities to provide the support required.

278. Pinar Aksu told us that one of the biggest campaigns they were working on was for free bus travel:

"It would make life a little easier for people who are living in such horrific conditions. It would give the opportunity to travel to people who are living in Aberdeen, Falkirk or Edinburgh and who are trying to access their legal rights and the right to have representation. It would provide them with the opportunity to travel to different services or college or simply to go to a more populated area to meet friends" <sup>40</sup> .

"We feel that in cases in which people are put into hotel accommodation in rooms that have been described as their cells it would literally save lives" <sup>40</sup> .

279. Bronagh Andrew of TARA was also supportive of free travel. She told us "we already use some of our funds to provide women with bus passes because that is essential for their recovery, as it minimises social isolation and allows them to

access education and other opportunities" <sup>41</sup> .

280. Participants in the informal engagement sessions told us free bus travel would make a huge difference and would enable asylum seekers to feel less isolated, to see the city, socialise and travel to access their GP or solicitor.
281. They talked about their allowance being £5 a day and a bus pass being around £5 a day which meant they had the choice between eating and travelling. One man told us "When I'm stressed, everything about me goes down. So bus passes would be a big help". Another said "If you are shopping you need to use the bus and a pass would be very useful. The local shop is so expensive but the next shop is 15 minutes by bus or more than 30 minutes walking which is hard with heavy bags."
282. The issue was more acute in rural areas. One support worker supporting the engagement sessions told us there were problems in the highlands as the transport links were not as good. Charities were supporting many asylum seekers from all areas to afford to access transport.
283. In oral evidence, the Minister recognised there is evidence of a need for concessionary bus travel. She told the Committee that the Scottish Government's approach has not been exclusive of asylum seekers and that the current concessionary travel scheme allows for asylum seekers who meet the criteria, including those aged under 22 and over 60, to access free bus travel. That encompassed around a third of all asylum seekers living in Scotland.
284. She told us that the Scottish Government are exploring how best to provide bus travel with a pilot currently running in Glasgow building on knowledge from third sector organisations. The pilot will provide information on the cost of extending the concessionary scheme or making other provision as with a wider dispersal policy transport needs elsewhere will be different between suburban and rural areas and they need to know the costs of that.
285. The Committee heard that free bus travel for all asylum seekers would make a huge difference to the quality of their lives. This is often provided by third sector organisations and would allow those resources to be redirected in other ways.
286. The Committee welcomes the scheme that existed in Aberdeen and the pilot scheme running in Glasgow and recognises the importance that provision is costed to ensure it could also be rolled out to rural areas. The Committee believes that an extension of the existing national concessionary scheme to include all asylum seekers would be transformative and supports the call for country-wide provision. The Committee asks the Scottish Government to develop and report to the Committee, prior to the end of this parliamentary session, a plan for Scotland-wide roll out following the analysis of data and other information gathered from both the free travel scheme that operated in Aberdeen and the Glasgow pilot.

## ESOL (English for speakers of other languages)

287. ESOL forms part of the Scottish Government's approach to support refugees and asylum seekers through the New Scots strategy which refers to language as "crucial to all elements of integration".
288. The Scottish Government's webpage for ESOL <sup>57</sup> indicates that it funds a number of organisations to deliver classes, programmes and other support for teaching English to speakers of other languages.
289. COSLA's Migration Scotland webpage provides guidance on planning or delivering ESOL for refugees <sup>58</sup> (2017) who have been resettled in Scotland, through the various resettlement schemes.
290. However, the Committee heard that there is inconsistent provision of ESOL across Scotland. Lack of access to ESOL was a key issue raised by participants in the informal engagement sessions.
291. Participants expressed their concerns that there were not enough places on courses, long waiting lists often of more than one year and that restricted their opportunity to integrate leading to feelings of isolation. One participant living in Falkirk told us there is "no access at all" to ESOL.
292. Others reported that they had tried to self-learn by watching TV and YouTube videos. Participants told us that because they had little English and are unable to access ESOL provision they would tend to go to their cultural stores for shopping as this made things easier, but these shops were more expensive.
293. There were positive reports too. One participant spoke of a good experience on an ESOL course with a good teacher but was concerned that college budget cuts may mean the course could no longer run.
294. Charities told us that they do what they can but there is no overall strategy. There is no guidance available on providing ESOL and no one seems to be responsible. Migrant Help said it would welcome further funding on ESOL; it would help with employability and access to services.
295. Dr Sarah Stewart of Friends of Scottish Settlers said:
- "On ESOL, the council will do what it can, it might be able to fit a few people in one class or other, but we have 50 people in one hotel. We have been working with the college. We have talked to our MSP and there was some funding available but that stops in June and is only for 16 of the guys."
- "It would be good if there were a person whose responsibility this was. However, people are always being shunted around to one person or another on the council to see if they can get put into something That is not a strategy. I cannot emphasise enough how unfair that is on local people to have to try to patch together an ESOL strategy" <sup>40</sup> .
296. One suggestion to free up resource came from the Children's Commissioner, Nick Hobbs who said "One of the things the Scottish Government could do was open up further and higher education to the young people who do not need ESOL. That



would free up provision for those who need it" <sup>40</sup> .

297. Gayle Findlay of COSLA told the Committee it would have welcomed continuation of the ESOL strategy, copied by Wales and England. "We seem to have stepped back from that which is disappointing." (9 May). Instead ESOL is now a small part of the Adult Learning Strategy with the funding sitting separately with the Scottish Funding Council. She explained that funding that goes to colleges is very limited:

"It should be shared through the ESOL partnership among providers in local authorities whether the provider is a local authority a college of a third sector organisation depending on the need. Due to cuts and some of the constraints relating to acceptable learning targets a lot of the funding for entry level and informal learning that people benefit from when they first arrive in the country has been cut. I am also aware that there are huge waiting lists across the whole of Scotland" <sup>41</sup> .

298. She explained that there are good examples of colleges, local authorities and the third sector working in partnership, but they were suffering from a "significant lack of resources and an increase in demand from Ukrainians, Afghans and other asylum seekers" (9 May). She said they had tried to work with the Scottish Government to try to address this but "have not moved forward significantly" <sup>41</sup> .

299. Asylum seekers and third sector organisations emphasised the importance of access for asylum seekers to ESOL provision as soon as they arrive in Scotland.

300. However, the majority of evidence suggests that there is inconsistent provision and access to ESOL. The Committee recommends that the Scottish Government reviews its ESOL policy and sets out how it intends to ensure individuals have consistent and appropriate access across all areas and how this will be funded.

## Interpreters

301. Several witnesses also made reference to a shortage of quality interpreters in Scotland, and that it can be difficult to access these. However, we noted that Mears, Migrant Help and Police Scotland have their own contractors in place and Migrant Help said it can get an interpreter online within two minutes 90% of the time. Mears said that their staff have immediate access to interpreters via the LanguageLine app.
302. Police Scotland also has its own set of accredited interpreters. Superintendent Dobson of Police Scotland explained that as part of their checks and balances, interpreters must come in and that this was an area that was "continually looked at". "An example of that is the impact of the Ukrainian war. We look at whether we need to change given the need and demand. That issue is managed centrally by my team" <sup>41</sup> .
303. Gayle Findlay of COSLA told us that local authorities have contracts with various

companies that they use but as COSLA do not necessarily work specifically with asylum seekers they do not regularly use interpreter services.

304. Louise Long of Inverclyde Council explained that there are different interpretation services that they can access relatively easily. “The NHS can access interpretation services and Mears has provision. Sometimes, given some of the language issues, it might well be that interpreters are not as easily accessible as we would like them to be. However, there is a whole range of mechanisms including telephone to support us if we run into difficulties” <sup>41</sup> .
305. Bronagh Andrew of TARA said “Our sympathies have been with Police Scotland as it has tried to get access to interpreters for particular languages. We have experienced that too. For local authorities and the Scottish Government, it is about ensuring vulnerable individuals are at the centre of what we do and resourcing services to meet those individual needs as much as possible” <sup>41</sup> .
306. One suggestion from Bronagh Andrew was to have good practice guidance on the use of interpreters. She gave the example of Glasgow’s violence against women partnership which has good practice guidance and because support providers are quite closely linked in Glasgow, they were aware of where there are shortages. “It is for interpreting services to look at what they can do to encourage more people to become interpreters and to “professionalise” the service” <sup>41</sup> , she said.
307. The scale of the challenge is huge. Susanne Miller explained that in Glasgow there are over 150 languages and dialects spoken in schools:
- “As local authorities or health and social care partnerships we can be in sensitive circumstances with people, so we need to be careful with our interpreting services and how we use them. We have to be constantly vigilant about that. There is constant pressure on availability but also, at points, the complexity of our interactions with people means that we have to be really careful. It is another area in which it would be fair to say that any and every local authority in Scotland would welcome additional resources” <sup>41</sup> .
308. Lack of access to good quality interpreters was a key issue raised by participants in the informal engagement sessions. One participant said “They don’t always interpret the words said”, Another said “They forget so make stuff up”. One participant told us that she has to “stand in” as a translator for friends in different sessions and explained that when you phone Migrant Help the first option is to “tell you in English to pick a language” which is not helpful to someone who does not understand English.
309. Many felt there needed to be a better vetting process for interpreters and referred to a lack of trust in their interpreters and being unsure whether they had the relevant training or were interpreting what was being said correctly. One participant said “It is shockingly easy to qualify as an interpreter” and “every word counts in a person’s asylum journey so it must be accurate. Any inaccuracy creates further delay and frustration”.
310. Another participant noted a particular gap in the provision of Urdu, Persian and Kurdish interpreters.
311. Emma Roddick, Minister for Equalities, Migration and Refugees told us that the

provision of ESOL was challenging and “the current demand for services for people who are displaced from Ukraine is putting a lot of pressure on providers and increasing waiting times” but that the Scottish Government was looking at ways to support that.

312. She told us that there is funding issue because asylum dispersal is not specifically funded by the UK government, and they do not have control over what sort of or how much ESOL provision is needed but still have to provide it. She said colleges are currently working with community planning partnerships because there is different need and demand in different areas. “It is important that local communities can feed into that to ensure that provision is based on local need” <sup>20</sup> .
313. Ms Roddick advised that the Home Office holds overall responsibility for the delivery of translation and interpretation services. However, asylum seekers in Scotland have the same access rights to interpretation as refugees do. It is provided at the point of need.

314. The Committee heard evidence of a lack of quality interpreters and that in some circumstances this has resulted in a lack of trust in the service provided.

315. While there were suggestions that a system of accreditation or standardisation of interpreters may provide a solution, the Committee recognises that this could create its own difficulties given the number of languages required and the time it would take to put such a system in place. One suggestion that may address some of the challenges would be to put a code of practice in place. The Committee would welcome clarification on the provision that is currently in place and where the Scottish Government is working to make improvements.

### **Access to health and mental health support and services**

316. Dr Koruth of NHS Greater Glasgow and Clyde explained that the health service is available universally to asylum seekers and refugees. She told us that within Glasgow, there is an asylum health bridging team who do initial health assessments of new arrivals and they are then linked with relevant health services. The focus is on a trauma informed approach and being culturally informed. She said:

“For mental health needs our service is a psychological trauma service. We work with people at the more moderate to severe end of complex post-traumatic stress disorder. We therefore see a large proportion of asylum seekers and refugees who meet our referral criteria. The other mental health services in Glasgow equally respond whether those be primary care or community are mental health teams” <sup>41</sup> .

317. One issue raised was the cultural differences in understanding of mental health and how mental health services are delivered in Scotland. Dr Koruth said:

“We talk casually about mental health now in Scotland but not all countries have the same understanding of it. Even when we broach the matter with

people from different countries some education and information must be given in a sensitive manner. It is about talking about the impact of what they have been through, how that affects them in their life now and what support might be available to help them with that. In some countries, how mental health issues are dealt with might mean people being removed and institutionalised instead of mental health being viewed as a broad spectrum as we might view it" <sup>41</sup> .

318. Dr Koruth explained that it is hard to know whether asylum seekers feel they are able to access mental health services "We receive regular referrals. There is awareness and people are accessing services and know how to do so but information is unknown about other people who do not have that awareness. I do not know what awareness campaigns there are or how to build that awareness in community bases" <sup>41</sup> . She suggested we could think more broadly about how we can inform asylum seekers and refugees about the services that are available.
319. This was echoed in evidence from Baroness Kennedy who said the inquiry found that people may not recognise that they have mental health problems as they have fled countries that do not have mental health provision or mental health is not talked about. "We really need to take account of that" she said.
320. Following the Park Inn incident, she told us the Inquiry also found a lack of training for staff working in the hotels and they were not equipped to deal with issues such as mental health which they were suddenly expected to deal with. "They were not people with skills in social work or counselling. They were guys who used to change the lightbulbs in properties that Mears ran" <sup>20</sup> .
321. Participants in the informal engagement sessions told us that they often felt helpless when trying to access health services and registering for a GP, for example, it could be more difficult if asylum seekers were moved around. There were also language barriers. Others told us that there was often uncertainty about what their rights were in relation to access to healthcare. Others emphasised the trauma that many asylum seekers had experienced but that they were not readily able to access community mental health support.
322. In oral evidence, John Taylor of Mears told us that welfare officers in the hotels go through a series of training sessions around dealing with trauma and vulnerabilities and that they are fully trained. He told us the security guards are employed through accredited security companies and are fully trained but that "we make sure they also go through some of our training sessions so that they understand why they are in that hotel and that they understand the cultural differences and sensitivities" <sup>42</sup> .
323. Furthermore, in a letter <sup>55</sup> to the Committee dated 11 July, John Taylor Mears responded specifically to Baroness Kennedy's criticisms:

"I have already supplied to the Committee a full listing of all mandatory courses attended by WSOs, to help them identify asylum seekers with mental health issues which includes skills on de-escalating situations. It is important to differentiate the role of dedicated WSOs in hotels from the roles undertaken by Housing Managers in the Dispersed Accommodation estate. Hotel staff receive specialised training, including on mental health, for working with

asylum seekers. The safety and welfare of our service users is of the utmost importance to Mears, and we have in place a team of Welfare Support Officers who are on site at hotels daily and on call 24 hours a day. We coordinate closely with the NHS, who are responsible for healthcare provision for asylum seekers, including mental health support. As part of Mears' Safeguarding responsibilities, Mears Welfare Officers make regular checks on service users, record any mental health concerns, and raise with the NHS for appropriate support."

324. One of the recommendations from the Inquiry was that Mears should put an amount of money into providing a mental health and wellbeing service for asylum seekers and refugees. However, Baroness Kennedy advised that there had been no movement on that. "We had hoped that of its own volition Mears would decide that it ought to provide such a service given what had happened. Many of the people who survived the incidents were still suffering their consequences. The floors were awash with blood in the hotel where the crisis took place. We thought that if Mears had any good sense, it should have been funding therapeutic help but none of that was forthcoming" <sup>20</sup> .

325. In the letter <sup>55</sup> to the Committee dated 11 July, Mr Taylor rejected that assertion. He said:

"This is not accurate. Following the Park Inn incident in June 2020, Mears offered all service users 1-1 counselling sessions with a clinical psychologist, who then made referrals as appropriate. Mears also worked closely with the NHS to arrange initial trauma counselling and ongoing support. Mears moved service users out of the hotel on the same day, initially into alternative hotel accommodation and following individual mediated discussions with support from SRC, all were moved into suitable dispersed accommodation. Mears welfare officers continued to check in regularly with service users and work with the NHS Asylum Health Bridging Team to arrange any further support needed."

326. Susanne Miller advised that following the Park Inn incident, and concerns raised about mental health support, she sought funding for a proposal to put support in place. That request to the Home Office was unsuccessful, but the Scottish Government agreed to fund a pilot project. She said:

"I hope that we will be able to demonstrate that the project will support mental health and wellbeing so our argument would likely be that it should become part of the contractual arrangements that the Home office has with the providers" <sup>41</sup> .

327. Baroness Kennedy was of the view that mental health, physical health and support services are much better managed as a devolved matter by the Scottish Government. However, she said, while delivery should be handled by local agencies on the ground, funding needed to come from the UK government to make that happen. She also criticised the profit-making element. "There is something absolutely repugnant about profit being made from such a thing as dealing with people in crisis who have serious problems. I personally have a very strong position on that" <sup>20</sup> .

328. In oral evidence, the Minister responded to concerns raised. She said “I completely appreciate the points about mental health impacts and support. We are working with a Glasgow-based mental wellbeing project to better support people who are facing such challenges” <sup>20</sup> .

329. It was clear from the evidence heard by the Committee that many asylum seekers have experienced trauma before they reach Scotland and that this can have a significant impact on their wellbeing. The Committee learned that there are also cultural differences in understanding, mental health and how mental health services are delivered in Scotland. The Committee welcomes the work of the asylum health bridging team who carry out initial health assessments in Glasgow.

330. However, the Committee heard that it is hard to know whether asylum seekers feel they are able to access mental health services in Scotland and that building awareness in community bases is vital to ensuring everyone receives the help they need. Education and information about services is key. The Committee calls on the Scottish Government to ensure information about support services reaches individuals not only in Glasgow but across all local authority areas.

331. Baroness Kennedy suggested that there may be value in the funding of counselling courses so that training could be put in place to support those who require mental health support but do not need access to a doctor. The Committee asks the Scottish Government whether it intends to increase the provision of counselling places in Scotland.

## **The Ukrainian experience**

332. The Committee heard broad support and praise from witnesses for the difference in approach taken by the UK and Scottish Governments with Ukrainian refugees where there was widespread education and preparation, and local communities were informed about the use of hotels. There was a sense that Ukrainian refugees were treated with more compassion, dignity, and respect and that this was not always the experience of asylum seekers from other countries.

333. The Scottish Government is a supersponsor <sup>11</sup> for the UK Government’s Supersponsor scheme and provides accommodation for displaced Ukrainians it sponsors where required. This can be temporary ‘Welcome’ accommodation or longer-term accommodation, which is available for at least six months.

334. To create temporary accommodation capacity, the Scottish Government chartered two cruise ships <sup>59</sup> (in Edinburgh and Glasgow) to provide Welcome accommodation. As of 14 February 2023, the Scottish Government estimated <sup>60</sup> that around 6,200 people were in Welcome accommodation – 4,070 in hotel rooms and 2,130 on the cruise ships.

335. The contract for the cruise ship in Glasgow ended at the end of March 2023, and the one in Edinburgh ended at the end of June 2023.
336. A lack of supply in longer-term accommodation was identified as one of the main reasons for pausing the Supersponsor Scheme in the Scottish Government's review. The review proposed the use of a 'Ukraine Longer Term Resettlement Fund' as well as considering modular housing (prefabricated housing) to create additional longer-term accommodation capacity.
337. Thomas Glen told the Committee that Perth and Kinross Council became home to around 500 Ukrainians during that time, and it had been both a positive and challenging experience "In our opinion, the Ukrainian supersponsor programme has exacerbated the challenge in Perth and Kinross. Having said that we have had some fantastic experiences involving communities coming together and welcoming Ukrainian refugees into our areas" <sup>41</sup> .
338. Louise Long of Inverclyde and Glasgow also spoke about the impact of the Ukrainian scheme and other resettlement schemes. She told us that refugees had been welcomed, but it had not been without practical challenges in terms of housing and the provision of services.
339. Gayle Findlay of COSLA advised that a lack of available housing in the private and social rented sectors continued to present a challenge in moving people onto more settled accommodation. Thomas Glen agreed that "if full dispersal is rolled out across Scotland, that will add to housing pressure and there are particular challenges in rural areas."
340. The Minister recognised the differences in treatment between the Ukrainian and other asylum seekers in that displaced Ukrainians have the right to work and access benefits. "I can completely understand why someone seeking asylum would look at the support that has been given to Ukrainians and wonder why it has not been extended to everyone else, but the unfortunate answer is that we do not have the ability to treat asylum seekers in the same way" (20 June). "I think that 85 percent of those in Edinburgh are in work. They are also able to access services in Ukrainian due to the large cohort that have very similar needs and backgrounds."
341. Ms Roddick told the Committee that the success of the Ukrainian supersponsor scheme demonstrated what could be done if "we take an approach of treating people with dignity and respect, allowing them the right to work and making sure that varied types of accommodation are available to them based on their needs. We saw the working between local authorities, council representatives from across Scotland came on the ship to speak to people about what was on offer in their area. That is a great demonstration of what can be done if we take the human rights approach" <sup>20</sup> .
342. The Committee noted the positive response from witnesses to the supersponsor scheme which, while not perfect, showed what positive outcomes are possible when sufficient preparation and education are put in place for local communities ahead of asylum seekers' arrival. The Committee notes that the Scottish Government and all of us can learn lessons from this scheme to apply to other refugees and asylum seekers where it can.



343. However, the Committee also noted the existence of the supersponsor scheme increased pressure on local authorities and calls on the Scottish Government to set out plans to address housing pressures in local authority areas, particularly within the rental market, and report on these plans to the Committee.

## A changing situation

344. Since the end of its inquiry the Committee has been advised of a number of developments in asylum policy.
345. In a strongly worded letter<sup>61</sup> from the SRC to the Committee dated 24 August 2023, Graham O'Neill noted a "hardening" Home Office approach to asylum over the summer period and sought to highlight two "notable and worrying developments" in asylum policy that affect Scotland.
346. Firstly, it said, there has been an "acceleration in the Home Office placing people seeking asylum into institutional accommodation in rural areas of the country" which are "not set up to handle large increases of new arrivals" particularly when there is "next to no funding to refugees, local communities or councils and health services". Accompanying the letter, the SRC provided a table detailing the current institutional accommodation in use and the intended sites across Scotland in the coming months.
347. Secondly, it said, a requirement by the Home Office that single adult asylum seekers will effectively be required to share bedrooms with unrelated adults of the same sex has been introduced on a UK-wide basis and the Home Office wish to apply this requirement in full across all of its institutional "contingency" accommodation where possible by the end of September.
348. The SRC states "For us, this is a sickeningly impersonal, unethical and deeply harmful requirement, ordered of vulnerable asylum seekers under pain of them being likely rendered street homeless by the Home Office, if they refuse." The SRC refers to recent Home Office correspondence to relevant Scottish agencies which advises that the Home Office will "inform" rather than "consult" with local authorities about the increase in capacity. The SRC states it has obtained written clarification from the Home Office that no direct funding will be provided to local authorities, health services or local communities in the areas that have institutional asylum accommodation to which this bedroom-sharing rule will be applied.
349. In the view of the SRC, if these new developments are "left unchallenged" it will lead to "widespread human and mental health trauma on refugees, a significant unmet need and pressures on frontline workers in the Home office system and those in local agencies" and that while £4billion<sup>xvii</sup> of public monies was spent on asylum support and accommodation in 2022/2023, "nearly all of that" was on "private interests, including the accommodation contractors Mears, Serco, Clearsprings Ready Home and Corporate Travel Management. This is a gross and dysfunctional distribution of public monies in plain sight."

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xvii NY Times news article: [The cost of the UK asylum system is nearly doubling to £4billion a](#)



350. The Committee notes the constantly evolving landscape in relation to asylum seekers, particularly now that the Illegal Migration Act has become law. In light of this, the Committee asks the Scottish Government to explore a radical, cross-governmental Scottish Humanitarian Strategy, with requirements for annual reporting and participation by key public bodies. This strategy could operate on a “protect not penalise” principle, connect with other policy such as anti-poverty and mental health, and break new ground into the serious and organised crime threat assessments.

351. This strategy could include a collaborative approach to data gathering, measurement and analysis to better understand the lives of people affected by the asylum system. It could also include guidance for public, private and third sector agencies involved in the system, with specific reference to Scottish legal obligations to families and individuals subject to No Recourse to Public Funds and unaccompanied children and young people seeking asylum and/or surviving trafficked exploitation and undergoing age assessments.

352. Further, the Committee recommends that the future Scottish Human Rights Bill explores a commitment to include refugees and trafficking survivors in the positive obligations on Scottish public authorities, in accordance with equalities legislation and international human rights law.

# Conclusions

353. In conclusion, while immigration and asylum are reserved matters, the Committee heard that there are ways the Scottish Government and local authorities can address some of the issues faced by asylum seekers in Scotland particularly with integration.
354. Andy Sirel of JustRight Scotland said we need to think about funding alternative accommodation sites and advocated serious consideration of a devolved national referral mechanism for the identification of victims of trafficking.
355. Graham O'Neill of the SRC wanted the Scottish Government and Scottish Parliament to reject the Illegal Migration Bill in its entirety and to take legal advice where there were barriers. He wants the Scottish Government to use all the powers available to it to ensure victims are protected from trafficking and exploitation.
356. The SRC are calling for a radical humanitarian strategy, which would build from work on existing policies. However, it was observed that it would also be necessary to deal with some issues urgently, rather than wait for the strategy to be drafted.
357. The SRC's long-term position is for "a human rights based identification and decision making system for trafficking survivors to complete the end to end process in Scotland that was started with the 2015 Act".
358. Nick Hobbs from the Children's Commissioner said the New Scots strategy could be bolstered with an emphasis on the UNCRC and international human rights obligations as he could not always see a connection between the strategy and the practice.
359. There was praise for the Ending Destitution strategy, as being well thought out and peer researched, in that it includes actions on accommodation, travel, education and legal advice. However, implementation of the strategy is constrained by funding to fully implement it, it is not constrained by goodwill.
360. There were calls too for further funding, in order for the third sector to provide a whole systems approach. The third sector also needs to be fully involved with the development of policy and funding mechanisms, both at UK and Scottish Government level.
361. Savan Qadir of Refugees for Justice, highlighted the importance of access to legal services for asylum seekers especially outside Glasgow where it was a challenge to find immigration advice. He suggested resources for legal aid and legal services could be ring fenced for people who are seeking sanctuary in Scotland.
362. On healthcare, Pinar Aksu of the Maryhill Integration Network, felt more could be done to educate asylum seekers on their rights, for example their right to register with a GP and that the mechanism for providing information could be further developed.
363. On mental health, there was a sense that asylum seekers and refugees have special circumstances and that there could be a different route for them to access appropriate services. Dr Koruth said we should think about how we could best

inform asylum seekers about mental health services which are available to them, particularly as people from different cultural backgrounds may understand mental health differently and may not recognise mental ill health.

364. Baroness Kennedy suggested that the Scottish Government could provide more courses for people to acquire counselling skills and recognise evidence of mental ill health. She said that our universities, further education colleges and community colleges in Scotland should provide opportunities for people to skill up in the kind of provision for people who do not need to be seen by a doctor or a psychiatrist but are in need of support.
365. An extension of concessionary bus travel for all asylum seekers could also be “life-changing” and was described as being “within the gift of the Scottish Government. This would also allow asylum support received to go further.
366. Provision of ESOL and interpreter services could also be improved.
367. Graham O’Neill said that we need to take the part of the third sector that deals with refugees and trafficking extremely seriously when it comes to the inception not just of policy but of funding mechanisms because people need to have accessible trauma informed organisations that they can access so that they have a chance of being safe in Scotland.
368. He said we need Scottish public sector bodies that have experience of and are in contact with people in crisis situations- the police, and to a lesser extent the Crown Office and the health service to understand what the Illegal Migration Bill will do.

# Solutions

369. In summary, there are specific issues identified that would fall within devolved competence:

- Finding ways around the Illegal Migration Act to support trafficked people
- Advocating for a devolved national referral mechanism<sup>62</sup> for the identification of victims of trafficking
- If, or when, the UNCRC Bill comes into force, it could be used to prevent mandatory scientific age assessment, forcibly subjecting children to MRI scans to determine their age, determining them an adult if they refuse consent
- A system where people pass initially through Glasgow where staff and support are concentrated before wider dispersal takes place
- Additional resource for third sector organisations who support asylum seekers
- Resource to extend third party reporting centres for victims of trafficking and exploitation
- Access to concessionary travel for asylum seekers in Scotland
- Education and information for asylum seekers on their rights particularly in relation to health and mental health as well as language support during appointments
- Additional resource for local authorities for ESOL provision and interpreter services
- Additional courses for people to acquire counselling skills and recognise evidence of mental ill health
- Access to legal services.

## Future planning

370. The Committee also notes some areas which responsible bodies, whether that is the Scottish Government, Parliament, local authorities or other public sector bodies, should or could factor into future planning:
- Consideration should be given to better accommodation solutions, and funding for alternative sites
  - Local authorities have highlighted the additional pressures that full dispersal might bring, regarding housing and further additional resources
  - Public sector bodies in Scotland who respond to crisis situations, the police, crown office and health service, need to really understand the impact of what the Illegal Migration Act will do
  - Consideration should be given for a human rights-based identification and decision-making system for trafficking survivors to complete the end-to-end process in Scotland that was started with the 2015 Act.

## Annexe A

371. The Committee received a significant amount of written evidence from organisations and individuals during the course of its inquiry. Submissions which have been accepted as written evidence by the Committee have been published on the correspondence section of the Committee's webpage: [Equalities, Human Rights and Civil Justice Committee | Scottish Parliament Website](#)
372. Minutes and the Official Reports from the relevant Committee meetings where oral evidence was taken can be found online for:
- [25 April 2023](#)
  - [2 May 2023](#)
  - [9 May 2023](#)
  - [16 May 2023](#)
  - [20 June 2023](#)
373. Notes relating to the private sessions undertaken by the Committee can also be found on the engagement section of the Committee's Asylum Seekers in Scotland inquiry webpage for both 6 June 2023 and 13 June 2023: [Asylum Seekers in Scotland inquiry](#)

## Annexe B

### Where do refugees and asylum seekers live in Scotland?

374. This short note refers to the available data that shows where refugee and asylum seekers are currently living.

### Asylum statistics

375. The Home Office publishes quarterly data on immigration<sup>63</sup>. This includes asylum and resettlement local authority data which shows the number of asylum seekers in receipt of government support, and the type of accommodation they are living in. This is broken down by:

- Contingency accommodation – hotels
- Dispersed accommodation – longer term housing
- Subsistence only – where an asylum seeker lives with a friend or family member

The latest available data is for year ending June 2023. It shows that there are ten Scottish local authorities housing 662 asylum seekers in hotels. This compares with 4,558 asylum seekers living in dispersed accommodation, most of whom are in Glasgow.

## Asylum Seekers in Scotland

### Scottish local authority asylum seekers accommodation data

Scottish local authority	Contingency accommodation - hotels	Dispersed accommodation	Subsistence only	Total
Aberdeen City	85	29	5	119
Aberdeenshire	39	0	0	39
Angus	0	0	1	1
Argyll and Bute	0	0	0	0
City of Edinburgh	39	0	6	45
Clackmannanshire	0	0	1	1
Dumfries and Galloway	0	0	1	1
Dundee City	0	0	9	9
East Ayrshire	0	0	0	0
East Dunbartonshire	0	0	0	0
East Lothian	0	0	1	1
East Renfrewshire	0	0	0	0
Falkirk	33	0	0	33
Fife	0	0	0	0
Glasgow City	139	4,488	67	4,694
Highland	0	0	0	0
Inverclyde	44	24	0	68
Midlothian	0	0	1	1
Moray	36	0	2	38
Na h-Eileanan Siar	0	0	0	0
North Ayrshire	0	0	1	1
North Lanarkshire	0	6	1	7
Orkney Islands	0	0	0	0
Perth and Kinross	101	0	1	102
Renfrewshire	84	2	5	91
Scottish Borders	0	0	0	0
Shetland Islands	0	0	0	0
South Ayrshire	0	0	0	0
South Lanarkshire	62	5	1	68
Stirling	0	0	0	0
West Dunbartonshire	0	4	0	4
West Lothian	0	0	0	0
Scotland total	662	4,558	103	5,323

376. Across the UK, as at end of June 2023, there were 117,450 asylum seekers. Of these:

- 50,546 were living in hotels, with a further 2,113 living in ‘other’ contingency accommodation
- 58,636 were living in dispersed accommodation
- 4,176 were receiving subsistence only



- 1,979 were in initial accommodation

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