



The Church of Scotland

Extract Deliverances and Reports from the
CHURCH OF SCOTLAND GENERAL ASSEMBLY
covering issues relating to
ASYLUM, REFUGEES AND MIGRATION
for the years
2002-2016

2002

DELIVERANCE

Church and Nation Committee

ASYLUM

20. Recommend the revision of the UN convention in order to strengthen refugee protection; and commend to them the needs and rights of those who have been forced to leave their homes for economic or environmental reasons.
21. Call on HMG and those of other developed economies to recognise the influence of their economic policies and the destabilising conditions which force migration.
22. Support the European Commission in its positive approach to Immigration and Asylum policy and in its recognition that a welcoming society must be central to the formulation of such a policy.
23. Urge Her Majesty's Government, the other European Union governments and the European Commission, to adopt a common action plan covering migration, common standards for reception of asylum seekers and a specific programme to combat racism and xenophobia.
24. Urge Her Majesty's Government to take a positive stance on migration issues and tackle negativity concerning asylum seekers.
25. Warmly congratulate local congregations in their efforts in offering support to refugees and asylum seekers, and encourage others to develop awareness of these issues.
26. Regret that recent British asylum policies have led to injustice and to a denial of human dignity.

REPORT

REFUGEES AND MIGRATION

The Committee has undertaken a three-fold examination of issues concerning refugees and migration. We ask firstly if our definition of a refugee is adequate to the world of today; we then look at how the search for a common European policy raises questions of common European identity; and finally we examine current developments in Britain concerning the treatment of those who come to live among us.

1. THE INTERNATIONAL SITUATION: WHO IS A REFUGEE?

Stories from Keith and Lai Fun Russell, Church of Scotland Mission Partners in Cairo working with Sudanese refugees:

Our refugees are fleeing Sudan mainly because of the chaotic war going on in the south of the country. It began as probably a religious war (Christian south v Islamic north) but it's degraded into an inter-tribal mess, with very few people able to explain its causes to the outside world.

Fundamentally it is to do with personal identity - whether you feel you are an African (the southerners) or an Arab (the northerners). Now that oil has been found the government is ethnically cleansing whole areas to allow for drilling/extraction of the oil - and it cares little which ethnic group gets in the way of its plans. It recently cleared an area of its Muslims by firing ground-launched missiles into their villages.

Our people are urban refugees, scattered round this vast city. They are extremely poor and seriously discriminated against. They pay exorbitant rents for their accommodation. They cannot educate their children, and they have no quality health care. Most hate living here and want to move on. Every year about 5,000 are resettled to other countries - Australia, Canada and the USA. The UNHCR (who determines whether or not they fit the criteria of refugee under the 1951 convention) is overwhelmed. Over 9,000 new people have arrived this year. It now takes 30 months just to get your first UN interview! The churches try to do what they can to help - but we too feel overwhelmed with the level of need/demand we see.

1.1 *The Scale of the Global Problem*

1.1.1 The last decade since the fall of communism, inaugurated with predictions of a "new world order", has seen the biggest global increase in the number of refugees in fifty years. When the United Nations Convention Relating to Refugees was agreed in 1951, there were approximately 2.1 million refugees; in 2001 there were over 27 million, with a significant increase since 1990 of those seeking refuge from war, persecution or famine.¹

1.1.2 Given the current concern frequently expressed in the UK about the number of refugees seeking asylum here, we need to be reminded that it is the poorer countries of the world that open their borders to most of the world's refugees. The overwhelming mass of refugees are to be found in host countries in Africa and Asia, though the largest refugee group remains the Palestinians, estimated at 3.7 million,² some of whom have lived in refugee camps for over fifty years. In the past decade, over three million Afghan refugees have been accepted by Pakistan, and that was before the present war in Afghanistan. Iran has catered for nearly 2 million Afghans and Iraqis with very little outside help; Thailand took one million refugees from Vietnam, Laos and Cambodia. Malawi, with a per capita income of \$170 per annum, and a population of nine million in the early 1990s, accepted

one million refugees from Mozambique in the war years. Guinea, which has a population of less than 7 million, supports 500,000 refugees from Sierra Leone and Liberia - a ratio 50 times that of the UK. Some of the poorest countries in the world support the largest numbers of refugees. The twenty countries with the highest percentage of refugees have an annual per capita income of US\$700. These figures put in perspective the approximately 80,000 UK applications for asylum in the year 2000.³

1.2 The 1951 UN Convention

1.2.1 The word *refugee* was precisely defined in the 1951 United Nations Convention Relating to Refugees as a person who:

owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, is unwilling to return to it.

1.2.2 The 1951 Convention applied only to European nationals. In 1967 a UN Protocol applied the terms of the Convention to any person in the world. The UK, along with over 130 other countries, is a signatory to the Convention and its protocol. The Convention and Protocol are the foundation of current international refugee law.

1.2.3 The Convention has been criticised for failing to deal with all the issues relating to refugees. It confers no right of assistance on refugees unless and until they reach a signatory country. It confers no right of assistance at all on "internally displaced persons". Millions of people have left their homes for fear of persecution, or because their homes are destroyed, but they have not left their homeland. The UN Convention offers no safeguard for them.

It imposes no obligation on governments not to persecute their citizens, or to guarantee their safe return.

It imposes no mechanism for preventing mass outflows, for burden sharing between states, for ensuring speedy assistance for those most in need, or for maximising the effectiveness of international resources.

It takes no account of the capacity of receiving states to cope with numbers of refugees. As stated above, most refugees in the world are in the countries least able economically to support them.

1.2.4 The UN Convention no longer addresses the economic and political world of the 21st Century. It was drafted in the specific context of Europe in the aftermath of a war that had redefined national boundaries and had created millions of homeless people. The drafters of the Convention could not have foreseen the major changes in the management of the global economy, in world politics, and in the fragile global environment, that have taken place over the past fifty years, and particularly in the last decade.

1.3 A wider definition of refugees?

1.3.1 The UN Convention did not address environmental factors in the creation of refugees; it is estimated that today there are approximately 25 million "environmental" refugees who have been forced to leave their homeland through the breakdown of some aspect of the environment. One stark example, the impending death of the Aral Sea, bordering the Central Asian Republics of Kazakhstan and Uzbekistan, illustrates the way intensive economic development can destroy an

environment once capable of sustaining a human population. For over forty years, water has been diverted from the Amu-Darya and the Syr-Darya Rivers feeding the Aral, to irrigate millions of acres of land for cotton and rice production in Central Asia. This has caused a loss of more than 60% of the lake's water., exposing large areas of the lake bed. The once thriving seaport of Muynak is now fifty miles from the sea. As the water retreated, salty soil remained on the exposed lakebed.

Karakalpakia, on the southern edge of the sea, with a population of over one million, has seen its land rendered barren by the salt borne by dust storms and even by the water used to irrigate the fields. Scientists in Karakalpakia predict a life for the region round the Aral Sea of less than ten years before it is turned into a desert. The point of this example for a report on refugees is stated by a doctor in Nukus, the state capital: *Since 99% of the Karakalpac nation lives within the boundaries of the Aral Sea, we may very well be witnessing the death of a nation as the result of human folly.*⁴

1.3.2 The Convention does not mention the need for economic improvement as a factor in the definition of a refugee. In recent years, however, the terms "migrant", "economic migrant", and "asylum seeker" are frequently used interchangeably with "refugee". The loose use of the words is confusing. The confusion may sometimes be deliberate. If the intention is to hold back refugees from entry to the UK, it can be implied that most of those who seek asylum are not "genuine" refugees but "bogus" economic migrants. But this distinction is inadequate in the face of the world tide of people on the move because their personal "economy", *ie* their ability to survive, has been threatened.

1.3.3 People may flee their homeland fearing persecution for reasons of "race, religion, nationality, membership of a particular social group or political opinion", but they may also flee their homeland because the physical environment or the economy has declined to the point where their survival is threatened. The argument of those who wish to restrict even further the entry of refugees to the UK can be turned round. Far from suggesting that many refugees are in fact economic migrants who are simply seeking a better life beyond their homeland, it can be argued that many who are called "economic migrants" should be considered as "refugees" who are forced to leave their homeland because they will starve if they stay at home. Most importantly, the West and North are not neutral observers of their plight but bear part of the responsibility for their plight. In that case, the question of why people become refugees leads us into questions of the global causes for people moving from more adverse circumstances to more favourable ones. We cannot answer the question of why people become refugees simply in terms of internal politics and discrimination within a country, while ignoring international responsibility for the environment, and the effects of a globalised economy and politics on the poorest of the world.

1.4 *Political refugees, economic migrants and global responsibility*

1.4.1 Economic migration has always existed, as people have always been driven by the urge to find a better life. Over 50 million Europeans migrated in the 19th Century, mostly to the Americas. But two factors over the past forty years have brought about an escalation of migration.

1.4.2 The first factor is the increasing and gross inequality between the economies of rich and poor countries, with hundreds of millions of people in conditions where life is almost unsustainable. But even within a poor country, those with resources can survive and move, while those who are the poorest are unable to move. It is those with a desirable skill who are able to move and who may be recruited in Western countries with a skill shortage. The West does not need, as it did in the 1950s, a migration of unskilled workers. *The West is quite happy to take in economic migrants if they are ... professionals, or technologically skilled. It welcomes the computer wizards of ... Bangalore but does*

*not want the persecuted peoples of Sri Lanka or the Punjab. And it is these it terms "economic migrants" with all its connotations of scrounging.*⁵

1.4.3 The distinction between "economic migrants" and "political refugees" is one that has, over the fifty years of the UN Convention, been used in different ways by UK Governments as economic and political conditions have changed in the West. In the 1950s and 1960s when there was a labour shortage, both skilled and unskilled, in the UK, it did not matter whether immigrants were fleeing the effects of Partition in the Punjab or seeking a better life in the west. Immigrants were a pool of labour. But by 1968, when Asians with British passports were expelled from Kenya and sought refuge in the UK, they were refused automatic right of entry. Four years later, *British Asians from Uganda were deemed acceptable as political refugees because they, unlike the Kenyan Asians, belonged by-and-large to the entrepreneurial class and could contribute to Britain's coffers. "British", "alien", "political", "economic", "bogus", "bona fide" -- governments choose their terminology as suits their large economic or political purpose.*⁶

1.4.4 The second factor is that in both the Soviet Bloc and in countries controlled by the colonial powers, the ruling powers had failed to respect divisions based on local allegiance, nationality, ethnic difference and often historical and geographical boundaries. They had done this for reasons of administration and economic exploitation. In the Soviet Bloc, communist policies of centralism suppressed minority cultures and ethnic differences. With the fall of communism, the eruption of ancient divisions that had been held down for two generations is one of the tragic stories of the past decade. In the case of former Western colonies in Africa, the European powers swept aside the boundaries of established nations in order to create their own administrative territories. Eventually, resistance to the colonial powers by Africans awakened a sense of nationalism, drawing people together and to some extent transcending their differences. The former colonial powers could have nurtured that fragile post-independence sense of nationhood. Instead, all too often they undermined it - as they continued their policy of "divide and rule", favouring members of one group over another, and as they provided massive loans which tied the new nations to a new financial dependency. While the world economy supported the servicing of these huge debts national cohesion held but, with the collapse of African economies over the past twenty years, violence has erupted on an appalling scale. It seems that at least some of that violence is generated by the perception that one or another group has been favoured economically over decades.

1.5 A New Convention?

1.5.1 The UN Convention relating to refugees needs to be revised. The plight of a refugee as defined by the 1951 UN Convention and the plight of a person, whose life is unsustainable economically through external factors, should not be held apart. People who are poor also have the right to protection that was granted to refugees as defined in the Convention and Protocol.

1.5.2 The United Nations High Commission on Refugees (UNHCR) is aware of the need for reform in its founding text. UNHCR has throughout 2001 conducted Global Consultations, culminating in a meeting in Geneva in December 2001 of the 141 States that have signed the 1951 Convention and/or 1967 Protocol. After the international community overwhelmingly reaffirmed its commitment to the 1951 Refugee Convention, UNHCR's Global Consultations process will move forward on an Agenda for Protection, a series of activities which will serve as a guide to humanitarian organisations and governments in strengthening refugee protection. The Agenda for Protection will cover five main objectives:

- Strengthening the implementation of the 1951 instrument and its 1967 Protocol
- Ensuring better protection of refugees within broader migration movements

- Sharing the burden and responsibilities for refugees and asylum seekers more equitably among states
- Handling security-related concerns more effectively
- Increasing efforts to find long-lasting solutions for refugees.

1.5.3 What is not stated in the objectives is the need for the "developed" economies of the world to recognise the relationship between their economic policies and the destabilised conditions that generate economic migration and refugee situations in other parts of the world. UNHCR High Commissioner, Ruud Lubbers, recognises that refugee issues cannot be addressed simply in terms of response to crises, but that the West must recognise the part it plays in creating conditions for these crises to happen:

[With] the end of the cold war we really thought we would go to a more prosperous world with less violence and less conflicts but that's not true. We see many "failing states" and we see in quite a number of countries politics based on ethnicity and sometimes leading even to ethnic cleansing. These things together bring us a world with a lot of refugees and internally displaced persons. The strange thing is, that although we have prosperous market economies in the West and the North, at the very same time we allow "warlords" in these conflicts to export illegally their diamonds and other mineral resources, we provide them illegally with arms and provide safe bank accounts. We talk a lot about democracy and human rights but set the conditions for on-going violence.⁷

2. THE EUROPEAN UNION: WHO IS MY NEIGHBOUR?

2.1 Migration and Identity

2.1.1 In recent years the Church and Nation Committee has addressed issues relating both to Asylum and Immigration (largely in the domestic context) and to the development of the European Union (EU). The forming of a Europe Group enables more focussed attention to be given to the vital question of Asylum and Immigration within the broader, and increasingly important, EU context.

2.1.2 We live in an era of intensifying international migration, with 2.5% of the world's population now estimated to be international migrants. The International Organisation for Migration (IOM) divides international migrants into two major groups: those who migrate of their own free choice for the purposes of work, study or family reunion and those who flee to escape persecution, conflict, repression or natural disasters. The flow of migrants is always from the poorest to the richer countries where there is the possibility of obtaining some kind of employment.

2.1.3 The EU is one of the four main centres of attraction for migrants – together with the United States, the oil-rich Middle East and, increasingly, Asia/Pacific, including Australia and New Zealand. The challenges for the EU, as for others, of managing international migration are both complex and urgent. According to Kasasa, they include “harmonizing and improving refugee reception policies that regulate the legal entry of migrants, while discouraging illegal immigration, and taking a more active part in the development policies of the migrants’ country of origin”. The EU is currently seeking to address these challenges. The urgency of the task is increased by the present international situation in the wake of 11 September which will increase further the numbers of those seeking refuge and asylum (from countries like Afghanistan) and also increase pressure for even tighter controls on immigration in receiving countries.

2.1.4 It is part of the faith and tradition of the Christian church to care for the poor and oppressed and to uphold the dignity of the individual. In this regard, rich biblical resources are available, not least in addressing the issue of immigration and asylum policy. For example, the issue of sanctuary was discussed in the Committee's report to the General Assembly in 1997.

2.1.5 Burnside argues that the New Testament highlights a number of issues relating to the treatment of immigrants. Jesus’ attitude towards immigrants and foreigners (as expressed, for example, in the parable of the Good Samaritan and in his statement, “I was a stranger and you invited me in”) cannot be dismissed as of relevance only to the church. The latter reference occurs in the context of Jesus’ teaching on the judgement of the nations. In any case, there is a sense in which “the church is intended to challenge and influence the national (and international) position”.

2.1.6 Of potential significance as a resource is the place given to the foreigner in biblical law. This sought to balance love for vulnerable people (in light of Israel’s own experience of oppression) with the need to preserve a distinct identity in terms of her covenantal relationship with God. The concern of biblical law to uphold national identity without becoming xenophobic and to discriminate between different categories of foreigners (depending on the degree to which they assimilated) can be particularly instructive in the current debate.

2.1.7 Biblical law suggests a number of duties in relation to the immigrant, the economic migrant, the refugee and the asylum seeker (the modern equivalents of the *ger*, *nokri* and *zar* of biblical times). They include, broadly:

- to protect such persons from abuse, including protection from racially motivated violence and harassment;
- to protect them from unfair treatment in the courts;
- to offer varying degrees of social inclusion, depending on the foreigner's wish to assimilate;
- most radically, to love the alien.

2.2 The European Union's developing asylum and immigration policies

2.2.1 Since the early years of the European Community and the European Union, international migration has been on the agenda of European institutions. The European Union was created at a time when migration for employment was considered of benefit for all parties concerned and therefore encouraged. Increasingly, however, member states responded to migratory pressures by seeking to control the movements of migrants and asylum seekers.

2.2.2 The single market's demand for the removal of physical barriers on the free movement of persons, as well as of goods within it, compelled the EU to give close attention to the issue of the movement of persons across its external borders also. An informal intergovernmental body, the *ad hoc* Working Group on Immigration (AWGI), was established in 1986 and as a consequence, the EU governments agreed two conventions in the area of immigration policy: the Dublin Convention on Asylum (in 1990) and the External Frontiers Convention (in 1991). The Dublin Convention has in view the prevention of multiple asylum applications by means of a number of provisions, while the External Frontiers Convention "provides for the mutual recognition of visas for non-EU nationals, and abolishes the need for third-country nationals who are legal residents in one member state to obtain a visa to travel to another EU state for a period of less than three months" (Hix p.314). These Conventions met with varying responses within member states, with several initially refusing to ratify the Dublin Convention (ratification in all member states was not achieved till September 1997). Britain and Spain refused to sign the External Frontiers Convention because of the ongoing disagreement over Gibraltar (dating back to the 1713 Treaty of Utrecht which ended the War of the Spanish Succession).

2.2.3 The Treaty on European Union (better known as the Maastricht Treaty, 1992) took the significant step of formalising co-operation on immigration and asylum policy. By bringing the work of the AWGI into the framework of the EU, co-operation between member states would henceforth be within the intergovernmental "third pillar" of the newly created EU – that of justice and home affairs. The Maastricht Treaty recognises as areas of common interest:

asylum policy

rules governing the crossing by persons of the external borders of the member states

immigration policy and policy regarding third country nationals.

The weaknesses of Maastricht in developing agreed European policies on asylum and immigration were several: the basis of decision-making was confirmed as unanimity in the Council of Ministers; the Commission still had no right of initiative, and although one article stated that matters of common interest would be dealt with in compliance with the European Convention on Human Rights and the Geneva Convention, the absence of any rôle for the European Parliament and the European Court of Justice made compliance impossible to enforce. Moreover, the linking together by Maastricht of immigration policies with police and judicial co-operation ensured that immigration issues continued to be viewed largely as "security" matters rather than issues of citizens' rights and freedoms.

2.2.4 The need for clearer definition of the relationship between free movement, immigration and asylum was central in the discussions leading up to the Amsterdam Treaty, negotiated in June 1997.

Under the Amsterdam Treaty, immigration and asylum issues were moved from the area of intergovernmental co-operation into the section of the EU Treaty which concerns action by the Community as such. In this way they were combined with the provisions for the removal of internal borders and separated from that section of the Treaty which deals with intergovernmental co-operation in criminal matters.

2.2.5 The meeting of the Tampere European Council in October 1999 addressed the need to carry forward the Treaty of Amsterdam's call for the development of a common asylum and immigration policy over a five-year period. In the "Tampere Conclusions", the European Council affirmed that, in principle:

freedom should not...be regarded as the exclusive preserve of the Union's own citizens...It would be in contradiction with Europe's traditions to deny such freedom to those whose circumstances lead them justifiably to seek access to Union territory. This in turn requires the Union to develop common policies on asylum...The aim is an open and secure EU, fully committed to the obligations of the Geneva Refugee Convention and other relevant human rights instruments, and able to respond to humanitarian needs on the basis of solidarity....

In pursuance of this objective, the Council set out its strategy in terms of short and long-term goals. The former include:

- a clear and workable determination of the state responsible for the examination of an asylum application;
- common standards for a fair and efficient asylum provision;
- common minimum conditions of reception of asylum seekers;
- the approximation of rules on the recognition and content of the refugee status;
- subsidiary forms of protection and an appropriate status to any person in need of such protection.

In the longer term, "Community rules should lead to a common asylum procedure and a uniform status for those who are granted asylum throughout the Union." Tampere clearly establishes that the EU recognises the applicability of human rights treaties to refugees, asylum seekers and migrants.

2.3 The present situation and challenge

2.3.1 EU commitment, in terms of Amsterdam, to the creation of an area of "freedom, security and justice" is clearly of fundamental importance. It is equally important that the sense in which these terms is understood be pinned down. Pieter Boeles, a leading specialist in immigration law, has argued convincingly that, in this context, *freedom* must be understood as encompassing "fundamental freedoms, freedom of movement and, as far as it is within the power of governments to provide such, freedom from worry and fear". *Security* should mean not only "safety from external threat and from criminal acts but also protection against persecution, torture and inhuman or degrading treatment or punishment". *Justice*, while certainly referring to a system of law enforcement, refers "above all to a system in which injustice is fought by respecting the rule of law, fundamental rights and the principle of non-discrimination". As Harlow (p.310) points out (following Boeles):

freedom may, in the context of Title IV EC, simply mean "crime-free", while justice may be equated with criminal justice and law enforcement, in which case the area of freedom, security and justice might degenerate into an open prison...We have come down to earth with a vengeance, landing abruptly on the familiar land of Fortress Europe.*

2.3.2 It is clearly of great importance that the EU chooses the correct model in adopting its immigration policy. Steve Peers has identified various possible models for which the EU can opt, with the entry into force of the Treaty of Amsterdam. He argues that the EU should aspire to what he calls the “human model”, based on a strongly positive interpretation of the concept of “freedom, security and justice”. This position holds that the protections of the area of freedom, security and justice should extend to all within EU boundaries, whatever their origin. This arguably follows from the (central) notion of liberty in western political philosophy where rights of self-determination are regarded as fundamental. As Harlow (p.309f) puts it:

Liberty should be curtailed and limited to the least possible extent. Similar reasoning must be applicable to the core Treaty principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law for, if liberty is equated with freedom, then the rule of law must be synonymous with justice.

2.3.3 In seeking to develop a common approach to immigration in the EU in terms of an area of “freedom, security and justice”, the following are among issues requiring careful consideration:

2.3.3.1 There is a need to address causes before symptoms. Effective steps need to be taken to deal with the conditions which cause migration and refugee flow. Given the scale and complexity of the problem, both the EU and the wider international community must take responsibility for attempting to avert refugee flow by making policies in areas such as defence, aid, trade, arms sales and debt contribute to that goal. After all, the preamble to the Treaty of Rome (1957) declared that the six signatory states intended “to confirm the solidarity which binds Europe and the overseas countries and [desired] to ensure the development of their prosperity, in accordance with the principles of the Charter of the United Nations”.

2.3.3.2 International human rights standards must form a cornerstone of EU immigration and asylum policy. All measures which infringe human rights should be proportional to the harm they are intended to redress. A monitoring body should be established to review immigration and asylum law and its administration to ensure that it conforms to human rights standards.

2.3.3.3 The likely consequences of immigration law for race relations need to be studied in depth. “Firm” immigration control has been argued to be good for race relations but does not appear, hitherto, to have had this effect. For example, has discrimination against (non-white) African and Asian people at the point of entry contributed to discrimination against them internally? Governments should take a lead in changing people’s attitudes towards migrants and refugees.

2.3.3.4 Further study of the economic impact of immigration needs to be undertaken. For example, has the economic potential for the European Union of many of those who enter certain member states under humanitarian categories been adequately recognised?

2.3.3.5 In the post 11 September world situation, close consideration must be given to the way in which the imperative of preventing terrorists from finding a “safe haven” in Europe should take account of the need for a common approach to immigration policy.

2.3.3.6 Cultural pluralism should be encouraged in Europe in which social order is increasingly cemented by identity rather than simply “toleration”. In this connection Siedentop has identified two pluralistic visions. The first, which he argues has its origins in the Christian culture of Europe, is that of “individuals choosing to pursue different values within a framework of law which protects individual freedom but also sets clear limits to such freedom.” The second form of pluralism

involves “a vision of social groups or cultures, each defined by and expressing its own values.” The first form, with its presupposition of both moral universalism and the principle of equal liberty, “makes it possible to protect individuals from arbitrary interference and social pressures.” The second form of pluralism “provides no such guarantees.” The challenge of plurality within a common European identity can be seen to be as important in the context of immigration as it is in the context of the nations who come together to form the EU.

2.4 Recent developments

2.4.1 Many issues affecting a common European policy have been addressed in two recent Communications of the Commission, which recommend steps towards the implementing of the “Tampere Conclusions”.

2.4.2 The Communication, *Towards a common asylum procedure and a uniform Status, valid throughout the Union, for persons granted asylum* (COM [2000] 755 final), expresses the Commission’s thinking on issues relating to such procedure and status. A detailed response to the Communication by an informal consortium of Brussels-based church organisations in general welcomed the Commission’s analysis of the situation as “an important step towards harmonisation of asylum policy”. It applauded the Commission’s recognition that asylum and immigration are separate although related issues and welcomed the opportunity “to address some of the main flaws in the current national asylum systems, in particular: the problem of access to the territory, reception conditions that amount to a de facto barrier to seeking asylum in some Member States, and national discrepancies in recognition rates and statuses granted, which raise serious concerns about protection gaps” (p.2). A detailed commentary on the text of the Communication concludes with a welcome for the involvement of civil society and states that the churches represented are “ready to take part in the preparatory work necessary for the creation of a harmonised European asylum system” (p.7).

2.4.3 Another Communication of the Commission in response to Tampere, *On a Community Immigration Policy* (COM [2000] 757 final), seeks to develop an “open approach” to “an overall policy for the EU for the admission of new migrants”, recognising that “effective migration management must be based on partnership” (p.21). The Committee strongly endorses the welcome given by the above-mentioned consortium to this “policy shift towards a pro-active immigration policy” reflected in the Commission’s new approach, with a “welcoming society” as an essential element in that policy (p.2). The response calls for a common European approach regarding admission criteria, recognition of equal rights and free movement as a necessary contribution towards an area of freedom, security and justice (p.6). It also argues the need for better integration into society of migrants (p.7). Among its conclusions, the Response urges the need for much better information to be provided for the public in European societies (p.9) and supports the idea of setting up a “European Monitoring Centre for Migration” which would be “competent for monitoring regular and irregular migration as well as advising on legal immigration and integration policies” (p.10). Despite the good intentions embodied in the Communication, the Committee recognises that difficulties exist in achieving bilateral agreement between member countries as, for example, between France and Britain regarding the Sangatte camp.

2.4.4 While the European summit in the Belgian town of Laeken in December 2001 was unable, in view of events following 11 September, to give as much attention to issues of asylum and immigration as would have been desirable, it did represent some progress in this area. The summit called for the adoption of a common European policy as soon as possible; for an action plan on illegal immigration; for urgent action on common standards for reception of asylum seekers and family reunification and for a specific programme to combat racism and xenophobia. The

Committee welcomes these developments. During a recent visit of the Europe Group to Brussels, the Group was encouraged by the clear aspiration of various politicians and officials from whom we heard who advocated best practice for the EU in the area of immigration and asylum policy. We strongly encourage EU countries to implement best practice in this area, particularly those countries which have not been exercising their responsibility at the first port of entry.

2.4.5 As the aforementioned consortium's response suggests, it is important that we, together with other Christian churches, seek to create mechanisms to monitor and influence developments in the ongoing debate on common European asylum and immigration policies, "in a spirit of constructive dialogue". This will be with a view to the shaping of the Union as a place where freedom, justice and security provide a common identity.

2.5 Bibliography for this section

Boeles, P. (2001), "Introduction: Freedom, Security and Justice for All," Guild, E. and Harlow, C. (2001), pp.1-12

Burnside, J.P. (2001), *The Status and Welfare of Immigrants. The place of the foreigner in Biblical law and its relevance to contemporary society* (Cambridge: The Jubilee Centre)

Communications from the Commission to the Council and the European Parliament, "Towards a common asylum procedure and a uniform status, valid throughout the Union, for persons granted asylum," (COM [2000] 755 final); and "On a community immigration policy," (COM [2000] 757 final) "For I was a stranger and you welcomed me". Comments on the above Communications, prepared by an informal consortium of Brussels-based church organisations (May 2001)

Geddes, A. (2000), *Immigration and European Integration: Towards Fortress Europe?* (Manchester: Manchester University Press)

Guild, E. and Harlow, C. (eds.) (2001), *Implementing Amsterdam. Immigration and Asylum Rights in EC Law* (Oxford: Hart Publishing)

Harlow, C. (2001), "Endpiece," Guild, E. and Harlow, C. (2001), pp.309-18

Hix, S. (1999), *The Political System of the European Union* (Basingstoke: MacMillan Press)

Kasasa, A. (2001), "Asylum and immigration – Europe's search for a common policy," *The Courier* (the magazine of the ACP – EU development co-operation), Issue 187, July – August 2001

Peers, S. (2001), "Aliens, Workers, Citizens or Humans? Models for Community Immigration Law," Guild, E. and Harlow, C. (2001), pp. 291-308

Siedentop, L. (2000), *Democracy in Europe* (London: Penguin Books)

Spencer, S. (ed.) (1994) *Strangers and Citizens. A Positive Approach to Migrants and Refugees* (London: Rivers Oram Press)

3. BRITISH ASYLUM POLICY: IMPROVING THE SYSTEM?

3.1 Background

3.1.1 Immigration Policy, including dealing with refugees seeking asylum, is a reserved function under charge of the Home Office, which has allocated responsibility to two departments: The Immigration and Nationality Directorate (IND), which processes applications; The National Asylum Support Service (NASS), which looks after the physical and housing needs of refugees, including their dispersal.

The system is also buttressed by a substantial body of asylum law interpreting the 1951 Geneva Convention in respect of Home Office decisions, hearings by Adjudicators, and references to the Immigration Appeal Tribunal, all overseen by the national courts. Since October 2000, human rights law has also been applied.

3.1.2 Among states in Europe in 2000, only Germany (95,000) has exceeded the UK total of 80,000. Although in world terms this is not a high figure, admissions have mounted dramatically in recent years and governments have found it difficult to cope.

3.1.3 Initial processing is not the sole problem. At the end of 2000, in addition to the 89,100 cases awaiting decision by the Home Office there were 46,000 appeals outstanding as the system was able to deal with only 19,395 appeals. Since then, hearings have been speeded up as new resources were introduced. All in all, the Directorate processed 109,205 cases in 2000 but the limited success rate of 11% for asylum and 12% by the administrative device of granting exceptional leave to remain means that many disappointed refugees will appeal further.

3.2 *The Situation in Scotland*

3.2.1 Scotland has hitherto received only a small proportion of asylum seekers coming to the UK since most of the asylum seekers are admitted from the Channel ports and London airports. In 1999, there were only 400 Scottish based applications for admission and 500 in 2000. Estimates suggest that around 1,500 to 2,000 people were in residence.

3.2.2 This changed suddenly as a result of a new Government policy for dispersal of asylum seekers from southern England to Glasgow. Glasgow Council had entered into a contract with the Home Office to provide 2,000 family homes, 500 single person homes and other local authorities are also addressing the matter. There are now 6,000 refugees in Scotland, with an 80% success rate in claiming asylum. The Scottish Refugee Council reckons that 40% have graduate qualifications.

3.2.3 The speed and impact of the arrival of bus loads of refugees decanted into low amenity housing schemes with limited support and without adequate preparation of local communities, combined with the perceived injustice of upgrading of accommodation not available to locals, led to unrest and racial harassment until the problem was highlighted by the tragic murder of Kurdish refugee, Firsat Dag in the summer of 2001.

3.3 *Government Reforms*

3.3.1 The Glasgow example was evidence that the rushed programme of dispersal of reluctant asylum seekers from existing cultural communities or language clusters in the South of England was at best not working and at worst inhumane. Additionally, the capacity of the UK Government to keep track of the arrivals and to process their cases had been taxed to breaking point.

3.3.2 On 29 October 2001, Home Secretary David Blunkett announced that he did not intend "to tinker with the existing system but to bring about a radical and fundamental reform of our asylum and immigration policy". He announced that he would introduce short stay induction, semi-

compulsory accommodation and deportation centres. The much-criticised vouchers would be replaced with smart cards, which would also serve as electronic identity cards. There were to be restrictions on rights of appeal.

3.3.3 It was against this background that the Committee interviewed welfare officers in The Well (an Asian advice centre in Queen's Park, Glasgow operated by the Church of Scotland) and Bridging the Gap (a welfare agency in the Gorbals, Glasgow, run by the Church of Scotland and the Catholic Church), the Director of Corporate Policy of Glasgow City Council, and the Scottish Refugee Council. We also had the benefit of a report of a meeting on 6 November 2001 that the Moderator and a member of the Church and Nation Executive Committee had on these issues with Lord Rooker, Minister of State at the Home Office, at the request of the Refugee Survival Trust.

3.3.4 From this evidence the Committee came to the following assessment of the Blunkett reforms:

Induction Centres are intended to be for reception of newly landed asylum seekers where there will be assessment of support needs and orientation including initial legal advice. The Committee believes that if these are indeed used only for a short period they will be a great improvement on the chaotic arrangements now prevailing.

Accommodation Centres will be developed on a pilot basis to house asylum seekers during the time when their applications are being processed and to reduce the need for dispersal. They are not called detention centres but as there will be a residence requirement, the difference may be semantic only. While these centres will have initial capacity limited to 3000 places, there is a danger that they could develop into institutional asylum seekers camps if refugees are kept there too long. Although none are in Scotland, the Committee believes that the operation of these centres should be closely monitored.

Reporting Centres will record holding places where asylum seekers will report for tracking purposes. If used efficiently and sensitively they could be a welcome improvement on the current arrangements. In Scotland, reporting is presently to the police.

Vouchers will be replaced by "smart" cards but there was initial doubt as to whether these were to be purely electronic versions of the vouchers, widely regarded as humiliating and degrading, with only £14 to be available in cash. The Home Secretary has stated that cash will replace vouchers. The General Assembly will recall its Deliverance last year calling for such a replacement of vouchers. The Moderator made this a key request at his meeting with Lord Rooker, and the Church should be pleased that its voice has been heard. The Moderator and the Convener of the Committee on Church and Nation had earlier discussions with the Bank of Scotland regarding accounts for asylum seekers.

Deportation Centres will be used for detention of those whose appeal process runs out. The UK has deported very few of the failed applicants but it can be assumed that the new regime will be tougher. Dungavel, a former prison, will be re-designated as Scotland's deportation centre. Issues about time held and outside contact should be monitored.

Refugee Resettlement policies are being introduced to welcome refugees recognised by UNHCR to the UK and EU. On a broader front, the Government is considering changing the immigration rules to allow entry to economic migrants with special skills.

People trafficking by criminals is an international problem that has led to inhumanity and insufferable conditions as people are herded across continents. The Committee approves of the

proposals from Mr Blunkett to co-operate with other EU countries in an attempt to reduce the exploitation of asylum seekers, but also warns that such police action should not be directed towards eliminating asylum claims by closing frontiers.

Dispersal will continue, but hopefully on a more sensitive basis, with attention being paid to language and cultural clusters so that isolation of asylum seekers is reduced. The Committee heard evidence of bewildered asylum seekers being placed on buses to Glasgow without fully realising where they were being sent. Many were unwilling to come given the bad reputation that Glasgow had gained. The Committee accepts that there is an obligation on Scotland to take a larger share of refugees but believes that this should be on a voluntary basis with Scotland being a welcoming destination.

In Scotland, the *Scottish Refugee Integration Forum*, with church and other faith representation, has been set up. As an attempt to bring an integrated approach to bear on the task of making people arriving here feel welcome and involved in our society, this is greatly to be welcomed.

3.4 Welfare Concerns

3.4.1 The welfare of asylum seekers dispersed in Scotland has been an area of grave concern for Scottish Christians and one where churches have been most closely involved. Without the support of the voluntary sector the arrangements for asylum seekers would have collapsed. Key players in this response have been the congregations located in areas where asylum seekers have been housed. Congregations in difficult circumstances themselves are the ones looked to for support, echoing the global situation described in 1.1.

3.4.2 Asylum seekers face huge welfare difficulties. Owing to the inefficiency of NASS, the Government sponsoring agency, it is common for a dispersed person to arrive before the paperwork they need to get into the housing and voucher system. As a result, many asylum seekers find themselves housed in bed and breakfast accommodation with emergency vouchers supplied by the Refugee Council. In some cases, this temporary accommodation becomes home for several months where there is no suitable alternative accommodation. In some places, this can create difficulties for children who cannot be allocated a school place until they have a permanent address. In one case, a family of five with another child expected have been living in one room in a bed and breakfast place for more than four months since NASS have not been able to find them suitable accommodation.

3.4.3 The voucher system, set at 70% of income support - itself recognised to be marginal for subsistence - does not provide the means to buy more than the most basic food and toiletry items. Often people arrive in the UK with only the clothes they are wearing and they are not usually designed for the rigours of Scottish weather. The churches have opened their doors to new arrivals and provided clothing cooking pots, kitchen utensils, prams, shoes and bedding. One such project that we visited in the Gorbals is run jointly by the Church of Scotland and the Catholic Church. Another imaginative scheme in Castlemilk lends bicycles to asylum seekers so that they can get around without using precious cash on bus fares.

3.4.4 The churches, often in partnership with other agencies, have been able to identify further needs. There are now regular surgeries in church premises to enable asylum seekers to access health and legal information, English classes and the services of community police officers. Perhaps more importantly, these drop-in centres have provided a safe space for long-term and new residents to get to know each other. Such activities have placed huge pressures on congregations, many of which were already small and vulnerable. However, all would say that the experience has been overwhelmingly positive. Despite what the papers say, there are dozens of stories of good neighbourliness and lives enriched by new friendships forged between indigenous and new Scots.

3.4.5 Many Christians who have taken on asylum-seeker posts with a sense of vocation have told of the tension between their faith and the stringencies of the system in which they have to work. Many go beyond the extra mile in their care of asylum seekers. Christians are amongst those who have raised concerns about the lack of support for torture victims and are campaigning for the establishment of a Scottish Centre for Victims of Torture.

3.5 *Decision Making and Appeals*

3.5.1 The Committee expresses utmost concern about the proposals of the Home Secretary to "streamline and simplify" the appeals process. We welcome the intention to increase resources to expand capacity of the adjudication service and to speed up the hearing of cases, since it is not in the interests of both the appellants and the State to have cases under consideration for years. However, the system must be fair and just, since the mistaken refusal of an application could lead to an asylum seeker being deported with the risk of imprisonment, torture and death on return to their country of origin. The Committee has therefore taken evidence from an experienced practitioner of asylum law and also consulted the Scottish Legal Aid Board, since the Home Secretary's announcements are driven by English arrangements. Our comments are based on the evidence taken.

3.5.2 As a first step in the process, asylum seekers are required to complete a Statement of Evidence Form (SEF) - issued within days or months of the application, but more usually immediately on making the application. Sometimes, the SEF and an interview date arrive together. The SEF must normally be returned within fourteen days and refugees who may not have a proper grasp of English, and may be still disoriented, find these ten page forms difficult to complete. The IND uses these forms to reject or accept appeals and an appeal can be imperilled by any flaws or lack of detail. Applicants should be given legal representation right at the outset. With up to one third of appeals failing because of failure to complete the forms properly or turning up for interview, early legal advice is essential.

3.5.3 As a second step, applicants may be requested to attend for interview at Croydon or Liverpool, sometimes at very short notice. There is no interview centre in Scotland. Interviews took place at Glasgow Airport previous to dispersal but have been discontinued since dispersal. At the meeting with the Moderator, Lord Rooker said that there were technical legal reasons why interviews should be in England but that a centre may be established in Carlisle. The Committee can see no technical, legal or practical reason why there should not be a centre in Glasgow.

3.5.4 Current time limits are stringent, with seven days being given for appeal against first refusal and five days in respect of a second refusal. The Committee is concerned that the Home Secretary, in "streamlining" the appeals process, has in mind restrictions on the right to appeal. The problem for asylum seekers in dispersed areas is that their papers are usually with London solicitors and asylum seekers do not always receive notice with the change of address.

3.5.5 The Committee is very concerned that following new procedure introduced by Her Majesty's Government in January 2002, the majority of asylum seekers will not be informed of the results of their appeals against refusal of asylum. In practice, they will find out only when immigration officials come to arrest and remove them from the UK. This procedure denies them the chance to apply to the Court of Session for a judicial review.

3.5.6 There is a critical shortage of interpreters for all stages of the appeals process. In Glasgow, asylum seekers represent some 34 language areas, with dialects taking the number up further. The

shortage of interpreters can be a source of injustice and the Committee believes that it is essential to seek more, perhaps from the ranks of the asylum seekers themselves.

3.5.7 There is also a shortage of solicitors willing to do asylum work on legal aid with consequent almost unmanageable pressure on those who do. Some solicitors are reluctant to take up this work as, unlike in England, they have to carry substantial outlays from their own funds of the fees payable to interpreters, which run from £25 to £35 per hour. The Scottish Legal Aid Board is aware of the problem and is discussing solutions with the Scottish Executive. The Committee draws attention to the need for urgency. Between 1999 and 2000, legal aid applications increased by 50% and since then the flood of asylum seekers has risen. There is also a great need to simplify the present system to eliminate the requirement to seek approval of work, although the Board normally grants this.

3.5.8 The Committee also expresses surprise that with the higher number of Scottish appeals since dispersal, the Immigration Appeals Tribunal has become London based although it hears cases by video link. The Committee can see no reason why it should not also meet within Scottish jurisdiction.

3.6 *Conclusions and Recommendations*

3.6.1 The United Kingdom consists of nations comprising immigrants who have settled here successively over thousands of years. Scotland has also provided migrants to many other lands and now, with a declining birth rate, needs more people, especially younger ones, to keep a balance in our population. Continued immigration is something that must be managed but should be welcomed as giving hope. Negative language about asylum seekers and ethnic minorities needs to be tackled, and the Government should give a lead.

3.6.2 The Government, public bodies, communities and churches must do all they can to welcome and ease the suffering of those fleeing oppression, danger and persecution in their country of nationality. We welcome the contribution of the churches in Glasgow which have provided "drop in" and other services for asylum seekers.

3.6.3 There should be no coerced dispersal, but efforts should be made to make other parts of the UK more attractive to asylum seekers. Support systems must be improved to help those already dispersed and to assist those who are still to come. Interviews being held at short notice in Liverpool and London are not acceptable. Interviews should be conducted as close to the place of residence as possible.

3.6.4 At the General Assembly in May 2001, the Church called upon the Government to abandon the Voucher Scheme. We therefore welcome its abolition.

3.6.5 While we welcome the speeding up of decisions, the proposed compression of process and elimination of appeals causes concern that the UK will fall short of human rights standards and the requirements of justice. In particular, with one third of applications failing because applications are incorrectly completed or the applicants fail to turn up, immediate access to legal representation is needed to help those in the former category.

-
1. United Nations High Commission for Refugees (UNHCR) estimates 2001
 2. United Nations Relief and Works Agency (UNRWA) figure for mid 2000
 3. Refugee Council and UNHCR statistics

4. Dr Ataniyazova, quoted in Requiem for a Dying Sea, People and the Planet, www.oneworld.org/patp/pap_aral.html
5. Ambalavaner Sivandandan, Director of the Institute of Race Relations, writing in The Guardian 8th August 2000.
6. Ibid
7. BBC World Service, The Road to Refuge
8. This is Title IV of the “Treaty establishing the European Community” and is called “Visas, asylum, immigration and other policies relating to free movement of persons”. See the Treaty of Amsterdam, Cm 3780, pp. 150-53.

2003

DELIVERANCE

Committee on Church and Nation

ASYLUM

18. Express concern that the new measures (under Section 55 of the Nationality, Immigration and Asylum Act 2002), restricting access to support for asylum seekers, will lead to hardship and destitution and call upon HM Government to restore previous welfare support, while urging HM Government to investigate a revised welfare support.
19. Express concern at the development of Accommodation Centres and instruct the Committee and the Committee on Education to continue to monitor the situation.
20. Commend those communities who have received and supported refugees and asylum seekers; express regret at the politicisation of this area, and encourage MPs and MSPs and the Church to continue to look for creative solutions to address this issue on humanitarian grounds.

REPORT

1. Introduction

On 8 November 2002 the Government's Nationality, Immigration and Asylum Bill completed its passage through Parliament and received Royal Assent. Much of the important detail in the Act will only become clear as regulations and other pieces of secondary legislation are passed. Twenty-two possible breaches of human rights have been identified in the new Act. It is likely that court challenges on a number of aspects will be brought in the next few years.

2. Changes in legislation

2.1 The following changes have been brought in under this new piece of legislation:

- Increased control of asylum-seekers;
- Increased support, in specific circumstances, for asylum seekers;
- Proposals for a network of induction, reception, reporting and removal centres;
- Re-designating detention centres as removal centres and removing more failed asylum-seekers;
- Introducing an Application Registration Card, to provide asylum-seekers with evidence of identity and nationality;
- Streamlining the appeals system to reduce rights of appeal;
- More co-operation and sharing of information between government departments and between EU countries;
- Setting out a resettlement programme with UNHCR to enable people in need of protection to come here legally;
- Phasing out voucher support;
- Enhancing refugee integration.

2.2 Some of the changes, such as the replacement of vouchers with cash and the resettlement programme, have been welcomed by agencies. Eventually all asylum seekers supported by the National Asylum Support Service (NASS) will be issued with the new Application Registration Card (ARC) and will be able to obtain cash using this.

3. Concerns

3.1 There are, however, many concerns: that the new Act will not restore credibility to the asylum system, will not improve decision-making, and will not support asylum seekers in a sustainable or cost-effective way. It does not address the problems facing the current support system; it will have a detrimental effect on children, and it is very likely to lead to more people being wrongly detained.

3.2 In particular, the concept of accommodation centres has produced a great deal of controversy. The Bill faced opposition from MPs and Peers over establishing large centres in rural locations. Plans to prevent children in these centres from going to mainstream schools were strongly criticised by many. However, despite a rebellion of forty-three Labour MPs and opposition from refugee agencies, child protection organisations, teaching unions, the medical profession, Shelter and the churches, ministers were able to force the issue through Parliament.

3.3 The Government has made provision in the Act that asylum seekers will be able to leave accommodation centres if they have not had a decision on their applications within six months.

3.4 Ministers say they are considering three models of accommodation: the original proposal of a 750-bed rural centre; smaller (250-500 bed) centres for single men; and the 'core and cluster' community-based model suggested by the Refugee Council.

3.5 Meanwhile, Accommodation Centres will be built, segregated schooling will go ahead. How will this work in practice? An independent review of the resources that will be required to implement the proposals for the accommodation centres, Asylum City, is published by The Asylum Coalition. This report highlights the complexities of resourcing such centres and how complicated it will be to organise even a minimum level of facilities in rural areas. The government has so far failed to spell out in any detail how this will be achieved.

4. New Measures

4.1 In January 2003 the Government introduced measures (under Section 55 and 57 of the [Nationality, Immigration and Asylum Act 2002](#)) that will affect those who do not make application on arrival at the port of entry. At present figures indicate that 42% apply within two days and 68% within ten days of entering the country. This appears to be a diluting of minimum standards agreed across the EU.

4.2 Section 55 of the Nationality, Immigration & Asylum Act, severely restricts asylum seekers' access to support. Asylum seekers who make an application 'in-country', rather than immediately at the port of entry, will no longer be entitled to apply for support from the National Asylum Support Service (NASS). This will lead to extreme hardship and destitution amongst already extremely vulnerable people. The intention is to discourage abuse of the asylum system but ignores the fact that refugees are often unable to claim asylum at ports of entry. The latest official figures reveal that 65% of all successful claims (including Exceptional Leave to Remain) are made by in-country applicants. Organisations are currently campaigning against this new measure.

4.3 The NIA Act has also removed other legal avenues through which local authorities were previously able to provide support to destitute asylum applicants. There will be exceptions such as those with dependent children under eighteen years of age; those with special needs; those who apply for asylum in-country due to changed conditions in their country and who can prove that they applied at the earliest opportunity following that change of circumstance; those who can show they would suffer treatment contrary to Article 3 under the European Convention on Human Rights (Article 3 provides that no one should be subjected to torture or any other inhuman or degrading treatment). Destitution is not likely to qualify under Article 3.

4.4 There are also uncertainties about how pregnant women who are in-country asylum applicants will be treated, and where no documentary evidence is available NASS will treat as adults young people whom they do not believe to be under eighteen.

5. The Future

5.1 Asylum policy in the UK is no longer a matter exclusively for the UK. The role of the EU is becoming more significant and eventually asylum policy across European member states will be decided by the EU. The Treaty of Amsterdam [1999] has extended this role to working towards harmonisation of policies and practice. The treaty lists six areas on which minimum standards must be agreed. Some of these are in force, others are under consideration. The date set for total agreement is December 2004.

5.2 The Commission's draft directives are not yet final. Once agreed, the Directives must be implemented into UK law. The government has some flexibility in how it makes the Directives part of UK law so it is possible to influence this process. As the EU sets only minimum standards, the government should be encouraged to improve on them.

2004

DELIVERANCE

Committee on Church and Nation

2. Call on Her Majesty's Government (HMG) to close the Family Unit at Dungavel and to end the detention of children and their families seeking asylum.

REPORT

3. Asylum Issues

3.1 The welcome we afford as a nation to those who come among us, afraid of what they have left behind and unsure of what awaits them, continues to be of prime concern to the Committee.

3.2 We have maintained our membership of the Cross-Party Group on Asylum Seekers and Refugees in the Scottish Parliament because we believe that to be a vitally important forum for the coordination of this work and the sharing of information on it. Notable among the Group's meetings in the past year was one with the Minister for Communities in which discussion took place over parts of current policy with regard to asylum seekers. When the recently introduced policy of removing all rights to accommodation and support from asylum seekers as soon as they have been refused leave to remain was brought up, the Minister found herself quite unable to defend the policy. The Community Worker at The Well Asian Information and Advice Centre, run by the Board of National Mission, wrote in February to all MPs and MSPs protesting at this practice of creating destitution, a letter with which the Committee wholeheartedly agreed.

3.3 Much time has been spent in the past year on the subject of the Immigration Removal Centre at Dungavel and, in particular, the policy of detaining families with children there. The Committee shared a visit to the Centre with the Committee on Education at the invitation of the Presbytery of Hamilton. The visit was very informative, and the Committee is grateful both to the Presbytery and to the staff at the Centre for making it possible.

3.4 In an attempt to provide a positive alternative to the detention of children, the Committee joined with the Board of Social Responsibility, the Committee on Education, the Scottish Episcopal Church, the Catholic Church in Scotland, the Baptist Church and several children's charities to form Refuge Scotland. We were brought together by Michael Connarty MP, for whose help in this we are grateful. The Committee spent a good part of our annual visit to Westminster promoting these ideas with MPs and Ministers. The proposal was then drawn up in some detail by the Board of Social Responsibility, NCH Scotland, and Shelter. In spite of considerable work being done by many people, including a visit of Committee representatives to the Minister of State at the Home Office, these proposals were rejected.

3.5 Unfortunately, at least one newspaper decided quite without foundation to link these proposals with the closure of some of the Board's homes for the elderly. There was never any link to make, but mere facts, it appears, were not allowed to get in the way of a story.

3.6 At the same time, the Committee circulated a petition to all Parish Ministers on the holding of children at Dungavel. This was the same petition that the Catholic Church in Scotland circulated in the summer of 2003. At the time of writing petitions are being returned in good numbers.

2005

DELIVERANCE

Committee on Church and Nation

3. Welcome the production by the Presbytery of Glasgow of a report and policy on asylum seekers and make representations to HMG in terms of numbers 1-13 of the Presbytery report, section 12/76 in the volume of Reports.

REPORT

Asylum in Scotland: A National Issue for Scottish Churches

Discussion Paper for the Ethnic Minorities Sub-Committee of the Presbytery of Glasgow

1. Introduction: Asylum is a National Issue

1.1 *Scotland's Population*

At the height of the highland clearances, on the estates of the Earl and Countess of Sutherland, there were something in the region of two thousand families evicted each day. The legacy of the clearances can be seen more than two hundred years later: in the emptiness of much of the highlands; in the families of Scottish descent in countries all around the world, and in the continuing problem of the young and able electing to work elsewhere. Over two million UK citizens went to work abroad between 1991 and 2000, including at least 10,000 people from Scotland.¹

Scotland suffers from a falling population, particularly above the highland line. And our population is falling too fast and too deep to be able to maintain economic growth and existing services. Recent estimates have suggested that Great Britain requires about 5,000 teachers, 21,000 nurses, 10,000 GPs. Enterprise Scotland has confirmed that in one industry alone, the building industry, an extra 27,000 skilled construction workers will be needed by 2005. The Scottish Executive has suggested an entry figure of 8,000 people per year in its Fresh Talent Initiative, but that figure is thought by some to be a serious underestimate. Scotland has the fastest falling population in Europe (set to fall to below 5 million before the end 2009) and we need, according to one expert, an injection of about 50,000 people per year just to maintain the economic status quo.

Though we are far from achieving consent on the actual figures needed, there is widespread agreement that we are close to a population and skills crisis. Scotland's birth rate now stands at 1.5 births per woman. 2.1 is required for a stable population.² Even if immigration doubled at its present rate it would not be sufficient to create sustainable labour markets and pension systems.

Asylum and immigration are commonly linked (see titles of legislative acts below). However, they are not only distinct issues, but distinct types of issue. Asylum is a moral issue, governed by an international ethical consensus, and a legal issue governed by international law. Immigration is a political issue, governed by the policies of national governments (it is improper to speak of an 'asylum policy' as such). We believe that the UK is not complying with its ethical and legal obligations. One motive for such non-compliance is immigration policy, which is unnecessarily restrictive. A justified loosening of immigration policy would remove the need for harsh asylum mechanisms.

¹ Scotland's Census Results www.scrol.gov.uk estimates 1500 out migrations each year.

² Scotland's Census Results www.scrol.gov.uk EU birth rate (prior to May 1 2004) is even lower at 1.4. European Commission Social Situation Report.

1.2 Glasgow's Response

Britain hosts only 1.98% of the world's refugees. Scotland has about 10,000 asylum seekers, 8,600 of which are in Glasgow. The housing contract with Glasgow District Council officially ends in March 2005, although currently an extension is being negotiated, and further contracts may be arranged which will involve other local councils.³ Should it prove the case that new patterns of asylum dispersal become reality, this will bring other towns and cities into direct contact with asylum families for the first time. The pattern of church involvement in Glasgow is then likely to be repeated in other parts of the country.

By and large, the Glasgow experience has been very positive. The city's statutory providers and the voluntary sector were pulled together into city-wide integration networks, which have worked co-operatively and well. Whilst we recognise that integration is a process rather than a policy, it is nonetheless fair to say that integration in Glasgow has been well supported as an objective aim and successful at community level.

However, in Glasgow, Asylum Seekers were housed in some of the poorest and most disadvantaged communities, increasing the burden on already stretched community resources. This was necessary, the available housing lay within these areas, but forward planning in other cities needs to take account of the social infrastructure and support mechanisms in those already marginalized communities. Within the Church of Scotland, the Priority Areas Committee, already committed to researching and identifying the role and scope of possible faith-based initiatives in some of the poorest parts of Scotland, may be able to extend that brief once the committee becomes aware of projected patterns of asylum settlement. It is not clear at this stage whether a new dispersal will overlap the areas of greatest impoverishment. In either case, there needs to be resourcing, planning, and information-sharing on a national scale.

2. Migration and Legislation.

2.1 Reasons for Large-scale Migration

It is arguable that we are the witnesses of the greatest population upheaval since the end of World War II. In May 2003, the UN claimed 20.5 million people were in transit. These figures were collected prior to further displacement resulting from the war in Iraq. However, some people return to their countries of origin as soon as the immediate conflict eases. Current estimates may be more conservative, large numbers of people having achieved temporary settlement. It is difficult to gain accurate up-to-date figures. Many of those who are on the move come from countries which have recent experience of war and persecution (Afghanistan, Iraq, the Balkan States, Azerbaijan/Armenia, Burundi/Rwanda, Somalia). War and fear of persecution are the principle reasons for flight.⁴

2.2 Legislation in Britain

Britain and most of the Western European States are signatories of the Geneva Convention on Refugees (1951) and the European Convention on Human Rights (2000). What this means, in practice, is that anyone may come here from another state and make an asylum claim, quite legally.

³ BBC Scotland News Sat. 15 May 2004

⁴ UNCHR 2003 Statistics. These figures include internally displaced persons. As people of faith, we recognise that some of this persecution is faith based, particularly where faith groups form distinctive and identifiable social groups. Many Christian groups are affected by this (e.g. Christians from Iran, Pakistan, and Burma - in the latter country Christianity also signifies membership of certain ethnic minorities) but also Bahai's, Sikhs, Buddhists, and parties across the Shiah/Sunni divide in Islamic cultures. The fact that an area may be currently settled does not mean that all ethnic/religious groups are equally safe within it.

Refugees and Asylum Seekers in Scotland 2004. produced by Amnesty International and Oxfam for the Scottish Refugee Council pp.13-15

The Convention recognises the necessary legal right of those intending to claim asylum to leave their country of origin by using means which in normal circumstances would be deemed illegal (e.g. the use of traffickers or false documents). Measures in the 2004 Act (section 2) criminalizing parties who have destroyed documents runs counter to this recognition by the Convention.

The Western European states have become increasingly hard-line on the asylum issue. Britain has passed a series of asylum and immigration laws in order to curtail asylum claims and reduce government responsibility in an area which remains contentious for the British voting public.

1951 UN Convention relating to the Status of Refugees, the key legal document now with 155 signatory states, defines both 'a refugee' and the rights and legal obligations of states. An Asylum Seeker is someone seeking to be recognised as a refugee. Applicants must be granted asylum if they have demonstrated a well-founded fear of persecution in the country of their nationality for reasons of race, religion, membership of a particular social group, or political opinion. This definition is crucial. Whether a person falls within this definition is a matter of fact, not of policy. A state, which is a signatory to this convention cannot enforce quotas or limit the number of asylum seekers, but must rather investigate the genuine nature of each individual claim. Refugees and those who seek recognition as refugees are entitled under the convention to equal status with nationals, i.e. basic state provisions.

A glance at the table of recent and increasing levels of legislation demonstrates UK Government attempts to control the flow of asylum claimants. This also has the effect of minimising the effect of the Convention which was regarded as the necessary and basic legal protection under international law:

1971 Immigration Act

1987 Carriers Liability Act

1993 Asylum and Immigration Appeals Act

1996 Asylum and Immigration Act

1997 Dublin Convention (which introduced the safe third country rule)

1999 Immigration and Asylum Act

2000 Human Rights Act

2002 The Nationality, Immigration and Asylum Act

2003 Asylum and Immigration Act

2004 Asylum and Immigration (Treatment of Claimants, etc) Act

These successive acts have introduced the powers of detention by immigration officers, fines for airlines or shipping companies carrying passengers with no, or fake, documents, fast track processing for assessing claims, fingerprinting (including children), restrictions on housing, employment, benefit, 'safe-third country rule' for EU states, Introduction of NASS to support and disperse destitute asylum seekers, powers to enter premises, repeal of provision for bail hearings, renaming of detention centres to removal centres, the establishment of accommodation centres, the removal of 'unfounded appeals', i.e. those claimants who appeal from 'white list' countries, replaced judicial review with statutory reviews where there is no spoken argument, introduced weekly reporting restrictions, further restriction of appeal rights, cessation of benefits, eviction from housing, and potential placement of children in care.⁵

2.3 The Legal Process

⁵ Refugees and Asylum Seekers in Scotland 2004. produced by Amnesty International and Oxfam for the Scottish Refugee Council pp.13-15

This mounting tower of legislation is designed to weed out abuse. It is difficult to reconcile the increasing amount of legal restriction with the assurance that we are not 'Fortress Europe'. For poor, displaced families having to negotiate the system, without language skills in which to express themselves clearly, and in the hands of, at best, overworked case solicitors, what chance is there of a clear presentation and impartial hearing of their claims?

In 2002, 15% of claims (some 12,000 applications) were turned down because of 'non-compliance' i.e. faulty paperwork or a missed interview. Many asylum applicants struggle to complete their Statement of Evidence Form, which must outline, in English and within ten days of arrival, their reasons for seeking asylum. The interview procedure is desensitised and has a political outcome in mind. The questions asked are too rigid, and do not allow individuals to tell their story in their own way, or to record the subtle nuances of their own situation as they understood it and experienced it. The whole procedure takes little account of the trauma to which people may have been subjected and, as a committee, we wondered if feedback is given to interviewing officers on the subsequent decisions which are made through the appeals process. Does this feedback inform their approach to initial interviews?

Underlying the forgoing is an inappropriately negative emphasis in the treatment of would be asylum claimants. Just as those charged with criminal offences are protected by 'a presumption of innocence', those claiming asylum should be protected by something akin to 'a presumption of danger'. This would allow them to tell their story in a sympathetic atmosphere which is crucial to establishing the framework of a case. The resultant transcript can then be subjected to rigorous examination at the hearing stage. Our present system is a culture of suspicion. It has been said by asylum seekers that fleeing to a strange country, leaving behind family, home, belongings, career "the most difficult thing to lose is not wealth or opportunity but credibility". This denial of credibility is reflected in section 8 of the 2004 Act.

If we are placing increasing emphasis on the early procedures in establishing asylum cases, it becomes critical that those procedures create the maximum opportunity for individual histories to be told. Legal representation at these initial interviews is recognised, both by UNHRC and in an independent Home Office study, as contributing to better decision making. The Scottish legal Aid Board has been more sympathetic to this need, but in England and Wales no such support is possible.

In 2002, 13,000 cases which were initially turned down, later won on appeal. Whilst the judicial system is independent, it is difficult to collect information and report quickly on fluid in-country situations. The adjudication procedure may be hampered by reports which are out of date and ignorant of the real situation. Asylum Seekers, dissatisfied with the outcome of their hearings, often because they feel that no-one has listened to them carefully or taken their fears seriously, are 'bumped' on to another solicitor. Very few asylum claimants go through the legal process with the same solicitor throughout: three, even four, different solicitors is not uncommon, and the levels of competence and knowledge in relation to countries of origin may vary greatly.

2.4 Re-categorisation of Countries of Origin

There is a problem of Government interference. In order to reduce the level of successful applicants, countries are moved to the 'white list'. This is a list of countries now deemed by the UK government to be safe for resettlement. This includes, for example, Afghanistan and Albania, where 'safety' may exist only in restricted zones. The effect of placing a country on the white list is to exclude existing and future asylum claims from that area. A further effect is that members of an extended family, or claimants from the same village who have experienced the same difficulties, may receive very different responses depending on the timing of their claims. Those whose cases were heard first may

have gained acceptance, those coming later from the same circumstances are rejected because the country of origin has been transferred to the white list. Refugees are often unconvinced by government assurances that their country of origin is now safe. Asylum seekers dispersed to one part of Britain, where there is some knowledge of in-country situations, will receive positive decisions, whereas their countrymen and women, dispersed to another region, may receive negative responses to similar personal histories.⁶

3. Statelessness, Removal, Destitution.

3.1 Statelessness

Some asylum claimants are stateless, either in reality or effect. Their countries may have been swallowed up in civil war (Eritrea) and no longer exist. Or the asylum seekers may have moved some years ago to a country which accepted them at the time, but is increasingly less neutral in its approach to large numbers of foreign nationals working and living within its boundaries, and the families are obliged to move again.⁷ The idea that such claimants would or could return on a voluntary basis is wholly unrealistic, even where we have agreements in place for the acceptance of returned asylum seekers.

3.2 Removal Procedures

Detention and removal procedures are also disturbing. In practice many asylum seekers receive little or no support from their case solicitor once they are detained. The continued vigilance of a solicitor may not prevent removal, but safeguards detainees' rights during the time of detention and throughout the removal process. Under international law, forcible removal should be consonant with safety, dignity and full respect for human rights.⁸

It should be noted that under the present Immigration Minister, protracted detention, especially where there are children concerned, is no longer enforced as a policy. However, the nature of detention has changed and now falls into two categories: detention prior to removal, and detention in accommodation centres on arrival, in order to facilitate fast processing of claims. The issues in respect of these forms of detention are quite different, but in Scotland we have no experience of accommodation centre detention.

3.3 Eviction and Loss of NASS Support

Increasingly, eviction from supported housing and the cessation of benefits are used as a way of 'starving people out', although there is no evidence that this policy achieves its stated objective. Financial support and the start of the eviction process can happen where asylum cases are still in

⁶ Is there another means of entry for those from 'white list' countries? As things currently stand, yes, for those who have education and some funding behind them. However, this is an evolving policy and is subject to frequent changes of direction and emphasis. Migrants can come to Britain as migrant workers and be 'fast-tracked' into the system. However, for poor families, caught up in war or its economic and social aftermath, who often club together to get one member out followed by another, there is no possibility of entering by this scheme. The financial constraints alone make it prohibitive. In June 2002, the Home Office issued its Immigration and Nationality Directorate Highly Skilled Migrants Programme : minimum income levels migrants may be required to demonstrate; Category C £20,000 pa in Jamaica, Russia, Iran, Morocco, Peru; Category D £15,000 pa from China, India, Pakistan, Nigeria, Sudan, Ukraine, Bangladesh. These figures were correct for 2002 only and may have been revised.

⁷ As in the case of the expulsion in April 2004 of 800,000 Congolese miners working in Angola. It can happen that aspiring politicians give, as their electoral promise, the assurance that foreign nationals will be returned to areas of conflict. This forces a second removal

⁸ Attempted removal at Heathrow Terminal 2 of V Burlakyan HO ref B1114017 SEU 43 8305 27 April 2004. Immigration claimed that there was a violent scene, which was used to justify detention and enforced removal on Friday 14 May 2004. In the intervening detention period, the family stated that no violent incident took place. There were no independent observers.

process. Although this is the kind of error which can happen in any administrative process, benefit can take months to reinstate. Once reinstated there is no back payment and families, who have borrowed money to survive, are unable to repay it.

The most serious cases of hardship, however, occur where an asylum claimant is granted leave for judicial or statutory review. Although this permission presupposes that some aspect of the case has not been adequately dealt with in the initial process (legal aid is usually granted to pursue the matter) benefits cease and eviction is initiated. The review process can take up to two years to come to court, during which time the claimants are obliged to live dependently on friends. Although there is often an appeal for restoration of support in such cases, this is rarely granted. In Glasgow, we have provision for twelve people receiving 'hard case support'. Any increase in the numbers means that the claimants are moved elsewhere, thus breaking their legal and social support network. The essence of hard case support is shelter and food. In practice, claimants are often advised by their lawyers not to apply for hard case support. Deep disquiet was felt by the committee, over the inclusion in the 2004 Act (section 10) of linking 'community activity' to the provision of hard case support.

The consequence of this is that charities and individuals are maintaining claimants. We are creating pockets of increasing poverty. For many asylum seekers, the friends who support them are also asylum seekers, so that an ever increasing number of people are being supported by a reducing income base. In the case of the stateless, or those who feel that they cannot return for reasons of safety but have been unable to persuade the courts, the only course left is destitution or illegal work. Increasing destitution could become a serious problem for Glasgow, which already has higher than average numbers of impoverished and homeless people. Facing destitution makes people vulnerable both as victims and perpetrators of crime.

4. Economic Potential and the Asylum Industry

4.1 Economic Potential of the Asylum Community

A major skills and aspirations audit carried out by the Scottish Refugee Council, Scottish Enterprise and the Scottish Executive, in 2004, shows that refugees tend to be drawn from the most skilled and educated groups in their country of origin.⁹ Of those interviewed,¹⁰ few were employed, and rarely were they employed in tasks commensurate with their pre-migration skills, experience and qualifications. Even those who have the relevant certificates may not necessarily be recognised by the professional body or competence authority in UK. There is a need for skills accreditation and competence testing and also English Language proficiency and work acculturation.¹¹

However, many asylum seekers' are multilingual, which makes them suitable candidates for interpreting or advocacy situations. Some have come from societies where multi-skilling is a feature of economic life, and some need only to complete part of a professional qualification, begun elsewhere and interrupted. The current system of debarring them from work during the lengthy wait for decisions, creates the risk that skills become outmoded and motivation lessens, making it more difficult to integrate them into the labour market. The Audit strongly recommends that the Scottish Executive make representations to the Home Office to establish the right to work for asylum seekers as well as for refugees

⁹ Refugees and Asylum Seekers in Scotland: A Skills and Aspirations Audit 2004 p.51

¹⁰ Until 2002, asylum seekers were not permitted to work for the first six months of their stay in the UK but after six months they could obtain employment. This concession was ended on 23 July 2002. Those then in work were allowed to remain in work. Those who have been granted refugee status (ILR, ELR, DLR categories) have the right to work. The committee recognises that there are current negotiations on the right to work issue for asylum seekers.

¹¹ Skills and Aspirations Audit 2004 p.53

4.2 Creating Jobs Locally

In addition to increased work for immigration lawyers, there has been a range of jobs created at local level as a consequence of asylum dispersal. The policy of dispersal has run parallel to investment in local communities where the asylum families are housed. In justice, dispersal can only be said to be a wasting policy for the asylum seekers themselves who are, mostly and somewhat ironically, not permitted to work.

Schools, ear-marked for closure are flourishing, and standards of behaviour and levels of industry in schools where asylum children attend have improved. Teachers have needed specialist training, both for teaching adults and children, and new posts have been created. Additional nursing staff and doctors are required in GP's practices. Run down housing stock has tenants, and rents, and community services have improved. The Asylum Support Teams have been recruited by the Housing Department, NASS employs workers to administer the system, and the Immigration Offices in Govan houses the Scottish Enforcement Unit and administrative and security teams. The Scottish Refugee Council employs people in both Glasgow and Edinburgh. Universities have engendered research projects on such issues as access to health, housing etc.

There are also voluntary projects and posts run by charities. Many churches have received thousands of pounds in project money over a period of years, not to mention education packages (tutors, materials, college administration) from Community Learning, which can be accessed by local people, and which are free at the point of delivery.

With the generation of these posts it may be seen that the asylum problem, for some, has been a cloud with a silver lining. It also needs to be considered what would happen at a local level were these posts, and more importantly the specialist skills base inherent in them, to be lost.

5. The Press Response

Myths and misrepresentations of asylum seekers and refugees are widespread in public debates and in media coverage. Whilst not all media coverage has been negative, some has been consistently negative. Individual incidents have been exaggerated, and partial reporting of the facts has done much to stir up mistrust of the asylum community. Words such as 'bogus' and 'scroungers' have repeatedly been associated with asylum seekers, and this has helped to encourage antagonism. Beyond question, there are asylum seekers who have abused both their claims and the system of support, but the majority would much rather work for their own support.

A recent poll showed that 80% of the British public believe that the asylum system is out of control and needs to be addressed. Perceptions of the numbers of asylum seekers arriving in Britain far outstrip the reality. There is misinformation on the amount of benefit received, the right to work, the increased health risk, the increase in crime rates. Newspapers have reported stories of ease of entry into British ports and a similar ease in obtaining false documents.

There is no doubt that the government, originally in favour of integration programmes has become less sympathetic in the face of public opinion. The Government has seemed more concerned with reducing the numbers than complying with their obligations to protect those whose human rights are being violated. The range of measures introduced in the UK, making it more difficult to claim asylum, should not be seen as evidence of the decrease of human rights abuses in the world, only that we are concerned more with adverse headlines than with those seeking protection.

6. Transit Processing Centres and Zones of Protection

Government proposals have suggested the use of both regional zones of protection in, or close to, areas of conflict, and processing centres in other states, as ways of handling Europe's asylum claims. Current policy has ruled out transit processing centres.

There is a need to protect the displaced in conflict areas, and a serious attempt at protection would have to deal with the fears which create the flow of refugees from any given area. It is also important to provide legal routes to resettle refugees within the EU (thereby reducing the need for traffickers) and similarly to create routes for returning refugees once conflict is over. Some zones of protection have already been established but their existence should not be, as is current practice, used to undermine the right to an asylum claim in a country outside the zone. Many refugees have little or no faith in the levels of protection offered.

The idea of transit processing, although at first glance seeming to offer immediate protection close to the point of flight, is, in reality, a way of shifting the responsibility for asylum seekers to the world's poorest countries. Amnesty International objects to these centres on two counts: as places of long-term detention for those who have committed no crime; and as creating a two-tier system of asylum states, with the very poorest states holding the larger amount of refugees in addition to those returned by the rich states. This is quite unjustifiable in moral terms. We cannot pay poorer countries to fulfil our obligations under the Geneva Convention.

7. Conclusion.

Current asylum policy, with its raft of intimidating legislation, is the worst of all possible worlds. It is a wasting policy.

* Families looking for safety are received unsympathetically and misrepresented in the press.

* Although many lawyers work very hard on behalf of their clients, the limitation of legal aid which results in the 'bumping on' of clients, and the restriction of appeals, and lack of in-country knowledge, contribute in certain cases to perfunctory legal representation and decision making. The sheer numbers of cases is also a contributory factor.

* Switching of countries to the 'white list', and Home Office guidelines in respect of certain geographical areas and conflict zones, represents an undue influence on the legal processes. Although intended to provide helpful information, in practice the guidelines are often interpreted very crudely and override individual histories.

* Eviction procedures and the cessation of benefits are creating problems of destitution. This is often masked by the asylum seeker's shame at being reduced to the lowest levels of charitable support. They tend to rely upon friends, often other asylum families, so that a dwindling amount of resources is supporting an ever increasing number of families. Faith-based groups are supporting many destitute asylum seekers.

* The whole process of removal needs to be re-examined. It is politicised, and designed to meet deportation/removal targets. Should we, as Geneva Convention signatories, have fixed quotas for removal? There are many people who cannot be removed because of real or effective statelessness or lack of papers. We also have the anomalies of those who cannot be removed because we cannot guarantee their safety at the point of return, and those who will not consent to return because of their fears for their safety. If that is the case, why have they been refused asylum, since a well-founded fear of persecution is the cornerstone of international legislation on refugees?

* Detention in Dungavel has also been used, both by politicians in Scotland and by the Church, as a convenient peg on which to hang disquiet about the asylum system. . Whilst few are comfortable that children are detained, the problem is nonetheless one of 'to detain' or 'not to detain', rather than insisting on the closure of one particular detention centre (with, given the constraints, very good conditions and a humane policy). Asylum seekers who have been dispersed to Scotland will not be better served by being detained in Manchester or London, where they have no friends to visit them and no supporting structures.

* Denial of the right to work sets up the risk of skills becoming outmoded, of employer suspicion of those who are permitted to join the labour market, of refugees only being able to find the lowest level of paid employment considerably below their levels of competence, and the exposure to the illegal employment market, with all its attendant risks. It also fails to unlock labour benefits which our economy needs, and needs urgently.

* There is no method of translation to some other entry scheme for those who are poor but still have skills to offer. A scheme whereby asylum seekers who wished to work here could be granted permission to do so would unlock the potential and skills of this community and generate economic growth. It must be acknowledged, however, that should the asylum seekers prove to be unable to find suitable employment, the position of statutory service providers becomes as ambivalent as it is under the current system. In other words, there would still be the question of who is responsible for the destitute?

* There are related issues of public security and the encouragement of international traffickers. These are both serious problems which could result from reducing established controls. Reduced control over entry may be the means of granting access to those who plan terrorist acts, and also make Britain a preferred option for the agents and traffickers who exploit the need for people to leave their country of origin. In response to the first point, thousands of foreign nationals come to Britain each year as students or tourists: an asylum claim is not the only, or even the most accessible, form of entry for someone planning a destabilising action. The second problem requires international co-operation in policing and in the creation of agreed access routes.

*We are now applying only the letter of international protection laws and not the heart. The 1951 Convention is interpreted too narrowly in two particular ways: the list of categories 'race, religion, membership of a particular social group or political opinion' is interpreted rigidly rather than generically. It is too easy, for example, to exclude from these categories a mother who fears her daughters may be subjected to female genital mutilation. The mother's objection to traditional practice may be deemed to have nothing to do with these categories.

With reference to 'refusal to avail themselves of the protection of that country' we have no way of knowing how much protection is offered in reality. A country may have an official policy deploring the activities of the mafia or of an extremist religious group, but be powerless, or indeed complicit, in the activities from which the citizens require protection.

Public disquiet is exploited by the media and then by the government to introduce increasing controls. In reality the system is hardly out of control. The process of continuing legislation demonstrates a system which operates effective and tightening controls -but are they pointing in the right direction? If the asylum system is abused it is because the alternative, our managed migration policy, is still not flexible enough to allow a variety of people from a range of circumstances to come and work in Britain. What the Government is asking people to endorse is a policy which does not serve either our ethical obligations or our economic or demographic interests. It neither permits the

flow of managed migration to which the government is committed, nor does it successfully maintain the integrity of the protective systems set up under international law.

We urge HMG to:

1. Reassert the sympathetic breadth intended by the original Geneva Convention.
2. Take seriously the consequences of capricious violence in collapsed economies and social infrastructures, as well as in situations of conflict and direct persecution.
3. Encourage those involved in the legal decision-making process to be better informed in respect of real situations on the ground. The fact that a formerly unstable area now has a ruling power group does not guarantee the safety all returnees.
4. Facilitate the interviews of claimants in an atmosphere in which they can openly recount the facts of their flight, without prejudice. Where possible, legal representation should be included even at this early stage. The new single tier appeals structure, introduced by the 2004 Act, implies a greater need for a good decision making at the earliest stage.
5. Recognise that if there are fewer stages in the appeals process, and it is essential that claimants should have access to legal help at the earliest and at every stage, facilitate Legal Aid provision, and revoke the inadequate five day claim period for High Court applications (2004 Act section 26).
6. Recognise and respond to the peculiar difficulties, under the new appeals system, of Scottish solicitors who have access to the Court of Session only through the instruction of counsel.
7. Abandon the regulator of the 'White List' and promote attention to individual histories.
8. Discourage the practices of eviction and cessation of financial support prior to removal. Particularly, this should not be enforced where a case is being reviewed. The committee recognises that this is in direct conflict with the provision of the 2004 Act which permits withdrawal of support. However, if the Government is seriously concerned with potential destitution, illegal working and its attendant vulnerabilities, asylum seekers should be accorded basic rights until they attain refugee status or are removed.
9. Depoliticise the removal programme. Removal must be consonant with 'safety, dignity, and full respect for human rights'. Forcible removal should only be effected where human rights can be safeguarded on return. It is insufficient to assert that the receiving country has the rule of law when we know that the legal system is corrupted and manipulated for individual, group, or political ends.
10. Reaffirm that detention will not be used unnecessarily or as part of a coercive strategy.
11. Engage with the problems of skills shortages at home and skills within the asylum community and relate this to the Fresh Talent Initiative. There should be a recognition that Scotland's needs in respect of asylum/immigration policy may not be identical with other areas of the UK.
12. Recognise and take responsibility for our part in the root causes of migration and flight.
13. Work for international co-operation for the protection and best interests of people fleeing persecution and migrating for work. It is not sufficient to declare that we are not part of 'Fortress Europe', while we are engaged in constructing the walls.

2006

DELIVERANCE

Church and Society Council ASYLUM POLICY

5. Express concern at the way in which families with children have been treated in “dawn raids” associated with the removal of asylum seekers, welcome those ways in which the issue has been taken up in the Scottish Parliament and by the Scottish Executive, and call on the Home Office to respond to the concerns of the Scottish people by setting in place a protocol of principles and practices, including full compliance with child protection legislation, which will ensure that people are treated with dignity and respect.
6. Aware of the continuing policy of using destitution as a means of persuading asylum seekers to give up on their claims, remind HMG of the moral and legal responsibilities we have to those fleeing persecution, and of their duty under the UN Declaration of Human Rights to provide “food, clothing, housing, medical care and necessary social services” for those who lack these in circumstances beyond their control.

REPORT

4.2 Asylum Policy: Dawn Raids

4.2.1 Last year the Church and Nation Committee included as an appendix to its report the work of the Presbytery of Glasgow on “Asylum in Scotland”. The General Assembly supported the recommendations that report contained. Among these was a reference to removal being “consonant with safety, dignity and full respect for human rights.” The removal being referred to was removal from the country. However, in the last year attention has focussed much more on how and when people, particularly families with children, are removed from their homes in advance of being removed from the country.

4.2.2 The trigger for widespread concern was the treatment of the Vucaj family, Kosovan asylum seekers who, on 13th September 2005, were forcibly evicted at dawn by police in body armour. Their case was raised in the Scottish Parliament on a motion by Patrick Harvie, an MSP from the Green Party. Several church bodies, including the United Reformed Church, the Catholic Justice and Peace Commission, and the Church and Society Council, supported this motion. It said that dawn raids were “unnecessary and cause fear and distress”; and also congratulated those who had been campaigning on the issue. Among these was a group of pupils from Drumchapel High School, who were later given an award at the Scottish Politician of the Year event.

4.2.3 Patrick Harvie’s motion was superseded by an Executive amendment which, nevertheless, called on Scottish ministers to convey to the UK government the “widespread concerns about practices such as so-called ‘dawn raids’, handcuffing of children, and the removal of children by large groups of officers in uniform and body armour.” During the debate on 22nd September the Minister for Communities, Malcolm Chisholm, referred to what had happened as “absolutely appalling”. It was made clear around this time that the First Minister would be seeking to establish a protocol with the Home Office to make sure that this kind of behaviour would not happen again in Scotland. The protocol, at the time of writing, is still awaited.

4.2.4 Reaction in Westminster was not to discuss the issue, but simply to assert Westminster authority in matters of immigration. Meanwhile opinion in Scotland seems to be remarkably and

unusually united on this matter. The Children’s Commissioner, Kathleen Marshall, summed up the feelings of many when she referred to the practices as the “terrorising of children” and “a clear breach of human rights”. The First Minister has, it appears, relayed this opinion to the Home Office, but so far without receiving any positive response.

4.2.5 The frustration that no voice seems to be getting through is not dissipating – and that frustration is felt in the churches as well. The United Reformed Church has written again, encouraging the First Minister in his task and suggesting that the Executive seek a judicial review of the Home Office policies in the Scottish courts. And the Presbytery of Dumbarton has deplored “the practice of dawn raids by agents of the Home Office to remove failed asylum seekers, most especially where children are involved and agents, who have not been given clearance under Scottish Child Protection legislation, are entering the bedrooms of sleeping children and handcuffing their parents in front of them.”

4.2.6 During their February visit to Westminster, representatives of the council also met with the Minister for Immigration, Tony McNulty. Topics covered included (a) early morning removals and the specific issue of immigration officers involved in these not needing child protection certificates or training; (b) ongoing destitution of "failed" asylum seekers; and (c) quality of initial decision-making, welcoming the new asylum model's commitment to a continuity of case officer, but noting that apparently increased movement of people between detention centres was harmful to that and to all kinds of support for asylum seekers. There did seem to be a willingness by the Minister to listen to concerns, and he promised a further meeting during his next visit to Scotland, to which representatives of churches in Glasgow working with asylum seekers would be invited.

4.3 *Destitution among Asylum Seekers*

Another continuing issue is that of destitution among asylum seekers whose application has not been successful. It is an affront to the values of the civilization we like to believe we live in that people become, by deliberate action of the state, without shelter and without any means of support. In line with previous statements of the General Assembly, we therefore support the statement by Church Action on Poverty. This statement draws attention to:

- the moral and legal responsibilities we have to those fleeing persecution;
- the people whose claim is refused, but who have no safe way of reaching home;
- those who are unjustly refused asylum;
- the need to allow asylum seekers to work;
- the duty to provide “food, clothing, housing, medical care and necessary social services” under the UN Declaration of Human Rights;
- the call to treat our neighbours as we would like to be treated were we in their shoes.

2008

DELIVERANCE

Church and Society Council Engaging with Issues of Peace and Justice

Migration

13. Re-affirm the view that it is unacceptable to use destitution as a tool to persuade people to leave this country.

REPORT

26. Migration

26.1 *World Council of Churches*

26.1.1 Throughout the churches it is increasingly recognised that our attitude to migration is central to our faith. How we treat and welcome the stranger is a key issue for the way we live as Christians in the world. The World Council of Churches has in the past year initiated a global platform for theological reflection on this topic. This will look at central themes of Christian theology: the nature of humanity, the nature of the mission of the church, a theology of place.

26.1.2 This reflection will focus on the way in which receiving societies routinely confront migrants. Many of these have been forced to move because of conflict and political repression, or to escape the worst effects of poverty or climate change, and they can be met with restrictive immigration policies that divide families, deprive migrants of basic necessities, and reinforce xenophobia among the settled majority. The study will also look at the suggestion, made by some, that the humanitarian response of churches and other agencies can fail to take sufficiently seriously either the increased demands on infrastructure or the effect on local culture that are triggered by the arrival of significant numbers of migrants.

26.1.3 Culture and its permanently evolving nature are at the heart of such debate. The bringing together of cultures changes both – and it is often in how we respond to cultural change that our political attitudes are formed or reformed. Theology too is highlighted, and the emphasis on a theology of welcome in a receiving society can be compared with the theology of justice among those migrating. If migration, rather than permanence, is understood as the norm of human experience, then our interpretation of our identity changes. Our interpretation of scripture can also affect how we approach these issues. For example, we can set our translation of John 1.14 into this context, where it can influence our thinking. These can serve as examples:

- the word became flesh and dwelt among us;
- the word became flesh and pitched his tent among us;
- the word became flesh and moved into the neighbourhood.

The Council hopes to be part of this global theological exchange.

26.2 *Churches Commission on Migrants in Europe (CCME)*

26.2.1 In Europe, the churches concern for migrants is given particular focus in the work of CCME. The Commission believes that Europe's tradition of protecting human rights, integrating migrants and refugees and cherishing cultural diversity is currently under strain. It also believes however that, by vocation, churches are well positioned to promote mutual understanding and acceptance between various communities and to play an active part in the building of a just society of cultural, racial and religious diversity.

26.2.2 CCME produces the Migration News Sheet and has initiated the Migration Policy Group. They hold official observer status with the Council of Europe in Strasbourg and observe the Committee on Migration of the Council of Ministers. CCME also maintains regular contacts with the European Commission and the European Parliament.

26.2.3 CCME promotes the adoption and implementation of international standards such as the European Social Charter, the European Convention on the Protection of the Legal Status of Migrant Workers, and the UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. CCME has also made specific proposals for the adoption of a European immigration policy and for equal treatment of European citizens and third-country nationals.

26.3 CTBI

Migration and Movements of People is one of the three overarching themes for the work of CTBI. This follows on from the work that went in to the publication of Migration Principles. That publication looked at migration in the context not only of Christian theology but also of globalisation, racism, xenophobia, trafficking and exploitation. It further considered the complex issues of family reunification, and the reciprocal benefits of migration, as well as high-profile security concerns.

26.4 Cross-Party Group on Asylum Seekers and Refugees

The Council continues to be represented on this Cross Party Group. The purpose of the Group is to provide a forum for the discussion of the issues relating to refugees and asylum seekers both in Scotland and abroad, and to promote their welfare. It is for interested MSPs to work on a cross-party basis to identify the role of the Scottish Parliament and Government in improvement in the situation for asylum seekers and refugees in Scotland, and to provide the opportunity for MSPs to meet asylum seekers and refugees and members of the organisations that represent them.

26.5 Living Ghosts (CAP)

26.5.1 People seeking asylum in the UK who have had their application refused (often through unfair and incompetent processes) sometimes cannot be deported. This is because it seems possible for people to be told both that the situation they are fleeing is not serious enough to merit their being granted asylum, and that the situation to which they would return is too dangerous to allow it. Government policy is to use a carrot and stick approach of making rejected asylum seekers destitute while offering very basic support if applicants say they will “voluntarily” return to the place they fled. Many people, including Christians, are scandalised that destitution is being used as a tool of Government policy. For some the obvious root of the destitution has challenged them to do more than just put sticky plasters on the problem. In churches there has been a groundswell of support for a campaign to change the root causes of the destitution of people seeking asylum in the UK. Christians looked to Church Action on Poverty to start a campaign and the Council has been happy to support its aims.

26.5.2 The Living Ghosts campaign has been very popular, with thousands of people becoming involved – people who believe in taking action to stop the causes of economic injustice. While the campaign aim (work for those who can; support for those who can’t) has been a struggle, those involved are convinced that the Government will eventually recognise that it is inhumane, expensive and counter-productive to make refused asylum seekers destitute. As part of this campaign, a conference was held in Glasgow in February 2008, entitled “Still Here”.

2009

DELIVERANCE

Church and Society Council *Growing up in Scotland*

13. Demand that HM Government uphold, respect and protect the rights of children who are asylum seekers or who are trafficked into our country.

REPORT

2.7.3 Refugee and asylum seeking children:

2.7.3.1 One of the biggest concerns raised in the recent reports to the UN Committee on the Rights of the Child has been the situation facing refugee and asylum seeking children. It is estimated that there are 10,000 asylum seekers and refugees in Scotland, the majority of whom live in Glasgow. There has been widespread condemnation within Scottish society around some of the UK wide policies such as detention of children, dawn raids and removal processes. The churches have been a leading voice in this campaign. Support for children during the asylum processes is often seen as inadequate, particularly given that many are dealing with traumatic experiences.¹²

2.7.3.2 Families are denied access to basic services and benefits. Asylum seeker parents are not allowed to work and are only entitled to 70% of social security benefits. Many asylum seeking families face destitution. Unaccompanied children seeking asylum are particularly vulnerable and there are major concerns about the processing of their claims and the support that is available for them.¹³

2.7.3.3 A sign of the effectiveness of campaigning on this issue was seen when Jim Murphy announced a pilot aimed at ending the incarceration of young people at Dungavel detention centre. He said, "This is a trial based on concerns raised, in particular by the churches in Scotland."

2.7.3.4 We are proud to be part of a country where our young people have bravely spoken up for their school friends who are victims of dawn raids, and to be part of a Church whose pressure to end the detention of children and families seeking refuge here has prompted the Secretary of State to look for alternatives. We welcome, too, the commitment of the Scottish Government to ensuring that these vulnerable children have access to the public services (health, education, housing, etc) which they need.

¹² P Hopkins and M Hill, *This is a good place to live and think about the future... The needs and experiences of unaccompanied asylum-seeking children in Scotland*, Scottish Refugee Council, March 2006

¹³ Ibid

2010

DELIVERANCE

Church and Society Council

Practical, Congregational Responses to Poverty

23. Urge the UK Government to protect the rights of asylum seekers who are children, and express concern over the process in determining the age of asylum seekers who claim to be under the age of 18.

2014

DELIVERANCE

Church and Society Council

Racial justice, asylum and refugees

55. Note that the United Kingdom has a long tradition of being a country of sanctuary for those fleeing persecution and the words of Jesus to love our neighbour; urge the UK Government not to repeat offensive publicity campaigns such as 'Go Home' either on the streets or in Home Office centres such as the one in Brand Street in Glasgow.
56. Urge the UK government to redress those policies, such as the Azure Card and refusal of permission to work, which force so many asylum seekers and their children seeking safety in the UK into severe poverty, and many into destitution, often for years.

REPORT

10.6 Racial justice, asylum and refugees

10.6.1 The Council continues to support the work of the Scottish Churches Racial Justice Group. Although this year the post of Racial Justice Officer of Action of Churches Together in Scotland has ceased due to funding decisions, the commitment and enthusiasm of Scotland's churches to the cause of racial justice remains strong. Important highlights of this area of work over the last year include:

- Joint statement from Scottish Church leaders on the anniversary of the birth of Dr David Livingstone, highlighting his witness and work to tackle slavery, expressing concern at modern day slavery and human trafficking, and urging all the people of Scotland to make our nation a place of safety, welcome and hospitality for all.¹⁴
- Asylum seekers in destitution have been a particular focus over the last year. A small group representing the Action of Churches Together in Scotland Church and Society Network was established to look at asylum and destitution. Their work has included:
- Connecting with academics and charitable groups working to support asylum seekers and refugees, including a report by Glasgow Caledonian University's Poverty Information Unit, *Trapped: Destitution and Asylum in Scotland*.¹⁵
- Supporting and publicising the *Stop Destitution* campaign organised by the Refugee Survival Trust and Scottish Refugee Council. www.stopdestitution.org.uk
- Research into asylum seekers and refugees ability to access Higher Education courses at Scottish Universities. <http://www.acts-scotland.co.uk/images/stories/tom/univasylumreport0813.pdf>
- Publication of a discussion leaflet aimed at local congregations (available from the Church and Society department at 121 George Street).

10.6.2 2013 saw two widely-criticised attempts by the Home Office to encourage voluntary returns by refused asylum seekers. In London the 'Go Home' vans created a huge deal of publicity and debate about the use of racist slogans and a general approach which dehumanises individuals, creates a sense of righteous difference between 'them' and 'us'. At the Home Office centre in Brand Street, Glasgow, posters and stickers in a waiting area for asylum seekers using similar motifs and messages were also denounced by a wide number of media, civic and political figures. We remain

¹⁴ <http://acts-scotland.org/images/stories/stephen/livingstonestatement.pdf>

¹⁵ http://www.scottishrefugeecouncil.org.uk/assets/0000/5050/Trapped_destitution_and_asylum_final.pdf

committed to the vision set out by the Church Leaders in their Livingstone statement: that we should make our nation a place of safety, welcome and hospitality for all.

2016

DELIVERANCE

Council of Assembly

18. Instruct the Council of Assembly to work with other Councils and Committees to develop a co-ordinated response by the Church of Scotland to the issues affecting refugees and asylum seekers outlined in the Report.

REPORT

7. Refugee Crisis - Response

7.1 2015 was not the start of the Refugee Crisis, but it was a year in which many of us realised the magnitude of the situation. The year saw a succession of media stories about refugees: hundreds of people perishing at sea or in the back of lorries, the misery of life in the camp in Calais known as the Jungle, and the chaos and terror of people landing on Greek islands, or wearily attempting to make the long journey through Southern Europe. Europe is now experiencing its greatest refugee catastrophe since the Second World War, but it is not a sudden crisis. For many years, there have been migrant deaths in the Mediterranean and for decades there has been hostility and fear on the part of Western societies to the idea that they may have to offer help to others. Churches across the continent have, with a few honourable exceptions, been slow on the uptake. Those exceptions include the Church of Scotland's own congregations in Malta and in Budapest. St Andrew's Church in Malta, an ecumenical partnership between the Church of Scotland and the Methodist Church, has, of course, been running its successful Out of Africa project for some years, partly with the generous support of the Guild. St Columba's in Budapest was faced in the late summer of 2015 by the needs of thousands of asylum seekers who arrived in Budapest on their way, they hoped, to other western countries. The congregation decided to open its premises to offer overnight shelter for vulnerable asylum seekers and very quickly mobilised a large number of volunteers, raised funds and worked with partners, including commercial companies, to offer shelter, dry clothes and food to refugees who would otherwise have shivered on the streets. Church people want to help – it is what we are called to do and the Church of Scotland is now seeking to co-ordinate the energies of our people towards the common good. The Council of Assembly, as the body charged with the co-ordination of Council and Committee work, took the first steps in this matter and is reporting now on behalf of the various bodies involved.

7.2 The Church and Society Council continues to monitor and comment on the refugee situation on behalf of the Church, and the Council of Assembly has been pleased to work with them to support the Church's response. The UK Government is the second largest aid donor to humanitarian work, after the US, in the region around Syria. This is welcome, but much more aid is needed. The refusal of the UK Government to cooperate within a common EU framework and its resistance to helping refugees rescued from the Mediterranean, those who have reached Europe, or who are waiting for safe passage in Calais, is reprehensible. Since the UK began bombing Syria the moral authority of the UK Government is threadbare; its refusal to accept more than 20,000 refugees over a five year period has rightly been criticised by politicians from other EU member states as well as by a wide range of organisations across this country. Saying 'Yes' to accepting hundreds of thousands of people creates many questions of integration and accommodation, but saying 'No' when you have the chance to help condemns many to death. It also denies us all some of the potential and creativity which more diverse communities can bring.

7.3 The response from individuals, communities and congregations has been phenomenal. The prayers, time, money and goods offered by members of the Church of Scotland are important symbols as well as practical means which say that refugees are welcome here, and that we also care for the well-being of those in other parts of the world. One of the challenges has been to co-ordinate and direct the upsurge of goodwill; it was with this desire for the Church to be engaged in a common endeavour that in September 2015 the Council of Assembly resolved to establish a refugee project and arranged for funding to engage a refugee project co-ordinator.

7.4 The refugee project is hosted by the Church and Society Council but is a genuinely cross-Council initiative drawing on and supporting pieces of work from a range of departments in the Church Offices as well as working with individual congregations, Presbyteries, Churches Together groups, Christian Aid, Eco-Congregation Scotland and local authorities and charities and voluntary groups. The project was set up for twelve months in the first instance and commenced in November 2015. Conversations are currently taking place as to what the future direction of this work should be.

7.5 A key element of the response in Scotland has been the emphasis on partnership working and for the Church of Scotland this has meant leading an innovative cooperation between a range of churches and faith groups. The refugee co-ordination project operates under the name of Scottish Faiths Action for Refugees. The emphasis is on demonstrating interfaith and intercultural collaboration as a lived example of what can be offered in the face of terror and xenophobia. Project partners include Action of Churches Together in Scotland, Interfaith Scotland, the Muslim Council of Scotland, the Scottish Catholic Bishops' Conference, the Scottish Episcopal Church, the Scottish Council of Jewish Communities, the United Free Church of Scotland, the United Reformed Church National Synod of Scotland, the Methodist Church in Scotland and the Salvation Army Scotland Office. For further details about Scottish Faiths Action for Refugees, including resources, sources of information and practical ways congregations can help, visit the website (www.sfar.org.uk) or contact the Refugee Co-ordinator, David Bradwell (dbradwell@churchofscotland.org.uk, 07341 478 174; Twitter: @WithRefugees).

7.6 The World Mission Council has supported the National Evangelical Synod of Syria and Lebanon (NESSL) through encouraging Church members to donate to 'A Place at the Table'. Funds raised through this initiative are used by NESSL in their refugee and humanitarian relief work to provide food and toiletries for those displaced in the region. At the time of writing A Place at the Table had raised over £80,000. The visit by the Moderator to Egypt in January 2016 highlighted the work of St Andrew's Refugee Service in Cairo, including their work in providing education to refugee children. Christian Aid's refugee appeal is used to support ACT Alliance partners including Hungarian Interchurch Aid, Philanthropy (the charitable foundation of the Serbian Orthodox Church) and in Greece, the International Orthodox Christian Charities.

7.7 The Mission and Discipleship Council has produced prayer and worship resources and reflections, which have been made available for free download on the Church of Scotland website. The Session Clerks' and Office Bearers' Conference on 30 April will have a session on the practical steps that congregations can take to help.

7.8 The Social Care Council already works with asylum seekers in some of its projects, particularly at the Daisy Chain in Glasgow. It is considering whether any of its other expertise in, for example, trauma counselling and care for older people, could be of use to the project. Ministries Council too is considering what support it could provide, perhaps through training and support for ministers dealing with the presence of asylum seekers in their local communities.

7.9 Grants were made in 2015 by both the Council of Assembly and the Ecumenical Relations Committee to the Churches' Commission for Migrants in Europe (CCME). CCME was established in 1964 and so has decades of experience of working alongside people travelling to and through Europe. They have worked on issues of integration as well as refugee humanitarian protection. They have been involved in commemorating the lives of those lost at sea trying to reach safety, and in establishing safe passages for refugees to reach Europe, through monitoring and advocacy for a co-ordinated EU policy approach to migration. CCME deeply appreciated the donations from the Church of Scotland, which are being used to help fund the Safe Passage project.

7.10 For several years the General Assembly has commented on UK Government policy relating to the asylum system. With this refugee co-ordination project now under way, the Church and Society Council is seeking to develop the Church's understanding of and advocacy for reform, including continuing to challenge specific policy areas:

- replacing the Azure pre-payment benefit card with cash;
- offering the right to work for asylum seekers who have been resident in the UK for six months;
- improving the system of asylum application legal representation and appeals;
- ending dawn raids and indefinite immigration detention;
- improving access for family reunion;
- ending the policy of destitution for asylum seekers who have had their claim refused but who are not able to be returned to their country of origin;
- seeking to challenge media and political rhetoric which dehumanises and divides people against one another.

7.11 Locally many areas of Scotland are receiving Syrian refugees under the UK Government's resettlement scheme. Several local authorities are now offering homes to Syrian refugees, and local churches, faith groups and community organisations are responding to the particular needs of their new neighbours. The City of Glasgow is home to several thousand asylum seekers: people who have arrived in the UK from different countries and who have been sent to Glasgow as part of the Home Office's dispersal policy, whilst their asylum claim is considered. Congregations, church groups and interfaith projects in the city have worked alongside asylum seekers and refugee support organisations since asylum dispersal began in 1999 and continue to do so. The numbers of asylum seekers in Glasgow are far greater than the number of Syrian refugees in other parts of Scotland, and so support for and solidarity with asylum seekers and those who are working alongside them in Glasgow should be a national concern for the whole Church. We give thanks for the faithful work of all those in Glasgow and beyond who give their time, talents and money in this expression of Christ's mission.

7.12 The Council seeks the support of the General Assembly for its continued work with other Councils and Committees to develop a co-ordinated response by the Church of Scotland to the issues affecting refugees and asylum seekers as outlined in the Report. It also seeks the Assembly's support for the powerful message that partnership working represents as other churches, faith groups, voluntary and charitable organisations and statutory agencies respond together to this humanitarian catastrophe.