

**Designing and implementing effective human rights-based housing strategies: Call for Contributions for civil society organizations and National Human Rights Institutions**

Response submitted by   
Scottish Refugee Council

**October 2017**

**About Scottish Refugee Council**

1. Established since 1985, Scottish Refugee Council is a human rights charity working to support and advocate on behalf of refugees and asylum seekers across. Our vision is for a Scotland in which all people seeking refugee protection are welcome. As an independent charity, we provide essential information, advice and advocacy to people seeking asylum and refugees in Scotland, campaign for political change, raise awareness about issues that affect refugees, and work closely with local communities and organisations.
2. Our Scottish Refugee Integration Service assists new refugees and their family members reunited in Scotland to access and exercise their rights, including their rights to housing and homelessness assistance. We provide advice, advocacy and assistance in a range of areas, including housing, social security, health, education, employability, and support people to participate in their communities and wider society.
3. Along with the Scottish Government and Convention of Scottish Local Authorities (COSLA), we lead on the development and implementation of Scotland’s Refugee Integration Strategy, New Scots: Integrating Refugees in Scotland Communities.1

**Introduction**

1. Scottish Refugee Council welcomes the opportunity to respond to this call for contributions. We have not endeavoured to answer all of the questions set out in the consultation document. Instead we focus on the key areas of homelessness which may affect refugees in Scotland.

**Background**

1. The [latest figures released by Home Office](https://www.gov.uk/government/publications/immigration-statistics-april-to-june-2017/list-of-tables#asylum) shows a total of 39,357 people applied for asylum in the UK, 8,610 of these were from “dependants”. At the end of June 2017 ([the most recent figures](https://www.refugeecouncil.org.uk/assets/0004/1344/Asylum_Support_Aug_2017.pdf)) there were 36,127 people in dispersed accommodation, 2,827 receiving subsistence only, and 1,447 in initial accommodation. Scotland currently accommodates 13% of this population. The profile of asylum seekers is subject to change and while up until last year the vast majority of asylum seekers dispersed to Scotland were single (over 70%), this has now changed to all new dispersed asylum seekers to Scotland are families.

1. Although the Home Office releases data on the outcomes of asylum decisions made at a UK level, it does not release data at a Scottish level, or a local level. According to Home Office figures, approximately 34% of initial applications for asylum are granted and around 34% granted at appeal stage.
2. Refugees and people granted Discretionary Leave, Humanitarian Protection or Indefinite Leave to Remain are all entitled to public funds and have access to full housing options, including homelessness and social housing.
3. In its strategy, [**“New Scots: Integrating Refugees in Scotland's Communities 2014-2017”**](http://www.scotland.gov.uk/Publications/2013/12/4581), the Scottish Government recognised the need for action to intervene early to address the housing needs of newly granted refugees, increase housing options for refugees and improve refugees’ access to suitable housing. We are working with Scottish Government CoSLA and a wide range of stakeholders to develop the next phase of the strategy 2018-2021 and aim to publish in January 2018. We will pick up on many of these themes emerging from the consolation throughout this response.

**Aims of this call for evidence**

1. For her next thematic report to the Human Rights Council, 37th session, the Special Rapporteur on the right to housing will focus on guidance for states to design and implement effective human rights-based housing strategies to realize the right to housing and to fulfil commitments made in the 2030 Agenda for Sustainable Development and the New Urban Agenda.

**Legal provisions for accommodating refugees in Scotland**

1. Housing rights in Scotland differ considerably depending on one’s status. Asylum seekers are not entitled to access many forms of accommodation and financial support, with provision determined by UK government legislation (primarily [the Asylum and Immigration Act 1999](https://www.legislation.gov.uk/ukpga/1999/33/contents)). Although renting privately and owning property is currently possible in Scotland, it is rarely possible for asylum seekers to access this as there is no entitlement to financial assistance to pay the rent and no right to work for most people. The UK Government’s [Immigration Act 2014](file:///C:/Users/jamiest/Desktop/Immigration%20Act%202014) and [2016](file:///C:/Users/jamiest/Desktop/2016) will remove the right to rent properties from asylum seekers. Once granted status, individuals gain the right to social housing provision through [Housing (Scotland) Act 1987](file:///C:/Users/jamiest/Desktop/Housing%20(Scotland)%20Act%201987) and [2001](file:///C:/Users/jamiest/Desktop/2001). This includes the right to access mainstream benefits to pay the rent on housing and limited housing support provisions. As Scotland has removed provisions for “priority need” for housing and the requirement for refugees to have a “local connection” in a Scottish local authority area, these provisions are considerably more generous than elsewhere in the UK and have been described as [some of the most progressive, human-rights based legislation on homelessness in the world](https://www.crisis.org.uk/about-us/latest-news/scottish-housing-minister-urges-action-on-ending-homelessness/).
2. The 2001 Act also [legally requires](http://www.gov.scot/Topics/Built-Environment/Housing/supply-demand/deliveryframework/lhs) all Scottish local authorities to prepare a local housing strategy including the assessment of local housing need.

1. However, there remain considerable challenges, for housing and homelessness in Scotland, both as they relate to asylum seekers and refugees. We outline these below.

**A system where homelessness and destitution is “built in”**

1. Under its asylum accommodation contracts, the Home Office provides accommodation to people seeking asylum on a “no-choice” basis in a number of areas across the UK. Glasgow is the local authority receiving the largest number of “dispersed” asylum seekers in the UK[[1]](#footnote-1). Once granted refugee status, refugees have 28 days in which to find accommodation and alternative financial support. This is undoubtedly the main driver of homelessness amongst refugees with status in the UK and often means that refugees rely on local authority duties to accommodate them under homelessness legislation. There is a need for data to ensure that public services prepare to host people.
2. Our [Holistic Integration Service evaluation report](http://www.scottishrefugeecouncil.org.uk/assets/0001/1142/Full_Integration_Report_June_2016.pdf) provides detailed statistical and qualitative accounts of the impact of the homeless system on refugees in Scotland. It highlights that too many refugees have difficulties finding temporary accommodation because none is available in Glasgow, that the times taken for refugees to access permanent accommodation are too long and that, too often, temporary accommodation is unsuitable and too expensive for to allow refugees to effectively integrate through employment and education. The report makes a number of key recommendations including:

* **Scottish Government must conﬁrm its commitment to refugee integration by renewing the New Scots strategy, 2014 – 2017. The next Refugee Integration Strategy should set the national standards for the integration of refugees in Scotland and set the premise for an innovative Integration Bill and clarify refugees’ rights and entitlements.**
* **Local Authorities must uphold their homelessness prevention duty by creating dedicated pathways for new refugees to access temporary housing and progress promptly to settled housing without having to access emergency homeless services when their asylum support ends. This could be achieved by adopting similar systems to those implemented as part of the Syrian Vulnerable Persons Resettlement Programme 2015/6.**
* **Scottish Local Authorities should provide affordable temporary accommodation to avoid creating additional barriers to employment and education by creating a ‘poverty trap’ for refugees and others who are homeless.**
* **Scottish Local Authorities should ensure that all households in temporary accommodation have access to advice on the implications of any change in employment or education circumstances, and full knowledge of options available to enable the pursuance of opportunities.**
* **Local Authorities should invest in equality sensitive housing support for refugees to ensure all groups are provided with appropriate support, including single men, who are disproportionally affected by homelessness. To be in line with the Scottish Government’s policy that integration starts from day one, the UK and Scottish Government must implement the devolution of asylum support, accommodation and advice as set out in the Smith Commission and ensure availability of integration services**
* **The UK and Scottish Government should work together to plan the widening of asylum dispersal in Scotland and ensure properly resourced support and advocacy services are available in all local authorities taking part in the dispersal of asylum seekers. This should be done in respect of asylum seekers rights and by aiming to meet suitable housing and support standards.**

1. We echo these recommendations in this response and emphasise our strongly held belief that the system of provision for asylum seekers and refugees in Scotland need not and should not accept the position where homelessness is “built in”.

**A two-tier approach to Scotland’s refugees**

1. The [Scottish Parliament's Equality and Human Rights Committee 2017 Report on Destitution](http://www.parliament.scot/S5_Equal_Opps/Reports/EHRiC_3rd_Report_2017.pdf) and the [UK Government's All Party Parliamentary Group on Refugees 2017 report on Refugee Integration](https://www.refugeecouncil.org.uk/assets/0004/0316/APPG_on_Refugees_-_Refugees_Welcome_report.pdf) both touched on the above issues and said that a two tier approach is developing between those refugees who have been resettled through the UNHCR schemes such as the Syrian Vulnerable Persons Relocation Scheme (for whom Local Authorities have been able to secure settled housing from day one) and those that claim protection through the asylum process who face sustained and severe poverty with a persistent threat of homelessness. And, if refused protection, then they will often fall into what is in UN global poverty terms, the absolute poverty of destitution, suffering mental and physical health deterioration, and amongst other adversities, be at risk of exploitation including from organised crime.The Equality and Human Rights Committee report asked the Scottish Government to take a range of actions to prevent and mitigate the risk and reality of destitution facing those seeking, those granted and, in particular, those refused protection including:

* **The creation of a 'Scottish anti-destitution strategy' to inform a national approach to mitigating destitution.**
* **The creation of a new Scottish Government advocacy service for destitute people with insecure immigration status.**
* **The creation of a national coordinated practitioners’ network, which would include Scottish Government officials, representatives from health boards, local authorities, non-government organisations, third sector organisations, and legal practitioners.**
* **The Scottish Government should examine the feasibility of extending the Free Bus Travel Scheme to allow destitute people with insecure immigration status to attend appointments.**
* **Where clinicians consider an individual with insecure immigration status has an infectious disease that requires accommodation, this should be funded by the Scottish Government as a preventative measure.**
* **The creation of a new ‘Destitution Fund’ by the Scottish Government for women experiencing domestic abuse unable to access other sources of help.**
* **Update the COSLA/Local Authority guidance so that local authorities dealing with people with insecure immigration status are clear on help available.**
* **The guidance should be unambiguous about carrying out human rights assessments.**
* **Asylum seekers should have the right to do paid and unpaid community work in Scotland – allowing for better integration opportunities, supporting asylum seekers’ mental and physical health, and the opportunity for asylum seekers to receive an income.**

1. We broadly support these recommendations and it remains a challenge for the Scottish system about how it can take these recommendation forward.

**The need for advocacy services**

1. The evidence gathered in the evaluation of our Holistic Integration Service, Equalities and Human Rights Committee and All Party Parliamentary all highlighted the need for effective advocacy services focused on prevention to ensure that asylum seekers and refugees are able to practically access their rights and entitlements, including the right to adequate housing. They point towards the fact that funding for advocacy services is short-term and grant-based, leaving projects unstable and vulnerable to project termination. We back the calls in these documents for the establishment of a statutory funded holistic asylum advocacy service, which is a tangible prevention approach to the destitution of those seeking or granted protection. For those refused protection such an advocacy service is a more humane and therefore more effective way to minimise the scale and the severity of both human suffering as well as financial resources stemming from crisis interventions and wider cost-shunting upon Scottish public authorities, especially in health and social care and homelessness services as well as by NGOs and communities.

**Conclusion**

1. Scotland has some of the most progressive homelessness legislation in the world and is rightly proud of that. However, due to a complex and inaccessible system of accommodation provision (both before and after refugees in Scotland achieve their status) the reality is a system which accepts homelessness and destitution as a built-in consequence of one’s status and which, when homelessness occurs, does not fully meet the economic and social rights of homeless people
2. We thank you again for this opportunity to submit our evidence. For background on destitution, please see appended our briefing for the recent Scottish parliament debate on the report by the Equalities and Human Rights Committee's inquiry into destitution, asylum and insecure immigration status. Should you have any questions about this matter, please do not hesitate to contact us.

**Jamie Stewart**

**Housing Development Officer**

[**Jamie.stewart@scottishrefugeecouncil.org.uk**](mailto:Jamie.stewart@scottishrefugeecouncil.org.uk)

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1. Home Office Statistics, Quarter 3, 2016 [↑](#footnote-ref-1)