
A HUMAN RIGHTS BILL FOR SCOTLAND FOR ALL

**A REPORT OF CONVERSATIONS WITH MIGRANTS
TO INFORM THE PUBLIC CONSULTATION,
AUGUST – OCTOBER 2023**

A joint report by

Human Rights Consortium Scotland

Citizens' Rights Project

JustCitizens by JustRight Scotland

MIN Voices by Maryhill Integration Network

Migrant Voice



INTRODUCTION

The voices of migrants living in Scotland can bring valuable contributions to human rights developments. They can add a fresh and different view about our systems that adds a vital perspective to that of those born and raised within Scotland.

The Paul Hamlyn Foundation has funded the Human Rights Consortium Scotland to support the participation of migrants in human rights developments including around the consultation on the Human Rights Bill for Scotland.

We held a number of conversations with a range of communities between June and October 2023: with JustCitizens by JustRight Scotland, MIN Voices by Maryhill Integration Network, the Citizens' Rights Project and a public online event run by HRCS with input from Migrant Voice and other migrant-related organisations across Scotland.

This included conversations entirely run in other European languages: Spanish, Italian, Romanian, and Polish. Moreover, conversations with groups of asylum seekers received language support into Arabic and Kurdish.

Migrants are such a hugely diverse group - the word encompasses many different people and communities, people of different backgrounds, languages, and family histories, people with different immigration statuses and a wide landscape of entitlements and rights. Participants of these conversations are from different localities across Scotland, of different ages, with various employment and professional backgrounds, and have lived in Scotland for varying durations.

Migrants share many barriers to human rights fulfilment and have common issues that we highlight in this response. However, we emphasise that migrants are not a coherent group of people and might face similar or different barriers to other Scottish residents. Many face intersectional barriers to their rights, with overlapping disadvantage that compounds difficulty in accessing rights.

This report composes the different views and experiences of migrants expressed in community conversations which provided a platform for migrants to share their different perspectives and to have their voices included in contribution to the development of the Human Rights Bill for Scotland - in the hope that the Scottish Government can take into account their lived experience in relation to their human rights and in accessing the services providing these to shape the Human Rights Bill and its implementation.

These conversations initially focused on three topics: access to information, advice, and advocacy; accessing public services; and on access to justice or complaints procedures and remedies when human rights are not met. Conversations naturally grew branches into several other topics and themes of the consultation questions.

This report does not seek to portray the view of the HRCS and our partners – instead, it shares the opinions and lived experience of migrant participants in our conversations in order to inform the consultation on the Human Rights Bill for Scotland.

SUMMARY OF MAIN POINTS

- **Language** is a huge barrier for migrants in accessing their human rights. This should be addressed by normalising the use of other languages and making translations and various formats of information on rights, forms, and procedures as well as language support, widely available in public services.
- Consistency and **clarity on human rights information** that can support migrants without knowledge of the system from when they first arrive in Scotland. This should be both with a well-known central access point, as well as local community-based support provided equally across Scotland.
- **Immigration status affects access to human rights**. There is a need for clarity specifically for migrants with various immigration statuses, asylum seekers, migrants with NRPF, and issues around EUSS, about their rights and entitlements.
- Migrants often need **to access legal advice and support** – the legal aid system needs to be significantly improved to make access to immigration advice and justice accessible everywhere across Scotland.
- Lived experiences of **racism and discrimination** are commonplace and institutionalised in the system. Change needs to accompany human rights developments with genuine participation and capacity building in public services on anti-racism, and on discrimination due to cultural differences and language barriers.

PARTICIPATION IN HUMAN RIGHTS DEVELOPMENTS

Participation of migrants is key to making human rights work for everyone in Scotland. Individuals said that they want to participate in these conversations on human rights developments because they want to share their expertise, contribute their voices and lived experiences, learn from the exchange with others, access relevant information on their human rights, and feel included and part of the community. For example:

- "I have a lot of personal and work experience with people's access to public institutions and wanted to share my knowledge and lived experience."
- "To voice my concerns, especially around the implementation of Settled Status across services, which is either lacking or non-existent."
- "I want my voice to be heard. I am an active citizen and like to actively participate to know about human rights."
- "To gain knowledge about other people's experiences and learn where to go and how to get information in this country."
- "I think it's a beautiful project. It makes me feel part of the community and gives me the opportunity to express myself for its improvement."
- "Society and life evolve and change - this consultation and working on rights should reflect that and accept certain aspects need changing."

Asylum seekers in the conversations have voiced that they want to participate in human rights developments to feel like other people, to be part of the community, to learn about their rights in this country, and to fight for diversity and equal opportunities. For example:

- "Because we want to live like others."
- "We want to have our rights as a human."
- "To get familiarity with the country's law."
- "In Scotland, the asylum seekers take many problems. Being human is a duty to help people in trouble."
- "My voice must be heard, it makes me feel like part of the community."

In addition to emphasising the importance of participation, people raised that *participation needs to be inclusive* and to be done well, genuinely, and not as a tick-box exercise. Contrasting their experiences of the lack of good participation, many individuals experience feelings of exclusion from the system.

Migrants said that *while in theory or on paper human rights in Scotland are "brilliant" and "fantastic"*, in practice many feel unable to express themselves, to find guidance on their rights and an explanation on how to be included. This experience is shared by racialised communities, people feeling excluded from society due to various characteristics such as language barriers and cultural differences, as well as migrants with insecure immigration statuses.

Migrants stress the *need for equal participation in decision-making processes and in forums discussing expertise* on an issue. Without such participation, people who do not have lived experience continue to make the rules for those living them. Increasing participation of migrant groups – "to work out what works out" – can also allow for improvements in the experiences of everyone accessing their rights and public services.

Valuing participation is key to human rights realisation. However, participants described experiences of being invited to a conversation where apart from their voice being heard, their contribution felt invalidated when it was then not taken on or included in further developments.

To avoid participation as a tick box exercise, people said that it was essential to *break down barriers* that they might face when participating. For example, when looking to include asylum seekers in a conversation, instead of asking an organisation known to support asylum seekers to send two people, the emphasis should be on making an effort to ensure the individuals can contribute in a meaningful way. That can mean providing the agenda, information or paperwork to individuals in advance, allowing them the opportunity to familiarise themselves in the topic and make informed contributions. This is especially of importance where individuals might face language barriers.

Another aspect is *openness to understanding*. Migrants from different cultures might have other ways of expressing themselves that might differ from expected conventions. Allowing for different requirements in forums of participation can increase the understanding of what is truly said. Honest understanding also requires not making assumptions about communities but listening with an open mind.

In our community conversations, many refugees and asylum seekers spoke about the *loss of dignity* they are facing in their daily lives and in accessing their basic rights. Dignity must be a central threshold for our human rights and consideration will be needed to help organisations really understand what this means in their policies, practices, and organisational culture to guarantee dignity is present for everyone.

Human rights should not be dependent on immigration status, but many migrants describe lived experiences of first being asked “what’s your immigration status?”, when seeking to access essential services.

ACCESSIBLE AND AVAILABLE INFORMATION ON RIGHTS AND SERVICES

Migrants across all conversations expressed and emphasised that Scotland needs both a *main centre for information on rights*, while at the same time be *reaching out to people and communities proactively*.

Such an *information centre* should combine information that is accessible on the internet via a website, as well as local offices that can be attended for in-person appointments across Scotland. Such a centre should provide information in various languages, so that migrants can be sure to be provided with trustworthy information, provide orientation, guidance, and clear information. Migrants often are not aware of what they are entitled to or how the system works. A migrant put it simply: “share information widely and make it easy to find”.

Across all conversations, participants have suggested that *clear definitions on each human right* are essential and highlighted that for each right there should be specific explanations on how to access them for those with different entitlements due to their immigration status.

At the same time as highlighting the need for a central information centre on human rights, migrants describe that “one size fits all centres” are not the sole solution. Across all conversations

they stress the need for the Scottish Government to also be *actively reaching out to people and communities*. Networks exist and the government should provide information by proactively approaching and reaching out to people where they are. This can be via providing trainings, workshops, and information on human rights and specific issues directly in spaces that people access through people within the communities that can become advocates for support. This could be community centres, libraries, places of worship, local community groups, asylum accommodation, GP practices and many more. This would allow for creating wider awareness of what is perceived as “hidden information” by many migrants.

Notably, people said that *on arrival* in Scotland, new migrants go to their *most familiar social networks* for information and advice – these are often family, people from their communities, local community centres, or other civil society organisations. Some migrants share experiences of when organisations or services that they are in touch with for other reasons shared vital information with them.

- For example, a migrant described that “she arrived in Scotland for a PhD with Glasgow University and she received all the information about how to register with a GP and other information directly from the University.”

However, many migrants spoke about a lack of accessible information related to public services, and this *lack of knowledge is leading to missing out on access to their economic and social rights*. Some participants, for example, described how public services miss this opportunity to use the relationship with a service user to provide vital information about their rights:

- “I never knew I have rights to accommodation due to my child. If you don’t know it, you can’t get it – how come they never mention this to me?”
- Another example of missing out on their rights due to lacking information was shared by a participant “about a woman and her children who became homeless. As the social worker had not referred her to the temporary accommodation, the family was picked up by the police on the street”.

Consideration also needs to be given to universal and specific *services being gateways to rights information and advice for diverse migrant groups*.

- An EU migrant described her experience when seeking the support of a social worker due to a disability: “she feels that it’s almost impossible to get information or find appropriate forms to fill in, overall, it was a very negative experience, made worse by the lack of information”.

Participants spoke about often *bearing the brunt of misinformation* or poor quality information.

- For example, an asylum seeker recounted not receiving a library card with his Home Office documents, which he should however have been able to receive.
- An EU migrant from Poland said: “sometimes it’s hard to find information because one professional says one thing and another organisation says the opposite, which then leaves individuals in a position of explaining to the first person that what they said originally was incorrect, and that they are not aware of their own rules and regulations”.

These examples highlight the importance to *actively engaging migrant communities in designing any information sharing programme*.

THE IMPORTANCE OF ADVOCACY

Access to effective advocacy services was a key concern recurring in every conversation, as migrants arriving to Scotland from other countries do not always know or understand the system or how decisions are made. Appropriately trained advocacy services are essential, as having an advocate who can walk you through the steps of an unfamiliar system, massively improves individuals' experiences and realisation of their rights.

Many migrants describe the feeling of finding it hard to advocate for themselves, especially if there are language barriers, there is no clarity on rights and pathways to those rights, and no support going through the bureaucracy providing explanations, what actions or documents are needed from individuals. *Worries about the lack of advocacy services and organisations* in some areas and generally reducing numbers of such services were raised, and a need for sufficient funding for such essential services highlighted. Migrants described feelings of finding it difficult to express their situations and experiences and highlighting the need of advocacy services that allow for person-centred approaches to understanding an individual's situation, as well as the availability of interpreters to reduce language barriers that hinder expressing themselves.

Where migrants who have had negative experiences or find it difficult to access public services due to language barriers or cultural misunderstandings, *advocacy services play a vital role in building trust and confidence*, and making sure people can present and interpret all the relevant information exchanged when accessing their rights. Many migrants spoke about trusting third sector organisations more than public services.

Participants also discussed *race in the context of advocacy*. Issues arise when white-led organisations are the only access to advocacy for racialised communities as "often the organisations struggle to understand cultural differences and because of that it is difficult for the support to get through – for integration, learning, childcare etc."

Overall, migrants describe various *lived experiences of using advocacy and support organisations*, the difference it can make for them, and how they feel if there is no access to such support:

- Many migrants travelled far to access support via qualified third sector organisations to apply to the EU Settlement Scheme, for example, both to access support with language barriers, and with the technical and highly bureaucratic aspects of the application process.
- An EU migrant was making a complaint to Edinburgh Council but did not feel listened to. Only when accessing support through a local advocacy centre who phoned the Council with her together did she receive an apology.
- Another EU migrant working as an NHS interpreter as well as with an organisation supporting people, highlights the need of her clients for advocacy in order to access language support. She said that "on many occasions, she's been told that interpreters cannot be provided and she argues that they can. Her clients often complain that they are treated with no respect by the reception staff, because they do not speak English".

When migrants experience abuse and distressing situations when dealing with complex personal circumstances, particularly because they *often do not have strong family or other social networks to rely on* in Scotland, advocacy is immensely important throughout. In one of the community conversations, an example was shared:

- "A local women's aid organisation helped after leaving her abusive partner in England. They helped her with all aspects of moving to a new country. She felt grateful for so much

help and even though she speaks English, she did not understand Scottish accent for the first few months. The help from the women's aid organisation was immensely appreciated."

Migrants who struggle with the technical language of bureaucratic forms speak about often having *extra financial costs* to access the rights they are entitled to. This emphasises the additional burden faced if no free advocacy services are available to migrants:

- "When she moved to the UK, her friends helped her for free, but she also used help of people who charged £30-£40 an hour for filling in the forms." T

Many community advocacy services are highly valued and trusted in the communities are *over-subscribed and have very stretched capacity* and take on a wide range of different services to support their communities. People described how much they rely on organisations for help but with waiting times often being very long:

- "Got great support from a local organisation that supports immigrants by giving them information on how to access public services, helping them to write their CV and providing support with job applications, providing English lessons and so on. This association was really important for him to gain information on benefits and where to go for specific information or support."
- "Waiting for a charity organisation to start counselling sessions with them for 6 months, she thinks that waiting times are too long."

LIVED EXPERIENCE OF MAKING COMPLAINTS

The community conversations raised several issues around people's experiences of making a complaint.

People spoke about the *importance of addressing any issues early*, with one person stating how "something that would have been easy to fix in the first place, becomes really difficult to address later."

In terms of complaints process, many people spoke about the need for guidance on how to make a complaint in the first place, when and how to expect feedback, and how the raised issues will be addressed. *Complaints' procedures should be designed to be accessible* to individuals - including being accessible to those who do not have English as their first language. Many migrants describe finding it difficult to make a complaint on their own, and it often only being possible with community or third sector organisations providing advocacy and support. For example, people said:

- "Shelter Scotland helped her with making a complaint to Universal Credit and the decision was revised to her favour."
- "Private complaints have lesser value than the ones written by organisations."
- "Upon complaining to Edinburgh Council about a negative experience with them, she was not listened to. When she went to Granton Centre, they phoned the Council, and it was only then the Council apologised."
- "gov.uk is most of the time easy to use but it's difficult to make a complaint or a suggestion; would be useful to have an option to do this at any point using the services."

A huge aspect of being able to complain or make an enquiry about a service where a right is not met is *availability of access to advice and information* – phone helplines are key for many people as a first point of access but could be more effective.

- For example, an EU migrant described her experience of seeking to contact the repairs team in her Council housing accommodation, describing: “the phone number provided only allows you to leave messages, therefore I can’t speak to anyone to raise any concerns.”

Many participants describe issues due to *long waiting times* or awaiting feedback on complaints:

- “It takes a long time to resolve complaints made to big organisations like DWP or HMRC, sometimes even about one year or longer.”

People spoke about complaints processes *needing to lead to improvement*. For example, they said:

- “Often there is no feedback loop when mistakes are made, so unless there is an accountability structure, mistakes persist”
- Accessing a right or making a complaint seems like an “uphill battle” and as if it was made as hard as possible. The culture and attitude within services should change to an understanding of delivering a service.
- Services need to “take back responsibility!” Mechanisms and procedures should give more power to the individuals in the process, such as on what personal information they share.

Migrants who do not speak English as their first language report often experiencing discrimination when complaining to public services and often feel like they are being *treated as less capable* and their cases dismissed. This language barrier means that migrants often have to access and rely on additional support or advocacy to stand for their rights and to access remedy. One person said: “The language barrier is a big problem with hours of my own time spent on resolving my specific issue.”

People had *negative experiences of raising complaints related to racism*. Complaints are often responded to defensively, with apparent seeking to prevent reputational damage and pointing to certain policies in place, or by people with no lived experience of racism or understanding of systemic racism and so there is an inadequate response to the complaint. One participant voiced how there is often no effective grievance procedure for those working in public and private sector who experience racism at work. The individual describes how rather than the systematic issues being addressed, people end up walking away from their jobs because the complaints procedures are too cumbersome. Participants emphasise the need for *more anti-racism training across the public sector*, and *more representation in the workforce* across all sectors and positions.

Asylum seekers specifically discussed often feeling *hesitant to take actions or make a complaint* as they fear it will affect their asylum case negatively. Often there is a lack of clarity around which services share information between each other. There needs to be clearer information about the consequences of complaints, and the way in which services such as police, Home Office, and GPs *share the personal information* of asylum seekers.

Migrants shared experiences of situations where they made complaints and how those experiences had *negative consequences* for them in regards to health, lack of financial compensation, and lack of acknowledgement of accessibility needs:

- “With a clear note in her medical record that all written correspondence is to be send to her in a large format, only her optician does it. She constantly phones other NHS departments to remind them about the large format, they make promises, but all letters come in a standard format anyway.” - this EU migrant frequently found her *accessibility requirements not met* by a public service.
- “The individual made a claim to her local bus provider. One of the buses passed next to her car at some point, scratching the car's surface. She took the bus registration number. She complained about it to the company but was ignored, and she did not know where to go to make a proper complaint.” - This situation highlights the *need for feedback loops of complaints procedures* that informs individuals of where their complaint is at.
- “The client has been wrongly diagnosed for a long time and has had some issues with Universal Credit due to this. The client has complained about this, but the GP was not listening for a while. In the end, the diagnosis was changed, but the GP did not recognise the wrong diagnosis openly, but only to him. The client has been working when he should not have been, due to the wrong medical diagnosis.”

ACCOUNTABILITY AND SCRUTINY

Participants said that “the notion of accountability is hugely important, particularly because challenging rights violations puts a huge burden on the individual, and so viable avenues for *challenging systemic issues as a group* is really important”. For individuals who have gone through a rights abuse, having to re-tell their experiences over and over again is not perceived as “justice” and burdens the individual.

Upon discussions on different *remedies* in relation to complaints and rights breaches, many expressed that apologies are often perceived as “empty”, especially when in regard to injustices such as the Windrush scandal and slavery. If they do not come with rightful compensation then “apologies mean nothing”, participants said. Apart from acknowledgements of violations, justice in form of compensations that go in hand with more investment into resources to *enable people to have a better outcome* were considered the best way forward.

Participants raised the importance of timescales for when the duties in the Human Rights Bill will come into place and emphasised the *need for duty-bearers to report on results, timeframes, and next steps*. Without clarity on when rights and duties are coming into force, one participant said “we will remain talking about the same things – we need to be clear for them [the duties] to kick in!”

Participants had differing views around where human rights *scrutiny responsibilities* should sit, if they are to drive change. Some participants advocated that adding a human rights remit to every scrutiny body such as equipping every department with a budget overseeing human rights duties & reporting would not be enough and would minimise this huge achievement of incorporating human rights and not see it as the big important issue that it is. However, other participants

argued that we should have human rights duties “across all stratifications of life” rather than “centralising human rights to one organisation”.

LACK OF SUFFICIENT ACCESS TO LEGAL ADVICE

For many migrants without specific legal knowledge and a lack of understanding of the complex system, whilst facing language barriers and additional financial costs, *access to immigration legal advice and services is hugely important*. As migrants often have to (re-) establish their immigration status and entitlements, many have experiences of accessing immigration solicitors, legal aid, and advice and advocacy services. A participant described the lack of immigration legal services as “missing someone to stand with you through your immigration process”.

However, finding a solicitor who has the capacity and expertise to take on your case is incredibly difficult. Many migrants spoke about their experience of a *significant lack of provision of immigration legal advice and/or representation*, especially in rural areas or towns outside the central belt, as legal immigration services are mostly concentrated in Glasgow and Edinburgh. In those locations without any legal aid immigration solicitors, migrants are *burdened with yet more expenses to accessing legal advice*, such as travel costs to appointments, or fees for solicitors. Without solicitors, taking cases to court and accessing justice and remedies is incredibly difficult. Migrants spoke about facing complex cases that interplay with immigration complexities, but said “And what human rights case is not complex?”

Hence, participants emphasise the need for “a strong voice about the need for increasing legal aid” and *reform of the legal aid system* with “tons more money for legal aid - the Bill will not solve problems through domestic incorporation [of human rights] if people continue to have such huge barriers in terms of access to justice”. Participants suggested that there could be quotas for how many legal aid cases solicitors need to take to cover access in each area, or raising the amount legal aid lawyers get paid for their services. “Legal aid is a huge aspect of access to justice – lawyers do not earn enough and therefore do not take these cases” and highly valued organisations/law centres haven’t got enough capacity for the amount of people seeking their legal support and advice”.

Even with provision of legal support, to be able to hold public bodies to account, migrants including refugees and asylum seekers, need accessible and clear pathways and structures around legal advice and services, as well as huge *improvements in the availability of translations, interpreters, and language support* – especially if such complex legal matters with decisive impacts on people’s lives and futures as in the case of immigration issues are concerned.

THE IMPORTANCE OF LANGUAGE – TRANSLATIONS & INTERPRETERS

Generally, *language barriers are hugely hindering for access to public services that should protect and fulfil human rights for migrants*. The problem of a lack of available interpreters in many languages is an obvious and recurring issue, but many other factors play into considerations of appropriate language and interpretation support.

A key message to the Scottish Government is that *information and awareness raising* related to the rights and this Bill needs to be *easily available in a range of different languages*. Many migrants said that, with changed & changing demographics in Scotland and ever more people speaking other languages, it felt increasingly unfair to not be supported with information in more languages.

Language barriers also relate to being able to *understand more complex information or forms*. One participant said that “many Romanians do speak basic English but this is not enough to understand the questions in some forms or important information.” Many participants shared examples of being negatively affected by the lack of provisions of different languages of important forms.

- A EU migrant spoke about how “due to long-term sickness, he was unable to work, and needs to claim PIP. He does not know how to fill up the forms, due to the language barrier. He has been ill for around three years. He has tried filling up the paperwork for claiming PIP in the past, but the claim was refused since it was not correctly completed. When he asks for a translator at the GP and the council office, to help him to fill up the forms, he is ignored.”

With complex legal documents & information on rights, *online translation is not appropriate*. Technical legal translations are important and if these are not accurate, this can be deeply problematic. Automated translation services such as Google Translate might lead to misinformation, especially in languages the service is less versed in.

It is important *to normalise the process of booking interpreters* also for non-European or for many less common languages in processes in public services, and raise awareness about when and where they can be accessed. One person said: “it is good that most public services offer an interpreter free of charge but not many people know that they can go there and ask for one.”

Similarly, knowledge amongst public servants of the entitlement to an interpreter for migrants across different public services can significantly improve the experience of and access to rights and services for migrants. For example, a migrant described how “she wanted to report a crime to the Police, but interpreter was not provided even after asking for one”.

Participants have shared frustrations about not being allowed to *bring your own interpreter* that could be a friend or a trusted professional as they are not contracted by the public body, or information is too sensitive so that the public body cannot ensure that the interpreter understands the context correctly.

When public services hire interpreters, steps need to be in place to approve their appropriateness to interpret for a specific case or client as part of *safeguarding*. Equally, *appropriate training for interpreters* is highly important especially for specific topics such as domestic abuse, trauma, abortion etc. This is because “if the language barrier is gone it does not mean the communication is without additional barriers”. An interpreter might be problematic for example if *contexts of culture and gender issues* are not considered.

Gender dynamics can have huge impact on individuals wanting to discuss very private information with a doctor or solicitor. Individuals might prefer an interpreter from their own gender, or might otherwise feel undermined by them if different *cultural norms and traditions play into sensitive topics between the interpreter and service user*. For example, women fleeing rape might not be able to communicate their case effectively if they fear a male interpreter might misinterpret their words to the public servant due to his own beliefs.

Individuals also mentioned that depending on the issue, they might not want to discuss very private information with an *interpreter from the same community*, which can be especially the case with less common languages. Participants said that they might feel that they cannot trust the interpreter's integrity and keeping confidentiality, and fear that their situation will become known to the community.

LIVED EXPERIENCES OF ISSUES WITH THE EU SETTLEMENT SCHEME (EUSS)

EU migrants spoke about particular *problems around the knowledge and capacity of public services with regards to EU Settled Status*. For example, EU migrants shared:

- "Having a status under the EUSS, she was asked to prove her residence status and was informed that the information will be passed to a third party with no explanation as to what, why and to whom, making her uneasy about the process. During the process, she was asked to prove her identity with two additional pieces of evidence. She believes that the online infrastructure is not prepared for the EUSS and the information provided/requested contradicts itself."
- "Example of the EUSS complications related to her daughter who started studying at the university, and even with her settled status and providing the share code, she was required to show additional evidence to prove her identity as the staff was unaware of correct procedures."
- "As a person who was born in the UK, and who is fully settled, her daughter's right to study was questioned at high school and she missed out on information available to other pupils about university courses, as she was not able to prove her rights."
- "People have difficulty in proving your right to live and work in the UK (pre-settled or settled status). They find it difficult to go online to obtain the code, and employers don't always know the procedure – it would be very useful if physical proof was issued (e.g. a card)"

RIGHTS OF ASYLUM SEEKERS IN SCOTLAND

Across the conversations, asylum seekers expressed an urgent need for accessible information and clarity on their rights and entitlements in Scotland. Even for people well-versed in the system, understanding of devolution arrangements and their impacts on asylum seekers is complex. How are asylum seekers without previous knowledge of devolution in Scotland supposed to know the ins and outs of the UK entitlement jungle? Participants spoke about *a huge gap and need for the Scottish Government to clarify how the Human Rights Bill will work for those under such immigration laws from the UK Government*. They said that, with a UK Government that is hostile to asylum seekers and creating a system that is supposed to be hard and discouraging, the need for the Scottish Government to improve their support for asylum seekers in devolved matters is ever so important.

Participants spoke about practical areas where the Scottish Government could improve realisation of rights for those navigating the asylum system. These are highlighted within these examples of lived experience:

- A mother who is an asylum seeker who cannot afford the bus fare but has to take her child to school. The child holds the free bus pass, but not the parent – it infringes on the right of the child to education due to the parents' poverty – emphasizing how this could be addressed with a *free bus pass for asylum seekers*.
- If the *children of asylum seekers do not attend schools*, is that acceptable when for other children it is illegal to not attend school? There is a need for clear pathways for children of parents in the asylum system accessing their rights as children.
- Providing improved *English classes* to asylum seekers with more hours, because "language classes are the most important" to get into employment, get a driving license, deal with services more independently, integrate in the local community, and more.
- Provide more services that enable people who do not hold the right to work to *access pathways* while they are awaiting the outcome of their asylum claims, that will support them *into employment* more quickly later on.
- Improve *clarity on entitlements*, for example on where the line between immigration status and access to housing rights in Scotland lies. Participants navigating the asylum system raised that their provided accommodation should have a service directly within the premises to provide information and advice. Currently this is patchy, and not consistent across different accommodation and across Scotland.
- Of huge importance to asylum seekers are community centres, charities, case workers and (legal aid) solicitors to be able to *receive and access advice, advocacy, and information*. "Personally it was difficult to find out the information, after 6-9 months I was able to find about MIN" & "Only the third sector shared this information with me, without it I wouldn't know because the local authority didn't tell me, so I could not enjoy my right".
- Asylum seekers asked for more *training for individuals from their communities* who share their lived experience, have an understanding of their current situation and perhaps of the different cultures people are from. With appropriate training, these individuals can then provide effective advice and explain and support asylum seekers for example in accessing their rights, with form filling, and through complaints processes. "Find those who speak English well and give them the opportunity to reach out to those who don't speak English".
- The difficulties for asylum seekers to access reliable information is also connected to experience of living in *poverty*. Attending public services, organisations and appointments with solicitors depends on the ability to travel – access to information on their rights costs asylum seekers money where they do not receive enough financial support. Asylum seekers and refugees in remote locations without the network of support there highlight that "we need a means of transportation in hotels [asylum accommodations] so that we can easily mix with the citizens of these cities". And accessing information on the internet depends on the availability of Wifi Networks or access to a SIM card and mobile data – and even access to devices such as a mobile phone or computer.

LIVED EXPERIENCE OF RACISM AND DISCRIMINATION

Participants said that the Human Rights Bill cannot be implemented effectively without *recognising and addressing systemic racism*. Participants from racialised communities spoke about the in-depth issues with racism in Scotland engrained in the system and throughout public services. The

honest and equal participation of racialised people is vital but in reality, representation is lacking. Many migrants and racialised communities feel that the *system works in favour of some groups over others* and that there is a clear division between who human rights apply to in practice.

- A participant from Nigeria described how she had knowledge of the human rights law but did not find that it protected people in Nigeria. Coming to Scotland gave her a level of hope – but as a racialised person she found the principles do not apply in action here.
- “It hurts not to be part of the system.”

Migrants reported often *not feeling treated with dignity* but experience racism and discrimination related to language barriers or cultural differences. Many express the need for a “mindset shift” in public service delivery which should focus on the individual and how the service can be provided to them in a dignified way.

People with experiences of racism point out a clear *need to be listened to* in order to address issues of systemic racism and to allow for changes via responding genuinely to their lived experiences, saying - “I know when I’m facing it”. People spoke about it often being perceived that there is no hard evidence for experiences of racism, and when individuals confront public services, they are often met with defensiveness, rather than being truly listened to. They said that more *awareness* of how racism impacts across public services is needed and for *anti-racism training* to be standard throughout.

Individuals who experience racism in public services described the issues sometimes being worse in rural areas and highlighted the need for those in public service roles to receive training that will also *support building shared experiences*. Those delivering services need to be able to empathise with those that face racism and learn not to act defensively when confronted about having made a racist remark, but rather learn to be open to acknowledging mistakes and injustices. Not admitting to not knowing something is common and should be addressed via training and building of a culture of openness to such discussions rather than defensiveness. *Training needs to aim for a structural change* so that racism does not become a taboo topic but is discussed and dealt with openly. In itself, training is a “tiny bite out of a large problem” but needs to be taken seriously and improved upon from day one to achieve change with accountability.

The *need for more training* for public servants was discussed generally in the field of equalities, anti-racism, discrimination due to language barriers and cultural differences, as well as on human rights itself. Participants emphasised that a gap of understanding and knowledge of the experiences of other people negatively affects the dignified access to rights by rights-holders.

Participants said that accountability is key to accessing rights and addressing discrimination. Participants discussed the need for *accountability in the context of equal opportunities* with consideration given to accessing funding, evaluation, and reporting mechanisms.

- A participant recounted an example descriptive of guidance by funders ending up benefitting one group over another: an employability service was capturing a huge amount of information on individuals from Ukraine supported by this service, such as their education level, how their skills increased, where they were at later on etc. When reporting on individuals from other nationalities however, this service was not covering information on progress in the same detail. This led to a less clear understanding of those other communities’ pathways and less likelihood to receive further funding to support these communities equally to those reported on in detail.

Such *inequalities highlight friction in the system* and between treatment of different groups. Ensuring everyone is able to access their rights will have to include deliberately considering the particular experiences of different groups of migrants in accessing their rights.

While talking about who the *duties* in the Human Rights Bill will apply to, participants experiencing racism in contrast discussed who the *rights* will apply to. Often racialised communities experience being left out and felt like they *could not assume that these rights will apply to them*. Discussing children's rights for example, informed by experiences, participants asked: "When it comes to implementing it, will it be applicable to non-white children?" When the Scottish Government makes information available about the detail of rights, participants raised the need for clarity in the language we are using – and honesty and clarity about who the rights will truly apply to. This language needs to be inclusive of people within diverse communities and not just accessible to people more generally.

Particularly in regard to the *special protection treaties such as the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)*, the need to strengthen accountability and clarity on its implementation was emphasised in the conversations.

Participants have also discussed the problem of media printing content that is racist or attacks human rights of certain groups. They asked how it would be possible to *hold the media to account on respect for human rights?* Some asylum seekers described the negative perception many people have due to media reporting around what their entitlements should be. People said that attitudes and culture need to change along with the language we use and emphasised the huge role the media plays in this – one participant voiced "you can't bottom-up hate speech". When facing discrimination within public services "the language we use is absolutely fundamental" in addressing these underlying attitudes.

SPECIFIC ECONOMIC, SOCIAL, AND CULTURAL RIGHTS

Migrants have shared their lived experiences of access to specific economic, social, and cultural rights. They often have *experiences of how public services differ in the countries* they have lived in before and can share valuable insights and ideas for developments of MCOs.

Lived experience is sometimes *lacking from the development of capacity building* programmes within public services. Practitioners from third sector migration organisations spoke about positive experience of having been involved in capacity building in local authorities by informing and supporting policy developments via training and input. This partnership working of organisations sharing their expertise and lived experience of people they supported, was perceived as a positive example of participation supporting capacity building and in turn improving the experiences of other migrants for the future.

Right to housing

Participants spoke about experiences of living in temporary accommodation whilst awaiting access to Council housing as "not allowing for a normal life" – this was the experience of EU migrants and refugees alike. People spoke about a limited ability to cook or do laundry, and the permanent worries about being moved. They said that social housing should be available to all.

Right to health

Generally, migrant participants spoke about the problems they had experienced in accessing healthcare. Participants said that *registration with a GP can be a hugely difficult process*, with practices often not accepting new patients; individuals being required to attend at specific times for registration but struggling to do so due to employment or other commitments; and stringent paperwork requirements that some migrants find difficult to meet.

When visiting doctors, migrants describe the *need for in-person rather than telephone appointments* to feel heard and able to address their health issues appropriately, especially when there are language barriers with more technical medical language.

Access to healthcare is difficult when you do not have an address. Often migrants do not have proper contracts to prove their address when moving in. People in destitution such as asylum seekers with negative asylum claims or in homelessness are not able to show proof of an address. An asylum seeker described an association in Glasgow that provided people with an address so they would be able to register with a GP. Requiring proof of address is an unnecessary barrier to the right to health for many migrant groups.

A participant noted the need for *more transparency in the health system*, saying "access to your personal medical records is almost inexistent."

Knowledge of, and access to, *specialised health care is often either very expensive or involves long waiting times.* Many migrants are between different countries and systems and if the infrastructure for appropriate health care seems unavailable, those who are able to often travel back to their countries to access health care. They do so at personal cost and despite paying taxes and visa fees towards the NHS that should provide this care in Scotland. A participant shared being "under the impression that some specialists (like mental health) are trying to deter patients, convincing them, they don't need to be seen."

People *having to go from one service to the next* instead of receiving the correct service they are entitled to.

- For example, one person spoke about: "a man who suffered from a heart attack and could not get an ambulance. He had to make his way to the hospital using a taxi. At the hospital, he was checked, dismissed, and referred to his GP. He had to go back one more time to the hospital to be finally rightly diagnosed and taken care of."

Right to education

Migrants described *struggling to register their children for school*, particularly when children arrive during the school year. Examples include:

- An EU migrant describes her lived experience: "children were for around six months not going to school, due to all schools in the area being out of capacity, and no one accepting them."
- Similar examples were shared by asylum seekers, asking "If the children of asylum seekers do not attend schools, is that acceptable when for other children it is illegal to not attend school?"

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