
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

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.

Migrants are such a hugely diverse group – the word migrant encompasses many people and communities of different backgrounds, cultures, and languages, with different immigration statuses and a wide landscape of entitlements and rights.

This report does not seek to portray the view of the HRCS and our partners – instead, it composes the different views and lived experience of migrants expressed in community conversations facilitated to provide a platform for migrants to share their different perspectives to inform the Scottish Government consultation on the Human Rights Bill for Scotland between June 15 and October 5, 2023.

This included conversations entirely run in Spanish, Italian, Romanian, and Polish, as well as conversations with groups of asylum seekers who received language support into Arabic and Kurdish.

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 is the outcome of these conversations in partnership work between the HRCS, JustCitizens by JustRight Scotland, MIN Voices by Maryhill Integration Network, the Citizens' Rights Project, Migrant Voice and the input of other migrant-related organisations across Scotland via a public online event.

This is the short version of the report summarising and emphasising main points.

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

Migrants stress the need for equal participation in decision-making processes that needs to be inclusive, honestly valued, and open. Barriers to participation for migrants need to be reduced actively. Many refugees and asylum seekers speak about experiencing a loss of dignity in their daily lives and emphasise that human rights should not be dependent on immigration status.

ACCESSIBLE AND AVAILABLE INFORMATION ON RIGHTS AND SERVICES

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

Information should be easily available to migrants offering points of access when they arrive. It should be accessible in more languages and formats.

Information on each individual right should set out clearly how to access that right, the entitlements for different groups (for example due to immigration status) and the minimum core obligations.

THE IMPORTANCE OF ADVOCACY

Many participants worry about the lack of advocacy services in some areas of Scotland. Many migrants have family and social networks in other countries and rely on services they trust in and that increase their confidence in accessing their human rights. Often individuals face extra financial costs for support with forms, travel to appointments, and translations.

Participants from racialised communities in Scotland speak about the need for non-white advocacy services that better understand issues due to cultural differences.

LIVED EXPERIENCE OF MAKING COMPLAINTS

Many migrants describe how the design of complaints procedures for public services could be made more accessible and effective for them – with interpreters, phone helplines, timely feedback, and updates on the status quo of the complaint.

Emphasising a lack of accountability in services, many migrants feel their voice doesn't have the same value as when their complaint is supported by an organisation providing advocacy.

People had negative experiences of raising complaints related to racism and other forms of discrimination, that need to be addressed with more anti-racism training across the public sector.

Many asylum seekers feel hesitant to make complaints with lack of clarity and confidence in the sharing of their personal information between services, as well as negative perceptions that complaining might affect their asylum claims.

ACCOUNTABILITY AND SCRUTINY

Challenging rights violations puts a huge burden on the individual, so “viable avenues for challenging systemic issues as a group is really important”.

Participants discussed that remedies to rights breaches should enable people to have a better outcome. Honest acknowledgements of violations should go hand in hand with justice in form of compensations and more investment into resources that address systemic issues.

LACK OF SUFFICIENT ACCESS TO LEGAL ADVICE

As migrants often have to (re-) establish their immigration status and entitlements, many have experiences of accessing immigration solicitors, legal aid, legal advice and advocacy services.

There is a significant lack of provision of immigration legal advice and representation especially in rural areas and towns outside the central belt. Apart from increasingly high visa fees, migrants are burdened with yet more expenses to accessing legal services, such as travel costs to appointments and fees for solicitors.

Many migrants emphasise the need for a reform of the legal aid system.

THE IMPORTANCE OF LANGUAGE - TRANSLATIONS & INTERPRETERS

Information- and awareness raising related to the Human Rights Bill and the individual rights and entitlements needs to be easily available in a range of different languages. For understanding complex information such as on rights, in forms, and technical legal documents, online translation tools are not an appropriate and enough as that can lead to misinformation.

Booking interpreters for appointments should be normalised within public services.

Participations spoke about issues with inappropriate interpreters, especially when sensitive personal topics are discussed. Culture, gender, community dynamics amongst other reasons affect appropriateness of an interpreter.

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

A lack of knowledge and capacity of public services with regards to the EUSS needs to be addressed, as EU migrants can often find themselves unable to proof their status and wrongly be kept from fully accessing their rights and entitlements, such as in education, work, and benefits. More training should be provided to create awareness amongst public servants on the requirements and context of the EUSS.

RIGHTS OF ASYLUM SEEKERS IN SCOTLAND

There is a huge gap and need for clarity on how the Human Rights Bill will work for migrants under immigration laws from the UK Government – including outlining the entitlements of asylum seekers in Scotland.

With a UK Government hostile to asylum seekers, the need for the Scottish Government to improve their support and equal access to human rights for asylum seekers in devolved matters is ever so important.

This includes amongst others provision of free bus passes for asylum seekers, more English classes, and supporting integration through pathways into employment via meaningful volunteering opportunities.

LIVED EXPERIENCE OF RACISM AND DISCRIMINATION

Participants said that the Human Rights Bill cannot be implemented effectively without recognising and addressing systemic racism. A mindset shift in public service delivery is needed to provide services that focus on the individual and 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 create more

awareness. Anti-racism and discrimination training should be standard throughout public services.

SPECIFIC ECONOMIC, SOCIAL, AND CULTURAL RIGHTS

Many migrants have insights into how public services differ from other countries and could make valuable contributions when included in the development of programmes within public services.

Participants spoke about experiences of living in temporary accommodation whilst awaiting access to Council housing as “not allowing for a normal life” - with limited ability to cook or do laundry, and the permanent worries about being moved.

On the right to health, without sufficient proof of address many migrants struggle to register with GPs. This barrier should be removed. Many migrants with language barriers express that health care would be more accessible for them via face-to-face rather than phone appointments.

Regarding the right to education, migrants described struggling to register their children for school, particularly when children arrive during the school year, leaving them out of education for longer periods of time.

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