

Justice Sub-Committee on Policing

Police Scotland's engagement with black and minority ethnic (BME) communities

Written submission from the Scottish Refugee Council

Some issues around policing and refugees in Scotland

The fundamental need for consistent empathy across public services, so not only the Police, of the suffering and challenges that are intrinsic to having to be a refugee fleeing abuse, persecution often perpetrated or condoned by state actors and law enforcement bodies. This is not to lose sight of the resilience of women, men and children seeking, granted or refused international protection in the UK. But it is recognise that forced displacement, arduous migratory journeys (often including exploitation and survival decisions as opposed to choices) and often difficult and isolating reception conditions and support in the UK asylum system frequently combine to create distinctively vulnerable situations for those in the refugee process. These situations are to do with being in a new socio-economic and political environment, often not having language or the means of acquiring it, lack cultural and social supports. In other words an equality approach is needed with refugees that, as such recognising these differences and designing approaches and services to meet these and thereby enable practical access to public services, lessen social isolation and enable 'New Scots' to peel off the refugee label and stabilise their lives and flourish and integrate into Scottish life.

The evidence from refugee integration service is clear: that refugees needs specialist advocacy support especially at key points in the refugee journey, namely early in the asylum and reception process, around substantive decisions in that process, and if granted status substantive help to access services and, if refused, similarly substantive advice and advocacy to make informed choices and thereby minimise the risk of destitution and the risks to safety, mental health and exploitation that brings. Specialist support is, upon our evidence, necessary for genuine access for refugees to their rights in Scotland. These desirable outcomes will only ever be achieved in partnership, which is why the partnership approach exemplified by the Scottish government-facilitated 'New Scots' strategy is a good approach.

There is, however, a particular challenge for the police given its status as a law enforcement agency that is understandably perceived as an organisation and sector invested with significant authority. Empathy with the circumstances that women, men and children in the refugee process have often fled from must be a pivot around which all Police Scotland work with refugee communities must turn. From that is the need for open dialogue with communities to facilitate initial understanding and, in time, trust and confidence building, which are – as with all diverse communities – preconditions for Police Scotland earning the public consent and confidence necessary for it to discharge its core functions of public protection and detection, investigation and disruption of crime including serious and organised crime. From that is the importance of community-based policing, exemplified by the excellent practice of Dario D'Andrea in Police Scotland (Glasgow), who invested the time and

energy to secure high levels of trust amongst established and newer refugee communities in the city.

Recognition of some of the particular risks for refugees as a minority community in Scotland with often limited practical access to their rights, experiencing high levels of poverty and concomitant social isolation. One clear risk is of destitution for, especially, those in the asylum process due to their extremely low levels of financial support (e.g. under 50% of the UK social security floor), poor quality housing as exposed and documented persistently by NGOs, investigative journalism and in parliamentary committees and regulator reports, and for those refused asylum, how they are then highly vulnerable to being exploited in exchange for the essentials of survival e.g. food, shelter, work etc., and how this acute vulnerability makes both refused and destitute asylum seekers and, indeed a much wider group of migrants with insecure immigration status, a target for serious and organised crime group. We therefore welcome the report and recommendations of the Equalities and Human Rights Committee inquiry report – Hidden Lives New Beginnings and, for this session, highlight the also welcome acknowledgement by Police Scotland in its oral and written evidence in that inquiry of the acute vulnerability of destitute migrants to being exploited by criminals. It is important this issue is prioritised by Police Scotland and its key partners – including at Scottish Refugee Council – and we think it merits a dedicated piece of research to better understand the extent and nature of the issues and from that understanding the design and implementation of measures to prevent and mitigate these risks.

A second clear risk and, sadly on our anecdotal evidence, a reality is women, men and children suffering hate crime based on the perceived immigration status and / or racial group. We will continue to support the Scottish government agenda - and Lord Bracadale's independent review specifically - to design hate crime legislation and prevention and rehabilitation measures against hate crime. Again, this is absolutely not only the responsibility of Scotland's law enforcement community but of wider society. The New Scots refugee integration strategy will also have a key role to play in anti-hate crime work and contributing to addressing some of its underlying causes. A practical and necessary first step here would be for dedicated research that sources the hate crime reports in the Crown Office and Procurator Fiscal Service to identify the extent and nature of immigration status / refugee or asylum ill-will and malice within reported hate crime, which we anticipate will most sit within the race and to a lesser extent religion / belief categories.

Consideration needs to be given to the relationship between Police Scotland and the Home Office's Immigration Compliance and Enforcement activities in Scotland. The UK Government's hostile environment towards those with irregular or insecure immigration status is, from our perspective and experience, completely the wrong approach. It consciously fails to recognise the predicaments that many with insecure immigration status are in and the lack of choice they have. It is increasingly requiring via legislative duties or co-option through UK government-funded contracts non-immigration sectors and private citizens also, to undertake immigration-related activities. We can go into greater detail in the oral evidence session but suffice to say at this stage, we consider that implementation of 'hostile environment' measures in Scotland – which are fundamentally pursuant to UK reserved immigration control imperative – may actually be undermining devolved institution imperatives such as

community cohesion and, for Police Scotland, public and migrant confidence in their activities, whether these activities are perceived or actual. Often, the tensions in perception coalesce around the role of Police Scotland and the Home Office in 'ensured removal' activities by the latter, which are often termed 'dawn raids'.

There are also issues around Home office-sanctioned immigration offences and the role of Police Scotland in that, including document / entry offences that may actually enjoy statutory defences stemming from Article 31 of the Refugee Convention. These are both area where we think there needs to be far greater clarity on the relationship between Police Scotland and the Home Office in its Immigration Compliance and Enforcement activities, not least to safeguard the public consent and confidence imperative of Police Scotland and to prevent any unintentional undermining in the confidence and trust gained from excellent community policing approaches with refugee and other migrant communities. One practical suggestion here is for the sub-committee to consider recommending the Scottish inspectorates for the police and the prosecution services in Scotland conduct a thematic review of how Police Scotland and the COPFS are working with migrants in Scotland, with such a review inclusive of these Police Scotland – Home Office Immigration Compliance and Enforcement issues above, as there seems to be a widespread lack of clarity on this relationship.

We hope this short written evidence is useful to inform preparations for and the conduct of the oral evidence sessions.

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