

**EIS EQUALITY**

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The Educational  
Institute of Scotland

# **ASYLUM SEEKERS & REFUGEES**

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**“Refugees are among the most vulnerable people in the world. The 1951 Refugee Convention and its 1967 Protocol help protect them. They clarify the rights of refugees and the obligations of the 148 States that are party to one or both of these instruments.”**

**António Guterres  
UN High Commissioner for Refugees**



# ASYLUM SEEKERS & REFUGEES

## CONTENTS

Introduction	1
Seeking Asylum in the UK	2
The Scottish Context	3
Asylum Seekers, Refugees & the EIS	6
Definitions	7
References	7

## **INTRODUCTION**

Refugees and asylum seekers flee from their country because of persecution or because of a well-founded fear of persecution. This may be due to an individual's race, religion, sexuality, nationality, social group, political opinion, trade union activities or as a result of war or conflict.

Some women suffer gender persecution. Many have been estranged from their families and friends and feel isolated in a foreign country with different customs, beliefs and values. Sometimes they are traumatised by their experience – their children, in particular, suffer. Many women refugees have husbands back home who are in prison or who have been killed.

## SEEKING ASYLUM IN THE UK

According to the United Nations High Commissioner for Refugees (UNHCR), there were 15.2 million people who left their countries in 2010 to escape persecution. The vast majority of these individuals (about 80%) move to developing countries. Europe receives about 3% of applications for asylum. As the United Kingdom Border Agency's figures show, the number of applications to the UK has reduced recently - around 25,000 per year.

The UK asylum system allows decisions on refugee status to be made within 6 months of application. However, the application process and associated issues are complex and this leads to decisions taking much longer than anticipated. Practical difficulties associated with the processing of an application include:-

- The centralisation of activities in Croydon, but applicants can expect to be dispersed throughout the UK
- Several thousand applicants are held in detention pending consideration
- Interpreters may be poor and not know specific dialects (e.g. there are 5 different Kurdish dialects which aren't comprehensible to each other)
- Case owners (UKBA employees who deal with asylum applications) are not assigned to particular areas of the world and have little understanding of specific issues within specific countries.

Furthermore, the UKBA's main focus is on immigration and controlling borders rather than humanitarian assistance. For those asylum seekers, during the processing of applications it is often the case that:-

- There is a culture of disbelief and little understanding of the trauma refugees may have experienced, leading to issues relating to stress and mental health
- There is no right to work
- There is no choice in housing, either in terms of location or type, and often are housed in 'difficult to let' council accommodation
- Cash support is 70% of income support
- The availability and quality of legal representation is variable.

Unfortunately, the conditions outlined above have resulted in a consistent stream of complaints against UKBA. In 2009-10, 97% of these complaints were upheld by the Ombudsman. In addition, according to statistics, in 2011, about 68% of applicants were refused refugee status but 26% of those that appealed against decisions were successful. It should also be noted that it has been widely reported that there appears to be a gender bias in the decision-making process, with women less likely to succeed initially, but more likely to succeed on appeal.

## THE SCOTTISH CONTEXT

Asylum seekers, refugees and migrant workers are welcome in Scotland. As part of his Holyrood address, on the occasion of being re-elected as Scotland's First Minister, Alex Salmond said;

“This land is their land, from the sparkling sands of the islands to the glittering granite of its cities. It belongs to all who choose to call it home. That includes new Scots who have escaped persecution or conflict in Africa or the Middle East..... We offer a hand that is open to all, whether they hail from England, Ireland, Pakistan or Poland.”

### *Support for Asylum Seekers*

Although experiences of asylum seekers, refugees and migrant workers living and working in Scotland have been positive, they have not been without their difficulties. The Scottish Refugee Council plays an important supportive role.

Shamaila left Pakistan in 2007 after her ex-husband threatened both herself and her baby daughter with their lives.

“People think that seeking asylum is an easy thing. It's not. It is so difficult, especially as a mother, carrying your young daughter to meetings with lawyers and Home Office staff. Taking a big bag of stuff with you wherever you go because you never know how long you'll be or what your child will need.

It took five years for my claim for asylum to be accepted and they were such difficult years. I kept myself busy doing voluntary work to stop myself getting depressed.”

Annah fled political persecution in Zimbabwe fearing for her life. Annah is a support worker for people with mental health needs in Glasgow and performs in a theatre group during her spare time.

“I'd never heard of Glasgow but it turns out that I love it!

My two sons joined me in Glasgow but my daughter turned eighteen before my application for family reunion was approved. My stepchildren are too old to qualify. As long as my family are not with me I won't really be complete.

The theatre group have become my new family. People cuddled me and hugged me. This experience has told me that I am not alone.”

Traumatised unaccompanied young people seeking asylum face particular challenges. The Scottish Guardianship Service, delivered by Scottish Refugee Council and Aberlour Child Care Trust, provides each asylum seeker child arriving alone from outside of Europe with a Guardian who acts as an independent advocate as they make their way through the asylum process.

### *Destitution and Those Refused Asylum*

Asylum seekers are at risk of destitution throughout the asylum process, particularly when their asylum claim is refused and their support is withdrawn. Destitution arises because of errors, delays and complexities in the asylum system. However, refused asylum seekers can find themselves homeless, denied financial support and banned from working. This can be attributed to the lack of a National Insurance number or for a variety of other reasons. They are left with no legitimate means of support, often with no realistic prospect of return to their country of origin.

As a support measure, these individuals will have been given an Azure Card which can be exchanged for food in some shops. It has been criticised as inhumane and inadequate, as it may not, for example, be exchangeable in halal butchers.

### *Support for Refugees*

Once asylum has been granted, refugees still encounter difficulties even though they are supposed to enjoy the same rights as anyone else who is legally living in Scotland. They have 28 days to find alternative accommodation and to secure a National Insurance number, allowing them to be eligible for benefits or to gain employment.

They have a right to work, study, receive welfare and accommodation but it can be very difficult to get a job which accords with their education and experience.

One of the reasons for this is that there are a significant number of people who hold negative and racist views based on myths. Research into public attitude towards asylum seekers in Scotland suggests that negative views are held because of a lack of information or misinformation.

### *Teaching as a Career*

Making teaching in Scotland more appealing to asylum seekers and refugees is an important step to take to counteract these negative views. The EIS supports the findings and recommendations made in the GTCS report 'Widening Access to the Teaching Profession', 2005, which states:-

“ ... recommends more flexibility in the consideration of qualifications from outwith the European Union. In Glasgow, it is estimated that there are around 80 experienced teachers among the refugee population. Yet very few are able to register to teach in Scotland, due to the lack of equivalence of their qualifications, or limited English.

What are the general guidelines for good practice which could be followed for the recruitment of minority ethnic teachers, including travellers and refugees?

- Taster courses for potential trainees
- Partnerships with local minority communities
- Collaboration between schools, teacher education institutions, the GTC Scotland and local communities
- Efficient, effective systems to provide immediate support in the event of racial harassment on placement
- Appeals to potential ethnic minority teachers stressing the distinctive contribution they can make in all kinds of schools.”



## **ASYLUM SEEKERS, REFUGEES AND THE EIS**

As Scotland's largest teachers' trade union, the EIS has a role in supporting initiatives and in campaigning to end racism against asylum seekers, refugees and migrant workers. EIS membership is free for refugee teachers. <sup>1</sup>

The EIS encourages all local associations to:-

- engage with authorities in preparing any relevant Authority Equality Outcomes that relate to race
- work closely with their authorities to combat racism
- work with recognised local campaigning organisations to combat racism
- campaign with members locally to support anti-racist initiatives

The EIS encourages all schools to:-

- develop anti-racist curricular materials and policies
- view work about asylum and immigration as part of the development of any relevant Authority Equality Outcomes that relate to race
- work with local organisations which support asylum seekers and refugees

Nationally, the EIS will continue to support anti-racist working in Scotland by:-

- advising on appropriate equality legislation
- providing publicity and information about appropriate events and campaigns
- providing information and advice about asylum and immigration
- working with the Scottish Parliament to support anti-racist initiatives
- working with the STUC to support anti-racist campaigns
- developing its anti-racist work in conjunction with its affiliates, including Education International, Scottish Refugee Council and Show Racism the Red Card

## **DEFINITIONS**

*Asylum seeker* is someone who has fled persecution in their homeland, has arrived in another country, made themselves known to the authorities and exercised the legal right to apply for asylum.

*Refugee* is someone whose asylum application has been successful and who is allowed to stay in another country having proved they would face persecution back home.

*Failed asylum seeker* is someone whose asylum application has been turned down and is awaiting return to their country. If it is not safe for refused asylum seekers to return, they may have to stay for the time being.

*Illegal immigrant* is someone who has arrived in another country, intentionally not made themselves known to the authorities and has no legal basis for being there.

*Economic migrant* is someone who has moved to another country to work.

## **REFERENCES**

The Scottish Refugee Council ([www.scottishrefugeecouncil.org.uk](http://www.scottishrefugeecouncil.org.uk))

The Refugee Council ([www.refugeecouncil.org.uk](http://www.refugeecouncil.org.uk))

UNHCR: UN Refugee Agency UK ([www.unhcr.org.uk](http://www.unhcr.org.uk))

United Kingdom Border Agency ([www.ukba.homeoffice.gov.uk](http://www.ukba.homeoffice.gov.uk))

GTCS ([www.gtcs.org.uk](http://www.gtcs.org.uk))

## **Notes**

<sup>1</sup>: The EIS Constitution states “A Teacher or lecturer, resident in Scotland, holding a teaching qualification obtained furth of Scotland, and whose application for asylum in the UK has been successful or is awaiting a decision shall be eligible for admission as an Associate Member of the Institute without payment of fees or contribution while seeking either registration with the General Teaching Council for Scotland or a teaching or lecturing post in Scotland.”





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