

Migrants' Rights Scotland

Migrants' Rights – More than just talk!

STUC Glasgow, 30th March 2011

Summary report

April 2011

Migrants' Rights Scotland is a migrant-led organisation that aims

1. To promote the rights of all migrants, regardless of where they are from, where they live and why they are here by
 - developing a dynamic and diverse network of migrants and migrant community organisations (MCOs),
 - building bridges across sectors and interests,
 - helping to get migrants' voices heard where it matters.

2. To support MCOs by helping them to represent themselves more effectively at all levels by
 - promoting dialogue,
 - sharing information and expertise,
 - building knowledge and skills.

3. To campaign for justice within immigration and across all social policy areas by
 - using up-to-date policy analysis,
 - informing campaign priorities and coordinating action,
 - working closely with appropriate organisations and civil society groups.

We would like to thank Helen Martin and Sandra Walker at the STUC for supporting the event, Ruth Grove-White at MRN and Nicola Browne at ppr project for their insightful contributions, as well as our volunteers Khem Suksathit, Mohinder Singh Nottay and Taulant Guma for all their help on the day.

This report was written by Hyo Eun Shin.

www.migrantsrightsscotland.org.uk

Facebook page: <http://tinyurl.com/34eq65x>

Email: info@migrantsrightsscotland.org.uk

Registered Address: Fairfield, Auchterarder PH3 1BZ

Company registered in Scotland 376122

INTRODUCTION

Migrants' Rights – More than just talk! brought together migrants, their community groups and supporting civil society organisations in Scotland to

- learn more about what we mean by *migrants rights* and how a *rights-based approach* offers powerful tools that we can use to bring about positive change,
- hear our diverse experiences and exchange views,
- share inspiration and new meaning for the work organisations do in support of migrants,
- facilitate the development of joint action across groups and areas.

The day was designed to be dynamic and interactive; spaces were limited in order to maximise opportunities for participation and interaction.

Forty participants shared in a day of joint learning, knowledge exchange and forward planning. The great majority of them had histories of migration, connecting various regions in Africa, South/Southeast and East Asia, the Caribbean, Eastern and Western Europe, and Australia with their lives in different parts of Scotland. They came predominantly from the cities of Edinburgh and Glasgow, but also from Fife, Perthshire, Stirlingshire and the Lothians.

Participants were engaged with migration issues in diverse ways: as individuals with personal or familial experiences of migration - as service users, volunteers or professionals in migrant community organisations (MCOs), local community groups, support organisations; as media and publishing professionals or in any combination of these roles. They brought together manifold experiences of organising, working with and supporting refugees and asylum seekers, migrant workers from EU and non-EU countries, international students, new arrivals as well as settled communities in Scotland. Their expertise covered the provision of skills training and development, advice and guidance, as well as race equality and rights, integration, health, welfare and wellbeing.

A further 30 persons and organisations from across Scotland had registered their interest and asked to stay in the loop of the discussions and further activities evolving from the event but were unable to attend on the day.

PLENARY SESSION

Welcome address by Migrants' Rights Scotland

Pat Elsmie, one of the founding Directors of Migrants' Rights Scotland, began by reflecting on the organisation's first year, especially the achievements of the *Communication Strategies Project (CSP)* which has made good progress with a small network of volunteers, offering training in new media skills and producing a series of blogs on migrant stories ready for online publication over the next months. She launched the second phase of the Project as it continues to amplify the voices of all migrants and their communities in Scotland and to support individuals, MCOs and other organisations to communicate key messages about migrants' diverse experiences and migrants' rights to one another, to policy makers and to the wider public.

Welcoming the participants, Pat thanked everyone for their interest in joining discussions about the meaning of *migrants' rights* and in exploring together how a *rights-based approach* can offer powerful ways forward to make a positive difference in our lives. The day would be a first step in consolidating a *rights-based network on migration in Scotland*, in which migrants (ie everyone who was born outside the UK) and their families, our communities and organisations jointly establish priorities, co-ordinate action and mutual support to influence policies that affect our lives here. On strengthening information and knowledge exchange as well as joint action within Scotland, the network will be able to bring Scottish perspectives on migrants' rights into wider policy and advocacy debates across the UK, particularly through working closely with Migrants' Rights Network (MRN), our partner organisation which operates its UK base from London.

Welcome address by the STUC

STUC Assistant Secretary and Secretary to the Black Workers Committee **Helen Martin** then welcomed everyone to the STUC. She spoke about the work on migrants' rights that trade unions in Scotland have developed over the last years, particularly to counter the level of abuse migrant workers have seen in the past.

Referring to the current economic climate, Helen made clear that UK government attempts to divide people by pitting domestic workers against migrant workers must be challenged. She reiterated the STUC's criticism of the recent changes to immigration policies within tier 1, tier 2 and the student route, which were introduced by the current government without giving any clear reasons as to why they are necessary. On the often hostile public discourse against migrant workers, Helen strongly emphasised the need to continue sending out clear anti-racist messages to the public.

Ending on a positive note, Helen highlighted the specific situation in Scotland where many key stakeholders are highly critical of Westminster immigration policies. She offered firm encouragement and pledged her support for Migrants' Rights Scotland, expressing her wish to further develop collaboration with the day's participants on a number of issues and initiatives in support of migrants.

"In Scotland, there's actually a consensus We agree on this with the Scottish Government, with the Scottish oil industry, with COSLA, with local government, with the NHS, with the CBI... we all turn around to the government and say, "This is nonsense, this isn't good for Scottish economy, this isn't good for our communities..."

Helen Martin on the UK Govt's pledge to reduce net migration to tens of thousands

KEY SPEAKERS

Working together for migrants' rights

Ruth Grove-White, Migrants' Rights Network's (MRN)¹ Policy Officer, gave an overview of the UK policy context and some of the key challenges to migrants' rights before setting out how a concept of migrants' rights can offer a powerful narrative to overcome these challenges.

Ruth reminded participants that the challenges we are facing today did not just begin under the current coalition government but had originated under the previous Labour government with the largest overhaul of immigration policies since the 1970s. In an attempt to respond to the growing need to bring migrant workers into the UK economy, the Labour government opened the UK labour market to nationals of the new EU countries in Central and Eastern Europe. This was followed by the introduction of the Points Based System as well as a tightening up of the asylum process as part of a new government approach: managing migration.

This framework introduced new ways of controlling individuals as they move through the system, including the development of information-sharing relationships between the Border Agency and health care providers, local authorities, local police services etc. to monitor and control migrants and their activities in the country. Substantial concerns were raised about the high level of requirements for people wanting to work, study and live in the UK. The capacity of the system to unfairly disadvantage migrants from certain countries and to limit the protection for those seeking asylum in the UK was also obvious. All of this had practical implications for migrants' capacity to access public services when they needed to, not to mention the significant impact on their rights and liberties in the UK.

¹ www.migrantsrights.org.uk

Regarding the coalition government, Ruth highlighted that progressive policies on immigration that the Liberal Democrat manifesto had contained, for example to improve the asylum system, to look at possibilities for regularizing undocumented migrants and developing regional approaches to migration with regard to economic migrants, have become history. We now have a Tory-led agenda on immigration which is building on the framework that Labour had introduced but wants to appear even tougher.

“There is a real potential of infringements of migrants’ basic human rights such as the right to family life, right to access health care, to justice ... a real danger that the new immigration rules will increase the hierarchy of rights and entitlements, which also brings the risk of dividing the support sector as there are many different needs out there.”

Ruth Grove-White

Rule changes brought about by the Home Secretary within less than a year of the new government, include the introduction of new English language requirements for spouses wanting to join their family members in the UK, restrictions on international students coming to the UK and various limitations on their rights when here, as well as government’s plans to make it more difficult for migrants to permanently settle here.

Ruth highlighted the implications of public sector funding cuts as potentially far-reaching for migrants. Translation and interpretation services, outreach and community liaison work are too often seen as less important ‘extras’, evidenced by big cuts to ESOL provision and legal aid support. These are some of the challenges migrants face, not least amounting to the limitation of their ability to access justice. Funding cuts to community organisations that provide vital, everyday support to migrants up and down the country are already a critical problem.

Referring to the recent re-emergence of public statements by senior politicians rejecting multiculturalism in Britain, Ruth pointed out it was not just legal and policy changes but also politicians who help strengthen negative messages about immigration and add to real concerns about the integration and community cohesion agenda. There is growing emphasis on migrants being the ones who should make all the efforts to fit in; little is said or acknowledged about the role British society has to play in shared responsibility for including and accommodating the various needs in diverse communities.

Talking about what we mean by a *rights-based approach to migration*, Ruth pointed out that, rather than providing a strict methodology, it is a way of thinking about how we as civil society frame the issues affecting migrants to make our case in support of all migrants. International and European legal instruments are particularly relevant in this regard as they assert human rights for every human being, regardless of states’ differentiation between the rights of citizens and rights of non-citizens.

Some of the key international instruments relating to migrants are the 1951 Refugee Convention, the 1969 Convention on the Elimination of all Forms of Racial Discrimination (CERD), ILO convention No. 97 concerning Migration for Employment, the 1990 UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families etc (which has not yet been ratified by the UK). On the European level, there is the European Convention of Human Rights (ECHR) which has proved important in a number of cases brought by migrants in the UK to challenge elements of immigration law that are unfair and infringe on the rights set out in the ECHR. Also, the European Accession Agreements lay out some rights for European nationals, including the right not to be deported from the UK except under very specific conditions.

However, a rights-based approach to migration is not just about litigation and legal instruments. It is, more broadly, about how we as civil society are addressing the challenges to migrants' rights that we are faced with; and there are multiple ways in which this can be realised. For example, by using a *language of rights* in the way we talk about problems faced by migrants, and challenging policy makers by presenting them with *rights* rather than *needs*. This calls for a different kind of attitude – not asking for needs to be met but ensuring that rights are protected. It also includes an emphasis on *strengthening migrant-led work*, ie work led by people and their organisations who understand the issues from the inside and know which issues are the ones most pressing. Migrants being enabled to represent themselves should really be at the heart of our work.

In her closing remarks, Ruth spoke about how crucial it is that we *develop common strategies for change*. Building on commonalities of experience among many migrant communities, including asylum seekers and refugees, migrant workers, international students etc, across the country can help us understand that we are often dealing, not with isolated incidents, but with parts of wider political problems which need to be tackled together, holistically.

Strengthening solidarity, information and knowledge exchange and collaboration between MCOs and other organisations working in support of migrants across the UK and internationally, as well as facilitating their participation in public discourse and policy-making processes is thus at the heart of MRN's work.

"A rights-based approach is not just about legal instruments and using legal action. It's about how we can address the challenges that are presented to us around migrants' rights in a more progressive way, for example by developing a different narrative around migrants' rights which is concerned with rights and justice rather than needs. It is also about ensuring that people who are affected by these issues are able to speak for themselves and represent themselves."

Ruth Grove-White

Participate and make a change! Human rights-based approach in action

Nicola Browne, Strategic Policy Officer at ppr (Participation and the Practice of Rights)², gave an inspiring insight into what a human rights-based approach (HRBA) can do and achieve. ppr operates from its base in North Belfast, one of the areas that was worst affected by the conflict in Northern Ireland and the least changed over 30 years despite

“ I suppose the big question is what can human rights and a rights-based approach actually do? ”

“ We work with groups to help them hold the government to account on its human rights obligations, and to increase the participation of these affected groups in decisions that are currently made ‘about them’, so that they become decisions made ‘with them’, with their involvement and on their issues. ”

Nicola Browne

times of economic boom, the Good Friday Agreement and political goodwill. Focusing on economic and social rights, her organisation supports affected groups in this deprived area to use human rights-based tools to bring about change on their issues relating to health, housing, education, employment. While ppr has not worked on migration issues, Nicola hoped that sharing her experiences and practical ideas about using an HRBA might be useful for migrant groups here wanting to make change.

Nicola highlighted that human rights are particularly attractive when people want to make a change. International human rights law provides a series of rights, entitlements, and standards written by

international organisations like the UN or the Council of Europe and signed up to by governments. Referring to the UN Charter, she reminded that the first three words read “We the peoples”, but that international human rights rules and standards are (unfortunately) mainly directed at states to use.

An HRBA can help to try to turn that on its head: it is about shifting the power imbalance between governments (including all public bodies) and people who need these rights the most. It emphasises that all people are rights-holders, while governments are the primary legal duty-bearers who we can and should hold to account for failures to fully implement its human rights obligations. Central to the approach is the participation of affected groups; their participation is the starting point and desired outcome of an HRBA in order to make sustainable, lasting change. This also means it is crucial that the whole process is led by the affected group, by people themselves.

Using as a case study her work with a group on housing in Seven Towers, a run-down high-rise tower block, Nicola spoke of how ppr has been developing and testing their HRBA on issues of economic and social rights since they began their work five years ago.

In their case, *rebuilding peoples’ participation* was focused on as a first step, by bringing together a participant group consisting of people living in the Seven Towers who best know their realities and the issues affecting them. This was a lengthy process, as the

² www.pprproject.org

community had become used to seeing policies put in place that made no difference to their lives. ppr tried various things to build a group – going from door to door talking to residents, leafleting, using video diaries (inviting people to talk on video about issues that affected them in their everyday lives in the towers). Residents were invited to a screening of the videos to kick-start discussions among them.

Through this kind of interactive engagement, a small group, consisting mainly of single mothers who were living in the Towers with their small children, was formed. The living conditions in the Towers were particularly appalling for children: high rise towers with low balconies, health issues caused by damp, many residents having mental health problems, no place for children to play except on the communal landings which were full of pigeon waste built up over many years.

Starting with this initial group, ppr set up a programme to bring people together, to share and jointly list what issues were affecting their lives, resulting in a long list of various problems people felt confronted with.

ppr then familiarised the group members with human rights, and *what their human rights are* in relation to housing, health etc. This was important as most residents had very little understanding of human rights or even that they have these rights. It was equally vital to make the group start thinking about *campaigning and strategizing*; this involved a process of distilling the long list of issues, as not every problem may be strong in terms of human rights. Going back and forth through the list with the group, they had to choose: “Which are the ones most affecting us and which are the ones that we will be able to achieve change and find the necessary support on?”

Even though this distilling process is difficult when so many issues are involved, it is vital to find some aspect (or aspects), even a ‘small’ issue like pigeon waste, that very clearly represents general bad decision-making over years. What was also very important was to let the group set the agenda, so that they felt confidence in the process.

Training offered by ppr to the group members looked at how they could research and gather evidence on the issues themselves; for example, how to do a survey by talking to neighbours, taking photographs of problems such as damp and pigeon waste. Nicola stressed that *evidence gathering* by affected groups themselves is vital; it is real expertise of how these issues are affecting them, how policies are failing, what the barriers are for them to access proper housing or effective decision-making. Gathering evidence helps the group to build their own accountability and their capacity to represent their situation: “These are the issues we think affect us, do other residents think the same?” The fact that

“What we try to do with the HRBA is to build the power of affected groups:

- through building a participatory group,
- evidence-gathering,
- monitoring whether change is happening on the ground,
- using the media, and
- building alliances.”

Nicola Browne

evidence gathering was done within the group itself proved to be core to the success of the HRBA at Seven Towers.

Talking to their neighbours and carrying out their survey in this process helped to build further awareness about this work and brought more people into the group. Over the period and possibly from the high profile achieved by the work, many original members got re-housed to better accommodation in other areas, but for the group and their campaign work, this became a problem. It became evident that getting new people on board would need to be a constant task.

An HRBA also helps to think about who to hold to account: “Who is responsible for this, *who is accountable* to make change?” Residents in the Towers used to go to the local council executive responsible for social housing, but this had proved ineffective. This led them to try putting pressure on the minister responsible for housing as the duty-bearer and as a member of government, elected by the people. Largely it was about building an understanding of the decision-making process, targeting the work, then using pressure and the media to achieve an outcome.

“You might wonder why I keep talking about pigeon waste. You wouldn’t think that you need a human rights-based approach to fix that! But what you can see in this case of pigeon waste is that a HRBA can help frame everyday issues as a human rights issue; and it helps people realise that everyday issues are in fact human rights issues.”

Nicola Browne

At this stage, the group started to encounter signs of resistance. Officials showed an attitude of treating social and economic rights as less important: “Oh, these things will cost too much money, these aren’t civil and political rights, it’s not about torture” etc. Residents overcame this kind of challenge by arguing for officials to simply commit themselves to *progressively realising these rights*. Rather than demanding a quick fix, the group called for improvements to be made over time.

However, this also meant that any occurring changes had to be evidenced and monitored. The group wanted to see whether anything was actually happening on the

ground in relation to the issues they had chosen, so ppr helped them to set *human rights indicators* plus *benchmarks* that could be measured regularly.³ This way, the group could chart whether the government was fulfilling its duty to ensure change was occurring and that their landings would remain clean throughout time.

³ In the case of pigeon waste, the human rights indicator was developed from a provision on the right to adequate housing in the International Covenant on Cultural, Economic and Social Rights, which stipulates that adequate housing must protect people from “threats to health, structural hazards and disease vectors.” ppr also found a local standard under which the housing agency was obliged to remove a public health nuisance (such as pigeon waste) within 4 days. Obviously, this had never happened. So the group set up an indicator for pigeon waste which was measured monthly over a year plus high benchmarks, as pigeon waste can be removed and stopped easily (month 1: 84% of residents report pigeon waste on their landing, month 2-12: 100% of residents should report that landings are clean of pigeon waste).

This HRBA work also included *finding allies* – by getting recognised human rights experts, members of government, academics etc. to evaluate the issue. ppr helped the group to find the support of human rights experts who asserted that this was a human rights issue which cannot be dismissed and requires a response by government. Building this kind of alliances gives you a chance to bring pressure on this level as well.

All this work was done without any involvement of government, service delivery bodies or any other agencies. The process was about developing the residents and empowering them so that they can set the terms of engagement with government and public bodies and determine the framework for this engagement. Once the group knew what they wanted, they launched their campaign, engaging with the media and holding a public hearing (“Evidence hearing on the right to housing”) in which they presented the evidence, what the problems are, what human rights experts had said about this issue etc.

Throughout this long process, changes have been achieved; the pigeon waste has been removed and grills have been put on the landings. But more importantly, the group realised that the conditions that affect them are results of ineffective decision-making processes. The fact that the government has previously put policies in place and run programmes in the area without making any difference to their lives showed them that money alone is not going to solve their problems. Instead, it is about time to open up decision-making processes to the participation of people, which ultimately means changing the power balance as well.

Ending her presentation with a photograph of a human rights mural in North Belfast, Nicola highlighted once more that what an HRBA can do is to help people realise that it is not only acceptable for them to demand their human rights but that these demands are actually vital for human rights to have meaning in our everyday lives.

“The question is: Is it ok for government to fix the problem, without fixing what led to the problem?”

Issues like pigeon waste, glass bottles on the street etc. are not difficult to solve but they have been longstanding. There’s something in that that shows a lack of respect, or a lack of consideration of people’s realities, they haven’t been delivering, not solving the problems.”

Nicola Browne

BREAKOUT GROUP SESSIONS

The second part of the day was designed to provide a space for networking across groups and for everyone to join in and share their experiences, knowledge and ideas. Group discussions were facilitated by Pat Elsmie, Sarah Kyambi, Taulant Guma, and Hyo Eun Shin. Participants had the opportunity to discuss:

Breakout session 1: Issues, problems, and challenges

- What are difficulties and challenges we face as migrants living in Scotland?
- Where do we experience or witness injustices? Are these experiences shared by others?
- What are the root causes for these issues?

Breakout session 2: From needs to rights – Working together for a rights-based approach to migration

- How can we turn needs into rights? Do participants see value in using a rights-based approach?
- What form should further information exchange and networking activities take?
- What (else) would be needed to progress a rights-based network on migration in Scotland?

Each breakout group provided feedback to the plenary through summary presentations of the discussions. The issues and ideas raised in each of the groups are collated in the next section which outlines the outcomes and further action as evolving from the meeting.

Outcomes and further action

Issues, challenges and experiences of injustice

In the group discussions numerous problems and challenges were flagged up. Many of them were named in all breakout groups, hinting at a high degree of commonality of some experiences and concerns, while it also became clear that experiences can be diverse, often depending on immigration status and access to support in everyday life. Even though issues raised are collated here under themes, many of the points made are interrelated and cross-cutting and were named in multiple contexts.

1. ***Right to work/unemployment/underemployment***: This issue was one of those given particular emphasis by many participants. Discussions revolved around:
 - Restricted or no right to work, problems to obtain work permits, depending on immigration status;
 - Lack of (secure, full-time) employment opportunities in Scotland;

- Lack of jobs providing high enough income in Scotland to satisfy conditions for renewing visas;
- Employers not recognising qualifications and skills obtained abroad; employers' negative, sometimes racist attitudes towards migrants (one example mentioned was the case of an employer selecting job applicants on the basis of their nationality, and disposing applications of persons who had 'weird' names)
- Employers making it difficult for migrants to move up the career ladder;
- Lack of transparency in selection and promotion procedures;
- Need for more opportunities for job-relevant skills training (including building confidence);
- Need for supporting self-employment and entrepreneurship of migrants.

Access to work and (appropriate) employment opportunities were named as highly critical for asylum seekers, refugees and other migrants to lead a self-determined life; participants stressed that self-sufficiency or a successful career was often achieved at high personal cost for migrants.

2. **Physical and mental health:** Participants referred to health issues in multiple ways, encompassing:

- Mental distress due to 'not being from here'; migrants often busy getting by, organising their lives here with limited social and financial resources and insight into systems here;
- Distress of being made 'the other', experiences of being stigmatized and labelled, personal experiences of discrimination and racism (verbal abuse, physical attacks, institutional racism);
- Reduced self-confidence, demoralized about not being afforded the same respect and dignity can be devastating especially for children and youth;
- Loneliness and isolation: people often don't know where to go, lack meaningful social contacts, often stay in their homes;
- Experiences of helplessness and frustration about immigration and asylum system, and unfair, poor decision-making;
- Problems arising from immigration status and having to be concerned about fulfilling requirements lead to continuous hassle and stress in everyday life;
- Problems with physical health, sometimes expressing mental health issues, impacting on working lives;
- Huge mental and physical health issues among undocumented migrants due to fear, everyday insecurity and lack of access to health services;
- Insufficient support/regard for trauma victims and victims of violence experienced abroad and here;
- Suicide of family in Glasgow who were threatened with deportation;

- Highly problematic conditions in detention and in the process of deportation with little or no safeguards.

Participants stressed the need for a holistic approach to health and wellbeing, with full access to health services throughout the migration process being as vital as finding emotional, social and/or spiritual support in everyday life. With regard to the latter, the work of integration networks (Glasgow), counselling services, and of drop-ins, social spaces (for example sports, arts activities) provided by MCOs, supporting organisations and religious groups were mentioned as giving crucial support. Regarding migrants held in the local detention centre Dungavel or threatened by deportation, organisations such as Scottish Detainee Visitors, NCADC and Unity Centre (all Glasgow) were seen as doing important work.

3. ***Immigration and asylum system:*** In the discussions, participants reported experiencing various problems when ‘going through the system’ or being ‘expelled’ from the system, including:

- Generally, sense of being ‘guilty before proven innocent’; of ‘structural suspicion’ virulent in rules and procedures;
- Lack of transparency, with complicated, ‘baffling’ procedures and regulations which are not taking into account unforeseeable developments in people’s lives, which for example left one participant becoming undocumented for some time). International events outwith any individual’s control can severely affect migrants’ legal status (e.g. case of Libyan students who currently find themselves left in limbo as they can’t go back due to the situation in Libya but are not allowed to stay in the UK due to visa restrictions);
- Migrants find it difficult to hold the Home Office to account for inconsistent, poor decision-making due to lack of information and limited financial resources to access legal advice and representation;
- Increasingly strict immigration and asylum rules, changing goalposts and regulations and lack of information on these, insufficient transitional rules;
- Ability to make informed choices or make plans for the future often curtailed;
- Barriers resulting from the system, e.g. policy of ‘no recourse to public funds’ means lack of or no access to social security, health, work, housing etc which has deep, direct impact on prospects of (family) life and family reunion;
- Children of asylum seeker parents or those in the process of applying for leave to remain have no access to benefits, calling into question government policy on reducing child poverty;
- (failed) asylum seekers being forced into poverty and destitution; stigmatization through Azure Card in everyday life;
- Rising visa fees;

- Fear of deportation and detention.

While some participants have found legal support through community law centres to deal with Home Office decisions, they also reported that these services are often overbooked and do not have sufficient capacity to take cases on. Reliable and free legal advice seems to be even more difficult to get outside Glasgow and Edinburgh.

4. *Problems arising in the specific context of Scotland:* Participants also raised some points which are specific to Scotland:

- There is no UKBA-approved English language test centre in Scotland (case of a Scottish national who had physical disabilities being required to travel during the bad winter period to a test centre in Leeds, England, so that his foreign-born spouse could take the English language test);
- Persons living in Scotland have to travel to Croydon, England, to register their asylum application, having to cover their travel costs;
- Cases of wrong advice given by UKBA to migrants in Scotland regarding their entitlements which differ from those in England, for example, asylum seekers' access to free English language classes in Scotland;
- Cases of migrants moving south of the border as they could not find jobs in Scotland that would fulfil the high wage-minimum level required for visa renewals.

Some participants advocated devolving immigration policy to Scotland or to make the case for regionally diversified immigration policies which account for the specific Scottish context and can strengthen existing elements of a more progressive approach to migration in Scotland.

5. *Relocation difficulties:* Initial difficulties resulting from being new to Scotland were mentioned; although many participants expressed that they were not (any more) personally affected, problems raised for newly arriving migrants included:

- Poor housing conditions, especially in the private housing market, such as overcrowding, overpriced rents, no maintenance work provided by landlords;
- Lack of English language skills and lack of knowledge about 'how things are done' in Scotland act as barrier in everyday life;
- Risk of exploitation at the workplace, also within ethnic communities;
- Lack of awareness of available support programmes and initiatives;
- Lack of information about entitlements and rights.

Again, this was an area where participants felt MCOs and supporting organisations provided crucial support. Regarding the last two points, there was a general feeling that they often apply even to those migrants who have been here for a longer period of time.

6. Challenges to the support sector: Issues were also raised which touch upon different aspects of the work of MCOs and organisations in support of migrants, including:

- Difficulties in encouraging more migrants to speak up and organise themselves; building their self-confidence and political awareness is needed to enable greater participation; apprehension of speaking up and drawing attention to themselves also related to immigration status (especially in the case of undocumented migrants) or their high visibility (especially in rural areas);
- Representation often unsure: Who speaks and on whose behalf do we speak?, creating risk of inter- and intra-group tensions;
- Different cultural approaches to rights and enactment of rights: migrants and communities need to engage more in valuing their rights, not settling for rights to be imposed on them;
- Lack of information about existence and work of other organisations across Scotland, also with regard to current and planned projects and work plans;
- Pockets of good collaboration at local level, but perceived lack of sharing and/or shared progress, of coordinated work towards shared goals;
- Lack of collaboration between organisations working on related issues such as human rights, equalities, migrants, asylum and refugees, integration;
- Risk of competition for funding and influence.

Root causes

In the group discussions, participants also started to collectively analyse the root causes behind the challenges and problems listed. Across breakout groups there was agreement that overarching causes are:

a. Racism and ideology of superiority of the West

Although awareness has improved, racism including institutional racism is still widespread and active in society.

b. Prejudice and discrimination

Based in a culture of mistrust of the 'other', prevalent ignorance in majority community and also within migrant communities needs to be resolved.

c. Lack of awareness and understanding of migration

Across all sectors of society, whether in individuals or service providers, politicians or policy makers, about reasons for and context of migration, diversity of migrant population, risks and challenges migrants face etc.

d. Negative and misleading media reporting

Media often do not seem interested in telling positive stories about migration – negative headlines ‘sell better’.

e. Degrading and dehumanising language

In everyday use, even by government and public figures and in the media, phrases such as ‘bogus asylum seekers’, ‘scoundrels’, ‘benefit shoppers’, ‘illegals’, etc have become common parlance; current emphasis on issues of security (in the context of ‘Fortress Europe’, ‘protecting our borders’), national identity, costs of migration and so on suggests and/or treats migrants as ‘problems’.

f. Lack of awareness and knowledge of human rights

In society; this can impact disproportionately on the rights and lives of migrants – justice and rights action are needed to counteract.

g. Lack of strategic direction, attitude and effort

Politicians and policy-makers must take the lead in progressing a participatory and inclusive society, especially on a national level.

h. Uneven playing field

Between those affected by policies and discourse and those who are in positions of power to make policies and influence the discourse; power imbalance perpetuates structures of exclusion of ‘foreigners’, non-citizens, ‘newcomers’; this is also acted out through intimidation or force (for example through immigration raids, detention, deportation).

i. ‘Democratic deficit’

There is little or no migrant involvement in decision-making processes or public discourse; decisions are mainly made ‘about them’.

There was an overwhelming agreement among participants that these root causes must be tackled but cannot be sufficiently addressed by individuals or individual organisations. In order to have the desired wider impact, forces and activities must be joined together.

Further actions for change

The discussions revealed great interest in and support of a strong, dynamic network of MCOs and other supporting organisations in Scotland, with a rights-based approach at its core to take forward the learning and ideas from the day. Key outcomes could include

- Accountability & compliance of both Scottish and UK Governments (including public sector bodies) with human rights obligations in relation to all migrants,
- jointly and proactively influencing change, and
- building solidarity across groups.

To realise the potential of such a network, activities were suggested for:

Information & Knowledge exchange/resource sharing

There was much enthusiasm for improved and sustained information & knowledge exchange in order to develop transparency, inclusivity and the 'common good' as well as collaborative action. This could include

- Information & Knowledge sharing on existing organisations and groups, their work areas, projects, and training opportunities;
- Shared learning from successful/less successful projects and campaigns;
- Reports, reviews and news on national and international events, activities, decisions, policies etc by and from leading stakeholders in the migration arena;
- Collective action or partnerships in exploring funding opportunities and creating funding bids
- Sharing 'resources' such as meeting spaces, equipment, skills of volunteers and workers e.g. through CEMVO's Reciprocal Exchange Network.

Face to face meetings and the internet were suggested ways for interaction. An internet platform via Facebook, portal site, e-newsletter or similar, based on available resources and practicality, may be the better alternative to maintain contacts between a larger group of persons and organisations over distance and time.

Training

There was strong recognition and support for the values of a rights-based approach. To facilitate putting it into practice, there was great interest in training in

- the international human rights framework in relation to migrants, in plain English, not lawyer speak;
- Decision-making structures and policy processes in Scotland and UK and how to influence and negotiate with stakeholders;
- Human-rights based tools (how to apply/embed HRBA in own work?);
- Participatory evidence-gathering methods;
- Media skills for migrants (to facilitate engaging with mainstream media, using social media, creating own media content, using language of rights).

Working/Action Group(s)

- Use regular meetings to develop a common strategy and establish a strategic process (priorities, shared work and responsibilities) that avoids conflicts of interest;
- Provide opportunities to help embody values and commitment, build trust and capacity;
- Are migrants-led (working/action group(s) would need to have a sustainable participatory approach, accountability and representation to be clarified;

- Can start small (drawing together individuals and organisations able to commit to joined-up, collaborative work) but remain open for new participants to join;
- Could start as civil-society gathering, before involvement with authorities, to strengthen our ability to set terms and agenda of engagement ;
- Collect regular and targeted evidence to detail issues and monitor change over time;
- Campaign for rights, e.g. theme-based groups or work plan such as access to and realising health or economic rights (for example access to employment, business start-ups, enterprise);
- Support multi-strand approach – activities and campaigning both at grassroots and policy/political level (e.g. through engagement in consultation processes; engagement with Councillors, MSPs, MPs, public sector etc)

Outreach activities

- To improve engagement with migrants and communities that have been difficult to reach, through e.g. film, video screenings, social events with thematic input providing ‘food for thought’;
- To use creative means and methods that promote engagement with/between migrants, MCOs and supporting organisations, develop their skills and capacity, and gradually build migrants’ political awareness (e.g. ‘Forum theatre’ as an active inquiry project; participatory ethnographic approaches; ‘active citizen work access project’ to build confidence and skills; arts projects).

Collaboration with others

- Academic networks;
- Trade unions;
- Community workers, health visitors, ESOL workers, mainstream organisations etc.