

Migrants: Justice and Detention

Background

As part of the JustCitizens Panel we are conducting community research across a number of different policy areas to support our aim to create a fairer Scotland for migrants. One of these topics is focused on Justice and Detention. These topics were chosen by migrant members on the panel and all research and recommendations were developed by them. Across April and May 2021 we conducted research through our migrants panel and their communities, to help us learn about their experiences. We also worked on desk-based research to understand the experience of migrants within the Scottish justice system.



- ▶ Throughout the pandemic, there have been around **20** people in Dungavel detention centre. Current capacity is **125**, reduced from **249** in late 2019.
- ▶ Majority moved from prison, however some from the community or at the airport. Some of them will be termed as 'New Scots', according to Scottish Government policy.
- ▶ Women's unit not currently open but it is available.
- ▶ Campaigners are in contact with the people – however, there appear to be issues around the fact that people are granted bail in principle but do not have an address that is acceptable to the Home Office.

Detention can happen at any moment and continue without a time limit

EU Migrants in Scotland:

More EU migrants living in Scotland are starting to experience the Home Office detention practices that other migrants have been subject to for a number of years.

What we know:

The UK Government's hostile environment involves disproportionate practices against migrants.

The Home Office does not "routinely collect information" on individual's residence when

detained. It does not produce stats routinely on, for example, how many people in detention had previously been living in Scotland. **We believe this is an important information gap.**

We are aware of recent incidents of: EU citizens being detained at airports and sent to detention centres, border enforcement staff not being properly trained in checking individual's Settled Status and wrongly withholding their right to enter the UK.

The role of Police Scotland:

Whilst immigration policy is reserved to Westminster, the justice system and how it engages with migrants is devolved. Scotland has the ability to dictate how it engages with the Home Office and how it enables or prevents harmful Home office practices.

We want to know more about the role of Police Scotland – a key agency in terms of Scottish justice – in enforcing immigration. There are questions around:

The role of Police Scotland in detaining both EU and other migrants as well as how many migrants spend in Police Scotland cells before arriving at a detention centre. A recent freedom of information request showed that 1,723 people were held in Police Scotland cells for immigration purposes between April 2018 and October 20.

Does the Scottish Government have oversight of agreements between Police Scotland and the Home Office?



We also want clarity on the role Police Scotland plays in policing dawn raids

Following the unsuccessful immigration raid in Kenmure Street earlier this month, Police Scotland said they arrived in response to a call from the Home Office to help police protests and ensure public safety. It later emerged that it was aware the raid was planned having been informed by the Home Office.

Just Citizens and JustRight Scotland has written to First Minister Nicola Sturgeon asking her to ensure there is no future cooperation or data sharing between the Home Office and Police Scotland unless it is a genuine matter of public safety. In support of our call human rights lawyer Aamer Anwar claimed arriving with "40 vans and hundreds of officers" was not policing by consent.

Continued pressure on the Home Office

Whilst immigration policy is reserved, the Scottish Government must continue to put pressure on the Home Office and push for the creation of a fair and human rights centred immigration system. Recent changes to immigration for example, the policy which sees destitution and homelessness being a cause for detention, is hugely harmful and is absolutely the wrong way to deal with poverty and support the migrant community.