

Independent Commission of Inquiry into Asylum Provision in Scotland

with particular reference to failings in the provision
of care to New Scots during the Covid pandemic

Part One June 2022

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Further information about the Inquiry
can be found on the Inquiry's website
<https://www.asyluminquiryscotland.com/>
where Terms of Reference for Part Two and
information about the Panel and Secretariat
will be available in due course.

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Foreword

from Baroness Helena Kennedy QC

The asylum system is broken. This has been recognised and stated by the Minister for Safe & Legal Migration in his introduction to a consultation on ‘dispersal accommodation’ for people seeking asylum. Whilst the focus of this Inquiry is on accommodation and provision for people seeking asylum in a specific place, and at a specific point in time – Glasgow in the early months of COVID-19 – the wider context cannot be ignored.

Watch the news or listen to the Home Secretary and you could be forgiven for thinking that there is a huge increase in the number of people arriving in the UK seeking asylum – both legitimately and opportunistically. And that the UK is being forced to shoulder an unrealistic and disproportionate burden of this migration. Policy responses such as the decision to remove forcibly people to Rwanda or discussions about pushbacks at sea fuel further these notions. But there is a different picture.

What data show is rates of new asylum applications are relatively stable compared with a decade or so ago and with other European nations. The real crisis in the asylum system is not in the volume of applications being received. It is in how the applications are handled. Extraordinarily, there are almost 110,000 people seeking asylum waiting initial decisions, over 70,000 of these have been waiting for more than six months. And this aspect of the picture is not static. Amnesty has recently reported a trebling in the

backlog since 2019. What is even more extraordinary is that people from high recognition countries, where persecution is rife, such as Libya, Syria and Yemen, are waiting for months, if not years, despite positive outcomes of over 90% for their applications when they are eventually resolved.

The costs of these delays, the waste, is also extraordinary. The UK is in its tightest labour market in years, with the Office for National Statistics recently reporting 1.3 million job vacancies. But those seeking asylum are excluded from work in all but exceptional circumstances; they cannot contribute to the economy. It is forbidden. They are also restricted from participating in society, in community life, due to the Home Office’s ability to move them around the country, broadly at will. They are accommodated in the private sector, with the income going to hoteliers and landlords, not back to the Exchequer.

It is with this backdrop in mind that I am embarking on this Inquiry. Whatever the Inquiry finds, lessons must be learnt. And I do not mean that facts must be unearthed and acknowledged. I mean that the Home Office – and those companies and charities with whom it contracts – must acknowledge the facts and change its systems accordingly. It is too easy to think that it is enough to say ‘this shouldn’t have happened.’ It is even easy to say ‘we’re sorry.’ The real work is in making change happen – not just

for the benefit of people seeking asylum but for the benefit of the health of our economy and society. And let us be clear, whilst there has been press coverage and scrutiny of the private companies that have contracted with the Home Office to provide accommodation and services within the asylum system, the ultimate human rights obligations sit with the government. That is where the buck stops.

The real crisis in the asylum system is not in the volume of applications being received. It is in how the applications are handled.

I agreed to take on this work because I believe we can do better. For some time now the Home Office has been under scrutiny. The outrage caused, rightly in my view, by the ‘hostile environment’ policy, and by the findings of the Windrush Review, are reactions of a society that increasingly understands migration is here to stay. The numbers are never going to be reduced to zero. Climate catastrophes, conflict, global inequality and geopolitics will continue to drive migration and asylum. Recent events, from the war in Ukraine to COVID-19 have served to remind us of how we are all connected, and that ‘there by the grace of God’ go any of us. And even if you are sceptical about people seeking asylum, even if you believe that many claims are spurious, of concern to everybody should be that the Home Office appears to operate, with a shocking lack of transparency and accountability, a hugely costly system that fails on multiple fronts.

I also undertook this work as it has been commissioned by the extraordinary efforts of a refugee-led organisation, Refugees for Justice, to focus public attention on

tragic events that occurred early in the pandemic. In April 2020, in Glasgow, at the beginning of the first major COVID-19 lockdown, 321 people seeking asylum were removed from their homes. I understand that these homes were in safe and appropriate residential accommodation – including serviced apartments and community-based flats. They were moved to one of six hotels in the city without due notice, explanation and with no induction to their new circumstances. Despite repeated warnings from hotel residents themselves and from the organisations supporting them about extreme difficulties being experienced, two tragedies then occurred. In May 2020, Adnan Elbi died from a suspected suicide in one of the hotels. One month later, in June 2020, Badreddin Abdalla Adam, who I understand had sought help 72 times due to his deteriorating mental health, was shot dead by police during a stabbing attack; six people including three asylum seekers, one police officer and two staff members were injured; many were traumatised.

I have dedicated my working life to human rights and the law. I could not stand by and not get involved in this work, partly because of the tragedies themselves but also because the events that prompted this Inquiry sit at the nexus of issues of race, deprivation, wellbeing, exclusion, government competence and human rights. Understanding these issues and a determination to work better at this nexus are, I believe, some of the key challenges and moral imperatives of our time.

Baroness Helena Kennedy QC

Section 1: Introduction

1a Context People seeking asylum

To seek asylum is a human right we all share. The right to seek asylum from persecution is enshrined in Article 14 of the Universal Declaration of Human Rights and is further articulated in the 1951 Refugee Convention. This latter convention was drafted in the aftermath of the Second World War and its provisions remain “the centrepiece of international refugee protection today”¹. As a signatory, the UK has a legal duty not to return people to situations where they would be at risk of persecution. This commitment to non-refoulement has become one of the central tenets of international human rights law.

The British Red Cross describes a person seeking asylum as someone who:

- “- flees their home
- arrives in another country, whichever way they can
- makes themselves known to the authorities
- submits an asylum application
- has a legal right to stay in the country while waiting for a decision”²

In other words, a person seeking asylum is someone

¹ <https://www.unhcr.org/uk/1951-refugee-convention.html>

² Find out about Refugees: Refugees Facts and Figures [Here](#)

who has arrived in a country and asked for asylum. Most have been unable to avail themselves of safe and legal means of entering the country. Article 31 of the Refugee Convention recognises that this is frequently unavoidable and explicitly provides that refugees must not be penalised if they cross into the country of refuge without prior permission. Having presented themselves to authorities, people seeking asylum are making a claim to the UK Government for protection (asylum) under the UN Refugee Convention 1951 and are waiting to receive a decision from the Home Office (or from an independent Tribunal or Court in relation to an appeal). Until such time as their claim has been fully determined, they have a legal right to reside in the UK. In 2020, the year during which the events took place that prompted this Inquiry, there were c59,700 supported people seeking asylum in the UK of whom c9% were in Scotland³.

People seeking asylum come from all over the world, seeking to exercise a human right, shared by everyone in the world, to safety, freedom and dignity. The majority of people who seek asylum each year are from countries where the risks of harm, persecution and experiences of conflict are well-documented⁴. They may have left family, friends, work and professions

³ Evaluation of accommodation and support services experienced by asylum seekers in Glasgow during COVID-19, Key findings and recommendations, Heather Laing, August 2020 p4

⁴ In 2021, the top countries of origin for people seeking asylum were Iran, Iraq, Eritrea, Albania and Syria.

because of persecution, trauma and danger.

Seeking asylum is a legal process. Someone whose asylum claim is successful is recognised as a refugee and, in the UK, is granted temporary leave to remain. Someone whose asylum claim is refused by the Home Office is not a criminal; they are someone who has not been able to demonstrate that they meet the evidential threshold to be recognised by the UK Government as in need of protection. The asylum determination process, whilst not the focus of this report, has itself been recognised as undermined by persistent backlogs and delays⁵; and a culture of disbelief that can result in poor, or inaccurate decision-making⁶. This is evidenced by the fact that 49% of Home Office asylum decisions were, in the year to March 2022, overturned upon appeal to an independent Tribunal⁷.

People seeking asylum come from all over the world, seeking to exercise a human right, shared by everyone in the world, to safety, freedom and dignity.

People seeking asylum are of all ages, genders and professional backgrounds. They are debarred from accessing public funds, and so are not entitled to mainstream benefits and receive a maximum of £40.85

<https://media.refugeecouncil.org.uk/wp-content/uploads/2022/03/11094444/Asylum-Statistics-Annual-Trends-Feb-2022.pdf>

⁵ <https://migrationobservatory.ox.ac.uk/press/asylum-backlog-hits-more-than-70000-despite-reduction-in-asylum-applications/>

⁶ Souter, J. (2011) 'A Culture of Disbelief or Denial? Critiquing Refugee Status Determination in the UK Oxford Monitor of Forced Migration Vol.1 (1) pp.48-59

⁷ <https://www.refugeecouncil.org.uk/information/refugee-asylum-facts/top-10-facts-about-refugees-and-people-seeking-asylum/>

per week in financial support through the asylum support system. In most cases, they are not allowed to work in the UK, although Refugee Action suggests that:

“45% of people seeking asylum would be considered critical workers during the coronavirus pandemic, but despite being so desperately needed, they are not allowed to work.”⁸

Although protecting people seeking asylum is an integral part of the UK's legal international human rights commitments, since 1999 successive UK governments have introduced into domestic law a number of ever-more restrictive provisions that limit the economic and social rights of those awaiting a decision on their claims for international protection. The most recent of these is the Nationality and Borders Act 2022 (see below). It should be noted that many respected institutions including the Law Society⁹, the United Nations High Commission for Refugees¹⁰, the Scottish Refugee Council¹¹, Amnesty International¹², alongside a significant number of NGOs and civil society organisations, have expressed concerns that the Act has the potential to undermine protections provided by the 1951 Refugee Convention.

1b Crises in Glasgow and events preceding

While awaiting decisions on their claims, people seeking asylum and who would otherwise be destitute

⁸ Fact About Asylum: Claiming asylum is a human right [Here](#)

⁹ Nationality and Borders Act, The Law Society [Here](#)

¹⁰ UNHCR Observations on the Nationality and Borders Bill, Bill 141, 2021-22 October 2021 [Here](#)

¹¹ Scottish Refugee Council Nationality and Borders Bill becomes UK law 28 April 2022 [Here](#)

¹² Amnesty International-Migrant Voice Nationality and Borders Bill House of Lords Report 28 February 2022 [Here](#)

Section 1: Introduction

can request financial support and accommodation from the UK Government. The structures and obligations of this asylum support system are detailed in section two. The focus of this report are events that occurred in April 2020, in Glasgow, at the beginning of the first major COVID-19 lockdown, when 321 people seeking asylum were removed from their homes. This Inquiry understands that these homes were in safe and appropriate residential accommodation – including serviced apartments, and community-based flats¹³. Whilst living in these apartments and flats, these individuals had had access to cash, could prepare their own food and could comply with lockdown restrictions. They had some independence and autonomy, albeit a small amount due to limited financial provision and exclusion from the labour market, but they could have locked-down in much the same way as the rest of the country.

And yet, all of these 321 were moved to one of six hotels in the city with no notice, no explanation and no induction to their new circumstances.

And yet, all of these 321 were moved to one of six hotels in the city¹⁴ with no notice, no explanation and no induction to their new circumstances. Cash support was entirely removed on arrival at the hotels and no individualised health or vulnerability

¹³ Numbers and events cited are taken from the House of Commons Home Affairs Select Committee Report of 28th July 2020 Home Office preparedness for Covid-19 pandemic Institutional Accommodation paragraphs 93-126 [Here](#)

¹⁴ Park Inn Hotel, Mercure hotel, McLays hotel, Tartan Lodge, IBIS Springfield Quay, Beaverbrook Lodge

assessments were done prior to, or during the course of, these moves. Despite repeated warnings from hotel residents themselves and the organisations supporting them about difficulties being experienced, two tragedies then occurred. In May 2020, Adnan Elbi died due to suspected suicide in one of the hotels. One month later, in June 2020, what has become known as ‘the Park Inn tragedy’ took place. Badreddin Abdalla Adam, who had sought help 72 times due to his deteriorating mental health¹⁵, was shot dead by police during a stabbing attack; six people including three asylum seekers, one police officer and two staff members were injured; many were traumatised.¹⁶

Since these tragic events, there have been calls for a ‘full and independent public inquiry.’¹⁷ The events have been considered by the Home Office in its own evaluation¹⁸ and the Home Affairs Select Committee on Preparedness for the Covid-19 Pandemic (Institutional Accommodation) published its inquiry report on 28 July 2020 and made a number of observations and recommendations about these incidents and the context based on evidence presented by statutory and voluntary sector agencies. At the time of writing, no accountability has been taken for these tragic events, nor, apparently have many lessons been learnt.

¹⁵ Asylum seeker made 72 calls before hotel stabbings BBC 12 April 2022 [Here](#)

¹⁶ Glasgow stabbings BBC News 28 June 2020 [Here](#)

¹⁷ Scottish Refugee Council calls for full and independent inquiry into Park Inn tragedy 24 August 2020 [Here](#)

¹⁸ Evaluation of accommodation and support services experienced by asylum seekers in Glasgow during COVID-19, Key findings and recommendations, August 2020. Author: Heather Laing, Head of Asylum Operations, UK Visa and Immigration. Approver: Abi Tierney, Director General, UK Visa and Immigration

1c Role of this independent Commission of Inquiry

In the absence of a public inquiry, this independent Commission of Inquiry (the Inquiry) seeks to make sense of the decisions that led up to these events and to provide recommendations to improve provision of asylum accommodation and support and to stop future tragedies occurring. This Inquiry is publishing in two parts. This report, Part One, is a summary of the existing body of evidence relating to these events and it reports on emerging themes and poses unanswered questions. Part Two, which includes the convening of an esteemed Panel of highly respected and experienced experts and campaigners, will consider these themes and unanswered questions further, through analysis of written and oral evidence and taking a human rights based approach. Part Two will publish in November 2022.

At the time of writing, no accountability has been taken for these tragic events, nor, apparently have many lessons been learnt.

1d Principles and Approach

This Inquiry was commissioned by Refugees for Justice. Refugees for Justice is a refugee-led organisation and its leadership committee and staff comprise individuals with expertise by experience of the UK Government's asylum process, as well as of the provision of accommodation and support in Scotland. In commissioning this Inquiry, Refugees for Justice provides a powerful example of a

marginalised and silenced community creating an innovative mechanism to seek accountability, justice and reform, which it is hoped can be replicated elsewhere in the social justice sector. The Inquiry was funded with contributions from the following trusts and foundations: AB Charitable Trust, The Baring Foundation, Barrow Cadbury Trust, Esmée Fairburn Foundation, Joseph Rowntree Charitable Trust, The Tudor Trust and Unbound Philanthropy.

This report has been written based upon information in the public domain relating to the tragic incidents in Glasgow in May and June 2020 and to the broader system of asylum provision in which they took place. In addition to this information in the public domain, foundational to this report are 41 sworn legal statements taken by Scottish lawyers who worked pro bono to document the experiences of people seeking asylum who were, or had been, living in Glasgow hotel accommodation under measures put in place during the Covid-19 pandemic. The statements were taken remotely between July and September 2020 using video call technology with language support provided by professional interpreters as required. Statements were gathered from people living in six different hotels, and who had been in a variety of accommodation prior to the move. These statements were provided in confidence to this Inquiry and will be provided to any future public inquiry.

In addition to these sworn legal statements, this report considers:

- House of Commons Home Affairs Committee: Home Office preparedness for COVID-19 (Coronavirus): institutional accommodation, 23 July 2020.
- Evaluation of accommodation and support services experienced by asylum seekers in Glasgow during

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COVID-19, Key findings and recommendations, August 2020.

- Contemporaneous press, commentary and reporting from civil society organisations as well as government statements and parliamentary debate.

1e Who is this report for?

Whilst this report provides a foundation for part two of this Inquiry, it also aims to:

- Contribute to the bank of evidence to be considered during formal inquiries and learning into the experience of people seeking asylum across the UK including in Glasgow and throughout Scotland.
- Empower local authorities and other agencies with relevant evidence in responding to efforts by the Home Office or its accommodation contractors to place people in the asylum process into any institutional accommodation sites in their locality (see Section 2 below).
- Ensure that direct evidence from people seeking asylum guides responses from local authorities, the devolved governments and other consultees to the Home Office's Full Dispersal Model informal consultation¹⁹.
- Provide voice to – and create more power in the hands of – Scotland's – and the wider UK's – asylum seeking population.

Importantly, this report is published two years after the tragic events at Park Inn. There is precious little evidence of changes in policy or practice as a result of this tragedy, despite the elapsed time. It is therefore also in pursuit of dignity for the lost lives of Adnan Elbi and Badreddin Abdalla Adam, and for those who

sustained injuries and trauma at the time, that this report has been produced.

There is precious little evidence of changes in policy or practice as a result of this tragedy, despite the elapsed time.

The next section of this report considers in further detail the obligations of the UK Government, its contractors and other duty bearers to people seeking asylum and reported successes and failings during the Covid-19 pandemic in Scotland.

¹⁹ Local Government Chronicle Asylum private rental plan sparks fear over housing for homeless 21 April 2022 [Here](#)



Section 2: Obligations and evidence relating to their discharge

2a Obligations

“Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.”

Universal Declaration of Human Rights Art 25

“With its potential to impact on social connections, spatial dynamics, territorial occupation and economic activity, accommodation might be understood both as a tool for community building and as a technology of government to ‘control and regulate’ the displaced migrant population”²⁰

The Immigration and Asylum Act 1999 (the Act) places a statutory responsibility upon the government to support asylum seekers at different stages of the asylum process. S95 of the Act provides that an individual who is seeking asylum in the UK and who is, or is likely to become, destitute, is eligible,

along with their dependants, for support during consideration of their claim. Support can be financial – asylum seekers are entitled to receive £40.85 each week (for essential living expenses, £37 in 2020) on a payment card known as an ASPEN card – and in the form of accommodation. The Home Office can also offer ‘s98 support’ in the form of temporary full board or self-catering short term accommodation if a person seeking asylum is likely to become destitute (while a s95 application for longer term support is being considered). Section 98 support is most typically offered shortly after a person makes a claim for asylum and is commonly known as initial accommodation. The Act also makes limited provision for those whose asylum claim has been refused, who appeared to be destitute and who are taking all reasonable steps to leave or cannot leave the UK (s4 of the Act and the Asylum (Provision of Accommodation to Failed Asylum Seekers) Regulations 2005).

An overview of how these statutory responsibilities are discharged is helpfully provided in the report from the House of Commons Home Affairs Committee: Home Office preparedness for COVID-19 (Coronavirus): institutional accommodation, 23 July 2020:

“Between 2012 and 2019 asylum support was managed in the UK through a series of regional contracts known by the acronym COMPASS. In

²⁰ Integration Governance in Scotland Accommodation Regeneration and Exclusion Nasar Meer, Timothy Peace & Emma Hill University of Edinburgh and University of Glasgow 2019 [Here](#)

January 2019, the UK Government replaced the COMPASS contracts with seven new regional Asylum Accommodation and Support Services Contracts which took effect in September 2019. Three providers - Mears, Serco and Clearsprings - were awarded the contract to procure and manage asylum accommodation across the UK. A new national Advice, Issue Reporting and Eligibility (AIRE) contract which was awarded to Migrant Help began to operate at the same time. The contracts are worth an estimated £4 billion over the next ten years.

The Asylum Accommodation and Support Services Contracts govern the relationship between the Home Office and the three companies contracted to provide asylum accommodation. Detailed specifications on the services which have to be provided are set out in the statement of requirements for the contracts.

The Home Office first places eligible asylum seekers in hostel-style accommodation (known as 'initial accommodation') on a short-term basis while they make an application for financial assistance to the Home Office. The Home Office guide to living in asylum accommodation states that a stay of three to four weeks in initial accommodation is "normal." However people can remain in initial accommodation (IA) much longer than this if there is a lack of available dispersal accommodation to move them to or if there are delays in the Home Office making an initial assessment of the application.

The policy of dispersing those seeking asylum accommodation in the UK was introduced by the Immigration and Asylum Act 1999. The legislative intention was that distribution across the country

would prevent any one area providing support to considerably more asylum seekers than other areas. Under the scheme, local authorities reached voluntary agreements with the Home Office to accept asylum seekers.

The Home Office's dispersal policy has been for many years not to provide asylum accommodation in London or the South East [of England] unless there are exceptional circumstances, for example, medical requirements. The Home Office allocates asylum seekers on a 'no choice basis' to one of the AASC regions and the relevant housing providers transports the asylum seekers to initial accommodation within that region. Following the Home Office's assessment and confirmation of Section 95 support, the relevant provider arranges to move asylum seekers to more permanent dispersal accommodation."²¹

Although the use of hotels is often positioned as an exception... ...the use of so-called 'contingency accommodation' appears to be happening on an industrial scale.

Although the use of hotels is often positioned as an exception to a general rule of housing people seeking asylum in community based flats and houses, the use of so-called 'contingency accommodation' appears to be happening on an industrial scale. The National Audit Office reported around 1,000 people in contingency institutional accommodation in October

²¹ Home Office preparedness for COVID-19 (Coronavirus): institutional accommodation 23 July 2020

Section 2: Obligations and evidence relating to their discharge

2019. In February 2022, there were 27,600 people in this type of accommodation.²²

2b Discharging obligations

The rights of people seeking asylum as enshrined in the UN Refugee Convention have been enacted in the UK through the Immigration and Asylum Act 1999 (the Act). The Act confers a number of obligations on the UK Government. Many of these obligations are discharged by commercial and charitable organisations under contract to the UK Government. This report focuses on the provision of support to asylum seekers in Scotland in 2020 during the Covid-19 pandemic. During this time Mears Group²³ and Migrant Help²⁴ were (and continue to be at the time of writing) the providers of services to people seeking asylum in Scotland under the Asylum Accommodation and Support Services Contracts (AASC) and Advice, Issue Reporting and Eligibility Assistance (AIRE) contracts respectively. Outside of Scotland, other organisations (Serco and Clearsprings Ready Homes²⁵) also provide services under the AASC. The AIRE contract is “a single integrated and national service for asylum seekers”²⁶ and thus is exclusive to Migrant Help and operates across the UK.

²² In February 2022, a senior Home Office civil servant disclosed to the Home Affairs Select Committee that £3.5million per day is being expended by the Exchequer on contingency asylum accommodation via over 200 asylum hotels, accommodating over 25,000 people. This equates to £1.3billion per annum of public monies going exclusively into private sector hands.

²³ Mears Group website: Mears awarded three Asylum Accommodation and Support contracts 8 January 2019 [Here](#)

²⁴ Migrant Help website: Migrant Help awarded new contract to support asylum seekers in the UK 8 January 2019 [Here](#)

²⁵ GOV.UK New asylum accommodation contracts awarded 8 January 2019 [Here](#)

²⁶ Ibid

Mears Group is responsible for the provision of “safe, inhabitable, and fit for purpose” accommodation to its service users, people seeking asylum. Their obligations under the AASC include the following:

- Mears Group has a duty of care and safeguarding responsibility towards service users.
- Mears Group is responsible for conducting regular vulnerability assessments, identifying clients at risk or with special needs and ensuring the quality of support and accommodation is responsive to their needs.
- Mears Group shall not keep service users more than three to four weeks in initial accommodation unless otherwise agreed by the Home Office.
- The AASC contract should be delivered together with local authorities, and in compliance with ‘relevant’ legislation and standards.

Mears Group is responsible for the provision of “safe, inhabitable, and fit for purpose” accommodation to its service users, people seeking asylum.

Migrant Help is contracted to provide a) advice and guidance b) a system that enables issue reporting and c) eligibility assistance to people who are living within or seeking to access the asylum support system. The AIRE Contract requires that the organisation offers, 24 hours a day, 365 days a year, a reliable and accessible point of contact for service users to:

- report complaints with any Asylum Support Services, and refer these reports to the relevant party for resolution;

- report maintenance issues, and refer these reports to the relevant party for resolution;
- report safeguarding concerns or high-priority/safety critical requests for assistance, and refer these reports to the relevant party for resolution.

Successive Scottish Governments have actively sought to embed integration from day one of New Scots' arrival in Scotland.

In undertaking to provide these services, Migrant Help must, according to their contractual obligations, “take service user needs and characteristics into account”. Examples given in the contract include experiences of trauma, language issues and health conditions. The AIRE contract specifies that Migrant Help must “ensure that they and their subcontractors do not take any action which may adversely affect the Home Office [and] do not misrepresent the Home Office”. This in effect precludes Migrant Help from undertaking policy, advocacy and campaigning work and is a key difference from previous advice contracts offered by the Home Office.

While immigration policy is a reserved matter, the lives of people seeking asylum are affected on a daily basis by areas where policy has been devolved to Scotland.

Principal amongst these are:

- Human Rights
- Housing
- Health
- Legal advice
- Education
- Criminal justice

In these areas of devolved competence, there is evidence that asylum seekers in Scotland benefit from a more expansive approach to their rights than in other UK nations. People claiming protection in Scotland have generally not faced barriers in accessing primary and secondary health care²⁷. For people living in initial accommodation in Glasgow, a dedicated Asylum Health Bridging Team that sits within Greater Glasgow and Clyde Health Board provides health screening and access to care for those who have recently arrived in the city. Legal aid restrictions are fewer than in England, with the Scottish Legal Aid Board continuing to provide relatively open access to assistance with legal costs pertaining to protection claims, even at the later stages of the process²⁸. Successive Scottish Governments have actively sought to embed integration from day one of New Scots' arrival in Scotland and Scotland has a national refugee integration strategy (the New Scots Strategy) which applies to all people seeking protection, regardless of whether they have yet been recognised as refugees by the Home Office²⁹. Local authorities in Scotland have sought to work jointly and with partners across other statutory and voluntary organisations, including through the COSLA Strategic Migration Partnership.

2c AASC and AIRE: Early warning flags

Concerns have been expressed about the execution of these Home Office awarded contracts before and since their inception in 2019.

²⁷ Da Lomba, S. & Murray, N. (2014) Women and Children First? Refused asylum seekers' experiences of maternity care in Glasgow (University of Strathclyde / Scottish Refugee Council)

²⁸ Scottish Legal Aid Board (2011) Best Value Review: Immigration and Asylum

²⁹ <https://www.gov.scot/publications/new-scots-refugee-integration-strategy-2018-2022/>

Section 2: Obligations and evidence relating to their discharge

In October 2018, the Equality and Human Rights Commission advised that the Home Office should, in order to help discharge its responsibilities under the Public Sector Equality Duty:

“- assess the impact on equality of the new AASC and AIRE contracts, and publish the findings as soon as possible along with an action plan for the mitigation of any negative impact on people who share protected characteristics. This action plan should ensure people are able to access essential services such as healthcare.

- explicitly require the new AASC and AIRE contractors to regularly assess and mitigate any negative impacts on equality through the delivery of their services. Ideally, these impacts should be regularly monitored and reported on by the contractors, to an independent body, to ensure transparency and accountability.”³⁰

In the first few months of the contracts, providers struggled to meet five of the 10 performance standards.

In November 2019 a joint letter to the UK government from representatives of 120 UK organisations wrote to Victoria Atkins MP, the then Minister for Safeguarding and Vulnerability setting out concerns about Migrant Help’s apparent failures in delivering under the Advice, Issue Reporting and Eligibility Assistance (AIRE) contract. Concerns included inaccessibility of Migrant Help ‘single point of contact’ phoneline to

vulnerable people seeking help with urgent matters including destitution, safeguarding and unsafe or degrading accommodation, in addition to increased risks of destitution due to processing delays. The letter describes failings to address issues:

“...which in more serious cases ...left people living in unsafe and uninhabitable conditions, including in homes without electricity, with no functioning toilet, or with flooding leading to structural collapse.”³¹

The letter makes specific improvement recommendations and concludes:

“The delivery of asylum support and accommodation is a public service delivered through public funds. They are the responsibility of the Home Office, derived from its obligations under UK and international law on refugee protection and reception standards. The dignity and wellbeing of people in the asylum system should be at the centre of this public service. Currently, too many people are failed by that system, causing very significant and needless suffering among those it is meant to protect.”³²

In July 2020, the National Audit Office published a report on asylum accommodation and support. It highlighted that

“The Department monitors accommodation providers performance against ten key performance measures. In the first few months of the contracts, providers struggled to meet five of the 10 performance standards. Since September

³⁰ Equality and Human Rights Commission Westminster Hall Debate on Asylum accommodation contracts 10 October 2018 [Here](#)

³¹ Refugee Action: Joint Letter to the Government: Crisis in Asylum Support 5 November 2019 [Here](#)

³² Ibid

2019 providers have on average failed to meet targets on finding suitable dispersed (longer-term) accommodation and moving people into it quickly enough and on addressing maintenance issues which were not emergencies on time....

...The poorest performance has generally been in contract regions where the provider is either new to that region... or new to providing asylum accommodation (Mears in three regions)."

...while it was important for safeguarding to be included in the contracts, they were unclear how providers are putting this requirement into practice.

Perhaps most concerningly, the report also states

"The Department's contracts require providers to safeguard vulnerable people as part of their service. Voluntary sector organisations and local authorities told us that while it was important for safeguarding to be included in the contracts, they were unclear how providers are putting this requirement into practice.³³ In November 2019 the department set up a safeguarding board including department officials on provider representatives to develop a framework for safeguarding."³⁴

³³ Inquiry's own underlining

³⁴ See section 4a below "...the Committee stated that Department set up a Safeguarding Board in November 2019 for officials and providers to develop a safeguarding framework but that a new assurance framework intended to ensure the identification and safeguarding of vulnerable people, planned for the start of the new contracts, had been delayed until May 2020."

With these early warnings in mind, the next section of this report considers evidence as to the discharge of these obligations insofar as they relate to the provision of support to people seeking asylum in Glasgow during the first months of the COVID-19 pandemic when 321 people seeking asylum were moved from their homes to hotels.

2d Mears Group plc: The public face

As an employer

A role advertised on Mears' website on 20 June 2022³⁵ for a Welfare Support Officer, 40 hours / week, working shifts, for £23,000 per annum, contains the statement:

"At Mears our vision is to be regarded as the most trusted and respected provider of housing with care solutions. We value our customers and communities, putting their needs at the heart of everything we do; teamwork, supporting each other, sharing ideas and never excluding others."

The role is described as follows:

"We have a great opportunity to join our growing Asylum Accommodation and Support Contract team on a permanent. The role works in partnership with colleagues, external agencies, third parties, charitable organisations and forms part of the front-line delivery to our service users who may potentially be vulnerable or have special housing needs.

Your role is to ensure service users are supported at various stages of their Asylum application

³⁵ [Here](#)

Section 2: Obligations and evidence relating to their discharge

process including any safeguarding and/or welfare issues. As a Welfare Support Officer your duties will include:

Provide appropriate practical and emotional support ensuring that each service user has a support and risk management plan in place which effectively meets their support needs and that plans are reviewed and updated as required. Monitor service users well-being and support needs, provide advice, assistance and liaise with other services and agencies to ensure support is suitable to meet service users needs. Delivery of welfare and support services to our service users ensuring a tailored approach to meet individual needs whilst being culturally aware and sensitive of circumstances. Delivery of service through sign posting, direct referral and encouraging wider community involvement, effective relationships with relevant stakeholders, including external and internal customers, colleagues, resident group support, care providers and community organisations. Management and mitigation of service user well-being risk and escalation in line with policy and procedure. Delivery of service to ensure safeguarding and welfare are fully considered in line with processes. Maintaining boundaries and being resilient to ensure a professional and a well-defined service is provided to meet the needs of the service users. Delivery of performance and service reporting as requested by line manager, ensuring any changes in a service users well-being, physical health and social conditions are reported accordingly. Ensuring all records and IT data on systems remains updated with accurate and up to date information in line with contractual requirements.

Undertaking adhoc projects and provide support and cover for colleagues and teams within Mears Housing Management.

What are we looking for?

We are looking for someone who is passionate in directly helping people who are considered to be a vulnerable client group. Safeguarding and promoting the welfare of people is paramount and an essential part of the service delivery.

You will also have –

(INSERT AS PER AGREED PREFERRED PS) [sic]”

No explicit reference is made to required qualifications. Indeed, it seems that this section has been missed from the role description saying instead ‘insert as per agreed preferred PS.’

The role also requires someone to have lived in the UK for at least 5 years.

No explicit reference is made to required qualifications. Indeed, it seems that this section has been missed from the role description.

Environment, social and governance impact

The Mears’ Social Value Report 2020 entitled “Delivering our values in a crisis” described a ‘Fair For All’ priority as follows:

“Reducing prejudice, improving understanding of differences, and supporting social inclusion:

The economic and social impacts of the pandemic and the wider economic imbalance has the potential to create an unfaier future. Working in some of our country’s most vulnerable communities Mears has to be ready to ensure that we are training, recruiting, retaining, upskilling and promoting people – regardless of their background. In 2020 we have focused on ensuring that our processes and procedures are fit for purpose to ensure that we can achieve this.

We are committed to building a diverse and inclusive culture that reflects the communities which we serve; one that attracts and retains best talent and enables our colleagues to thrive. It’s about the bigger picture of creating environments that are diverse, fair and inclusive.

Diversity and inclusion is a foundation stone for our values. It ensures that we build on our successes and continue to work for even better outcomes for our customers, clients, and colleagues. We see it as part of our day-to-day work and understand why it is key to our continued business success.”

Financial

The Chairman’s letter introducing Mears Group plc’s 2020 Annual Report and Accounts mentions the AASC thus

“By contrast, our central government contracts, including AASC and Key Worker, saw increasing numbers of users and service requirements during the pandemic and have performed strongly.”³⁶

The Chief Executive Officer’s report in the same states

“The management activities reported revenues of £253.8m (2019: £181.3m), an increase of 40%. Much of this increase is due to the full year impact of the Asylum Accommodation and Support Contract (‘AASC’) which mobilised in September 2019.”³⁷

And

“The Group saw an increase in AASC volumes across the entire process over the course of the year, with new service users entering the system and few exiting. The requirement for additional accommodation was operationally challenging. Covid-19 presented a challenge for those people new to the UK with many lacking language skills and the knowledge to access basic supplies and necessities. In agreement with the relevant public authorities, it was decided that the safest environment for new service users³⁸ was to locate them in good quality hotels. That ensured their protection from Covid-19 infection, the ability to self-isolate if required and that they had access to food and other essentials. Despite recognising that few people want to be in a hotel for an extended period it was agreed that this was absolutely the right approach. It remains the intention to support moving these people into dispersed accommodation as soon as it is safe to do so. Mears’ priority throughout and going forward, will be the safety of staff and the service users.”³⁹

³⁶ Mears Group Plc Annual Report & Accounts 2020 pp 5

³⁷ Ibid pp11

³⁸ Inquiry’s own underlining

³⁹ Ibid pp11

Section 3:

From homes to hotels: Personal testimonies of people seeking asylum in Glasgow during the first months of the COVID-19 pandemic

This section provides insights from individual accounts of moving to, living in and seeking help from within, hotel provision. The insights have been collected from the individual sworn testimonies collected by Refugees for Justice and using the services of pro bono lawyers and provided in confidence to the Inquiry.

It is important to note when reading from these testimonies that at the beginning of the COVID-19 pandemic, fear and anxiety were high in the public as a whole. And further, to note that, in the words of the Home Affairs Committee:

“Users of asylum accommodation are often very vulnerable people including torture survivors, individuals suffering PTSD...”⁴⁰

3a Before the moves

22 of the 41 people who gave statements were living in self-contained homes / serviced apartments before being moved to hotels. Every one of these people who gave statements noted that they had felt safe and happy in their previous accommodation:

“Before I was put in the hotel I lived in a flat. I lived in that flat from February 2020 until the start of April 2020, which was when I was moved into the hotel. I shared the flat with another asylum seeker. I had my own room and separate bathroom. I shared the kitchen with my flat mate. The flat was fully furnished, it was clean and a comfortable place to stay. I was happy there.”

“Before I was put in the hotel I lived in a house in [address redacted], Glasgow. I lived in that house from 20 March 2020 until 3 April 2020, which was when I was moved into the hotel. I shared the house with another asylum seeker. I had my own bathroom and kitchen. It was a beautiful house and I was very happy there.”

These accounts suggest that the accommodation provided before the removal to hotels took place met residents’ needs. Homes were described as safe, people had access to appropriate food and, in most cases, were already in receipt of cash support via an ASPEN card.

For some who were facing destitution at the time of the move, hotel provision offered some respite from uncertain and insecure provision from charitable sources or informal contacts.

⁴⁰ Home Office preparedness for COVID-19 (Coronavirus): institutional accommodation 23 July 2020 pp18

3b The moves

Little to no notice was given to people living in self-contained accommodation prior to the move to hotel provision. Information was not provided in written or translated form and the moving process was therefore fraught with confusion and worry as these accounts illustrate:

“On 27 March 2020, two men from Mears Group came to my property. They came early morning around 8-9am. They knocked on the door and they told us that we had 15 minutes to pack everything and leave. I was very surprised and had no idea that I would be moving. I never received any notice of this and was not given any letters to say that I would be moving. I felt Mears Group were stressing us out as they kept telling us to move quickly. We had recently been shopping to buy stuff due to the pandemic and did not have time to pack this. I had to leave some of my belongings [behind] as I was not given enough time to pack my items. We did not even have time to wash our clothes. We asked why we were being moved. They did not give us a clear answer, they just told us we had to be transferred somewhere else. They did not tell us where we would be going despite asking on a number of occasions. I was traumatised by this experience. I did not know what was happening. I thought they were going to send me back to [home country name redacted]”

“They knocked on the door and they told us that we had 15 minutes to pack everything and leave. I was very surprised and had no idea that I would be moving.”

Several people spoke of having to leave recently purchased fresh food or other essentials behind, as they had had no time to prepare either emotionally or practically for this sudden, and in most cases, unexplained move:

“All my clothes and paperwork was everywhere and I had to pack everything and put it in bags. I felt extremely rushed, like I was living in a war zone. I put as much as I could fit in carrier bags and plastic bags. I had recently bought new razors and other essential items which I did not manage to take with me as I could not think clearly at this time and was being rushed. I dragged the bags to the elevator and went down and put my items in the car.”

“I claimed asylum at a police station in Glasgow. There were no checks on my physical or mental health. I was asked whether I had COVID-19, but that was it. After some time at the police station, I was told without much notice that I was leaving, and was asked to get into a taxi. Neither I nor the driver wore a face covering. I was not told in advance where I was going. I was told almost nothing about the move, except that I would be staying in a hotel until further notice. A week later, the Home Office contacted me and told me I would be staying at the hotel until something else becomes available. I never received any documents or anything in writing, except a section 95 letter.”

3c Needs, risk and safeguarding assessments

Not one of the 41 people who gave formal statements to Refugees for Justice could recount having been asked questions about their health at the time of their move.

Section 3: From homes to hotels: Personal testimonies of people seeking asylum in Glasgow during the first months of the COVID-19 pandemic

“I was moved to the new hotel by taxi. I had some time to gather my things. I was never asked any questions about my health before I was moved. Since being here no one has asked to check if I am ok. I have a headache and a sore back, but I don't know who to contact.”

The lack of initial physical and mental health assessment is all the more concerning given that, in the 41 statements gathered by Refugees for Justice:

- At least six people were victims of torture or inhuman treatment.⁴¹
- 27 out of 41 people indicated that they had pre-existing mental health conditions.
- 23 out of 41 people indicated that they had pre-existing physical health conditions (ranging in severity from headaches and back pain to epilepsy and diabetes).
- 14 people indicated that they experienced poor physical **and** mental health.⁴²

Even when people disclosed and asked for assistance and consideration of their medical problems, this appears neither to have been logged nor acted upon:

“I have a severe health condition that makes my immune system very weak. My GP conducted a medical assessment and wrote a letter confirming my medical condition and clarified that I am categorized as being at risk during Covid-19. I showed them the letter when they put me in the hotel but they did not care.”

⁴¹ Based on anonymous Equalities Statements gathered from 17 respondents prior to them giving their sworn statements.

⁴² These figures are based on independent analysis of health concerns noted in individual statements. They do not include the many more people who mentioned sub-clinical mental health concerns or spoke of their mental health deteriorating whilst in hotels.

Moving conditions for those travelling to Glasgow from other parts of the UK were themselves cause for concern in the public health context of the period:

“On the morning of 17 April 2020, around 8am, I left London. I was put on a coach, there was around 8 of us. It took us so long to get to Glasgow. We weren't given food for a long period of time. If it was not for the driver sharing his food with us we would have had nothing to eat. The coach would stop at service stations but we had no money to buy anything. We were all scared because of the coronavirus pandemic. I was not asked any questions prior to being moved and no physical or mental health checks were carried out.”

“I didn't receive anything in writing, nothing. Not even after I moved into McLays. All that happened was just a person from Migrant Help or Mears, they were at McLays and they said you go to that room, or this room. We asked how long and they said “we don't know”. They said it was the government's decision. At this time I didn't know who Mears was really. I asked them “why are you not testing people?” They said it was for saving people, for COVID. They just said “put your trust in us” and that's it. For I think 10 days or maybe 2 weeks, I can't remember exactly, we weren't allowed to speak to each other or leave the room. Just staring at the wall, wifi, TV.”

Even when people disclosed and asked for assistance and consideration of their medical problems, this appears neither to have been logged nor acted upon.

“In August, I had the flu. They locked me in my room and they did not let me out for about 12 days. They put a sticker on my door and it said that I am not allowed to go out, and nobody’s allowed to come in. I have taken pictures of this and I have proof of everything in my phone.

I phoned the reception and they gave me a contact number and they asked me to phone. I called, and after 2-3 days they sent a lady, who came to my room and tested me for Covid-19. I did not have an interpreter, and it would have really helped me if I had one at this time. This lady said I probably do have Covid-19, but it took 8-9 days for the result to come back, and when it did come back, it was negative. I didn’t have coronavirus.

During this time, for 12 days, I was locked in my room. Twice there was a fire alarm, and they wouldn’t let me out. The fire engine came and I really panicked. I called the reception to speak to someone about getting me out, and they never even answered the call. I was terrified to be honest with you.”

For people moved within Glasgow, some felt social distancing and other health measures were in place during the move, others did not. This suggests that public health measures were inconsistently applied during the moving process.

3d Food

Each individual statement, regardless of the hotel they had been placed in, noted that the food provided was inadequate, poorly prepared, often inedible. Each statement also made clear that arrangements for eating were either overly restrictive or so poorly

enforced that the act of eating made people feel they were being put at risk of contracting COVID-19. These accounts are consistent across all six of the hotels described in the statements, indicating that this problem was not limited to one individual hotel but was systemic. Accounts were consistent and highlight not only the poor provision but the failures of any responsible agency to respond to frequent complaints about it:

“During this time, for 12 days, I was locked in my room. Twice there was a fire alarm, and they wouldn’t let me out. The fire engine came and I really panicked. “

“The quality of the food is not good at all, I have collected 41 signatures from people and showed to the Mears staff and the kitchen staff to change the food for us because all 41 of us were not happy with the food at all, they never listened”

“The food in the hotel is not good. I only go to take lunch. I do not take breakfast and dinner. The area where I need to get food is shared. There are many people in there, and they all touch the bread, fruit, cutlery, glasses and other facilities in there. It is like a hotspot for spreading the virus. I do not feel safe to go there and get food so I try to avoid it. There are always more than 10 people in the corridor, and in the dining area. I do not feel protected from the risk of contracting the virus at all”.

“The food in the hotel was very bad. No one would eat the food in the hotel. There was no variety in the food they were giving us. [...]They would

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give us potatoes, chips, burgers, soups, pasta, rice. The food was tasteless. There was no spices used or flavour. The portion sizes were small. The hotel did not take into account anyone’s dietary requirements. All the residents complained about the food on a daily basis.”

Problems with the food led many people – who **did not have access to any cash during their time in hotel** – to rely upon charities for supermarket vouchers or food donations to supplement their diets. During Ramadan 2020, Glasgow Central Mosque played an important role in ensuring people could meet their dietary and religious needs. Charities therefore did mitigate some of the problems with food, but given their own limited resources, this was neither a sustainable nor acceptable position either for residents or for voluntary and community organisations.

3e Safety & security

While some people broadly felt safe whilst living in hotels and described a strict application of the public health rules in force at the time; others noted that for a variety of reasons they did not feel that their accommodation was safe or secure. The reasons ranged from poor or inconsistent application of COVID-19 health measures to the fact that – until the Park Inn incident – the only security presence in most hotels was reception staff at the front desk.

“In terms of the measures put in place by the hotel to protect us against Covid 19, these have only recently been introduced. We were only told about the rules regarding social distancing a few days ago. The rules are so confusing as there is no social distancing in the hotel at all. It is not really enforced. The staff are not sticking to the rules themselves.”

“I never felt safe while I was there. The hotel staff did not tell us anything about the security in the hotel. We were not told anything regarding health or safety or what to do in case of an emergency. I do not know what the process was for reporting my concerns regarding safety in the hotel. I was not provided with any information regarding this.”

Women who gave statements noted too that – although they had been placed in hotels with their male partners – they did not feel at ease or safe during their time as they were one of only very few women accommodated there.

“For the first three months I did not leave the room at all as it was mostly men in the hotel and I did not feel comfortable being around them. After this I would go outside my room on my own but I was still concerned. I did not feel good being the only women in the hotel. I would try to keep myself hidden from the men in the hotel. There was only one female staff in the hotel and she would be there from 8-4pm. I did not feel comfortable being outside my room when she was not there.”

“I never felt safe while I was there. We were not told anything regarding health or safety or what to do in case of an emergency.”

3f Access to healthcare

33 people in the cohort of 41 who gave statements to Refugees for Justice described having pre-existing mental or physical health conditions. Despite this,

many residents, faced ongoing barriers to accessing both physical and mental health care and to understanding their rights and options in terms of dealing with health concerns.

“At the beginning, when I was released from Dungavel, I met the GP and asked for something to help me sleep [...] They said that you have to wait to visit the doctor to get a new prescription. But they never called me [...] I called Migrant Help and asked about accessing sleeping medication and they said that I could only get something if it was urgent. I don't know what is urgent? The healthcare was rubbish at that moment. I needed a cream and I asked them for more than 3 weeks and they didn't give me anything. [...] The pharmacy wasn't open. You couldn't go and get it. And I didn't have any money to buy anything.”

This lack of attention to basic access to health care did, on at least three occasions, result in people with severe physical health problems experiencing anxiety, delays and uncertainty as diagnoses and treatment were obtained.

“When I first asked for a Doctor I was told that there was only one doctor for 4000 asylum seekers. I went back 3 times, 2 days in a row to request a Doctor as I had a lump on my throat and I had to wait 10 days to see a Doctor [...] I think the only reason I was able to see a GP because the lump was so visible and I showed it to Mears staff. I don't think anyone else had access to a doctor [...] After I saw the GP, I asked Mears staff to check the time of my follow up appointment with the hospital but they were not interested in helping me. I was not given any support and there was certainly no mental health support offered. I was in a very bad place”

“When I first asked for a Doctor I was told that there was only one doctor for 4000 asylum seekers.”

3g Access to essentials

With two exceptions from within the cohort of people who gave statements, the people moved to hotels had no access to any cash support for the duration of their stay. Some provision was made for access to basic toiletries or other essentials, however most people deemed this inadequate and many reflected not only on the practical difficulties this caused them but on the lack of dignity they experienced as a result.

“I asked Mears if there is any way they could help me to get some clothes and shoes because my clothes are so old and I can even say unusable, Mears advised me to find people in the community we they from the same country as I to support myself in term of shoes, clothing which I was very offended by that comment I took that response as deliberate insults toward to me and others who comes from different countries.”

“If you needed clothes we were provided with second hand clothes but often they were not the right size and so were not suitable for us and had to be returned. [...] We felt like we were begging for essential items, everything we needed we had to keep going round and asking everyone.”

“I didn't get any financial support during that time at McLays. To be fair I got some t-shirts and some socks from one Mears guy. I had nothing

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to wear and I asked him to help. So after 3 weeks they took some things to wear for me. There was no organisation, no financial help from the government to help. Nothing. I was told at the beginning when I arrived at the hotel that the financial support would stop. There was nowhere to wash our clothes at the beginning – we had to wash by hand. After some weeks they put in place a washing machine but all of us had to use it. We were 70-75 people there. I also asked them for financial help to wash my clothes and they said you have to go outside for washing them. And I said I have no money to wash them, and they said that it's your problem.”

“There was no organisation, no financial help from the government to help. Nothing. I was told at the beginning when I arrived at the hotel that the financial support would stop.”

3h Access to independent information, advice and interpretation

People had varied experiences of accessing advice and information whilst in hotels. Those who were confident in English generally seemed to fare better, feeling able to raise issues with hotel staff and report concerns to Mears Group – although they generally felt that these were not acted upon. Two residents spoke highly of their contact with one individual member of Mears Group staff. Some residents had accessed multilingual support from Migrant Help, with varying results – some reported feeling they had been

assisted whilst others felt they had not been able to access any useful assistance. Almost every person had been able to maintain contact with their legal representatives whilst at the hotel, although most had done so remotely, using video or phone calls, due to COVID-19 health restrictions.

For people who could not speak English, there was inconsistent access to interpreting provision. In some hotels and for some people, Mears Group were a daily presence and did use phone interpreters for communication. Others did not feel they had been provided with this level of support. This combined with the failures to ensure access to healthcare and essentials left many feeling forgotten and helpless.

“As I do not speak English it was difficult for me to speak to the hotel staff or Mears Group about the conditions in the hotel. I had discussed the conditions with the Scottish Refugee Council who would contact the staff on my behalf. I only spoke to the hotel staff myself on one occasion and this was through an email. The staff were told about my health condition, the poor quality of the food, that I needed to be provided with alternative accommodation, I required internet access and top ups so that I could speak to my lawyer. They would simply speak to charities and ask them to provide me with the assistance I needed and this would often take a long time to happen. It was so tiring and after I while I stopped speaking to them.”

Residents did in some cases self-organise and advocate for improvements to food provision. However, if changes were made, people felt these were temporary only and one person who had been active in moves to bring about change was warned that this could count against him in future.

“The next day, I went to get my breakfast and was approached by a staff member who told me what I did was unacceptable and that I may be kicked out of the hotel that day. [...] Migrant Help listened and tried to help me, however the food never improved. I tried to stand up for our rights, I did not do this for myself. Someone from Mears Group also questioned me about this. He was very rude to me and told me that I am not allowed to do this in the future again. If I did this again he would lock me in my room like a prisoner and would not let me out. I have complained against him to Mears Group. After this we then went on a food strike. [Mears Group staff member] would make fun of the residents and call us stupid. He told us that nothing was going to change no matter what we did.”

These responses led to further reduction in morale and feelings of ability to cope.

“The manager was very rude to me and told me that if I was not happy I should leave the UK and go back home. I felt he was being racist.”

3i Experiences of discrimination

People living in hotels interacted with a variety of people and staff. This included cleaning and reception staff at hotels, who were generally well-liked even if communication was not always easy; hotel managers who in some instances were deemed to deal ‘roughly’ with residents; Mears Group staff who – for the most part – were polite but could not

always resolve problems; and security staff at hotels with whom interactions again varied. Within this mix of experiences, the sworn testimonies provide seven separate accounts that we have coded as being overtly discriminatory or racist, occurring across four different hotels.

“Often my wife and I refused our food and just took the salad because the meal provided was not eatable. One day I told the hotel staff the food was too spicy and they just replied that it wasn’t and if I didn’t like it, I can return to my own country. I didn’t bother complaining again. I just kept my head down as I didn’t want to cause a fuss. I witnessed other people suffering racial remarks and abuse.

We then spoke to the Manager about this but he became angry and said that if we were not happy with the food then we didn’t have to eat it. The manager said that they could not meet our requirements. All we asked was that the food they make be edible. We were not asking for any fancy food. The manager was very rude to me and told me that if I was not happy I should leave the UK and go back home. I felt he was being racist.”

There has been no indication from any agency involved as to whether any hotel staff received any training or input to help them understand the needs of residents; nor of any formal response to reports of racist or discriminatory behaviour. Most people who recounted these incidents felt they could not make formal reports as they feared further repercussions.

Section 4:

From homes to hotels: Responses and reactions

4a Home Affairs Committee July 2020

The Home Affairs Committee's report Home Office preparedness for COVID-19 (Coronavirus): institutional accommodation heard evidence from both Mears Group (Mears) and Migrant Help as well as civil society organisations and published its findings in July 2020. Relevant findings and statements follow:

Rationale for moves, why they took place and who was consulted

- The report refers to long-standing concerns about the use of hotels to accommodate people seeking asylum, going as far back as 2017.⁴³
- John Taylor, COO of Mears Group, explained that due to Mears not having an initial accommodation building in Glasgow, a number of its service users, pre-lockdown, were housed in flats; 'IA type accommodation.' The move of 321 people into hotels was described by Mr Taylor as being to ensure these individuals had better access to healthcare provision and to avoid Mears staff having to make journeys to distribute cash for their service users to buy food. In written evidence Mears provided this statement:

"Once COVID-19 restrictions were announced by the UK and Scottish Government Mears considered how best to ensure the safety and wellbeing of asylum-seekers in our care, as well as our staff, and playing our part in limiting community transmission by maintaining social distancing. We had a particular concern about the safety and wellbeing of those in Initial Accommodation located around the city. To reduce the need for both asylum seekers and Mears staff to make regular journeys to and from multiple accommodation locations we considered, in discussions with the Home Office and with Glasgow City Council, providing fully service support in good quality hotel accommodation. The aim was to create a safe environment to greatly reduce the spread of Covid-19 among asylum seekers in Glasgow. By providing food and other essential items directly to private hotel rooms by staff using suitable personal protective equipment the risk of infection has been greatly reduced."⁴⁴

- Mr Taylor also stated that in planning the moves, Mears had consulted the Home Office, had talked to Migrant Help, to 'health partners in the IA facility in Glasgow' and 'we were talking to the NGOs as well.' He claimed the Red Cross

⁴³ Home Office preparedness for COVID-19 (Coronavirus): institutional accommodation 23 July 2020 pp23

⁴⁴ Ibid pp25

and Asylum Seeking Housing (ASH) Project had visited the hotels and were ‘very happy and content with how it is organised.’⁴⁵

- In contrast to Mr Taylor’s version of events, ASH project wrote to the Committee saying that it understood the moves to have taken place ‘just prior [to] or concurrent with’ communications it received from Mears on 27 March and 3 April, which reported that the moves would happen ‘very soon.’ ASH project visited two of the hotels on 30 April.⁴⁶
- The Scottish Refugee Council (SRC) wrote to the Committee that it had not been informed about the moves before they were initiated and that it learnt about the moves through a partner organisation on 13 April. On 21 April it received ‘basic’ information about the accommodation provided. The SRC also reported that other key stakeholders, including Glasgow City Council, Glasgow Health and Social Care Partnership and the Asylum Health Bridging Team had only learnt of the moves after they had started. The SRC visited one of the hotels on 14 May, around six weeks after the accommodation is reported to have come into use.
- The ASH project was advised, in its calls on 27 March and 2 April with Mears, that hotel moves would take place ‘very soon;’ families being moved would be given good notice; taxis would be used to move service users individually; and that Mears had liaised with the Strategic Migration Partnership⁴⁷ on the hotel moves.

⁴⁵ Ibid pp26

⁴⁶ Ibid pp26

⁴⁷ COSLA Strategic Migration Partnership (CSMP) is one of a number of local authority-led Strategic Migration Partnerships based across the UK and works with partners from across the public, private and voluntary sector as a means of ensuring that Scotland is a welcoming place for new migrants. Key partners include Scottish local authorities, the Home Office, the Scottish Government and a host of other stakeholders with an interest in migration issues in Scotland. [Here](#).

Chris Stephens MP provided accounts of people seeking asylum being ‘bundled into vans with no social distancing’

Experience of moves

- On 17 June 2020, Alison Thewliss MP told the House of Commons of a report from the SRC that ‘one family with food on the hob and clothes in the washing machine were given half an hour to gather their belongings’ and Chris Stephens MP provided accounts of people seeking asylum being ‘bundled into vans with no social distancing.’⁴⁸
- Anne McLaughlin MP reported similar treatment of a service user in late April – a person seeking asylum being give 30 minutes notice to get his belongings together and to be moved. A statement from Mears reported that it had tried to give the individual notice a day earlier but this had not been possible because he was not at home; something the individual denied. Staff reportedly wore no PPE and the individual found it difficult to socially distance from them. The Home Office Committee was informed that the individual could not obtain information from Mears about where he was going and that Mears staff threatened that they ‘would be reporting to the Home Office that he had previously absconded,’ which was incorrect.⁴⁹
- Mears claims that ‘there have been incidents... where staff members have not followed process or behaved in a manner that is not in line with our

⁴⁸ House of Commons Hansard Covid-19 Asylum Seeker Services in Glasgow 17 June 2020 col 24 & 912

⁴⁹ Home Office preparedness for COVID-19 (Coronavirus): institutional accommodation 23 July 2020 pp27

Section 4: From homes to hotels: Responses and reactions

ethos. In these cases disciplinary action has been taken...”⁵⁰

Consideration of health and vulnerabilities of service users

- There is also differing evidence from Mears and civil society organisations and some parliamentarians on whether vulnerability assessments were conducted appropriately prior to the moves. The Committee notes that the AASC contracts include an explicit requirement to adjust services where people are identified as vulnerable.
- Alison Thewliss stated to the House of Commons that ‘Contrary to the oral and written evidence to the Home Affairs Committee by... John Taylor, those people [moved] included pregnant women, trafficked women, torture victims, family groups and vulnerable people, young people included. ASH project told the Committee that it had been told by the Asylum Health Bridging Team that ‘they were not informed of the decision to move service users into the hotels and no vulnerability assessments were undertaken.’⁵¹
- Anne McLaughlin MP’s office wrote to the Committee:

“From working with numerous asylum seekers in our constituency we know that many of them, particularly those [fleeing] war in their home country, are terrified of figures of authority. This must also be known to employees of the Mears Group through their work with asylum seekers. Frightening people with poor mental health and threatening to report them to ‘the authorities’ is not an acceptable way of treating people. The direct result of this encounter for our constituent from the way he was treated by the Mears Group

that day was that he ‘went missing’ the following day and after several hours was found hunched up on the wet grass, terrified and crying, having been sitting in the pouring rain the entire time - a period of up to five hours. He was scared that the employees from the Mears group would return and send him to a detention centre. It does not seem that any consideration was taken to understand how vulnerable our constituent was and the impact of this service change would be on him personally and his mental health.”

- The report describes as ‘a welcome change’ to previous contracts the inclusion in the AASC of an explicit requirement to adjust services where people are identified as vulnerable. It cites an NAO report that ‘it is not clear how this duty is being put into practice...’. Further, from the NAO report, the Committee stated that Department set up a Safeguarding Board in November 2019 for officials and providers to develop a safeguarding framework but that a new assurance framework intended to ensure the identification and safeguarding of vulnerable people, planned for the start of the new contracts, had been delayed until May 2020.⁵²
- Written evidence to the Committee from the Under-Secretary of State describes the safeguarding framework as a ‘living document which is designed to develop and grow through the lifetime of the contracts. It is not a contract requirement but is designed to be an overarching set of principles which sit alongside the more formal contract requirements. There are no plans to publish it.’ Further ‘...contracts are designed in such a way that safeguarding elements are factored into several of the KPIs. There are no

⁵⁰ Ibid pp27

⁵¹ Ibid pp28

⁵² Ibid pp29

current plans to introduce a safeguarding KPI although we will keep this under review.’⁵³

- The report concludes its section on vulnerability by stating that:

“The department should ensure that lessons learned from the handling of asylum moves during the lockdown are referred to the safeguarding board and incorporated into the safeguarding and assurance frameworks. The department should also report its progress in developing the assurance framework to us every two months from an initial report to us four weeks after receiving this report. Given the importance of safeguarding as part of the asylum accommodation system, we would encourage the department to explore whether a KPI could be used to ensure that contractors are properly held to account for their work to safeguard vulnerable individuals. For the same reasons and in the interest of transparency we believe that the safeguarding framework should be published.”⁵⁴

‘We have been sent video of pieces of wire in food. Ourselves and our colleagues at the No Evictions Network have received reports of plastic or nylon fibres in the food..’

Conditions within hotels

- Conditions within hotels have also been contested. Of particular concern was food reported to be in ‘unfit for consumption’ and in some hotels

‘culturally inappropriate.’ It was also put to the Committee that social distancing was difficult in the hotel environment and that there was insufficient medical support. ASH project stated in a written submission:

“Food provision to the hotels is still complained about on a daily basis. This has been the case since the hotel provision began with no change despite Mears assuring us that improvements have been made and comments taken on board. There are ongoing organised refusals of the food with many others simply not eating because they find the food to be inedible. We have been sent video of pieces of wire in food. Ourselves and our colleagues at the No Evictions Network have received reports of plastic or nylon fibres in the food...

Social distancing remains next to impossible with communal eating areas and or bathrooms being the only option in some of the hotels. Service users particularly those with underlying health conditions have reported being frightened to leave their rooms and skipping meals for fear of coronavirus transmission.”⁵⁵ (Note that this submission from ASH Project to the Committee is dated June 2020 so several weeks after initial concerns were expressed regarding accommodation provision in Scotland, for example in the press).⁵⁶

- The Committee reports that in contrast the minister told the House of Commons on 17 June in relation to hotel provision in Glasgow that meals provided by hotels ‘meet dietary requirements,’ that staggered meal times had been arranged to

⁵³ Ibid pp29

⁵⁴ Ibid pp30

⁵⁵ Ibid pp30

⁵⁶ The Guardian Glasgow asylum seekers moved into hotels where distancing is ‘impossible’ 22 April 2020 [Here](#)

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support social distancing and that during Ramadan late evening and early morning food is provided for those who observe it. He also advised that each room had Wi-Fi, that translation, medical and laundry facilities were available and that there was full provision of items such as towels, soap, sanitizer, toiletries and feminine hygiene products. On 29 June, following the stabbings and police shooting of Badreddin Abdalla Adam, the minister told the House of Commons that:

“Hotel accommodation is obviously not the preferred way to accommodate asylum seekers I think that prior to the coronavirus fewer than 1000 people were accommodated in hotels so less than 2% of the total as I said we are looking forward we are looking to unwind the hotel accommodation as quickly as logistics allow.”⁵⁷

- The removal of financial support in hotel accommodation was also discussed by the Committee. It was posed by Positive Action in Housing that the cessation of financial support / lack of ASPEN cards ‘looks like a cynical cost cutting exercise during a global pandemic.’ The Minister (Chris Philp) told the House of Commons on 29 June that

“when service users move into a hotel all those things like food the hand sanitizer, hygiene products, laundry services and so on are provided by the hotel removing the need for a cash grant.”⁵⁸

ASH Project wrote to the Committee

“Given that provision in the hotels is so inadequate this is causing service users to feel trapped distressed and is severely impacting their physical and mental health.”⁵⁹

“Asylum seekers should not have been moved to new accommodation during the pandemic without justified and urgent reasons for doing so...”

- Further, the Committee reports that on 1 July the second permanent secretary told the Committee that arrangements regarding eligibility for the allowance were longstanding and not related to the pandemic. She also stated that she believed ministers have said that they have ‘heard the message’ particularly of ‘self-isolation... and autonomy’ and that the Minister was prepared to consider the position.⁶⁰
- Finally, on hotels accommodation for people seeking asylum, the Committee notes that the National Audit Office has commented that providers are not incentivised to move people into more permanent dispersed accommodation when they have already been in an initial accommodation for longer than the department’s expected 35 days. This is because the contracts only provide for the contractors to pay a penalty to the department for each month that exceeds agreed time scales rather than each day. The NAO cautioned that this may encourage providers to prioritise moves for

⁵⁷ Home Office preparedness for COVID-19 (Coronavirus): institutional accommodation 23 July 2020 pp30

⁵⁸ House of Commons Hansard Covid-19 Asylum Seeker Services in Glasgow 29 June 2020 col 29 [Here](#)

⁵⁹ Home Office preparedness for COVID-19 (Coronavirus): institutional accommodation 23 July 2020 pp31

⁶⁰ Home Office preparedness for COVID-19 (Coronavirus): institutional accommodation 23 July 2020 pp31

new arrivals whose time in initial accommodation has not yet reached performance standards over early arrivals whose stay has already exceeded performance standards.

- In reference to the deaths of Adnan Elbi and Badreddin Abdalla Adam, the Committee states, that these tragic events render more urgent the concerns about the use and management of hotels for people seeking asylum.
- The Committee states definitively that

“Asylum seekers should not have been moved to new accommodation during the pandemic without justified and urgent reasons for doing so or without a vulnerability assessment demonstrating that the move could be made safely.”⁶¹ This must happen in future. If, following such an assessment, a move is found to be necessary and appropriate, sufficient notice must be given to the individual, to medical and other caseworkers working with that individual, and if they are to be moved to another area, to the local councils to ensure they are effectively supported. In light of other evidence expressing concern about a lack of primary medical care in hotels, the Home Office should also review the adequacy of health service provision within hotel accommodation to ensure that asylum service users are easily and safely able to discuss concern about their physical and mental health.

We welcome the fact that the Home Office is investigating these issues seriously. This investigation should engage with those raising these concerns assessing whether the moves during lockdown were consistent with public health guidance and seeking detail on precisely how many vulnerability assessments were

undertaken and by who. The Home Office should set out the findings of its investigations and what lessons the department and contractors have learned as a result in its response to this report.”⁶²

4b Evaluation of accommodation and support services experienced by asylum seekers in Glasgow during COVID-19, Key Findings and Recommendations, August 2020 (Internal Home Office report)

This evaluation, which involved, amongst other things, the interviewing of six people seeking asylum, was leaked to the BBC⁶³ and has since been published in full.⁶⁴ The evaluation’s stated objectives were to determine:

- Whether asylum seekers accommodated in Glasgow were in accommodation that met their needs in line with the contract.
- whether asylum seekers accommodated in Glasgow received wellbeing and mental health support in line with the contract and Home Office safeguarding provisions.
- In the light of the individual case which culminated in a serious incident at the Park Inn Hotel in West George Street, Glasgow, whether the provisions for wellbeing and mental health support included in the contract have been/are adequate during COVID-19.
- Whether additional support and or interventions are needed now and or when restrictions are lifted to ensure provisions for wellbeing and mental health support for asylum seekers in Glasgow.

⁶² Ibid

⁶³ Asylum seeker made 72 calls before hotel stabbings BBC 12 April 2022 [Here](#)

⁶⁴ Soaring rates of self-harm by asylum seekers linked to institutional accommodation The Ferret 14 April 2022 [Here](#)

⁶¹ Inquiry’s own underlining

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The evaluation acknowledges that:

- “... the move from self-contained accommodation to the hotels should have been handled more sensitively. Communication should have been clearer, people should have been given more notice and the reason for the moves explained to them in greater detail.”
- “It became clear when examining the circumstances of the individual case, which culminated in the incident at the Park Inn Hotel and listening to the experience of other asylum seekers that individual needs changed during lockdown and there was no mechanism to re-evaluate needs.”
- “The combined impact of the previous trauma, being accommodated long term in hotels and the restrictions put in place to prevent the spread of COVID-19 had a significant impact on the mental well being of service users at a time when it was difficult to get access to support services.”
- Migrant Help was difficult to get hold of with service users “...having to wait a long time to get help, often having to hang up in the process.”
- “... an appropriate cash allowance [should be] paid to people who are in any initial accommodation for longer periods.”

The evaluation also makes other statements which it is challenging to understand the basis for:

- “In the context of a global pandemic and the unprecedented scenarios that this presented the rationale behind moving people who had not previously been assessed as vulnerable from service department to hotel accommodation appears sound⁶⁵. The decision was made primarily

to maintain access to welfare services and minimise travel for service users whilst also minimising travel and reducing exposure for Mears staff in line with government guidelines”.

- The evaluation also states that “Health professionals, the Scottish Refugee Council and representatives from WASH (Women Asylum Seeker Housing Project) had the opportunity to visit the site and discuss the service provided; they have not raised any concerns.” This is obviously in disagreement with what was surfaced at the Home Affairs committee the previous month in July and there appears no attempt in the evaluation to reconcile these statements.
- The evaluation does not seem to question that appropriate services including meals, reception staff, laundry facilities, space for welfare officers, space for NHS staff, soap, clean towels, feminine hygiene products, Korans, prayer mats, TV, Wi-Fi and room cleaning and repairs etc. were provided despite evidence discussed at the Home Affairs Committee.

There are problematic aspects to the evaluation:

- “The use of hotels as contingency accommodation means that hotel staff become an integral part of the on-site team that deal with asylum seekers.... It is clear that all of those supporting and encountering asylum seekers during their extended stays in hotels including hotel staff would benefit from being able to recognise escalation of mental health issues and know what action to take.”
- “Migrant Help, Mears on site Welfare Officers, the Asylum Health Bridging Team, NGOs and the Home Office safeguarding team all serve to support asylum seekers both proactively and reactively in hotels and self-contained accommodation however they did so in the absence of a framework that joined those efforts and services up and did not

⁶⁵ Inquiry’s own underlining

have a system of proactive needs assessment reviews built in."⁶⁶

- “The combined impact of previous trauma, being accommodated long term in hotels and the restrictions put in place to prevent the spread of COVID-19 had a significant impact on service users... Some of this was not out of step with the general population; the impact of COVID-19 on mental wellbeing is well documented.”
- The report contains enticing language (‘The Home Office should consider a place-based approach,⁶⁷ ‘Consideration should be given to the development of a system that allows for a person-centric view⁶⁸ of interactions across the system and identifies patterns of contact that may be indicative of behaviours that may be cause for concern.’) but does not appear to propose how or when such place-based approaches or person-centric views would be implemented.
- The report seems to imply that NGOs and civil society organisations are always resourced and available to respond, ad-hoc, to issues as they arise (eg ‘The Home Office should work closely with service-users, providers, community groups and NGOs to identify and support a package of suitable onsite and local activities that people can engage with...’)
- **The evaluation summarises common themes from the experiences of those accommodated in hotels in Glasgow during COVID-19:**
 - **that people were not given sufficient notice of the moves, some as little as 30 minutes**
 - **they did not understand where they were being moved to or why. The impact of having no cash was keenly felt, another significant impact on the control people felt they had over the situation they were in**

- **it was difficult to socially distance, some of the hotels had little or no space to allow people to spend time outside of their rooms**
- **there were no activities for people to engage in**
- **food was a problem**

The impact of having no cash was keenly felt, another significant impact on the control people felt they had over the situation they were in.

4c Other comments

In April 2020, prior to evidence submissions to the Home Affairs Committee, a Mears spokesperson told The Ferret media outlet:

“Mears had been utilising short term let accommodation in Glasgow to house new applicants into the city whilst they were supported prior to move into a more long term accommodation pending a decision on their application for Asylum.

Unfortunately with the current Covid-19 emergency the ability to move people on in the time they are allowed to be in these short lets was severely limited due to restrictions on the property market and general movement within the service.

Therefore we had no alternative but to procure hotel space where we can safely and appropriately house and support each person

⁶⁷ Ibid

⁶⁸ Ibid

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with food and health services without restriction on time of residence.

All movement of the people concerned was undertaken in accordance with health authority guidance on social distancing and use of personal protective equipment. The safety and wellbeing of each person is paramount and Mears are working hard to ensure we meet all obligations at this very difficult time.”⁶⁹

This version of events, that it was shortage of accommodation and the nature of serviced apartment agreements, differs from the reasons provided to the Home Affairs Committee on the rationale for the moves.

In addition to the views of parliamentarians and civil society organisations surfaced through the Home Affairs Committee, additional commentary on the accommodation and support provided to people seeking asylum in Glasgow during the pandemic has included:

- The Children & Young People’s Commission Scotland in March 2022 put to the Scottish Parliament concerns as to the human rights of asylum-seeking mothers and their children (aged 0-2) being placed in bedsit accommodation in Glasgow by Mears. The Commission concluded that there were risks to a number of children’s human rights under the UN Convention on the Rights of the Child, including; rights to an adequate standard of living, rights to respect for private and family life, right to the highest attainable standard of health, and rights to leisure play and recreation. The report states that the process through which asylum accommodation in Glasgow is proposed

approved and delivered does not sufficiently reflect the human rights duties of the Scottish statutory bodies.⁷⁰ It fails to include an adequate mechanism for ensuring the human rights and best interests of children are a primary consideration in all decision making.

- In February 2022, the SRC put to the Scottish Social Justice and Social Security Committee⁷¹ that the Home Office is implementing:

“a fait accompli practice whereby they reach agreement with private hoteliers, and only then tell the local authority and health services they have done such, putting the council and local communities unfairly and needlessly on the back foot. This is irresponsible. A proper way to act would be to consult and liaise with the local authority and to respect their views and knowledge, towards a genuine partnership to support new arrivals in appropriate accommodation in communities (not these institutional accommodation sites) and thereby respect local communities and impacts on services too.”

The notes of the Committee meeting state that according to the SRC ‘this fait accompli practice has been applied in Falkirk, South Lanarkshire, Aberdeen City, Perth and Kinross and Edinburgh (and potentially Dundee). The result is that approximately 500 people have been moved into institutional ex-hotel asylum accommodation, with no consent sought or got from the local authority nor any direct funding either.’

- The Scottish Government has made clear its views on the use of hotels as contingent accommodation in published correspondence to the Home Secretary in November 2021

⁶⁹ Asylum seekers’ lives ‘put at risk’ by decision to move them to hotels The Ferret 22 April 2020 [Here](#)

⁷⁰ Inquiry’s own underlining

⁷¹ Social Justice and Social Security Committee 3 February 2022 [Here](#)

“...widening asylum dispersal is not only a matter of funding local authorities. The Home Office also needs to improve transparency, data sharing and partnership working to build trust with local authorities and ensure that the asylum dispersal system can operate effectively. Procuring hotels without notifying local authorities or properly considering how essential support will be provided further undermines trust in the Home Office. The Home Office needs to be more transparent on system operations by genuinely working with devolved governments and local authorities to overcome issues and ensure that support is in place which meets the needs of people seeking asylum and local communities.”

- As early as April 2020, ONS statistics were highlighting differential outcomes of COVID-19 ‘... the risk of death involving the coronavirus (COVID-19) among some ethnic groups is significantly higher than that of those of White ethnicity... When taking into account age in the analysis, Black males are 4.2 times more likely to die from a COVID-19-related death and Black females are 4.3 times more likely than White ethnicity males and females.’⁷² In August 2020 a Public Health England report further underlined the relationship between ethnicity and COVID-19 outcomes and also commented extensively on the relationship between deprivation and COVID-19 outcomes.⁷³ In April 2020, evidence was also already being produced about the increase in vulnerability to food insecurity as a result of the lockdown.⁷⁴

⁷² Coronavirus (COVID-19) related deaths by ethnic group, England and Wales: 2 March 2020 to 10 April 2020 [Here](#)

⁷³ Disparities in the risks and outcomes of COVID-19 Public Health England August 2020 [Here](#)

⁷⁴ Vulnerability to food insecurity since the COVID lockdown 14 April 2020 The Food Foundation Dr Rachel Loopstra King’s College London / YouGov [Here](#)

The result is that approximately 500 people have been moved into institutional ex-hotel asylum accommodation, with no consent sought or got from the local authority nor any direct funding either.

Outside of Scotland, concerns have continued to be expressed by civil society organisations and sections of the media on related areas of Home Office decision making and practice including:

- Sending asylum seekers to Rwanda;⁷⁵
- The development of a centre for people seeking asylum in Linton-on-Ouse in Yorkshire;⁷⁶ and
- Seeking to suppress or bury an internal report on institutional racism in the Home Office.⁷⁷
- A reported attempt to ‘sanitise’ internal Home Office training on the race, empire and colonialism,⁷⁸ despite commitments made after the Windrush review that the Windrush scandal was caused in part by ‘institutional ignorance and thoughtlessness’⁷⁹ on issues of race and history.

⁷⁵ UK Rwanda asylum plan against international law, says UN Refugee Agency BBC News 16 April 2022 [Here](#)

⁷⁶ Linton-on-Ouse, no decision in controversial asylum centre plans, BBC News BBC News 31 May 2022 [Here](#)

⁷⁷ Windrush scandal: Government must publish report [on] institutional racism, BBC News 31 May 2022 [Here](#)

⁷⁸ Home Office tried to ‘sanitise’ staff education model on colonialism The Guardian 10 June 2022 [Here](#)

⁷⁹ Windrush Lessons Learned Review Independent Review by Wendy Williams March 2020 pp 7 [Here](#)

4d Developments since 2020

Other developments since the tragic events that triggered this Inquiry have included:

- The opening of the Afghan Citizen Resettlement Scheme (ACRS) in January 2022 which aims to resettle up to 20,000 of the most vulnerable people at risk, with around 5,000 arrivals expected in the first year. Local authorities receive a tariff per person, with additional funding for children in education, English language provision and healthcare. In September 2021, in anticipation of the Scheme, evidence provided to the Home Affairs Select Committee stated that “Since the Afghanistan repatriation, we have already secured strong partnership relationships with more than 100 local authorities that are actively looking for places, to find homes for families and others.”⁸⁰
- The introduction of ‘Homes for Ukraine’ scheme which allows people who are fleeing Ukraine to seek sanctuary and who have no family ties to the UK to be sponsored by named individuals who can offer them a home, such as a spare room or unoccupied residential self-contained unit for at least 6 months. Local authorities provide initial and ongoing payments to individual sponsors and their ‘guests.’ The government provides a per person tariff to local authorities, with an additional sum payable in respect of children aged 2-18.⁸¹
- The Nationality and Borders Act 2022 created wide ranging changes to the UK asylum system. These are summarised by The Law Society as follows

- “introducing a two-tier asylum system, meaning those who arrive in the UK via irregular means may receive less protection and support
- increasing the standard of proof for establishing someone is a refugee
- reducing the threshold at which someone is considered to have committed a particularly serious crime and therefore may not receive refugee protection
- removing stages of appeal or fast-tracking certain cases
- introducing penalties for late submission of evidence, so that this is either taken to damage the claimant’s credibility or to affect the weight given to the evidence
- giving the Immigration Tribunal additional powers, on top of those that already exist, to fine lawyers for improper, unreasonable or negligent behaviour.”⁸²

The Law Society has expressed ‘significant concerns’ regarding the Act’s measures, stating that they are, or are likely to:

- “be incompatible with international law
- damage access to justice
- negatively impact on the role of lawyers in immigration cases.”⁸³

Specifically, the Law Society expresses concern that ‘penalising refugees who arrive in the UK via irregular means is incompatible with the Refugee Convention 1951.’⁸⁴

⁸⁰ Evidence transcript Home Affairs Select Committee, senior Home Office personnel, September 2021 [Here](#)

⁸¹ Homes for Ukraine: guidance for councils gov.uk [Here](#)

⁸² Nationality and Borders Act: Overview The Law Society 28 April 2022 [Here](#)

⁸³ Ibid

⁸⁴ Ibid

- In April 2022, Kevin Foster, Minister for Safe and Legal Migration wrote to local authorities communicating a consultation to improve arrangements for asylum accommodation dispersal.⁸⁵ In the letter, the Minister states ‘the Government is fixing the broken asylum system...’ and ‘We are committed to working with local authorities to move to a fairer distribution of asylum seekers. All local authority areas in England, Scotland and Wales will be expected to participate in a new system of full dispersal to allow us to move from hotels to less expensive and more suitable dispersed accommodation.’ In setting the parameters of the ‘informal consultation,’ the Minister warns ‘If local authorities are unable to agree an approach to dispersal in their region, then the Home Office and its commercial partners will move ahead with a regional plan.’⁸⁶

The Law Society has expressed ‘significant concerns’ regarding the Act’s measures, stating that they are, or are likely to:

“be incompatible with international law; damage access to justice; negatively impact on the role of lawyers in immigration cases.”

⁸⁵Minister Announcement Letter to Local Authorities 13 April 2022 [Here](#)

⁸⁶This Inquiry focuses on events in Spring/Summer 2020. At that time, Glasgow was the only dispersal area in Scotland. The Home Office’s evaluation of accommodation and support services experienced by asylum seekers in Glasgow during COVID-19 recommends that ‘Every effort should be made to conclude discussions that have been ongoing over a number of years to increase the areas in Scotland in which asylum seekers can be accommodated.’ (p7)

Section 5: Making sense of the evidence

5a General and systemic questions

- ⇒ Is it acknowledged and thoroughly understood by all relevant actors that the government cannot delegate its responsibility to protect human rights? And that it cannot hold others responsible for its own policy failures and the inadequacy of review and oversight of those duties in practice?
- ⇒ What is the rationale for the systemic exclusion of people seeking asylum from the economy and society? What alternative models could provide better safeguarding, care and value for money?
- ⇒ Migrant Help, Mears on site Welfare Officers, the Asylum Health Bridging Team, NGOs and the Home Office safeguarding team were all supposed to support asylum seekers both proactively and reactively in hotels and self-contained accommodation, yet they did so in the absence of a framework that joined those efforts and services up and did not have system of proactive needs assessment reviews built in. How did it come about that in drawing up extensive contracts and schedules, and conducting lengthy negotiations before these appointments were made, no such overarching framework was devised?⁸⁷
- ⇒ What changes have been implemented as a result of the 55 recommendations in the Home Office preparedness for COVID-19: institutional

accommodation report, specifically on an assurance framework for the Safeguarding Board?⁸⁸

- ⇒ What progress has been made in revising job descriptions, remuneration (or remuneration scales), recruitment and training for hotel staff such that it is realistic to expect them to be ‘able to recognise escalation of mental health issues and know what action to take.’⁸⁹
- ⇒ Why, despite the statement that:
“Hotel accommodation is obviously not the preferred way to accommodate asylum seekers I think that prior to the coronavirus fewer than 1000 people were accommodated in hotels so less than 2% of the total as I said we are looking forward we are looking to unwind the hotel accommodation as quickly as logistics allow.”
are people seeking asylum still being housed in hotels?
- ⇒ What criteria were used to define the Home Office’s internal evaluation to ensure its objectivity and fairness (for example the number of people seeking asylum involved)?
- ⇒ If the Home Office is considering a move to a so-described ‘person-centric’ system⁹⁰, what, if not the person, is currently at the centre of the Home Office’s policy and practice?

⁸⁷ See section 4

⁸⁸ See section 4

⁸⁹ See section 4

⁹⁰ See section 4

⇒ Where are there examples of good practice / learning that could improve provision for people seeking asylum, either within or outside the UK?

5b Specific questions

From homes to hotels: Before the moves

The rationale for the decision to move people seeking asylum to hotels early in the first COVID-19 lockdown, and the process of consultation to ensure the legal, public health, practical and moral validity of this decision, appears to have a confused and therefore not entirely convincing narrative.

Mears (and the Home Office) have sought to explain or justify these moves from serviced apartments and flat to hotels, or the use of hotels, in the following ways:

- Shortage of suitable dispersal accommodation to move people into.
- Serviced apartments were short-term lets and they could not keep them any longer.
- Mears Group state they had no alternative, therefore, but to procure hotel rooms - based on the points above.
- That having everyone in hotels would make it easier for local health workers to access asylum seekers.⁹¹
- That having this group in hotels would reduce Mears workers and asylum seekers having to make trips from serviced accommodation to get the £37 cash support.⁹²
- That the moves were made to create the 'safest environment for new service users.'⁹³

⁹¹ See section 4

⁹² See section 4

⁹³ See section 2d above, Mears Group plc Annual Report & Accounts pp11

The rationale for the decision to move people seeking asylum to hotels... appears to have a confused and therefore not entirely convincing narrative.

In order to determine whether it agrees with the Home Office's own evaluation that "In the context of a global pandemic and the unprecedented scenarios that this presented the rationale behind moving people who had not previously been assessed as vulnerable from service department to hotel accommodation appears sound⁹⁴" this Inquiry will seek evidence to consider:

- ⇒ What was the original rationale for the decision to move people seeking asylum from safe accommodation, where they were living independently or as households, into hotels?
- ⇒ Of the 321 people moved, how many were moved from serviced apartments, how many from other residential accommodation and how many were moved into the hotels as they were previously destitute?
- ⇒ What costs and benefits were discussed and analysed in making this decision?
- ⇒ Who was consulted to create and / or validate this analysis? Specifically, much reference is made to protecting the health of Mears' staff and their service users. Were local public health officials or experts consulted? And how and when were the Scottish Government, relevant Scottish Local Authorities, COSLA Strategic Migration Partnership and Migrant Help involved in discussions and

⁹⁴ Inquiry's own underlining

Section 5: Making sense of the evidence

decision making? What were these organisations able to do – or what did they do – in anticipation of the moves?

- ⇒ What definition of ‘vulnerability’ was used in the context of the requirement to adjust services for those who are vulnerable? In the context of the so-described ‘living document which is designed to develop and grow through the lifetime of the contracts⁹⁵’ how did the understanding of ‘vulnerability’ change as evidence came to light as to the differential impacts of COVID-19?
- ⇒ How and when was the resulting decision communicated to all stakeholders including local NGOs and civil society organisations, the local authority, health care providers and the police?
- ⇒ What processes were put in place for ongoing risk assessment as a result of this change in accommodation provision? What contingency plans were made?
- ⇒ A similar series of questions applies to the decision to stop financial support with immediate effect when moves took place.

From homes to hotels: The moves

The evidence suggests that Mears provided assurances to the ASH Project and others that appropriate notice would be given for moves and that moves would take place in a way that recognised the COVID-19 health emergency. Other evidence from those who were moved states that notice was as little as 30 minutes, that vans (rather than individual taxis) were used, that masks were not always worn by drivers and officials and that social distancing was not possible.

This Inquiry will seek further evidence to consider

- ⇒ What explanation was given to Mears staff of the reason for moving people from flats and apartments to hotels?
- ⇒ What instructions were given to Mears staff regarding these moves; regarding notice to be given to service users, mental and physical health assessments, health and safety and behaviour towards service users during the move process?
- ⇒ What data and reporting was being held and tracked at Migrant Help and how did the support of those in hotels change over the period in question as a result of the experiences of their service users?

Statements from those moved make it clear that laundry facilities were initially non-existent, then inadequate; that accessing a GP and other health services was difficult and that the provision and service of food was very poor.

In the hotels

Again, there is contradictory evidence on food, WiFi, laundry facilities, provision of basic goods (toiletries, hygiene products) and arrangements for access to health support. Statements from those moved make it clear that laundry facilities were initially non-existent, then inadequate; that accessing a GP and other health services was difficult and that the provision and service of food was very poor. In contrast, in a ministerial statement on 29 June 2020, the House of Commons was told:

“Where we have procured additional hotels, we provide full-board accommodation, including

⁹⁵ See Section 4a p30

laundry services, personal hygiene products and feminine hygiene products. Wrap-around services are also provided, including welfare support, healthcare and access to mental health services. Asylum seekers also have 24-hour-a-day access to assistance via Migrant Help through a freephone number...

...and during the coronavirus epidemic over the last three months or so, of those over 5,000 service users, only two have tested positive for coronavirus, and both, I am pleased to say, have fully recovered. Among those people accommodated in hotels there has not been a single confirmed case of coronavirus. So the steps being taken to safeguard the public, and to safeguard the asylum seekers in particular, have been successful.”⁹⁶

Part Two of this Inquiry will consider these questions through expert testimony, including the evidence of those who have lived through the asylum system, and will make recommendations for reform accordingly.

Further information about the Inquiry can be found on the Inquiry’s website <https://www.asyluminquiryScotland.com/> where Terms of Reference for Part Two and information about the Panel and Secretariat will be available in due course.

This Inquiry will seek further evidence to consider

- ⇒ What due diligence was done on the hotels to which people were moved?
- ⇒ What instructions were given to Mears staff regarding provision of food, services, Covid-testing and other health, safety and wellbeing precautions and provisions at the hotels?
- ⇒ What instruction and training was given to hotel management and staff on these matters?
- ⇒ How many Covid tests were conducted in the hotels, and over what period, to support the ministerial claim that there was no Covid in the hotels and that the ‘steps taken... were successful’?

⁹⁶ Hansard Covid-19 Support and accommodation for asylum seekers col 24

