Scottish court authorises eviction of Glasgow asylum seekers by Serco

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The Scottish Court of Session has again sided with transnational services giant Serco evicting destitute asylum seekers onto the streets of Glasgow.

Since 2018, the company has been attempting to evict around 300 people deemed by Serco and the British Home Office to have no legal right to remain in the UK. Public outrage and legal moves from charities stayed the evictions. “Interim interdicts” were granted pending the rulings of the Court of Session.

The opinion of the Inner House of the Court of Session, delivered November 13 by the Lord Justice Clerk, Lady Leeona Dorrian, rejected an appeal by Govan Law Centre against a previous Court of Session ruling in April this year authorising Serco to carry out “lock change” evictions without a court order.

Serco immediately announced its intention to commence evictions at the rate of 20 a week of the 150 or so people still in their accommodation. New evictions, without the limited protection of a court order and which can therefore be carried out by Serco staff, are imminent.

Serco is one of several companies operating lucrative contracts with the Home Office to provide accommodation, notoriously substandard, to asylum seekers while they attempt to negotiate the complex bureaucratic maze of Britain’s asylum process. Other operators include G4S, Clearsprings and Mears Group.

Asylum seekers are unable to work and have no recourse to welfare benefits other than the daily pittance provided by the Home Office, which also provides accommodation. Numerous reports have warned of the miserable housing conditions faced by people trapped in the British asylum system.

Last year, the Independent Chief Inspector of Borders and Immigration found that less than 25 percent of properties let to asylum seekers met standards stipulated in Home Office contracts. Nearly 50 percent were found “not fit for purpose” or in need of “urgent” action. Another 2018 report, commissioned by Refugee Rights Europe into conditions faced by asylum seekers in Birmingham, found damp, rat and cockroach infested properties with blocked drains and poor heating occupied by single parents with young children.

Earlier this month, Migrant Help, a body set up ostensibly as a single point of contact on all asylum support issues, including housing, was criticised in a joint letter, “Crisis in Asylum Support,” from 120 local and national migrant charities to Home Office minister Victoria Atkins. Atkins is the minister for Safeguarding and Vulnerability.

The letter warned of “drastically increased waiting times for asylum support applicants.” Vulnerable people are forced to wait hours to be connected to Migrant Help staff, despite contractual requirements “stipulating that all calls should be answered in one minute.”

As a result, “destitute people [were] unable to access emergency support in order to meet their basic living needs.” Others had been left “exposed to risk and feeling unsafe in their homes,” while in some cases people had been left in “unsafe and uninhabitable conditions, including in homes without electricity, with no functioning toilet, or with flooding leading to structural collapse.”

Other problems included delays in processing applications for support, forcing people into destitution and homelessness, being “left penniless and without anywhere to sleep, for days and weeks at a time.” The problem lay with the Home Office, which “has failed in correctly anticipating demand and working with the Provider [Migrant Help] to ensure adequate numbers of trained staff were in place before transition.”

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Most of those facing eviction in Glasgow have already had at least their initial asylum claims rejected, although many will have appeals or be seeking to launch new claims. They are nonetheless deemed ineligible for Home Office accommodation, which is why Serco wants them out.

Serco lost the accommodation contract in Scotland and has been seeking to dispense entirely with its Glasgow business. A new contract to house the 5,000 or so asylum seekers resident in Glasgow with Mears Group has started, but while the new operator has announced it will not carry out "lock change" evictions, it is refusing to take responsibility for the "failed" asylum seekers living in Serco's flats.

The asylum seekers therefore face eviction to street homelessness at Serco's convenience. Their ongoing legal appeals and asylum claims will be rendered even more difficult by homelessness, destitution and profound insecurity.

Dorrian's ruling is an example of class justice, upholding Serco's interests against vulnerable, stressed and insecure people. Last year Serco, which employs around 50,000 people worldwide, turned over £2.9 billion on which it made a profit of £67 million. Serco CEO Rupert Soames personally made £4.5 million, which included £255,000 towards his pension.

The court did not accept that asylum seekers, legally placed in their flats by the British government, had the rights of "tenants under a lease." This was because the penniless asylum seekers paid no rent. Serco, therefore, "in the absence of any obligation to pay rent," "were entitled to proceed to summary ejection from the property" that does not require "court procedure."

The court also rejected the view that Serco was functioning as a "public authority" because it was contracted to the Home Office. Rather Serco merely had a "private law contract" with the Home Office. "The fact that those services are ultimately intended to fulfil a public law responsibility is immaterial," the ruling continued.

Serco was held to have none of the obligations under the European Convention on Human Rights for asylum seekers that fell on the Home Office, despite the contract being with the Home Office.

After the ruling, the Govan Law Centre held a press conference. Solicitor Lorna Walker said, "We are deeply concerned that it is held that the human rights act does not extend far enough to protect this most vulnerable group of people from being evicted."

A couple facing eviction, Khadija and Muhammad Anwar, both in their seventies, attended the conference. Khadija explained how they had now been destitute for five months after their asylum claim was rejected.

"Both of us are very tired," she continued. "I am struggling with arthritis and vertigo and my husband has heart problems, dementia problems. It's very difficult. Already I can't bear this cold, even inside the house."

Sabir Zazai of the Scottish Refugee Council explained, "The people we work with do not have family networks in Scotland or friends with spare bedrooms where they can stay in a crisis. People have no options."

"On top of this," Zazai continued, "there is already a homelessness crisis in Glasgow that this decision will only contribute to."

Homeless support services in Glasgow are under severe pressure. Glasgow City Council, controlled by the ruling Scottish National Party, recently cut £3 million annually from its homelessness provision. Implemented this October, the cuts removed 99 places previously made available for homeless people in the city. Last Sunday a homeless man was found dead in a city car park as temperatures fell to -8 degrees centigrade.

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