

Press Release

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CONTINUED OUTRAGE AT SERCO LOCK-CHANGE PLANS

- **Charities urge Serco to stop threats of eviction until legal situation clarified**
- **First evictions could take place this Friday**
- **Ongoing court actions by lawyers working hard to prevent lock-change evictions / further interim interdicts granted today at Glasgow Sheriff Court**

With the deadline looming for the first batch of lock-change evictions of asylum seekers by Serco in Glasgow, a powerful coalition of charities has again condemned and urged an end to the action until the legality of this style of eviction is clarified in law.

A collaboration of Charities and Law Centres and firms in Glasgow are calling upon Serco and the Home Office to stop serving Lock Change Notices until such time as the law has been clarified.

Around 300 asylum seekers are affected by the threats of eviction by lock-change – with the consequences of eviction being devastating. Evicted asylum seekers would face homelessness.

The group ‘Stop Lock Change Evictions Scotland’ says asylum seekers’ human rights are threatened by Serco’s proposed eviction by lock-change. Last week Legal Services Agency successfully obtained Interim Orders from Glasgow Sheriff court in five cases to temporarily stop the eviction of 5 asylum seekers. Further interim interdicts preventing a lock change on behalf of some individuals were granted today at Glasgow Sheriff Court. It is believed that there will be further court actions taken in the following weeks by LSA, Shelter Scotland, Latta & Co and Govan Law Centre, to try and prevent further evictions by Serco. The lawyers involved in the collaboration have increased their offer of assistance to ensure that anyone who is at risk of a lock change is able to seek urgent legal advice.

Members of the group are calling for wholesale change to the way in which the Home Office treats men and women who they refuse asylum.

Fiona McPhail, Principal Solicitor at Shelter Scotland, said:

“Scotland has a proud tradition of protecting the rights of tenants and occupiers. It’s widely accepted by our courts that eviction is the most severe form of interference with the right to respect for the home and that where public authorities intend to evict someone they must do so lawfully. For these reasons, we recognise the importance of involving the courts, sheriff officers and other safeguards which reduce the risk of people being unnecessarily thrown out onto the streets. We are convinced that lock-change evictions due to be carried out by Serco are illegal and should not be going ahead.

“We will continue to fight for the housing rights of all people, including asylum seekers. We call upon Serco to halt lock change evictions until the law is clarified in ongoing litigation.”

Traci Kirkland, Head of Govan Community Project, said:

“Govan is an area with a strong history of standing up for their community, particularly in housing - going back to Mary Barbour but yet again we are in a situation where people are being forced onto the streets. Asylum is supposed to mean protection, and Glasgow's communities have always stepped up and been proud to offer this - protection means providing a safety net of shelter, food, care & support and advocacy - it does not mean forcing vulnerable individuals onto the streets of Glasgow to experience further trauma and harm.”

Mike Daily, Principal Solicitor at Govan Law Centre, who are pursuing an Appeal in the Court of Session, said:

“As today we secured an expedited timetable for the Inner House of the Court of Session to examine the legality of lock change evictions in Glasgow - an opportunity which neither Serco or the Home Office oppose - it would be sensible for Serco to put lock change evictions on hold pending a legally binding and authoritative ruling in Scotland. The failure to do so will necessitate hundreds of interdict actions by law centres and housing charities in Scotland”.

Jen Ang, Director, Just Rights Scotland, said:

“Lock change evictions are a reminder to us all that we still do not have equal protection under the law against homelessness and destitution in Scotland, and highlights the ways in which the Home Office's hostile environment policy, and use of private contractors like Serco, have sought to systematically deny protection and support for some of the most vulnerable people among us, to achieve its own enforcement goals, at a cost to our own civil rights, our local governments, and our communities.

“We're proud to be a part of this social justice collaboration - a coalition of lawyers and charities working together to raise public awareness and use the law as a tool for social change - aiming to secure more equal treatment and better protection of rights, for us all.”

Jalal Chaudry, Associate at human rights law firm, Latta & Co. Solicitors, said:

“Asylum seekers arrive in the United Kingdom seeking protection from the UK government. Public authorities such as Serco, who are replacing central government in providing asylum accommodation, are well aware of that asylum seekers are at an enhanced risk of vulnerability and exploitation such that their human rights are likely to be breached by what Serco propose. The practice of lock-changes, in this context, averts the provision of adequate procedural safeguards to protect the asylum seeking population. We consider that as a matter of principle, Article 8 ECHR requires any person who is at risk of being dispossessed of his home at the suit of a public authority, to have the right to raise the question of the proportionality of the dispossession, and to have that question determined by an independent tribunal. We consider that this right should arise even where the right of occupation under domestic law has come to an end.

“We have sought clarification of the law by way of Judicial Review against the ‘lock-change policy’. We consider that Serco, Compass, and the Home Office have failed to discharge the ‘Public Sector Equality Duty’, which requires public authorities to have due regard, among other things, to the need to advance equality of opportunity between persons who share a ‘relevant protected characteristic’ such as disability, and persons who do not share such a characteristic. Serco have resisted the Judicial Review and delayed the law being properly tested in this area. Serco’s move to delay the challenge is on the basis of seeking to avoid expense pending a decision in the Inner House in the related, yet distinct, case of *Ali v Serco*. The law is yet to be fully clarified, yet Serco are proceeding to serve ‘lock-change notices’ on people with disabilities. Serco’s approach is inconsistent, and causing a huge burden on the public purse, given individuals are being forced to raise individual interdict actions.”

Alastair Houston, Head of Housing and Court Department at Legal Services Agency, said:

“Whilst the interim interdicts granted at Glasgow Sheriff Court last week prevented five vulnerable refugees from a lock change eviction, the protection only extends to these individuals. Anyone else who receives a notice faces the threat of such an eviction unless they commence proceedings of their own. Serco could consider giving a wider undertaking not to carry out lock change evictions, which extends to all those in respect of whom they intend to serve notices, whilst the law is clarified.”

Cath McGee, Destitute Asylum Seekers Service Manager, Refugee Survival Trust, said:

"It is unacceptable that anybody in Scotland should wonder where their next meal is coming from, or where they will sleep tonight. The asylum system has lost its humanity and requires radical reform - at the very least it should ensure that everyone has their basic needs met. Dignity and compassion need to be restored."

Gary Christie, Head of Policy, Scottish Refugee Council, said:

“We are deeply worried about the impending forced evictions of asylum seekers in Glasgow. With correct advice and support, we know that many of those affected by this policy can get back onto statutory support. For those whose appeal rights have been exhausted, but who cannot return for various reasons to their country of origin, the Home Office should immediately grant them temporary status.”

Sheila Arthur, Director of the W-ASH Project, said:

“The majority of people who are destitute come from countries where danger from conflict, persecution and human rights abuses are well documented. In the past couple of weeks, some of the people that Serco have handed eviction notices to are survivors of torture, of domestic abuse, the elderly and single women. Serco and the Home Office have completely failed to follow agreed safeguarding procedures for these people, but have instead tried to subject them to inhumane lock change evictions. If Serco and the Home Office cannot be trusted to treat those in their care with even basic humanity, then a public undertaking must be given until asylum seekers have access to satisfactory legal protections in housing.”

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