

Refugee Integration Scotland

Briefing note for the Scottish Parliament debate on ‘Supporting the people of Afghanistan’

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Key Messages

1. Humanitarian Response: Overseas Development Assistance

With ‘Operation Pitting’ concluded, humanitarian work in Afghanistan must continue with an acute focus on supporting those at risk. This must include refugees now forced to avail themselves of irregular routes to safety in neighbouring countries. Humanitarian assistance will be required within Afghanistan as winter approaches and the effects of war and conquest render those without the means to leave especially vulnerable. This would require at the very least a return to 0.7% ODA levels and focus on conflict transformation and trauma healing responses for Afghan refugees, with a focus on work with those who have crossed international borders and distribution to trusted partners able to offer humanitarian assistance in country, if and where this is still feasible. The 0.5% programmes have been cut world-wide, together with programmes focusing on the education and health of women and girls following the cut of ODA from 0.7% to 0.5%

2. International Obligations and the Global Compact on Refugees

UK Government must hold firmly to its international obligations under the Refugee Convention and the Global Compact on Refugees. “The [Global Compact on Refugees](#) is a framework for more predictable and equitable responsibility-sharing, recognizing that a sustainable solution to refugee situations cannot be achieved without international cooperation.” (UNHCR UK).

The four key objectives of the Global Compact on Refugees are to:

- Ease the pressures on host countries;
- Enhance refugee self-reliance;
- Expand access to third-country solutions;
- Support conditions in countries of origin for return in safety and dignity.

This compact and the convention are presently under threat from the UK Government's New Plan for Immigration - at present in Committee Stage (see [Royal Society of Edinburgh Briefing](#) and Scottish Refugee Council Briefing - attached). The Refugee Convention and Human Rights are the foundations of the New Scots Refugee Integration Policy. It is vital that the Scottish Parliament uphold these rights for all.

3. Enhance Refugee Self-Reliance

The UK's Afghan citizens' resettlement scheme (ACRS) is under way and Scotland will be receiving and housing those who have been evacuated. Local Authorities have developed considerable experience and expertise through participation in the Syrian Vulnerable Persons Resettlement Scheme established in 2015. ACRS must be trauma-informed, and build upon existing models of whole community development to be effective. It must also respect a key objective of the Global Compact - Enhance refugee self-reliance. In order to do this, it is vital that partnership working with local and Scottish Afghan Refugee Associations is co-ordinated. As with the Syrian Vulnerable Persons Resettlement scheme the work of ensuring people find familiarity and comfort is greatly assisted by our own refugee communities in Scotland who work tirelessly to support new arrivals. It is imperative that their good will, knowledge and skills are respected and utilised for the common good, but not taken for granted or a substitute for a coordinated governmental national response.

4. [New Scots Refugee Integration Policy 2018-2022](#)

Resettlement in Scotland comes under the policy framework and partnership of the New Scots Refugee Integration Policy. This is a Human Rights-based policy focused on dignity for all. It has attracted international acclaim and is one of the leading models of integration world-wide, not least for its resolutely non-assimilationist, and community developmental approach.

The Policy will be renewed in 2022 and the Scottish Parliament should consider passing this framework into legislation. At present the work of the New Scots Partnership - Refugee Council, COSLA, Scottish Government with the UNESCO Chair for Refugee Integration at the University of Glasgow is unremunerated and relies on the voluntary actions of many agencies and civil society organisations, including refugee led initiatives, for its success. Whilst the AMIF funding from European Integration Fund is welcome it is insufficient to support the ongoing work in communities. The fact that the fund was heavily oversubscribed in 2021 demonstrates this especially in the area of language and culture. In particular the discontinuation of the ESOL strategy for Scotland, where research shows the fundamental importance of language for successful integration, all round, should be revisited as a policy decision.

5. Creation of Two-Tier System

Whilst a welcome initiative, the resettlement scheme institutes a two-tier system for those who have been forced to flee across international borders. Those on asylum support do not receive the same support as is offered in the measures offered to those on the resettlement scheme. This

includes the Right to Work; Right to Vote. This also further compounds, as occurred with Syrian Resettlement, the situation for those seeking asylum from contexts which are not in the headlines. For instance, the catastrophic situation in Tigray and refugees fleeing to Sudan, Uganda, Kenya and towards Europe from the war, which includes Eritrean troop deployment requires similar resettlement support under the Global Compact. (see **TRIGGER WARNING** [Amnesty International](#) report on the situation for Women and Girls in Tigray, rape and sexual violence as clear example).

6. Civil Society in Scotland: The need for patience and readiness

Civil society and refugee communities in Scotland continue to demonstrate their endless compassion and care with offers of help and donations for Afghani refugees who are being immediately resettled. In order for this compassion to translate into meaningful, consistent and sustained action, civil society must support and respect leadership of established organisations with long and diverse experience of working with asylum and refugee communities: Scottish Refugee Council, Maryhill Integration Network, Refuweegee, The Welcoming, and many relatively new initiatives local authorities. There is a firm basis of knowledge, resilience and self-reliance. There is also a danger of overwhelming new arrivals with too much information and care and not respecting the need for orientation, and the time it takes to build up a new, everyday life, gradually growing cultural and community bonds. The Scottish Refugee Council and Faith in Communities Scotland have both developed excellent plans of 'How to Help' as guides to those wishing to volunteer and take action.

7. Afghan Asylum Seekers Currently in the United Kingdom

The UK government has temporarily halted the removal of failed Afghan asylum seekers to Afghanistan. However, the UK government has not committed to pausing the determinations of asylum claims of Afghani asylum seekers in the UK. Government figures show that, as of 30th of June 2021, there are 3,213 asylum claimants from Afghanistan awaiting their initial decision. In addition, since January 2020, 637 Afghani asylum seekers have either had their asylum claim refused (including third country refusals).¹ As a result, many will have lost their entitlement to support provided under Section 95 of the Immigration and Asylum Act 1999 and will currently be destitute. Some might be entitled to support under Section 4 of the same Act, but this is neither automatic nor guaranteed. The Scottish Parliament should therefore consider encouraging the UK Government to (i) pause all current asylum determinations of cases from Afghanistan, (ii) commit to providing all failed Afghan asylum seekers in the UK with support under Section 4 of the Immigration and Asylum Act 1999, and (iii) halt any removals of Afghan asylum seekers to safe third countries until the situation in Afghanistan is resolved.

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¹ All figures taken from UK Government data available at: <https://www.gov.uk/government/statistical-data-sets/asylum-and-resettlement-datasets>

Policy context

UK policy

The Asylum & Immigration Appeals Act of 1993 formally incorporated the 1951 Refugee Convention into domestic law in the UK. Prior to the Act, refugees were not written into the immigration rules and not all categories of refused asylum seekers were guaranteed an in-country appeal right (Sales 2005). Aside from the incorporation of refugees into domestic law, however, it is from this point onwards that a distinction was also made between asylum seekers and refugees in terms of access and entitlement to services and local authority housing (Piacentini 2012). This differentiation between people seeking asylum and those with refugee status is one that has been steadily fortified in the years since 1993 (see Table 1).

Although the UK government has broadly supported the notion of refugee integration (Mulvey 2014), integration has been far from the main focus of the various Acts of Parliament and accompanying white papers that concern refugees and asylum seekers. Instead, the UK government's primary efforts under various administrations since 1996 have centred on streamlining the asylum determination and appeals process, reducing so-called 'pull-factors' through the restriction of asylum seekers' right to work and access to social security, and introducing various means of securitising the governance of asylum seekers living in the UK (see Table 1).

The discourse concerning people seeking asylum in the accompanying white papers, meanwhile, also contributed to the general discourse and anxiety aimed towards people seeking asylum. Prior to the events of 9/11 the primary concern had been that refugees and asylum seekers would pose a potential threat to social cohesion and were a drain on public money (Mulvey 2014). The publication of *Secure Borders, Safe Haven* (Home Office 2002), however, marked a turning point in UK government discourse whereby people seeking asylum have increasingly been understood and governed as a potential threat to national security (Squire 2009). The effects of both discourses have been the portrayal of asylum seekers as being likely 'bogus' (Stewart and Mulvey 2014) and requiring state surveillance (Martin 2020). The suspicion with which people are treated while applying for refugee status, sometimes referred to as the Home Office's 'culture of disbelief' (Käkelä 2021), requires time and support to overcome following the grant of Leave to Remain (Mulvey 2014).

There have been relatively few UK government policies and practical measures aimed at ensuring the integration of refugees. While the *Full and Equal Citizens* (Home Office 2000) white paper identified the need to assist refugees access to jobs, benefits, accommodation, health, education and language classes, it offered very few means of achieving these goals (Mulvey 2014). In contrast, the *Integration Matters* (Home Office 2005a) did provide measures of refugee integration and nationally-funded refugee integration programmes in the form of the sunrise programme and, subsequently, the Refugee Integration and Employment Service (RIES). However, *Integration Matters* (Home Office 2005a) also set in motion the policy of 'individualising the structural' (Mulvey 2014), whereby a failure to integrate is understood as an individual's responsibility rather than a collective issue with structural challenges. As a result, integration has become viewed as an aim to be promoted, rather than requiring central government support and the formal insertion of integration initiatives into diverse policy areas such as housing, employment, health, foreign policy and education (Mulvey 2014).

While practical support for refugee integration has been limited, two UK government policies have imposed further challenges for refugees seeking to integrate. First, the removal of the right to work while awaiting an asylum decision, initially through the Asylum and Integration Act 1996 though steadily fortified through many later Acts of Parliament (see Table 1), has increased peoples' reliance on the state and impeded opportunities for socialising (Stewart and Mulvey 2014). The enforced idleness experienced during the asylum process, moreover, has a significant effect on refugees' ability to enter employment and engage in social activities following the grant of leave to remain (Meer *et al* 2019). Second, the inclusion of the 'cessation clause' in the Immigration, Asylum and Nationality Act of 2006, through which refugee status can be revoked if an individual is deemed to no longer need protection, has introduced a temporariness to the provision of refuge. This provision of temporary status heightens the sense of insecurity felt by refugees and runs contrary to ensuring the active engagement of refugees in economic, social and political life (Stewart and Mulvey 2014).

Scottish Policy

In contrast to UK government policy, the Scottish Government integration approach does not make a distinction between people seeking asylum and those with refugee status. This decision stems, in part, from a different interpretation of the 1951 Refugee Convention to that of the UK government. Where the UK government determines whether an asylum seeker should be recognised as a refugee, the Scottish Government argues that the 1951 Refugee Convention does not specify a mechanism through which states should recognise refugees and that, therefore, “recognition of refugee status is declaratory, not constitutive. This means that a person does not become a refugee because they are recognised; rather, they are recognised because they are a refugee” (Scottish Government 2018, 22). In terms of understanding ‘integration’, moreover, the Scottish Government views integration as a two-way process (Scottish Government 2018, 10), whereas the Westminster government has been primarily concerned with ensuring assimilation through the earning of citizenship.

Scottish policy on refugee integration has been driven by two successive New Scots Integrating Strategies. The first New Scots Strategy was in place from 2014 – 2017 and developed a strong partnership agreement between the Scottish Government, COSLA and the Scottish Refugee Council. The second New Scots Strategy runs from 2018 – 2022 and includes seven areas of focus, namely: (i) the needs of asylum seekers, (ii) employability and welfare rights, (iii) housing, (iv) education, (v) language, (vi) health and wellbeing, and (vii) communities, culture and social connections.

Both iterations of the New Scots Strategies emphasise Scotland’s welcoming approach to refugees and, in particular, that Scotland ‘values diversity, where people are able to use and share their culture, skills and experiences, as they build strong relationships and connections’ (Scottish Government, 2018, p. 10). As a result, Scotland’s strategy has gained international recognition as a model of good practice.

Appendix

Policy / Initiative	Aims concerning asylum seekers and refugees	Outcome
Asylum & Immigration Appeals Act 1993	<ul style="list-style-type: none"> - Incorporated the 1951 Refugee Convention into domestic law. - Limited asylum seekers' access and entitlement to local authority housing. - Introduced the 'safe third country' removal process. 	<ul style="list-style-type: none"> - Despite the incorporation of the Refugee Convention, the Act immediately created a distinction between the rights and entitlements of refugees and asylum seekers in the UK.
Asylum & Immigration Act 1996	<ul style="list-style-type: none"> - Restricted asylum seekers from seeking legal employment while awaiting a decision on their case. - Introduced large fines for employers found to be employing unauthorised migrants and asylum seekers without the right to work. - Erosion of certain in-country appeal rights and creation of a white list of countries whereby asylum cases could be certified as 'fast track' – thereby increasing the onus on the asylum seeker to demonstrate their fear of persecution. - Created a more rigid regime for managing 'safe' third country asylum claims and the application of a 'white list' of countries. - Restricted financial assistance and housing support to asylum seekers who did not claim asylum soon after arrival in the UK. 	<ul style="list-style-type: none"> - Described as being 'firm but fair', the 1996 Act increased discourse of 'bogus' asylum seekers claiming public funds. - Marked the start of failed attempts to reduce so-called 'pull factors' to the UK by creating harsh internal rules in the hope of deterring other would-be asylum applicants (Stevens 1998). - Despite attempts to streamline the decision-making process, the backlog of asylum cases and the number of asylum appeals increased. - Creation of internal border checks to be carried out by non-government officials reduces trust between host population and migrants.

<p>1999 Immigration and Asylum Act</p>	<ul style="list-style-type: none"> - Removal of asylum seekers from the social security system and the creation of the National Asylum Support Service. - Introduction of the voucher system for asylum support (maintenance to be at 70% of standard benefit levels) and compulsory dispersal of asylum seekers to areas outside London. 	<ul style="list-style-type: none"> - Symbolically important as it demonstrated that asylum seekers did not deserve access to mainstream social security (Mulvey 2018). - Removed asylum seekers from support structures and increased tensions between asylum seekers and host communities through the dispersal system which housed asylum seekers in low-cost housing areas with little experience of housing and integrating asylum seekers (Zetter <i>et al</i> 2005; Meer <i>et al</i> 2019). - Created a punitive support system, with the aim of ensuring that only those who needed support would receive it (Sales 2002).
<p>Home Office (2000) <i>Full and Equal Citizens. A Strategy for the Integration of Refugees into the United Kingdom.</i></p>	<ul style="list-style-type: none"> - Aimed to help refugees access jobs, benefits, accommodation, health, education and language classes, as well as encouraging community participation. - It was established as a means of supporting small local projects rather than as a national strategy with more ambitious aims and it provided limited resources to organisations working with refugees. £500,000 in its first year was available to new organisations with a further £650,000 to support capacity building among existing organisations. 	<ul style="list-style-type: none"> - Encouraged integration through community participation and social citizenship – though its stated aims were more ambitious than the practical resources and strategies provided (Mulvey 2018).

<p>2002 Nationality, Asylum and Immigration Act</p>	<ul style="list-style-type: none"> - Removed in-country appeal rights for asylum cases that were determined as being 'clearly unfounded'. - Requires applicants for British citizenship to pass a language test. - Introduction of the Gateway Resettlement programme for quota refugees. - Introduced biometric data to the Application Registration Card (ARC) with applicants' photograph, details and fingerprints. - Asylum seekers were denied the right to work (unless their initial decision took more than 12 months to make, after which only the principal applicant had the right to apply for permission to work). 	<ul style="list-style-type: none"> - The denial of the right to work simultaneously increased negative discourse surrounding asylum seekers and made them more dependent on state benefits (Mulvey 2014). - Significantly impeded refugees' ability to integrate as the right to work is key to providing financial independence and acts a key means of socialising (Mulvey 2014). - Increasing securitisation of asylum governance, in particular through the use of biometric identity cards. Encouraged a fearfulness and lack of trust in people seeking asylum (Squire 2009).
<p>Home Office (2002) <i>Secure Borders, Safe Haven; Integration with Diversity in Modern Britain.</i></p>	<ul style="list-style-type: none"> - Published prior to the 2002 Nationality, Asylum and Immigration Act (which included fewer of the proposed reforms that expected). - Attempted to create reception centres for asylum seekers. - Formalised distinctions not just between 'deserving' and 'bogus' asylum seekers but also 'skilled' and 'unskilled'. - Emphasised the need to streamline the asylum appeals system, to re-structure the legislation to simplify the one-stop appeal provisions. 	<ul style="list-style-type: none"> - Created a narrative that cast people seeking asylum as a potential threat to national security (where before the threat had been to community cohesion) (Yuval-Davis <i>et al</i> 2005). - Policies to reduce the possibilities of appeal and to increase speed of removal were predicated on the notion that the majority of asylum seekers were 'bogus' (Sales 2005).

<p>2004 Asylum and Immigration Act</p>	<ul style="list-style-type: none"> - Removed support from asylum-seeking families who had lost their claim for asylum and were not cooperating with removal directions. Also significantly reduced their appeal rights. - Removed backdated benefit payments to refugees, and replaced these with an 'integration loan'. - Set out that a 'local connection' would exist where a refugee had last been supported (in a dispersal area), thus inhibiting possibilities to apply for social housing in other areas of the UK. - Allowed the electronic monitoring of asylum seekers. 	<ul style="list-style-type: none"> - Signified further gradual erosion of social rights for asylum seekers, increasing the vulnerability of asylum seekers (Stewart 2005). - Worsened the effects of the dispersal policy through the insistence of a 'local connection' (Piacentini 2012), which forced refugees into homelessness and inhibited movement following granting of refugee status to find work or connections.
<p>Home Office (2005a) <i>Integration Matters</i></p>	<ul style="list-style-type: none"> - Provided some monitoring of refugee integration and included funded refugee-integration programmes. - Focused on the labour market and on behavioural expectations of refugees. - Aimed to ensure that refugees receive access to services and support. - Sunrise programme in 2005. It offered individual, time limited casework support to newly recognised refugees in relation to housing, employment, benefits and financial advice, access to English language tuition and information on the process of family reunion. - Refugee Integration and Employment Service in 2008. RIES maintained the caseworker approach but was more limited in providing support in employment and education, as well as the opportunity to have a mentor. However, this support would last for a year rather than the previous 28 days. 	<ul style="list-style-type: none"> - Despite the introduction of nationally-funded refugee integration programmes, the document individualises the integration process, such that a failure to integrate is seen as a personal failure rather than a structural one (Mulvey 2018).

<p>Home Office (2005b) <i>Controlling our Borders: Making Migration Work for Britain.</i></p>	<ul style="list-style-type: none"> - Introduced a significantly more streamlined asylum determination process with the intention of delivering asylum decisions within six months. Mechanisms put in place included ‘case ownership’, ‘segmentation’ of cases and ‘fast-track’ processing. - Declared that peoples’ ‘long term settlement must be carefully controlled and provide long term economic benefit’ (Home Office 2005b, 1). 	<ul style="list-style-type: none"> - Citizenship explicitly regarded as a reward to be earned rather than a right (individuals need to be of ‘good character’ and pass a test of knowledge of life in the UK) (Stewart and Mulvey 2014). - Set the groundwork for the cessation clause in the 2006 Immigration, Asylum and Nationality Act.
<p>2006 Immigration, Asylum and Nationality Act</p>	<ul style="list-style-type: none"> - Inclusion of the ‘cessation clause’, whereby refugees are only granted temporary leave in the first instance (5 years). - Imposed further limitations on the right to appeal against Home Office asylum decisions. - Granted immigration officers the power to check an individuals’ identity. - Introduced requirements for employers to carry out more rigorous and annual document checks of employees and made it a custodial offence to knowingly employ unauthorised migrants. - Extended the use of vouchers to asylum seekers on Section 4 support and prohibited the provision of cash support. - Gave the Home Secretary the power to repeal British citizenship to any refugee whose actions were judged to be prejudicial to the state. 	<ul style="list-style-type: none"> - Increased the sense of insecurity felt by refugees. Though perhaps intended as a motivator, the provision of only temporary status should be understood as an impediment towards active engagement in economic, social and political life (Stewart and Mulvey 2014). - The enforcement of laws regarding the employment of migrants changed following the act as immigration enforcement carried out significantly more raids and arrests (Yuval-Davis <i>et al</i> 2018).

<p>UK Borders Act 2007</p>	<ul style="list-style-type: none"> - Provided immigration officers with the power to search and arrest without warrant, people suspected of offence concerning their asylum support. - Enabled reporting and residence requirements to be a condition of their limited leave to remain. 	<ul style="list-style-type: none"> - Asylum seekers are increasingly made to look and feel like a threat to national security as they are governed by increasingly extensive measures of surveillance and control, and immigration officers are given police-like powers (Squire 2009).
<p>Home Office (2008) <i>The Path to Citizenship: Next Steps in Reforming the Immigration System.</i></p>	<ul style="list-style-type: none"> - Proposed a period of probationary citizenship for economic migrants, family members of British citizens and refugees during which they could “demonstrate whether they have earned the right to either British Citizenship or Permanent Residence, or they will leave the UK. 	<ul style="list-style-type: none"> - Proposed an increase to the conditionality upon which refugees could hope to live and work in the UK.
<p>2009 Borders, Citizenship and Immigration Act</p>	<ul style="list-style-type: none"> - Proposed an active citizenship requirement for would be citizens, with the suggestion that undertaking voluntary work would speed up the application process. 	<ul style="list-style-type: none"> - Suggested that the right to asylum should rest on more than a fear of persecution. Also shifts responsibility for the speed of an asylum decision onto the applicant rather than the Home Office.
<p>2012 COMPASS contracts signed</p>	<p>Contracts transferred for the provision of asylum seeker accommodation from a mixture of consortia of local authorities, social housing associations and private providers to just three private contractors. The multinational security services company G4S, the international services company Serco and the accommodation partnership Clearel.</p>	<ul style="list-style-type: none"> - The shift in housing provision resulted in (i) a loss of local authority support, engagement and expertise concerning asylum housing and support, (ii) the worsening of housing quality and avenues available to asylum seekers to raise complaints (Darling 2016).

<p>2014 & 2016 Immigration Acts</p>	<ul style="list-style-type: none"> - The New Immigration Bill became the 2014 Immigration Act, which was subsequently fortified by the 2016 Immigration Act. - Aimed to prevent people without legal status from renting private property, opening a bank account and obtaining a driver's license. - Introduced the concept of 'the right to rent' and made landlords responsible for checking the immigration status of tenants. The 2016 Act criminalised landlords and housing agents for renting to someone when having reasonable cause to believe they did not have the right to rent. - Removed the provision that long-standing residence in the UK from Commonwealth countries from enforced removal. - Established data sharing agreements between the Home Office and NHS Digital, the Department of Health, the Department for Education, local councils and charities working with rough sleepers. 	<ul style="list-style-type: none"> - Facilitated the formalisation of the 'Hostile Environment' in law, which extended the UK border into everyday spaces. As a result, there is no topological distinction between an 'inside' and 'outside' to the border, "only spaces through which rights are determined" (Allen and Axelsson 2019, 118). - Created the conditions for the Windrush scandal to occur. - The 2014 & 2016 Immigration Acts have "succeeded where previous legislation failed; firmly embedding the practice of conducting immigration checks on employees into workplace culture, even though – contrary to popular belief – such checks are not actually legally obligatory" (Griffiths and Yeo 2021, 6-7).
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<p>The New Plan for Immigration</p>	<ul style="list-style-type: none"> - Creates a distinction between refugees that sought asylum in the UK and those that have been granted Leave to Remain through a Resettlement scheme. - Seeks to further remove appeal rights in order to reduce delays. - Aims to create possibilities for returning people who have sought asylum if they have travelled through the EU (despite the UK having left the Dublin III Treaty). - Encourages the possibility of developing off-shore asylum application centres. 	<ul style="list-style-type: none"> - Creates a narrative of un-deservingness, even for people who are found to be ‘legitimate’ refugees as it discriminates against their use of irregular routes of entry. - Has the potential to reduce cohesion in refugee communities as those who have applied from within the UK will be discriminated against compared to those who receive Leave to Remain through Resettlement programmes (RSE 2021). - Could make it harder for refugees to integrate if their LtR is only temporary (30 months), which will then be regularly reviewed with the constant threat of removal.
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Table 1 sets out the main Acts of Parliament, white papers and developments that have shaped the integration pathways for asylum seekers and refugees in the UK.

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