

(Friends of) Romano Lav

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Unlawful deportation of Romanian Roma and Immigration Enforcement: Briefing paper for elected members

Briefing paper by Romano Lav. Evidence based on research funded by the Economic and Research Council (ESRC), award number: ES/J500136/1, conducted by Ashli Mullen (Doctoral Researcher in Sociology, University of Glasgow and Project Coordinator of Romano Lav) in collaboration with Romano Lav.

Romano Lav is deeply concerned about recent Immigration Enforcement activity in Govanhill relating to Romanian Roma residents. We have built up a significant body of evidence regarding the Home Office's harassment of Govanhill's Romanian Roma residents and are concerned that the Home Office is using the mechanism of 'voluntary return' to effectively deport Romanian Roma from their homes in Glasgow. As EU citizens exercising their EU Treaty Freedom of Movement rights, Romanians are lawfully entitled to live and work in Scotland. Yet due to a series of removals and increasing routine patrols, Romanians are living in fear that the next knock at the door will be immigration officers seeking to arrest and deport them. We believe that the Home Office is casting a wide net and, along with partner agencies through 'Operation Mighty', is racially profiling the community.

Our concerns are shared by local residents, community workers, and welfare rights officers, and are corroborated by statistics published by the charity Scottish Detainee Visitors. Whilst the number of EU nationals in detention in the UK overall has been increasing (from 16% in 2016 to 19% in 2017) and indeed has ['increased fivefold since the Conservatives came into power'](#), this practice has rapidly accelerated in Scotland in the last year, with the proportion of those detained in Dungavel who are EU nationals [almost doubling](#) from 18% in 2016 to 33% in 2017. This is the highest proportion for any detention centre in the UK. We are aware of over 50 Romanian nationals being detained at Dungavel Detention Centre in late 2017. Moreover, of all nationalities (both EU and non-EU), [Romanians were most frequently subject to enforced removals from the UK in 2017](#) (constituting 14% of *all* enforced removals).

(Friends of) Romano Lav, Govanhill Baths Community Trust, 99 Calder Street, Glasgow G42 7RA.

As home to the largest Roma communities in Scotland, Govanhill has been the focus of much activity by Operation Mighty. We have received reports from local community workers and our own staff that Romanian Roma people have been either arrested at their homes or uplifted from the street by immigration officers and taken to Brand Street Immigration Centre, where they are questioned under caution on their immigration, employment, and benefits status. In the cases we know of, no solicitor is present at these interviews, therefore the accused has no access to legal advice or representation, nor any guarantee that due process has been followed. We submit that this contravenes both domestic law and international human rights standards.

Furthermore, we understand detainees are denied the right to an interpreter being in the room during the interview. Telephone interpreting services have been made available to some, but this is meaningless when the detainee is asked to look at or sign paperwork.

We have heard numerous reports that in these interviews, allegations of criminal activity are made and rather than legal due process being followed, immigration officers have asked people to sign paperwork agreeing to "voluntary return" to Romania. The threat of criminal prosecution is used to coerce people to sign this paperwork that they do not understand, in a situation where there is no solicitor or interpreter present. We know of a Romanian national who has been taken directly from Brand Street to Glasgow Airport and deported straightaway, and we understand some people have been removed to Dungavel Detention Centre and detained there. We are concerned these actions are taking place without any scrutiny or due process, and that some of the most vulnerable people in our community are being targeted. Locally, we have heard estimates that hundreds of Romanians have been targeted, and we are currently working to establish the number of individuals who have been targeted to verify if these estimates are accurate.

Furthermore, we are extremely concerned that Romanian nationals have been arrested on Glasgow City Centre streets whilst begging or sleeping rough and taken to Brand Street to face this treatment. We understand one woman obtained legal advice and was able to successfully argue she was legally entitled to live in the UK. Many others have not been so lucky.

In addition, we are aware that Romanian nationals are being refused entry at Scottish airports, and subject to additional questioning, with evidence of employment – such as employment contracts – being demanded at border control to guarantee entry and, where such evidence is not forthcoming, confirmation is made via telephone calls to employers, which again raises questions regarding the legality of racial profiling. This contravenes the principle of freedom of movement, with European Union citizens entitled to reside in the United Kingdom for an initial period of up to three months as jobseekers. In the UK, the number of Romanians 'refused entry at port and subsequently departed' has nearly doubled in the last year: from 996 in 2016 to 1892 in 2017 (see the Government's own immigration statistics, updated 22 February 2018; available to [download](#) here).

The Romanian Roma community in Govanhill now lives in fear of a knock at the door from immigration officials. Children are returning home from school to find family members have been removed from their family home and are subsequently deported.

Ultimately, we fear that Romanian nationals are being racially profiled by the Home Office and its Immigration Enforcement authorities, and that this practice is unlawful and discriminatory. We contend that the human rights of Romanian nationals are being routinely breached, and that this type of action has no place in civilised society such as Scotland, which aspires to be a world-leader in recognition of human rights.

We understand this practice is not confined to Glasgow. Solicitors at JustRight Scotland recently carried out a pilot legal advice project in Edinburgh, which uncovered evidence that EEA nationals across the UK were being detained following a Home Office policy which defined rough sleeping as a possible misuse of EEA Treaty Rights. This heavy-handed and disproportionate response is not what the legislation was intended for, not envisaged. Romano Lav recently acquired emergency funding for a three-month pilot immigration advice project in Govanhill in partnership with JustRight Scotland which is now underway. We will gather anonymised case studies and submit further evidence on its completion. We hope to extend this service to ensure that our local communities can access the legal advice that they evidently require.

We note the recent High Court case (*Gureckis & Ors v Sec State Home Dept* [2017] EWHC 3298 (Admin) where the Government's practice of deporting homeless EU citizens was ruled to be unlawful. In this case Mr Justice Lang held that ["homelessness alone did not meet the legal requirement for deportation, even if accompanied by offences including begging"](#).

In response to this crisis, Romano Lav call upon our local MP, MSPs and all elected members representing Govanhill and beyond to take the following action:

- To make a public statement noting your concern at Immigration Enforcement's practices in arresting, detaining and deporting EU nationals, stating your concern that EU nationals' human rights to family life and a fair trial have been breached, and calling for a moratorium on the deportation of EU citizens in Glasgow;
- To demand that all EU nationals questioned under caution are provided with legal representation, and that face-to face interpreters are provided for all;
- To call for a public inquiry by the Scottish Parliament's Human Rights Committee into racial profiling by the Home Office/ Immigration Enforcement;
- To call for an inquiry by the Equality and Human Rights Commission into racial profiling by the Home Officer/ Immigration Enforcement;
- To ask Police Scotland to confirm they do not assist Immigration Enforcement in the arrest, questioning or deportation of EU nationals.