

The Improvement Service

ELECTED MEMBER BRIEFING NOTE

# Humanitarian Protection



# What is the purpose of the briefing note series?

The Improvement Service (IS) has developed an Elected Members Briefing Series to help elected members keep pace with key issues affecting local government.

Some briefing notes will be directly produced by IS staff but we will also make available material from as wide a range of public bodies, commentators and observers of public services as possible.

We will use the IS website and elected member e-bulletin to publicise and provide access to the briefing notes. All briefing notes in the series can be accessed at [www.improvementservice.org.uk/elected-member-guidance-and-briefings.html](http://www.improvementservice.org.uk/elected-member-guidance-and-briefings.html)

## About this briefing note

This briefing has been produced by COSLA's Migration, Population and Diversity Team. The team has responsibility for policy issues relating to migration to Scotland in all its forms (including asylum seekers and refugees), human trafficking, population and demographic change, and also provides oversight of equality and human rights issues. It works with all of Scotland's 32 local authorities, UK and Scottish Government and a host of other stakeholders that have an interest in migration issues in Scotland.

# Introduction

The current conflict in Syria has created the biggest humanitarian and refugee crisis of our time. The latest statistics (February 2016) tell us that, out of a pre-war population of around 22 million, over six million people have been internally displaced within Syria, nearly five million have fled to neighbouring countries and are registered as refugees, and a further 885,000 have sought refuge in Europe.

The UK has committed £2.3 billion in response to the crisis, and has also committed to resettling 20,000 refugees through the Syrian Resettlement Programme (SRP) and a further 3,000 from the Middle East North Africa region through the Vulnerable Children Relocation Scheme (VCRS). In addition, the UK provides ongoing support to asylum seekers and refugees from across the world. This includes support for unaccompanied asylum seeking and refugee children, as well as for adult asylum seekers and their families who have a right to seek refuge in the UK under the terms of the 1951 Refugee Convention.

Scottish local authorities have a great deal of expertise in supporting the most vulnerable in society, including those fleeing persecution and seeking refuge in our country. This briefing summarises the various humanitarian protection schemes that are currently in operation and the central role that Scottish local authorities have been playing to support them.

# Syrian Resettlement Programme

Few people will be able to forget the dreadful images that were published in the press in autumn 2015 showing a little boy, Alan Kurdi, lying dead on a Turkish beach. He had drowned as his family attempted to cross the Mediterranean to escape the conflict in Syria. The photographs prompted an international outcry and a demand for action to be taken. In Scotland, the First Minister was quick to respond and committed that Scotland would receive 10% of however many refugees were brought to the UK. Shortly afterwards, the Prime Minister committed to bringing 20,000 of the most vulnerable Syrian refugees to the UK through the Syrian Resettlement Programme (SRP) and so a target was set for Scotland to receive 2,000 people.

Local authorities in Scotland have provided excellent leadership in the resettlement of Syrian refugees to Scotland. All 32 are committed to supporting the resettlement efforts and a number mobilised themselves very quickly to begin receiving people. Indeed, the first refugees resettled to the UK following the Prime Minister's announcement were received by Perth and Kinross Council and Glasgow City Council in October 2015; and the first charter flight carrying 108 people arrived into Glasgow Airport in November 2015. By Christmas 2015 1,000 Syrians had been resettled to the UK and 40% of them had come to Scotland – a truly remarkable effort.

As of March 2017 around 1,600 refugees have been resettled in Scotland and have been received by 30 local authorities. The two remaining authorities are hoping to receive refugees in the coming months. As such, there is a high degree of confidence that the commitment to resettle 2,000 refugees in Scotland will be met.

Local authorities have drawn upon their existing partnerships to successfully deliver the scheme. Supporting the successful integration of refugees involves a range of partners from health boards, police, the voluntary sector and local communities. The feedback from local authorities is that delivering the Syrian scheme has actually strengthened existing partnerships.

The Syrians arriving through the programme are currently granted humanitarian protection status, although this will change from 1 July 2017, when new arrivals will be granted refugee status. Rights and entitlements are very similar under both humanitarian protection and refugee status - five years' limited leave is provided, as is access to public funds, access to the labour market and the possibility of family reunion. At the end of the five year period, they are entitled to apply for indefinite leave to remain in the UK. Local authorities receive a five year funding package to enable them to participate in the scheme. This has been welcomed and is crucial to developing the infrastructure that is required to support the families.

## Vulnerable Children's Relocation Scheme

In addition to the commitment to resettle 20,000 Syrian refugees, a further commitment has been made by UK Government to resettle up to 3,000 people through the Vulnerable Children's Relocation Scheme (VCRS). The VCRS is open to all children deemed by UNHCR to be "at risk" within the Middle-East North Africa Region (MENA), rather than just Syrians. While a small number will be unaccompanied, it is expected that the large majority will be resettled with their families or carers. The 3,000 total includes family members / carers.

Based on the proportions used in the SRP, Scotland's share of the people coming through the VCRS is around 300. It is anticipated that around 270 of those people will be families made up of parents and children, 15-30 will be children plus extended family who are providing care, and less than 15 will be unaccompanied children. They will come from a range of countries including Jordan, Egypt, Turkey, Lebanon and Iraq.

The children and their families/carers are only being resettled in circumstances where UNHCR deems the resettlement to be in the child's best interests and when they define the child as being 'at risk'. This includes unaccompanied, accompanied and separated children, and other vulnerable children such as those facing the risk of child labour, forced marriage and other forms of abuse and exploitation.

The existing infrastructure utilised for the SRP is being used for the VCRS and all those arriving under the programme will have five years' limited leave to remain in the UK in the first instance, with local authorities receiving the same level of funding as they would for the SRP. However, those arriving as unaccompanied children will be funded on the same basis as the unaccompanied asylum seeking children (UASC) transfer scheme outlined in the section below.

## Unaccompanied asylum seeking and refugee children

In recent years there has been a significant increase in the number of unaccompanied asylum seeking children (UASC) reaching the UK and claiming asylum. These children and young people become the responsibility of the local authority in which they present, which means the majority are looked after by the local authorities in London and the South of East of England that are close to major points of entry into the UK. In order to ease pressure on these local authorities, the Home Office and the Department for Education in England has developed a voluntary transfer scheme to disperse UASC around the UK. There is currently no legal basis for this to happen in Scotland. However, the Home Office is intending to resolve this through secondary legislation in 2017. There are also powers within the Immigration Act 2016 that could be used to compel local authorities to become involved, although additional legislation would be required to extend those powers to Scotland.

In addition, the Immigration Act 2016 includes provision to resettle unaccompanied children from within Europe, specifically France, Greece and Italy. This is what is known as the Dubs Amendment to the Act. The UK Government did not initially specify how many children would be resettled to the UK on this basis, but instead said that they would be guided by local authority capacity, taking into account the wider demands to support UASC. In February 2017, the UK Government announced that the numbers arriving under the Amendment would be capped at 350. At the time of writing, Scottish local authorities have received 35 children and young people, and around 200 have arrived in the UK as a whole. The restriction on numbers has proved to be very controversial, with many campaigners insisting that more can and should be done.

COSLA has been working with local authorities, UK and Scottish Government to develop an approach to both the UASC transfer scheme and the Dubs Amendment that is fit for purpose in Scotland. A working group of local authorities has been convened to oversee work in this area. This has seen a focus on resources and capacity, the legislative platform, accommodation and support options for receiving UASC, and an operational protocol which would be workable in a Scottish context.

# Asylum dispersal

Asylum seekers are people who are applying for protection from persecution or fear of persecution in their own country. There is a legal right to apply for asylum and have it considered under the 1951 UN Refugee Convention or under Article 3 of the European Human Rights Convention. An asylum seeker whose application for protection is granted is given refugee status.

Asylum seekers and their dependants who would otherwise be destitute are eligible for support outside the mainstream benefits system. In addition, the Immigration and Asylum Act 1999 introduced a national dispersal policy for asylum seekers as a means of easing pressure on local authorities in the south east of England that had previously dealt with the majority of people seeking asylum in the UK. In 2000, the Home Office and Glasgow City Council signed a formal contract for the dispersal of asylum seekers to the city. Since then, Glasgow has remained the sole asylum dispersal area in Scotland.

Glasgow City Council was initially funded directly by the Home Office to accommodate dispersed asylum seekers in the city. There was then a move towards a 'mixed economy' in which both the city council and third sector providers delivered contracts on behalf of the Home Office. The model shifted again in 2012 and, following a competitive tendering process, Serco was awarded the current contract – known as the COMPASS contract – for the provision of accommodation and associated services for asylum seekers in Scotland. This contract runs until 2019.

When Glasgow City Council was the accommodation provider, it invested the funding that it received in key services and in the communities in which the asylum seekers resided. As a result, dispersal is generally viewed as having had a positive impact on Glasgow, transforming its demographic profile and rejuvenating parts of the city that had been in decline for many years. However, the level of funding provided through the current COMPASS contract has been significantly reduced when compared with previous funding arrangements. The impact of this is being felt not only by asylum seekers but also by the communities to which they are being dispersed.

This lack of resources is also a significant impediment to any new local authorities agreeing to become dispersal areas and Glasgow remains the only dispersal area in Scotland. The Home Office has been seeking to enter into dialogue with local authorities across Scotland to request their involvement in dispersal and COSLA has been facilitating contact in this regard. However, to date, no new dispersal areas have been created. While councils have developed expertise in supporting refugees through the SRP in particular, the model of delivery is completely different and councils do not receive any funding to recompense them for the role that they would play in providing services to asylum seekers. Councils have expressed a great deal of concern that the absence of such funding is a significant impediment to their involvement.

In addition, councils have a statutory responsibility towards some people whose claims for asylum have been rejected by UK Government. People in this category are those with needs which are

assessed as being over and above destitution and who require support under the Social Work (Scotland) 1968 Act, the Mental Health (Care and Treatment) Act 2003 or, in the case of families, the Children (Scotland) Act 1995. It also includes UASC over the age of 18 whose asylum claims have been rejected and whose rights of appeal have been exhausted. Local authorities have a responsibility to them under the Children (Scotland) Act 1995 (as amended) and the Children and Young People (Scotland) Act 2014.

Local authorities are not currently provided with any funding from UK or Scottish Government to cover the significant costs that they incur supporting these vulnerable people. Similarly, many local volunteers and third sector organisations play an important role in providing support – both to people who are navigating the asylum system, and those whose asylum claims have been rejected – and tend to do so with very limited funding to support their work.

## The New Scots strategy

Together with Scottish Government and Scottish Refugee Council, COSLA published the *New Scots: Integrating Refugees in Scotland's Communities* strategy in December 2013. The strategy ran from 2014 to 2017 and sought to co-ordinate the efforts of all organisations involved in supporting refugees and asylum seekers in Scotland. It aimed to make the most of the resources that are available for this task by promoting partnership approaches, joined-up working and early intervention where possible.

The strategy focused on a number of key 'indicators' of integration, including:

- employment
- education
- housing
- health
- communities and social connections

Refugees' ability to make progress in relation to indicators such as these is crucial in determining the extent to which they are able to integrate in Scotland's communities, and working groups were established to focus on improving outcomes in each of these key areas.

The strategy provided a useful framework for local authorities in supporting refugees and asylum seekers and a number of councils were represented on its various working groups. All partners are committed to building on the good work that has taken place under the strategy and an extensive consultation exercise is being conducted during 2017 with a view to a new strategy being published thereafter.

Links to the New Scots strategy and associated annual reports can be found at [www.migrationscotland.org.uk/refugee-integration/new-scots-strategy](http://www.migrationscotland.org.uk/refugee-integration/new-scots-strategy)

## Key messages for elected members

- Scottish local authorities are playing a key role in the UK's resettlement efforts. Councils quickly stepped up to the mark in responding to the refugee crisis in a very practical way, and that is something we can all be proud of. They have drawn upon their existing partnerships and have worked together with health boards, police, the voluntary sector and local communities to welcome and integrate the refugees who have arrived in this country.
- The SRP and VCRS schemes provide local authorities with five years' funding to support the integration of the families that have been resettled in the UK, and this has been crucial to the success of these programmes. COSLA continues to work with local authorities to lobby for adequate resources to be provided for schemes in relation to UASC and asylum seekers in order that councils can consider their participation.
- Strong political leadership is essential to the success of humanitarian protection and resettlement schemes. Scottish local authorities have, for a long time, spoken with a united voice on these matters, notwithstanding political differences. Similarly, successive administrations at Holyrood have promoted the benefits of migration in general, and the importance of humanitarian protection in particular.
- Many people still hold views that are negative towards asylum seekers and refugees. Politicians, both in local and national government, have an ongoing responsibility to articulate to the communities that they serve why Scotland and its communities should be involved in offering safety and protection to people fleeing their countries of origin based on well founded fears for their safety.
- Asylum seekers and refugees represent only a small proportion of the total number of migrants in the UK. Most asylum seekers and refugees come from countries afflicted by conflict, violence and human rights abuses and there is a lack of evidence that significant numbers are 'bogus' or that they come to the UK to access our benefits system. Indeed, many have little or no choice as to their final destination and do not necessarily set out to come to the UK.

## Further support

COSLA's Migration, Population and Diversity Team seeks to support local authorities to respond to migration in a positive way. A general briefing on migration, its impacts and why it matters for Scottish local government is also available as part of this briefing series. It can be accessed on the team website at [www.migrationscotland.org.uk/migration-information/elected-member-briefing](http://www.migrationscotland.org.uk/migration-information/elected-member-briefing).

In addition, the team has produced an online policy toolkit which is designed to help local authorities and their community planning partners to think about how to welcome, integrate and involve migrants in Scotland, including refugees and asylum seekers. This can be accessed on the team website at [www.migrationscotland.org.uk](http://www.migrationscotland.org.uk)

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