

Written briefing from Scottish Refugee Council

Dear colleagues,

Thank you for inviting us to provide written, and oral evidence to the committee.

This email is that written evidence, which we hope is useful and we would be delighted to expand on it and other relevant issues at the committee hearing on 29th.

The current UK government's reactive, incoherent and fragmented approach to international protection

There are now multiple international protection schemes in Scotland. As such there are a range of protection populations across Scotland. These schemes include (a) the Asylum accommodation and support system¹; (b) the [National transfer scheme](#) relating to unaccompanied asylum seeking children (“looked after children”) in Scottish children’s legislation; (c) Afghans in Scotland, via the various iterations of its [relocation programmes](#) and its moribund [resettlement scheme](#); (d) routes from [Ukraine](#) of (i) the Family scheme, (ii) the Homes for Ukraine (including the [Scottish super sponsor strand](#) and (iii) the Extension scheme; (e) the [UK resettlement scheme](#); and (f) the (now defunct) [Syrian resettlement programme](#). Additionally, there are those who arrive in Scotland via other means, such as those who are subject to trafficked exploitation – many of whom are also refugees – as well those who arrive spontaneously or through necessarily irregular or unofficial channels (please find attached briefing).

The underlying argument here is threefold. First, that international protection whilst not a competence it is in practice a Scottish matter now also, with protection populations across the country, in a way that was not true a decade or even five years ago. Second, the growth of multiple programmes reflects a lack of Home office policy coherence on international protection, characterised by constant reaction to global forced displacement rather than having a permanent and holistic international protection system that can absorb displacement pressures and be a centre of expert practice. Some of this is reactivity, in our analysis, deliberate reflecting a UK state that is withdrawing from international protection responsibilities both inside and outside the UK. Third, this fragmentation at the Home office “centre” ripples out to the rest of the UK, including Scotland, in a damaging way shunting responsibilities and costs onto local and devolved governance, rendering it frustratingly difficult for those areas and governments to try and instil some coherence in their welcome and integration plans. That difficulty translates into preventable problems locally when over-stretched public and third sector services try to meet common needs (such as language or mental health support, often unfunded) as well as identify and enable distinctive needs to be met (such as specialist asylum legal advice or expertise working with unaccompanied children seeking refugee protection). And, it is harder than it should be to do all that in a dignified and efficient manner, precisely as far too many times local agencies are playing catch-up. Such mitigation is especially hard where the Home office have outsourced responsibility to commercial private

¹ <https://www.nao.org.uk/wp-content/uploads/2020/07/Asylum-accommodation-and-support.pdf>

interests, such as is the case with the asylum accommodation public service, as such interests can be in tension with local and devolved government policies, accountabilities and plans (please find attached briefing). We need coherence in Home office policy and practice on international protection, a genuine partnership for intra-UK movement of people, and adequate funding.

Successive UK governments' long-term degradation of the right to seek asylum

Standing a little further back still. And, perhaps a little more controversially, but it is best that we are straightforward. It is our experience that for over 20 years now, successive UK governments have regarded people seeking refugee protection as a problem. To be devalued and deterred when, for us, they should be valued and welcomed. Essentially, successive UK governments and particularly one, has perversely contorted the right to seek asylum as a negative when it should be valued as a positive. The result is a neglectful degradation of the asylum system and a failure to institute any sustained resettlement infrastructure. There is a chronic slowness in asylum decisions with near 120,000 in limbo for an initial decision (3.4) and (please find attached briefing). Whilst vulnerable people are stuck, there is a corresponding and eye-watering and wasteful flow of public monies - billions per year - going to private interests for providing what is often inappropriate asylum accommodation, especially the longer that people are left in such places. To illustrate, over 30,000 are currently in institutional "ex-hotel" accommodation² (up from 1,000 in October 2019) at a cost of at least £3.5million per day³, and that 30,000-plus group accounts for only one-third ⁵ of the total asylum accommodated population. Amidst this UK state practice of outsourced asylum accommodation and a chronically slow asylum decisions process, the vulnerable people stuck in it are not allowed to work and get a pittance of either £1.24 ("institutional accommodation") or £5.83 ("dispersal accommodation") a day to exist on. That is a scandal in plain sight (please find attached briefing). It is worsened by the escalating cost of living social emergency ripping through many communities, and as always, it is those in the deepest poverty who suffer most, including thousands of children, both in families entrapped in the asylum support regime or unaccompanied young people, as well as those from the UK and Scotland in severe poverty. This degrading of the asylum system culminates a 20 years during which, global forced displacement rose to unprecedented levels, affecting 100m⁴ people in 2021 (1% of the global population). Despite rhetoric to the contrary, on a global or EU (Fig.12⁵) comparison, successive UK governments have kept this country on the periphery of global responsibility-sharing for refugees. Despite its relative wealth, UK governments admit only a fraction of the world's refugees.

Accelerating process of UK state withdrawal from its international protection responsibilities inside and outside the country

² <https://media.refugeecouncil.org.uk/wp-content/uploads/2022/07/21080057/Lives-on-hold-research-report.-July-2022.pdf>

³ <https://www.theguardian.com/world/2022/feb/03/government-spending-47m-hotels-asylum-seekers-home-refugees>

⁴ <https://news.un.org/en/story/2022/05/1118772> News

⁵ <https://migrationobservatory.ox.ac.uk/resources/briefings/migration-to-the-uk-asylum/>

Despite this peripheral role, the UK government has turned further away from responsibility-sharing for refugees. Its Nationality and Borders Act 2022 (“the anti-refugee law”) severs the UK from a UN Refugee Convention that has saved millions since its inception in the aftermath of the Second World War and the horrors of the Holocaust (please find attached briefing). This anti-refugee law visits a systemic penalisation regime upon those who necessarily, seek safety here via irregular or unofficial channels. And those channels, ran often by smugglers thrive in part because the UK government stubbornly refuses to introduce a humanitarian visa⁶ for safe and lawful travel to and arrival in the UK. To be clear, such a visa is for safe travel, undermine criminal networks, and enable those seeking refugee protection to get a fair hearing of their protection claim. Instead of that practical and safe step, the current UK government is, perhaps unintentionally but still in reality, condoning billion-pounds⁷ criminal smuggling and trafficking networks who fill the vacuum of safe routes with acutely unsafe small boat crossings and lorry drops. As witnessed, some do not make it, dying at sea⁸ or in the back of a lorry⁹. Alarming, there seems no plan in the senior echelons of the UK state to “grip” and turn around how asylum has been “ran into the ground”.

This same withdrawal of the UK state from its international refugee protection responsibilities is clear in its response to Afghanistan and Ukraine refugee crises. Since the fall and immediate aftermath of the Kabul evacuation, has come though the Afghan Citizens Resettlement Scheme despite a commitment of 20,000. The facts are that the vast majority of current folk under ARCS in its year 1, were quietly moved into it after being evacuated via Operation Pitting in August 2021. This was inappropriate. It may even have been a wilful misleading sleight of hand by the Home office to give an impression that ARCS had started. For all intents and purposes, there is no functioning (18-33¹⁰) Afghan resettlement scheme, which in so far as this persists is shameful. To compound matters, at the end of [June 2022](#), some 6,666 asylum seekers from Afghanistan were stuck in the afore-mentioned chronically slow asylum decisions process waiting for just an initial decisions. 3,559 of them have been waiting over 6months. Even worse is that from 1 January 2021 to 30 June 2022, 1,140 Afghans applying for asylum in the UK had their cases routed into the inadmissibility procedure, with most of this since Operation Pitting concluded and the Taliban regime took over. More positively and appropriately, there has been both a swift increase in the past 12months (June 2021 to June 2022) with the UK’s Afghanistan refugee grant rate now at 97% plus there has been a notable quickening in the pace of making asylum (near always positive) decisions since October 2021 to June 2022, such that over that 9month period there were 1,320 refugee grants as compared to 327 refugee grants in the 9months from January to September 2021. If anything we need that decision + grant rate to accelerate further given the above 6,666 folk stuck waiting for just an initial decision. In summary, Afghans seeking protection are not receiving a “[warm welcome](#)” from the Home office. That is further

⁶ <https://www.jcwi.org.uk/Handlers/Download.ashx?IDMF=3e589cfe-383e-40a1-ac82-eb3430e7b1d7>

⁷ <https://www.unodc.org/unodc/en/frontpage/2012/September/smuggling-of-migrants-generates-billions-each-year-for-criminals.html>

⁸ <https://news.un.org/en/story/2021/11/1106562>

⁹ <https://www.theguardian.com/uk-news/2020/oct/07/essex-lorry-deaths-39-vietnamese-migrants-suffocated-in-container-court-hears>

¹⁰ <https://www.hrw.org/news/2022/08/17/joint-uk-parliamentary-briefing-afghanistan>

reflected as some 12,000¹¹ Afghans are left for the long-term in, as such, inappropriate institutional “hotel” accommodation.

And, whilst around [130,000](#) people fleeing Ukraine have arrived with visas - which is vital and to be welcomed very much - the UK government response was to insist on pre-entry visas when every other European country waived such, as they recognised the urgency of people’s need for immediate safety. The bulk of work with those 130,000 refugees fleeing Ukraine is done by families, communities, charities and devolved / local governments. It is not in practice being done by the UK government. We recognise and respect that the UK government have provided for access to public funds, the labour market, and legal status has been provided to Ukrainians accessing the three afore-mentioned schemes and similarly, Afghans relocated here have similar access. However, after that people – Afghans and Ukrainians – are largely being left by the UK government with – as said – the bulk of the work being done by communities, charities and devolved / local governments. The overarching and key point is that here again, as with the right to seek asylum, the UK is rapidly vacating its international and domestic responsibilities to refugees. *Scotland cannot by-stand what at times does feel for people directly affected as an organised abandonment.* In so far as that is the case, we must act in Scotland to address it.

Why this UK state reactivity, incoherence and withdrawal from responsibilities is a key structural problem for local and devolved government responses to refugee welcome and integration

We offer the above as a way of setting some context for how people in the UK’s international protection spectrum, including increasingly proportions in Scotland, do not have an active and ensuring support from the UK government. Our analysis is that there is an active UK state withdrawal internationally and domestically from its international protection responsibilities and, therefore, from those vulnerable but resilient peoples that arrive here. That leads to undue pressures on not only those people themselves and their loved ones here and overseas. It also shunts responsibilities and costs onto the local communities, charities and devolved/local government that – as argued above – are actually the ones who do the hard work of reception and integration of refugees who, with that support, go onto to make enduring and at times amazing contributions in their new communities. This context is important as where there to be a policy coherence at the Home office on international protection per se., alongside a long-term commitment to work with and fund local and devolved governments, we are confident that common needs - such as language support, mental health services and integration advice and support – could be met better and efficiently. And, that distinctive needs, such as asylum legal expertise or specialist provision for children could be provided in a planned way with the best interests of the individual and the local receiving community at its heart. We have noted some of this positive liaison in the development of the Scottish and Welsh super-sponsor routes in the Homes for Ukraine part of the three UK government Ukraine schemes. We are also actively encouraging this type of liaison in the Scottish response to the Home office’s “[full dispersal](#)” plans, which at last have some funding albeit it is not ring-fenced to refugee and the local services that give

¹¹ <https://news.trust.org/item/20220805141206-ocvva>

what they need, such as language or mental health support. It should be ring-fenced. Time will tell, but the fragmented and distant approach by the UK government towards various protection groups does not bode well.

What Scotland, especially Scottish ministers and wider governance and charities now need to do to lead to protect refugees here, otherwise many more are likely to suffer dreadfully

Turning to the Scottish government. We welcome the significant political and financial support that they have provided to the refugee rights cause for a number of years. This is including through its New Scots refugee integration strategies, its advocacy against Home office neglectful practice especially in the asylum system and the regressive anti-refugee law, as well as in its proactive willingness to welcome refugees from Ukraine including through an innovative super-sponsor route. There are undoubted challenges with the route, notably lack of suitable accommodation to meet the demand stemming from this huge and rapid refugee displacement. These supply issues predated the Ukraine refugee crisis and the solutions to them, as we allude to below, are complex but at its heart must be an even faster increase in suitable and affordable housing, which critically must be made available to those in socio-economic need both those in homelessness predicaments here as well as those who have arrived more recently in refugee crises, such as from Afghanistan, Ukraine or via the asylum process. We suggest that this social housing emergency, affecting all vulnerable people in homelessness predicaments in Scotland including those on waiting lists, plus new arrivals via refugee routes, should be even more of a priority in Scotland now.

Relatedly, we note from the Resource spending review framework, the substantial investment in devolved social security. And the long-term focus on child poverty. Both are vital also to all those in Scotland with various forms of leave to remain and access to public funds. That includes people recognised as refugees by the Home office. It is frustrating for all who care about refugee rights and social justice that those seeking or refused refugee protection are mired in wholly inadequate asylum support, and often inappropriate accommodation system or, worse, in the cruel No recourse to public funds regime. For those in that grim place, we cannot stress enough the need for Scottish government and, indeed, wider governance to take a systemic approach now to mitigate UK state-sanctioned severe poverty or outright destitution and homelessness. A systemic approach would identify and maximise provision of in-kind and non-monetary support to vulnerable persons including children in families and those here alone. For those subject to NRPF and destitute, accommodation is as with anyone in that predicament, pivotal to safety and choices. In other words, we need Housing first principles and practices in asylum destitution. In that vein, we urge the committee and the Scottish government to support Fair Way Scotland¹².

The brutality of the anti-refugee law and – what we regard – as an underlying UK state withdrawal process from its international protection responsibilities, necessitate that we in Scotland must raise our game beyond words or current actions to a

¹² <https://homelessnetwork.scot/fairway-scotland/>

systemic plan to protect refugee rights and affected people who are at the sharpest end of the UK hostile environment. The truth for us is that unless Scotland acts, then more who come seeking safety, will be left abandoned to a refugee penalisation regime. That regime includes but is not limited to (a) people seeking refugee protection are now liable to criminalisation and/or either delayed or no access to the asylum procedure – thereby weakening or extinguishing the right to seek asylum itself; (b) even if admitted to that procedure, what awaits is sufferance of the deepest of poverty and for most new arrivals that also means long-term institutionalised accommodation or detention with associated mental health risks including, potentially for the most vulnerable, possible higher risk of loss of life¹³; and (c) homelessness and even forcible removal to places like Rwanda. Even if people who arrived necessarily via irregular or unofficial routes, are grudgingly recognised by the Home office as having protection status. As a result of the anti-refugee law, that is mere temporary protection status up to 2 ½ years with no route to settlement for at least ten years. In other words, this legislation ends refugee leave and settlement for the vast majority of refugees. It is a seismic and regressive change in UK refugee policy. It is further evidence of the UK state's withdrawal from its international protection responsibilities. In summary, people seeking refugee protection are at the sharpest end of UK government's hostility. Left alone, their suffering worsens, they will be exploited, and some will die. It should not be like this. In Scotland, we must fully try to ensure it is not.

At the heart of all this is that refugees are people, with talents, dreams and given a chance, they have and will continue to contribute and enrich life. We will advocate to change the narrative, the laws and the policies at the UK level on refugee protection. We are clear also, though, that Scotland can best do that, however, by modelling the change it wants to see. Essentially, we are advocating here for a Scottish social inclusion of refugees, the principles of which and some of the ten-point point outlined above, should apply to all other people and communities in need. This is particularly for that growing number of people being enveloped into poverty as well as those at the very sharpest end of the escalating cost-of-living social emergency. We note that in refugee policy, too often successive UK government as powerful have typically sought to divide refugees from mainstream life. We utterly reject that practice and narrative. It is irresponsible and, at its worst, can lead to serious harm. It also prevents the solidarity borne in suffering, translating into demands for collective change. We urge this committee to consider our analysis here, towards articulating the need for coherent higher-level action, commensurate with the risks posed by the anti-refugee law, in Scotland and led by the Scottish government. Our 10actions for a Scottish social inclusion of refugees and those in severe poverty is set out next. We hope the committee may adopt these as recommendations. We consider that these 10actions are in devolved powers.

The 10actions for a Scottish social inclusion of refugees and, indeed, with many of these actions also helping all groups who are in severe poverty in escalating cost of living social emergency

¹³ <https://libertyinvestigates.org.uk/articles/dozens-of-at-risk-asylum-seekers-died-during-pandemic-amid-alleged-safeguarding-failings/>

1. People in socio-economic deprivation, including refugees are expressly included and prioritised in the *Scottish human rights bill*, within positive duties on Scottish public authorities;
2. Scottish government policies and legislative proposals *proactively assess and monitor* for their impacts on refugees and those in severe poverty, making positive changes accordingly;
3. Scottish government institutes *permanent, safe and trauma-informed reception accommodation facilities* for initial processing of new migrant arrivals who otherwise are destitute;
4. Lord Advocate gives Instructions to prosecutors with a *presumption against prosecution* for the anti-refugee law's [unlawful arrival offence](#) that threatens those who are actually refugees;
5. Scottish government uses *law-making powers for its own trafficking identification and decisions system*, wrapping round survivor support rights, for an end-to-end anti-trafficking system;
6. Scottish government, councils and charities *agree a radical housing plan*¹⁴ *with an acceleration in social housing*, prioritising the vulnerable, so all low-income groups including refugees;
7. As part of its employability and work policies, the Scottish government takes specific measures to *maximise work opportunities* for both people seeking and granted refugee protection;
8. Scottish government ensure *all seeking* protection are included in *non-monetary anti-poverty measures*, and *those granted* protection get *all anti-poverty and social security* entitlements;
9. Scottish government introduces for all low income groups, including those seeking refugee protection, a *revamped national entitlement to free bus travel*, to enable social inclusion; and
10. Scotland's mental health and suicide prevention strategies include a specific programme of work to prevent and support *refugees in mental health trauma* and equity of access to services.

Conclusion

Ideally, none of these would be needed, in lieu of a human rights-based and internationalist refugee policy in the UK government, where we share responsibility for helping those with other nations. Sadly, that is not where we are at with an

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https://assets.ctfassets.net/6sqqf111sfj/1XYAUYJk1kfv6JaqMB8U2m/00a07122d9bd2058a428ec0a3336e6ae/Scottish_Housing_Emergency_-_Action_Plan.pdf

powerful insularity and short-sightedness in refugee policy in the Global North. And, at the UK level the withdrawal process and an anti-refugee law as outlined in this note. We therefore urge this committee, Scottish ministers and wider governance here to conceive of these changes in refugee policy as structural and regressive. And, therefore, as requiring to be handled at the Scottish structural level e.g. in its budget-setting, in legislation and as a policy area of cross-government relevance. Such a structural approach, ideally via these 10actions, will not only help now. It will proactively equip Scotland for the challenges it, and indeed all countries in the Global North will face, of ever-increasing forced displacement.

Graham O'Neill
Policy Manager
Scottish Refugee Council

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