

Briefing

Scottish Government Debate: Scotland Welcomes 1000 Refugees, 8 Sept 2016

1. Introduction

Scottish Refugee Council is an independent charity providing advice and information to people seeking asylum and refugees living in Scotland, campaigning for their fair treatment, and speaking out on refugee issues.¹

We are proud that Scotland has welcomed 1000 Syrian refugees since October 2015. This milestone is testament to the support and solidarity that the Scottish Government, local authorities, communities and organisations right across Scotland have shown in response to the suffering and despair faced by millions of people forced to flee their homes around the world.

But the suffering has not gone away. In fact, we are facing a humanitarian crisis of unprecedented scale with one person in every 113 displaced from their homes around the world.² We cannot be complacent. Figures released by Oxfam this month report that somebody has died on migrant and refugee routes every 80 minutes since the start of 2016. That's 5700 women, men and children since the start of the year and a fifth more than the same period last year.³

Thursday's debate provides a timely opportunity for MSPs to celebrate Scotland's achievement, but also, crucially, to demonstrate our continued solidarity with those millions of people displaced from their homes around the world, and to call for concrete action to end the political stagnation that has left so many languishing in camps in Europe and beyond or, robbed of hope for the future, risking their lives on dangerous journeys.

Our briefing provides background information about the resettlement scheme that has seen 1000 Syrian refugees arrive in Scotland over the last year, and suggests areas where the Scottish Government could put pressure on the UK Government to do more to alleviate the crisis at international, EU and UK levels, and what more the Scottish Government could be doing here to lead the way towards Scotland becoming a beacon for refugee protection and integration.

2. Background to the Syrian Resettlement Programme

Last September, after the tragic death of Syrian toddler Alan Kurdi became headline news around the world, thousands of people took to the streets in cities across Europe to show their despair at the avoidable deaths and suffering of fellow human beings and to call on EU governments to take immediate action. In response, the UK Government announced an expansion of its existing Syrian Vulnerable Persons Relocation Scheme, set up in 2014 to resettle a few hundred of the most vulnerable Syrian refugees from countries neighbouring the conflict. Following public and political pressure and a summit convened by the First Minister on 5 September, the Prime Minister announced on 7 September that 20,000 Syrian refugees would be relocated to the UK by 2020.

Local authorities across the UK were asked to participate in the scheme voluntarily and offered a package of funding by the UK Government towards the immediate costs of accommodating and supporting resettled families and individuals.⁴ Local authorities in Scotland were among the first to commit to participating with around 40% of new arrivals under the scheme between October and December 2015 coming to Scotland. The Scottish Government convened a taskforce to coordinate with local authorities, public bodies, refugee community organisations and the third sector. Support for the scheme in Scotland has continued, with 29 of 32 local authorities

¹ www.scottishrefugeecouncil.org.uk

² <http://www.unhcr.org/uk/news/latest/2016/6/5763b65a4/global-forced-displacement-hits-record-high.html>

³ <http://www.oxfam.org.uk/media-centre/press-releases/2016/09/global-refugee-and-migrant-deaths-up-more-than-a-fifth-in-year-since-3-year-old-alan-kurdi-died>

⁴ <http://researchbriefings.files.parliament.uk/documents/SN06805/SN06805.pdf>

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welcoming Syrians into their communities in the last year. This week, the UK Government announced that 2,800 Syrians had arrived in the UK under the scheme to date and that it had secured commitment to all 20,000 places from local authorities. With the arrival of 120 Syrians to Scotland in early September, the milestone of 1000 arrivals since the expansion of the scheme last year – around a third of the total to the UK – was achieved.⁵

3. What more should the UK Government be doing?

In 2016, the number of people displaced by persecution, conflict or human rights violations around the world is greater than at any time since UNHCR records began, surpassing 60 million for the first time with 21 million of these refugees. While a staggering 86% of the world's refugees are hosted by developing countries, the spotlight in 2015 was on increased irregular migration to Europe with over a million people arriving in 2015 (the equivalent of 0.2% of the EU's population).⁶ Desperate women, men and children are still risking their lives searching for safety and a future for their children today. In fact, more people are dying in the attempt to reach safety now than last year.⁷ One reason for this is the EU Turkey deal that has led to people crossing the more dangerous expanse of water from Libya to Italy. Many thousands more are languishing in camps, official and unofficial, in Europe, unable to access an effective asylum process. The Refugee Rights Data Project estimates there to be around 5500 people including more than 650 children in the makeshift 'Calais camp' alone.⁸

Although life changing for the women, men and children behind the statistics, the arrival of less than 2000 resettled refugees and a total of 38,878 asylum applicants to the UK in 2015 - just 3% of the EU total – is a tiny drop in the ocean in comparison to the scale of the crisis and the relative wealth and prosperity of the UK.⁹ We can and should be doing more.

What is needed is an end to the politics of deterrence and a concerted push for coordinated action in the spirit of genuine solidarity and responsibility sharing mandated by the 1951 UN Refugee Convention. Later this month, the UN Summit on Addressing Large Movements of Refugees and Migrants, and a summit convened by US President Obama, will offer opportunities for new commitments at the international level.¹⁰

Specifically, **there are three areas in which the Scottish Government should be asking the UK Government to do more to lead by example on the international stage:**

- Reuniting families separated by conflict
- Resettling more refugees in need
- Improving access to assistance and protection

3.1 Family Reunion

Many families around the world are separated during the refugee journey. The UN Refugee Convention recognises this and requires states to protect the fundamental principle of family unity when providing refugee protection. Family reunion rules in the UK currently limit family reunion rights to a very narrow definition of family that often does not reflect reality. **The UK Government should broaden its definition of the family to include young adults and wider family members, and enable children to be reunited with family immediately on grant of protection**

⁵ <http://www.cosla.gov.uk/news/2016/09/1000-refugees-welcomed-scotland>

⁶ <http://www.unhcr.org/uk/news/latest/2016/6/5763b65a4/global-forced-displacement-hits-record-high.html>

⁷ <http://www.oxfam.org.uk/media-centre/press-releases/2016/09/global-refugee-and-migrant-deaths-up-more-than-a-fifth-in-year-since-3-year-old-alan-kurdi-died>

⁸ http://refugeerights.org.uk/wp-content/uploads/2016/06/RRDP_TheLongWait.pdf

⁹ http://www.refugeecouncil.org.uk/latest/news/4548_top_20_facts_about_asylum

¹⁰ http://www.scottishrefugeecouncil.org.uk/assets/0001/0831/Safe_Haven.pdf

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whether the child or their family is present in the UK. This would help to prevent women and children from undertaking risky journeys to join male relatives already living in safety.

For example, under current rules, a Syrian father granted refugee protection would be able to seek family reunion for his wife and younger daughter, aged 15, to join him in Scotland from Jordan where he had been separated from them. But his 19-year-old daughter would not have a legal right to join her family. She would be left to fend for herself in Jordan or risk a dangerous irregular journey at the mercy of smugglers or traffickers.

3.2 Increased and more effective resettlement

At the end of 2015, UNHCR estimated that around one million refugees around the world required resettlement to a third country because their needs could not be met in their country of refuge - an increase of 22% on the previous year.¹¹ **The UK could and should be playing a more significant role in global refugee resettlement.** As well as increasing the numbers identified and resettled under the Syrian Resettlement Programme, the UK Government should make better use of the other schemes it already runs in partnership with UNHCR: the Gateway Protection Programme, which is the UK's established contribution to UNHCR's global resettlement programme¹²; and the Mandate Scheme, for refugees with connections to the UK.

3.3 Access to assistance and protection

The UK Government must recognise that the lack of legal channels to protection in Europe is forcing people to travel dangerously and irregularly, often with smugglers. Expanding safe and legal routes to Europe and within Europe would help save lives, protect refugees' futures and result in fewer people being forced to travel irregularly. States, including the UK, must focus on safe, organised routes to refuge without conditions. Creating a two-tiered system as intimated by Theresa May at the Conservative Party Conference last year whereby false distinctions and differential rights, such as length of leave, are imposed on those who undertake risky journeys and those who remain in conflict regions of the world simply fails to recognise the realities faced by ordinary human beings in extraordinary circumstances.

Currently, reception conditions for people arriving in and moving within Europe are at best far from adequate and at worst dangerous. Women and girls are facing specific threats in this context, including the risk of human trafficking, exploitation and sexual violence. Assessments by international organisations on the ground report a failure by European states to provide even the most basic protection from violence against women and girls and a lack of gender sensitivity in reception and asylum procedures that is exacerbating the barriers to protection already faced by women and girls on the move.¹³ **The UK Government must prioritise the safety and protection from violence of women and girls on the move and ensure that asylum and refugee policy and practice is gendered by recognising the different needs and experiences of men, women, girls and boys, and adapting policy and practice accordingly.** For example, this could include creating safe spaces for women and children in accommodation centres, ensuring sensitive inquiry, signposting and referral to specialist services for survivors of gender based violence, and empowering women to make choices about what is right for them and their children.

Brexit does not impact on the UK's international obligations – including, among others, responsibility sharing and global solidarity in responding to mass displacement, access to durable solutions and citizenship for refugees, the best interests of the child and the protection of women

¹¹ <http://www.unhcr.org/news/agenda/2012/3/559e43ac9/unhcr-refugee-resettlement-trends-2015.html>

¹² https://www.refugeecouncil.org.uk/assets/0002/5053/Gateway_good_practice_guide_sept_2008.pdf

¹³ <http://www.unhcr.org/uk/protection/operations/569f8f419/initial-assessment-report-protection-risks-women-girls-european-refugee.html>

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and girls from violence - and cannot be used as an excuse to renege on its promises nor to distance itself from the challenges faced by our neighbours.

The UK Government should be taking a leading role on the world stage at the September summits, shaping a new framework that actively welcomes women, men and children forced to seek safety in another country, and ensures the protection of *all* people on the move, including those already in Europe. At a UK level, it should be leading by example, investing in fair and effective asylum and resettlement procedures that are gendered and sensitive to the best interests of children, not drawing false distinctions between those resettled to the UK and those who seek protection on arrival. **The UK Government should be focusing on and investing in the long term integration of refugees in our communities, enabling all those who gain protection to access their rights, rebuild their lives and futures here, and contribute to society.**

4. What does the Scottish Government need to do?

The Scottish Government has led the way on refugee integration in the UK. Although decision making on refugee protection is reserved to Westminster, the Scottish Government and Scottish Parliament have executive and legislative competence in a range of areas of social policy, welfare and justice functions, which affect the reception and integration of people seeking asylum and refugees in Scotland. These include health, education, housing, community planning, policing and aspects of social security. The Scottish Government also exercises competence in matters with particular relevance to the asylum process, such as the provision of legal representation, child welfare and protection, and the prevention of violence against women.

Working collaboratively with statutory, voluntary and community organisations, successive Scottish Governments have promoted the principle of refugee integration from day one. This approach has facilitated access to the public services pivotal to the lives of refugees and asylum seekers living in Scotland, and provided the welcome and support that refugees and receiving communities need to foster long-term integration to the benefit of refugees, their communities and Scotland. The publication of the New Scots refugee integration strategy in 2014 consolidated this approach and committed a range of key partners to delivering on Scotland's promises on refugee integration.¹⁴

As new areas of Scotland welcome refugees under the Syrian Resettlement Programme and prepare to participate in UK Government schemes to transfer separated asylum seeking children from other parts of the UK, and to relocate and resettle child refugees from Europe, the Middle East and North Africa, the need to invest in and build on a joined up approach to refugee integration is ever more pressing.¹⁵ The welcome that communities and local authorities in Scotland have shown to those new refugees arriving over the last year has been encouraging, but we must learn from local experiences both here and in other parts of the UK and across Europe, and prioritise the long term integration of refugees in our communities beyond the initial welcome.¹⁶

The Scottish Government should draw on this learning to develop national standards for refugee integration in the context of refugee resettlement programmes. These standards can be a clear pathway for resettlement and integration in Scotland, providing clarity on what local, public and charitable bodies need to do, and be a model of good practice for the rest of the UK on how to organise refugee resettlement.

As new areas begin to participate in refugee resettlement, the UK Home Office is entering into negotiations with Scottish local authorities on the expansion of asylum dispersal beyond Glasgow.

¹⁴ <http://www.gov.scot/Resource/0043/00439604.pdf>

¹⁵ <http://peaceandjustice.org.uk/wp-content/uploads/2016/05/UASC-and-child-refugees-in-scotland-may-2016-final.pdf>

¹⁶ https://www.refugeecouncil.org.uk/assets/0002/5053/Gateway_good_practice_guide_sept_2008.pdf

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It is vital that the Scottish Government approach to the integration of all of these potential new communities is founded on equality and grounded in a gendered and child sensitive human rights based approach, irrespective of the route to protection.

The Scottish Government should be empowered, in consultation with the Home Office, to take a leading role in overseeing the resettlement of refugees and the support provided to asylum seeking children and adults in Scotland. The Scottish Government is best placed to understand and provide for the broad range of needs of populations in Scotland more efficiently and effectively (working in partnership with local authorities, the voluntary sector and community organisations under the framework of New Scots) than individual local authorities working with UK Government departments to potentially develop 29 different models across Scotland.

The Scottish Guardianship Service, which currently supports children and young people before their asylum claims have been processed, should be empowered by secondary legislation to also support the integration of children who arrive in Scotland with refugee status already in place, and should be provided with the financial and human resources capacity to do so.¹⁷

Furthermore, as the tone and content of UK policy and legislation increasingly jars with Scotland's welcoming approach to refugees and its progressive integration policies, we believe that what is needed is a Refugee Integration (Scotland) Bill, to clearly set out refugees' rights to access and enjoy the full benefit of Scottish public services, enshrine national standards for integration in law, put refugee integration advocacy services on a statutory footing, and simplify the many provisions in Scots law that are relevant to refugee integration. A Bill would also act as a bulwark against the impact of further reductions in rights stemming from UK legislation.

In the meantime, as new powers are devolved to the Scottish Parliament in areas such as social security, it is vital that the Scottish Government and parliamentarians in Scotland consider the needs, rights and views of refugee communities living in Scotland and the impact of legislation and policy on refugee integration¹⁸

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¹⁷ <http://peaceandjustice.org.uk/wp-content/uploads/2016/05/UASC-and-child-refugees-in-scotland-may-2016-final.pdf>

¹⁸ <https://www.engender.org.uk/content/publications/Securing-Womens-Futures---using-Scotlands-new-social-security-powers-to-close-the-gender-equality-gap.pdf> ;

http://www.scottishrefugeecouncil.org.uk/assets/0001/1142/Full_Integration_Report_June_2016.pdf