

The Refugee Council submission to the International Development Committee inquiry on the Syrian refugee crisis

November 2016

1. The Refugee Council is one of the leading charities working with refugees and asylum seekers in the UK. We were founded in 1951 in response to the UN Convention for Refugees. Of direct relevance to this inquiry is our long history of working with the UK Government and local government on a number of resettlement programmes, most recently the Syrian Vulnerable Persons Resettlement scheme. We are also the leading charity supporting separated children seeking asylum in the UK. We share some of our experience in this submission.

2. Summary of recommendations

- The UK Government should proactively seek to address the barriers that prevent children on the move in Europe with relatives in the UK from requesting to be transferred, prioritising the entry points to Europe.
- The UK Government should take steps to ensure that adults as well as children are able to realise their right to request transfer to the UK under the family unity clauses of Dublin III.
- Children recognised as refugees or granted humanitarian protection should be able to reunite with parents and/or siblings in the UK under the refugee family reunion policy.
- In recognition of the risks facing women on the move in Europe, the UK Government should take measures to proactively identify women with family members in the UK, including through the funding of agencies to assist.
- The UK Government should mirror its commitment to unaccompanied children to women at risk in Europe, and commit to proactively identifying women at risk who would benefit from transfer to the UK through the discretionary clause of Dublin III.
- The commitment to resettle 20,000 Syrian refugees in the UK by 2020 represents a significant and welcome increase in the number of resettlement places provided here and the UK Government should make an on-going commitment to offer resettlement places at current levels, beyond 2020.
- Refugees resettled through the Syrian Vulnerable Persons Resettlement Scheme should be recognised as refugees rather than given humanitarian protection.
- The Home Office and other relevant Government departments should proactively help families separated by forced displacement reunite with their family members in the UK.

Relocation from Europe of unaccompanied Syrian refugee children under provisions of the Immigration Act 2016 and the Dublin Regulation

3. The Refugee Council is proud to have helped unaccompanied children seeking asylum in the UK and estimate that our specialist Advisers have supported about 25,000 children through the asylum process since our Children's Panel was established in 1994. We are also members of the Separated Children in Europe Programme, a partnership network of UNHCR and NGOs working with separated or unaccompanied children, including those seeking asylum. Some of our recent policy and research work has focused on unaccompanied children including a project led by the International Organisation for Migration seeking to establish good practice in relation to the operation of the Dublin III regulation in reuniting unaccompanied children with family members in Europe.¹
4. The Dublin Regulation establishes a method for deciding which country amongst the signatories (all EU member states plus four non EU Member States are signatories to the regulation) should process a claim for asylum. There have been two previous iterations of the Regulation and the most recent, Dublin III, contains many more opportunities for family members to request that they are transferred to countries that are signatory to the Regulation in order to be together and to have their asylum claims dealt with by the same authorities.
5. Article 8 deals with unaccompanied children and places a duty on states to reunite them with family members where it is in the child's best interests. Reunifications under Article 8 should be reasonably straightforward however our anecdotal experience is, until recently, of a culture in the UK Government that sees the Dublin regulation primarily as a tool to return asylum seekers to other signatory states. This can be seen in the Home Office failure to update its guidance to staff, more than two years since Dublin III was implemented. Neither have screening procedures been amended to reflect the need to give people information about their rights to reunite.
6. The media and parliamentary attention on the situation facing unaccompanied children in Calais has led to a significant shift by the Home Office and recent efforts to reunite unaccompanied children in Calais with relatives in the UK are to be welcomed. However, this level of attention and resource is needed to ensure that article 8 is operationalised across Europe and not just in Calais, and as a matter of urgency, at the entry points to Europe. **The UK Government should lead by example and proactively seek to address the barriers that prevent children on the move in Europe with relatives in the UK from requesting to be transferred here, prioritising the entry points to Europe.**
7. Recent efforts by the UK Government to take responsibility for unaccompanied children in Europe who do not fall under article 8 of Dublin III are of course also to be welcomed. The UK Government has operationalised the 'Dubs amendment' of the 2016 Immigration Act by making use of the discretionary clause of Dublin III (article

¹ http://www.italy.iom.int/index.php?option=com_content&task=view&id=287&Itemid=90

17), that encourages member states to take responsibility for asylum claims in another state because of family links not covered in other articles or on cultural and/or humanitarian grounds. The generous application of the Dublin III discretionary clause by the UK is something that the Refugee Council has long called for as an appropriate and effective response to the refugee crisis in Europe.

8. The Government has not specified how many children will be helped under the Dubs amendment but has said that it will depend on the willingness of local authorities to receive them into their care. The number of children who are able to benefit will therefore be contingent on the successful establishment of the national transfer scheme to share responsibility for the care of unaccompanied children across a larger number of local authorities in the UK.² For the transfer scheme to be successful, far greater attention needs to be placed on ensuring sufficient provision of legal aid contracted children's specialist lawyers before transfers take place. Inadequate provision of specialist advice and representation could seriously impact on the ability of unaccompanied Syrian children to get their protection needs recognised, as it would for children of other nationalities.
9. Currently unaccompanied refugee children do not enjoy the right to reunite with their existing family, including parents and/or siblings in the UK under the refugee family reunion policy. As a non signatory to the European Council Directive on Family Reunion, the UK is alone in Europe in denying children this right and consigning them to be separated from their family permanently. **Children recognised as refugees or granted humanitarian protection should be able to reunite with parents and/or siblings in the UK under the refugee family reunion policy.**

Relocation of adults from Europe, including Syrians, under the Dublin Regulation

10. The family unity clauses of Dublin III in essence provide a safe and legal route to the UK for asylum seekers in Europe with family members here. Greater attention to the operationalisation of these clauses would prevent dangerous irregular onward movement of adults as well as children. Article 17, the discretionary clause, could act as an important responsibility sharing mechanism that could help find solutions for Syrian refugees as well as other groups stuck in precarious circumstances in countries receiving a high volume of new arrivals.
11. We are particularly worried about the risks facing women on the move in Europe who feel compelled to continue to travel irregularly in an attempt to join relatives; inevitably, women's safety will be compromised. Despite the predictable under-

² [Part 5 of the Immigration Act 2016](#) establishes that the responsibility of an unaccompanied child can be transferred from one local authority to another. This has been brought in to better distribute responsibility for unaccompanied children following concern that a limited number of local authorities receiving the vast majority of unaccompanied children claiming asylum in the UK, were unable to meet their needs. It is a voluntary system but there is provision in the Act for the government to force local authorities to take part. It officially came into force on 1st July 2016. The government must ensure that professionals working with children are fully supported, and that social workers make decisions on where children should be placed – as well as providing full funding for each child's care. Transfer to local authorities should also be conducted with thought to provision of sufficient school places, therapeutic support, social activities and other measures to limit isolation.

reporting of sexual and gender-based violence, there is a growing body of evidence that such women are at increased risk of SGBV.³ This includes those women on the UK border: In Calais, there were reports of around 200 women sleeping rough amongst 3,000 men, leading to women reportedly being forced to seek out male 'protectors' and/or transactional relationships as survival strategies.⁴

12. What is particularly distressing about anecdotal accounts that we hear, is often that women stuck in such circumstances have family members they are seeking to join in the UK and states have a duty to reunite them. The failure of European states to operationalise the family unity provisions in Dublin III and the consequent lack of trust in the system, leads to extraordinary scenarios, such as British citizens living with their families in squalid conditions in Dunkirk.⁵
13. **The UK Government should as a matter of urgency take steps to ensure that adults as well as children are able to realise their right to request transfer to the UK under the family unity clauses of Dublin III.** This includes, but is not limited to, ensuring that all individuals in touch with advice agencies and state authorities are made aware of their right to request transfer, and ensuring that clear information about the process, including timescales, is provided. **In recognition of the risks facing women on the move in Europe, the UK Government should take measures to proactively identify women with family members in the UK who may benefit from the family unity clauses under Dublin III, including through the funding of agencies to assist.**
14. **The UK Government should mirror its commitment to unaccompanied children in Europe (under the Dubs amendment) to women at risk in Europe, and commit to proactively identifying women at risk who would benefit from transfer to the UK through the discretionary clause of Dublin III.** Such a commitment would not only be a way of showing solidarity with those countries experiencing most pressure on their asylum systems, but also of preventing women and girls from taking risks and making irregular secondary journeys within Europe. It would be commensurate with the UK's commitment to lead efforts to address violence against women and girls.

Syrian Vulnerable Persons Resettlement Programme

15. The Syrian Vulnerable Persons Resettlement (VPR) programme shares many of the features of the UK's previous resettlement programmes, not least the existing Gateway Protection Programme (GPP), which provides 750 resettlement places each year to refugees from around the world. The Refugee Council has been involved in the Gateway Protection Programme for over 10 years, working in partnership with local authorities to ensure that resettled refugees are given the tailored support they

³ On 18 January 2016 Amnesty International reported on the physical assault, exploitation and sexual harassment female refugees experienced on their journey through Europe: <https://www.amnesty.org/en/latest/news/2016/01/female-refugees-face-physical-assault-exploitation-and-sexual-harassment-on-their-journey-through-europe/>. Also see Oxfam's recent report on impact of the borders closures on women and children in Serbia and Macedonia: http://www.oxfamitalia.org/wp-content/uploads/2016/10/Closed_Borders_ENG_ONLINE_LOW.pdf

⁴ <https://www.the-pool.com/news-views/latest-news/2015/34/the-hardships-faced-by-the-women-at-calais>

⁵ <https://www.theguardian.com/world/2016/jan/31/migrants-dunkirk-british-citizens-france-tent-city-iraqi-kurds-uk-passports>

need to settle in the UK. Some of this experience is captured in the Refugee Council and Refugee Action good practice guide⁶ which we would recommend all local authorities providing resettlement places follow.

16. Since the VPR was launched, we have worked with a number of local authorities who are resettling refugees. In both the GPP and VPR, the Refugee Council works in partnership with local authorities to provide intensive support to refugees who have been resettled to the UK. This includes meeting refugees at the airport when they first arrive, accompanying them to their new home, helping them access specialist services and helping them register with local GP practices and schools. Whilst the support gradually decreases over the months, in our view many of the refugees we help need this specialist assistance for longer than the immediate arrival period.
17. The report by the National Audit Office on the VPR⁷ highlighted that refugees resettled to the UK under the programme are granted humanitarian protection rather than refugee status, creating a number of practical difficulties for Syrian refugees resettled here and inhibiting their ability to integrate and rebuild their lives. Firstly it limits resettled Syrian refugees opportunity to travel abroad, preventing Syrians arriving through the VPR from visiting family members in other European countries as they will be required to apply for a certificate of travel unless they have a Syrian passport.⁸ A certificate of travel is not recognised in a number of countries as a valid travel document and all countries require the holder to apply for a visa. By contrast, those with refugee status can apply for a convention travel document, which usually allows travel to any country except the holder's country of origin or, if different, the country from which they sought asylum. It is also significantly cheaper than a certificate of travel (£72 compared to £218 for adults). The barriers to travel that resettled Syrians in the UK face causes considerable distress to our clients.
18. Secondly, resettled Syrians will also face additional barriers to accessing higher education places and the support necessary to subsist whilst studying. Whereas people with refugee status are able to access student finance and home fee status from when they are recognised as refugees, people with humanitarian protection will need to have been resident in the UK for three years at the start of the academic year in order to qualify for student finance.⁹ The lack of access to student finance is a considerable obstacle – and in many cases an insurmountable one – to people being able to attend university. A Syrian arriving this autumn would not be eligible for student finance until the start of the academic year in 2020.¹⁰ This issue was recently the subject of debate during the Public Bill Committee stage of the Higher Education and Research Bill in the House of Commons, but the Government appeared unwilling to address the problem.¹¹

⁶ Available here: https://www.refugeecouncil.org.uk/assets/0002/5053/Gateway_good_practice_guide_sept_2008.pdf

⁷ <https://www.nao.org.uk/report/the-syrian-vulnerable-persons-resettlement-programme/>

⁸ For numerous reasons, many Syrians will not have had their passport when they arrived in the UK nor will they be able to renew their passport once it expires.

⁹ See regulation 4(10) of The Education (Student Support) Regulations 2011

¹⁰ The situation in Scotland is different for resettled Syrian refugees. Since 1 August 2016, Syrians being resettled to Scotland through the Vulnerable Persons Resettlement programme have had immediate access to home fee status and student finance.

¹¹ Higher Education and Research Bill Deb 18 October 2016 c569-573

19. We are not aware of the Government ever explaining publicly why humanitarian protection is granted to Syrians arriving through the VPR rather than refugee status. **We recommend that Syrians arriving through the VPR are recognised as refugees. Those that have already arrived should have their status changed from humanitarian protection to refugee status.**

Refugee protection: a shared responsibility

20. Resettlement allows States to help share responsibility for refugee protection and as such is a tangible expression of international solidarity that is of particular relevance today, with 86% of the more than 21 million refugees worldwide in developing countries. The announcement in September 2015 that the UK would resettle 20,000 Syrian refugees by the end of 2020 represents a significant and welcome increase in the number of resettlement places provided by the UK which has in recent years only seen less than a thousand refugees resettled here per annum. Given that the number of available resettlement places has long been dwarfed by need, and in order that those providing support for resettled refugees are able to plan ahead, **we recommend that the UK Government makes an on-going commitment to offer resettlement places at current levels, beyond 2020.** Additionally, other safe and legal routes for refugees to seek protection must be established, including through the introduction of humanitarian visas and expanding family reunion provisions.

21. Specialist refugee agencies, human rights organisations and international humanitarian organisations, as well as parliamentary committees such as the Home Affairs Select Committee and the House of Lords EU Sub Committee on Home Affairs have all identified the creation of safe and legal routes to protection as a necessary element of the response to the global refugee crisis. These calls have followed the requests by the UN Refugee Agency to establish or expand 'legal pathways to protection'. The refusal by Governments of wealthy countries around the world to respond to these calls in a meaningful way is leading to loss of life and exploitation and abuse, as refugees are forced to take ever greater risks in their search for safety.

22. Family reunion is one of the few existing legal channels available for refugees to come to the UK and other European countries.¹² Currently, very few refugees with relatives in the UK will qualify for family reunion due to the very restrictive nature of family reunion rules. UNHCR has repeatedly advocated for swifter, more efficient family reunification procedures for refugees in Europe, particularly for Syrians, but there is little indication that EU member states are prepared to make the process any easier. In fact, the trend is towards more restrictive eligibility criteria, more onerous requirements for supporting documentation and less availability of state-funded legal aid to help refugees navigate the complex application process. This is also true here: Since April 2013 legal aid has not been available for refugee family reunion in the UK. **The Home Office and other relevant Government**

¹² In the UK, the families of recognised refugees and those granted humanitarian protection can apply to enter under the family reunion rules, to be reunited here yet evidence suggests that refugees seeking to bring their family members to join them in the UK as well as to other European countries face considerable barriers.

departments should proactively help families separated by forced displacement reunite with their family members in the UK. This includes, but is not limited to, making legal aid available for family reunion and taking a more flexible approach to the definition of family, allowing refugees to join extended family members living in the UK who are willing to act as sponsors.

23. The government's response to the call for the establishment of legal routes to protection in the UK has been more than disappointing. In addition to a refusal to make any meaningful changes to refugee family reunion, the commitments made on resettlement and relocation, have been undermined by other measures aimed at closing down legal channels to safety in the UK for Syrian refugees. This can be seen in the dramatic reduction in the number of visas granted to Syrian nationals since the conflict in Syria began¹³ and the additional visa requirements that have been imposed.¹⁴ This is in a context where the UK has provided refuge to less than 0.05% of Syria's refugees.¹⁵
24. As the Committee knows, some of Syria's neighbouring countries are preventing people fleeing the violence from crossing their borders. The international community must do everything possible to ensure the borders remain open for people seeking refuge, yet the UK cannot effectively ask of others what it is not prepared to do itself. What leverage can the UK hope to have with Jordan when discussing the refugees trapped in the Berm when the Government has done so little to facilitate Syrian refugees accessing protection in the UK?

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¹³ In 2010 the UK approved 70% of visas for Syrian nationals; in 2014 this dropped to 40%.

¹⁴ Since March 2012, Syrian nationals transiting the UK en route to another destination are now required to apply for transit visa. In March last year further changes to the immigration rules were made to remove the transit without visa exemption for Syrians with a visa for entry to the USA. This change took effect without the usual 21 days notice "in order to prevent the potential for a significant influx of citizens and nationals of Syria travelling to the United Kingdom during the notice period to claim asylum."

¹⁵ Calculation based on latest statistics available from Home Office and UNHCR.