



UNCOVER

Applied Evidence Synthesis

Impact of the COVID-19 Pandemic and Scottish Public Sector Response on Refugees and Asylum Seekers from a Devolved Perspective, including Impacts upon Duty of Care: Stage 1 Report

Gwenetta Curry, Aimee Kelley, Emilie McSwiggan, Evropi Theodoratou and
Ruth McQuillan **on behalf of UNCOVER Applied Evidence Synthesis**

18 October 2023

Version 1



THE UNIVERSITY
of EDINBURGH

Uusher
institute

Declarations

Acknowledgments

This timeline review was carried out by the authors on behalf of the UNCOVER group at the University of Edinburgh.

Funding

This timeline review was commissioned from UNCOVER by the Scottish COVID-19 Inquiry.

Full details of UNCOVER's structure and funding are available on our website (link below). The views expressed in this report are those of its authors and not necessarily those of any funder.

Authorship Contributions

RM, ET, GC and EM designed the research plan. GC, EM and AK reviewed and annotated the timelines and wrote the introductory report, with input from RM and ET.

Competing Interests

None to declare.

About UNCOVER

UNCOVER Applied Evidence Synthesis is a group based at the University of Edinburgh which carries out evidence reviews to answer decision-makers' questions about real-world challenges. Originating in the COVID-19 pandemic, UNCOVER now aims to address a broad range of complex issues which have a public health dimension - from emerging diseases to the health effects of climate change - and emphasises collaboration and capacity-building. Find out more at: <https://www.ed.ac.uk/usher/uncover>.

Impact of the Public Sector Response to COVID-19 on Refugees and Asylum Seekers in Scotland

1. Introduction

The Scottish COVID-19 Inquiry has commissioned introductory academic research, within the context of the Scottish public sector response to COVID-19, which focuses on the **impact on refugees and asylum seekers** in the devolved context, including **impacts upon duty of care**.

This introduction sets out some key definitions and summarises the scope of Scotland’s responsibility towards refugees and asylum seekers. It then provides a brief summary of the situation of refugees and asylum seekers when the pandemic began, in order to place this report in context. Finally, it outlines the work that UNCOVER has done to address the Inquiry’s questions in this Stage One report (annotated timelines of the public sector response to the pandemic) and what will be covered in Stage Two.

2. Key Definitions

The status of refugees and asylum seekers are defined by international law. We use the following definitions from the UN High Commission for Refugees¹:

Refugee	<p>“Refugees are persons outside their countries of origin who are in need of international protection because of feared persecution, or a serious threat to their life, physical integrity or freedom in their country of origin as a result of persecution, armed conflict, violence or serious public disorder.</p> <p>Note: Under international law, a person is considered a refugee as soon as they meet the relevant criteria, whether or not they have been formally recognized as a refugee. A person does not become a refugee because of recognition, but rather is recognized because they are a refugee.”</p>
Asylum Seeker	<p>“A general term for any person who is seeking international protection. In some countries, it is used as a legal term referring to a person who has applied for refugee status or a complementary international protection status and has not yet received a final decision on their claim. It can also refer to a person who has not yet submitted an application but may intend to do so, or may be in need of international protection.</p> <p>Not every asylum-seeker will ultimately be recognized as a refugee, but every refugee is initially an asylum seeker. However, an asylum-seeker may not be sent back to their country of origin until their asylum claim has been examined in a fair procedure, and is entitled to certain minimum standards of treatment pending determination of their status.”</p>
Unaccompanied Child	<p>“A child who has been separated from both parents and other relatives and is not being cared for by an adult who, by law or custom, is responsible for doing so.”</p>

¹ UNHCR, undated, "UNHCR master glossary of terms." <https://www.unhcr.org/glossary>.

	<p>Child is defined as ““Every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier”, as defined in Article 1 of the Convention on the Rights of the Child. The term includes adolescents.”</p>
--	--

3. Scotland’s Responsibilities to Refugees and Asylum Seekers

Within the United Kingdom, overall policy on refugees and asylum seekers, and decisions about immigration status, are matters reserved to the UK Government. The UK is a signatory to the 1951 Convention Relating to the Status of Refugees, meaning that its own policy-making in this area is, in principle, governed by particular international obligations.²

Scotland is responsible for devolved matters which may affect refugees and asylum seekers. These include the provision of healthcare, education, legal services and housing; as well as funding third-sector organisations which provide support to refugees and asylum seekers.³ The Scottish Government’s policy commitments to refugees and asylum seekers, at the time of the pandemic, are set out in the New Scots: Refugee Integration Strategy 2018-2022.⁴

It is important to note some key limitations on Scotland’s devolved responsibilities. Housing or accommodation for asylum seekers remains a UK Government responsibility.⁵ The UK Government (specifically the Home Office) is also responsible for the immigration detention centre at Dungavel.⁶ People who are subject to a “no recourse to public funds (NRPF) condition” – which is decided at UK policy level, and which prevents them accessing publicly-funded services while in the UK – may not be able to access all support services available in Scotland.^{7,8}

The Scottish Government, and Scottish local councils, have a specific duty of care to unaccompanied refugee and asylum-seeking children, which includes the provision of accommodation and safeguarding. These responsibilities are further defined in Scottish law, with key pieces of legislation being the Children (Scotland) Act 1995 and the Human Trafficking and Exploitation (Scotland) Act 2015.⁹

² UNHCR, 1951, "Convention and Protocol Relating to the Status of Refugees."

<https://www.unhcr.org/media/convention-and-protocol-relating-status-refugees>.

³ Scottish Government, 2018, "New Scots: refugee integration strategy 2018 to 2022."

<https://www.gov.scot/publications/new-scots-refugee-integration-strategy-2018-2022/pages/3/>.

⁴ Scottish Government, 2018, "New Scots: refugee integration strategy 2018 to 2022."

<https://www.gov.scot/publications/new-scots-refugee-integration-strategy-2018-2022/pages/3/>.

⁵ Scottish Government, 2018, "New Scots: refugee integration strategy 2018 to 2022."

<https://www.gov.scot/publications/new-scots-refugee-integration-strategy-2018-2022/pages/3/>.

⁶ HM Chief Inspector of Prisons, 2021, "Report on an unannounced inspection of Dungavel Immigration Removal Centre." <https://www.justiceinspectorates.gov.uk/hmiprisoners/wp-content/uploads/sites/4/2021/11/Dungavel-web-2021.pdf>.

⁷ UK Visas and Immigration, 2023, "Guidance: Public funds."

<https://www.gov.uk/government/publications/public-funds--2/public-funds>.

⁸ Scottish Government, 2018, "New Scots: refugee integration strategy 2018 to 2022."

<https://www.gov.scot/publications/new-scots-refugee-integration-strategy-2018-2022/pages/3/>.

⁹ Scottish Government, undated, "Refugees and asylum seekers: Unaccompanied children."

<https://www.gov.scot/policies/refugees-and-asylum-seekers/unaccompanied-children/>.

4. Overview of the Situation of Refugees and Asylum Seekers in Scotland

At 30 June 2020, there were 4,468 asylum seekers and 3,727 resettled refugees living in Scotland (equivalent to 8.2 and 6.8 people per 10,000 population, respectively).¹⁰

Most refugees and asylum seekers in Scotland live in Glasgow, as this was the only asylum dispersal area¹¹ in the country. Smaller numbers of refugees have moved to Scotland through international Refugee Resettlement Schemes, or through Family Reunion arrangements.^{12,13} Thirty-one of Scotland's 32 local authorities have welcomed refugees through international resettlement programmes.¹⁴

For additional context, since 2000, the UK has operated a system of "asylum dispersal", which involves moving asylum seekers predominantly away from London to other parts of the country.¹⁵ Asylum seekers do not have a choice about where they are moved. While the asylum decision-making process is ongoing, the UK Government provides accommodation to asylum seekers. Once a decision has been made, asylum seekers are expected to move on from this accommodation – either because they have been granted leave to remain, and are now entitled to access employment, benefits and housing; or because they have been told they have no right to remain in the country, and are expected to leave.¹⁶

Asylum seekers have no recourse to public funds during the asylum process, or if their claim for asylum is rejected. Limited "asylum support" is available instead;¹⁷ in 2023, this is a weekly allowance of £47.39 per person (reduced to £9.58 per person if their accommodation provider includes meals) on a pre-payment card.¹⁸ At the start of the pandemic, in 2020, asylum seekers received £35.39 - £37.75 per week.¹⁹ Asylum seekers are not permitted to work while their asylum claim is being decided, so they have no alternative means of improving their financial situation.²⁰

¹⁰ The Migration Observatory, 2022, "Asylum and refugee resettlement in the UK."

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

¹¹ The dispersal process is how the Home Office relocates asylum seekers without means to specific local authorities within the UK following the initial asylum application processing. Glasgow is the largest dispersal area in Scotland.

¹² Scottish Government, 2018, "New Scots: refugee integration strategy 2018 to 2022."

<https://www.gov.scot/publications/new-scots-refugee-integration-strategy-2018-2022/pages/3/>.

¹³ UNHCR, 2023, "Asylum in the UK." <https://www.unhcr.org/uk/asylum-uk>.

¹⁴ Scottish Government, 2018, "New Scots: refugee integration strategy 2018 to 2022."

<https://www.gov.scot/publications/new-scots-refugee-integration-strategy-2018-2022/pages/3/>.

¹⁵ House of Commons Library, 2016, "Policy on the dispersal of asylum seekers."

<https://commonslibrary.parliament.uk/research-briefings/cdp-2016-0095/>.

¹⁶ Home Office, 2023, "Guidance: Living in dispersal accommodation - English."

<https://www.gov.uk/government/publications/living-in-asylum-accommodation/living-in-dispersal-accommodation-english>.

¹⁷ House of Commons Library, 2023, "No recourse to public funds."

<https://commonslibrary.parliament.uk/research-briefings/cbp-9790/>.

¹⁸ UK Government, undated, "Asylum support: What you'll get." <https://www.gov.uk/asylum-support/what-youll-get>.

¹⁹ Scottish Refugee Council, 2020, "Urgent call to 'strengthen the safety net'."

<https://scottishrefugeecouncil.org.uk/urgent-call-to-strengthen-the-safety-net/>.

²⁰ UK Visas and Immigration, 2022, "Guidance: Permission to work and volunteering for asylum seekers (accessible)." <https://www.gov.uk/government/publications/handling-applications-for-permission-to-take-employment-instruction/permission-to-work-and-volunteering-for-asylum-seekers-accessible>.

Unaccompanied children in Scotland are supported through the Scottish Guardianship Service, which provides support and guidance on the asylum process, and helps young people to integrate into Scottish community life.²¹ The Scottish Government estimates that around five unaccompanied children arrive in Scotland every month.²²

At the start of the pandemic, in early 2020, the New Scots: Refugee Integration Strategy 2018-2022 had already been providing the policy framework for Scotland's response to refugees and asylum seekers for two years.²³ This was developed by the Scottish Government in partnership with the Convention of Scottish Local Authorities (COSLA), the Scottish Refugee Council and a range of partners in the voluntary sector, who play key roles in supporting refugees and asylum seekers in Scotland.²⁴ Scottish local authorities are directly responsible for the provision of public services such as education and social care, so have a significant role in meeting refugee and asylum seeker needs.²⁵ Local authorities are also responsible for deciding whether or not to participate in the UK Government's asylum dispersal scheme.²⁶

Apart from the provision of public services, the Scottish Government's primary route for providing financial and practical support to refugees or asylum seekers is through funding voluntary sector initiatives. At the time the Strategy was published, Scotland funded services related to refugee and asylum seeker integration through its equality budget of £2.7 million. Another £1 million had been allocated in 2015 to support the resettlement of refugees arising from the Syrian conflict; and £300,000 had been used to fund the Scottish Guardianship Service in 2017-18. The Strategy did not introduce any new funding for refugees and asylum seekers.²⁷

5. Our Reports

The UK's policy response to refugees and asylum seekers was challenged from the start of the pandemic.²⁸ The pandemic also resulted in significant practical challenges for Scottish local authorities (especially Glasgow City Council) and the Scottish Government in meeting the day-to-day needs of asylum seekers and refugees in Scotland.²⁹ Given that policy-making in this area is led by the UK Government, our reports will consider how the Scottish public sector responded to ongoing

²¹ Scottish Government, undated, "Refugees and asylum seekers: Unaccompanied children." <https://www.gov.scot/policies/refugees-and-asylum-seekers/unaccompanied-children/>.

²² Scottish Government, undated, "Refugees and asylum seekers: Unaccompanied children." <https://www.gov.scot/policies/refugees-and-asylum-seekers/unaccompanied-children/>.

²³ Scottish Government, 2018, "New Scots: refugee integration strategy 2018 to 2022." <https://www.gov.scot/publications/new-scots-refugee-integration-strategy-2018-2022/pages/3/>.

²⁴ Scottish Government, undated, "Refugees and asylum seekers: Working with partners." <https://www.gov.scot/policies/refugees-and-asylum-seekers/working-with-partners/>.

²⁵ Scottish Government, undated, "Local government." <https://www.gov.scot/policies/local-government/>.

²⁶ Refugee Survival Trust and British Red Cross, 2021, "How will we survive? Steps to preventing destitution in the asylum system." <https://www.redcross.org.uk/-/media/documents/about-us/how-will-we-survive-preventing-destitution-in-the-asylum-system.pdf>.

²⁷ Scottish Government, 2018, "New Scots: refugee integration strategy 2018 to 2022." <https://www.gov.scot/publications/new-scots-refugee-integration-strategy-2018-2022/pages/3/>. [see Annex C for details of funding]

²⁸ Scottish Refugee Council, 2020, "Urgent call to 'strengthen the safety net'." <https://scottishrefugeecouncil.org.uk/urgent-call-to-strengthen-the-safety-net/>.

²⁹ Refugee Survival Trust and British Red Cross, 2021, "How will we survive? Steps to preventing destitution in the asylum system." <https://www.redcross.org.uk/-/media/documents/about-us/how-will-we-survive-preventing-destitution-in-the-asylum-system.pdf>.

changes in (or decisions not to change) the treatment of refugees or asylum seekers, led by the UK Government, as well as considering the impact of the Scottish response to the pandemic itself.

We will present our findings to the Scottish COVID-19 Inquiry in two stages. In **Stage One**, we present four annotated timelines, relating to:

- (2b) The decisions to **lock down and apply other restrictions**, and the impact of those restrictions;
- (2d) The design and delivery of a **vaccination strategy**;
- (2e) The supply, distribution and use of **Personal Protective Equipment (PPE)**; and
- (2f) The requirement for **shielding and associated assistance programmes**, provided or supported by public agencies.

These timelines are drawn from UNCOVER's existing reports to the Scottish COVID-19 Inquiry, concerning the public sector response to the pandemic. We have not added any additional events or decisions. Rather, we have marked up each timeline (in the new right-hand columns) to identify which of these events or decisions, if any, might have had a disproportionate effect on refugees and asylum seekers, including unaccompanied children; given what we already know about their situation in Scotland, and their particular vulnerabilities.

Our **Stage Two** report will examine the situation of refugees and asylum seekers in Scotland in more detail, with particular attention to the four themes of the public sector pandemic response (lockdown, vaccinations, PPE and shielding) of concern to the Inquiry. This will require introducing new information sources, to establish how the policy response to refugees and asylum seekers changed over the course of the pandemic, and how that interacted with the direct public sector response to the pandemic in Scotland.

6. Overview of Stage One Findings

This report presents the findings of Stage One, with four annotated timelines presented below. For each timeline, we draw on our knowledge of the experiences of refugees and asylum seekers to identify events and decisions which were likely to have a disproportionate impact on this population in Scotland.

We found consistent patterns across all four themes. Key issues relate to poverty, employment and housing, with refugees and asylum seekers more likely to live in overcrowded or shared accommodation, or to be homeless (affecting their ability to shield or self-isolate effectively); more likely to work in face-to-face jobs without access to remote working; and more likely to experience significant deprivation, limiting their ability to access basic necessities during the pandemic.

The COVID-19 response was rapid with regular changes in guidance and policy as our understanding of the pandemic, or the overall level of risk at the time, also changed. This meant that communication was paramount throughout the pandemic. Refugees and asylum seekers have a significant breadth of language and literacy needs, and it may be that they were not as well-served by public communications as others.

Children in refugee and asylum seeker households, and unaccompanied children, may have been especially affected by measures related to education. Language barriers (potentially exacerbated by mask-wearing) and digital exclusion (lack of access to technology, to wifi, to a quiet place to study) may all have affected their educational engagement and progress, as well as their mental health and sense of social isolation.

The unequal impact of the pandemic was recognised by the Scottish Government, and frameworks governing pandemic management, funding for additional community support, and plans for socioeconomic recovery all reflected a commitment to addressing these inequalities. However, we found that the specific needs and experiences of refugees and asylum seekers were seldom considered directly in the documents we reviewed for these timelines. Where inequalities were examined, the focus was on racial and ethnic differences, which covers a breadth of different experiences, only partially overlapping with that of refugees and asylum seekers.

We recognise that the experiences of refugees and asylum seekers in Scotland during the pandemic were not solely due to Scottish Government decision-making. Some of the situations highlighted here were driven by UK Government policy making, or even further afield (particularly decisions made by countries around the world which led to significant restrictions on international travel). Conversely, there were also significant local variations in pandemic management – particularly during later phases, when regional restrictions were tighter in some areas than others – which may have had a disproportionate impact on refugees and asylum seekers as a consequence of asylum seeker dispersal policies which determine where they live in Scotland. We have highlighted these issues as potential concerns at this stage, but will examine the specific evidence that exists on refugees’ and asylum seekers’ experiences of the pandemic here in Scotland, in our Stage 2 report.

7. Appendices

Four annotated timelines are appended to this report:

Appendix	Title	Page Reference (appendices doc)
1	Lockdown and Other Restrictions (2b)	1
2	Vaccinations (2d)	32
3	Personal Protective Equipment [PPE] (2e)	80
4	Shielding (2f)	103