

## **Humanitarian Protection for People from Afghanistan**

### **Summary and Recommendations**

This paper updates the Board on the approach being taken by Scottish Local Government to the humanitarian protection schemes for people from Afghanistan. It outlines the current position with the schemes and the vital role Scottish councils are playing, and highlights some key issues which require urgent resolution.

The Board is invited to:

- i. Note the update and the work currently being done by councils and COSLA; and
- ii. Agree that COSLA continues to lobby UK Government at an officer and political level, and in conjunction with our partner local authority associations across the UK, in order that current issues with the schemes are resolved as a matter of urgency.

### **References**

Previous reports:

- 21-09-27 CWB Board Item 3.1 Humanitarian Protection Scheme Update
- 21-09-24 LD/21/176 Humanitarian Protection for People from Afghanistan
- 21-08-27 LD/21/158 Afghan Locally Engaged Staff Scheme
- 21-06-18 CWB Board Item 6.1 Immigration Policy and Humanitarian Protection Update
- 21-05-28 LD/21/105 Relocation of Afghan Nationals to the UK

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## **Humanitarian Protection for People from Afghanistan**

### **Purpose**

1. This paper updates the Board on the approach being taken by Scottish Local Government to the humanitarian protection programmes for people from Afghanistan. It outlines the current COSLA position on these matters and any next steps that have been agreed.

### **Current COSLA Position**

2. Scottish Local Government over the past few months has demonstrated again its commitment to the protection of people fleeing their countries due to war and persecution. The need to accommodate families from Afghanistan remains high with many thousands still in bridging hotels and others still seeking protection from other countries to which they have fled.
3. Over the past few weeks the Home Office has undertaken an extensive exercise with the MOD to build a more comprehensive picture of those who are in bridging hotels, which scheme they will fall under and the immigration status they will be granted.
4. Scottish Local Government, both through this Board and Leaders, has affirmed our commitment to the Afghan Relocation and the Assistance Programme (ARAP) and the Afghan Citizens Resettlement Scheme (ACRS) administered by the UK Government for the relocation and resettlement of Afghans. COSLA officers have worked closely with local authorities to provide them with information on the schemes, to ensure that funding and other mechanisms are in place, and to coordinate offers of properties within Scotland and share these with the Home Office. To this end, COSLA hosts regular meetings of lead officers from councils across the country, which is a key means of sharing intelligence and learning from the scheme to date, and we also work directly with individual councils to facilitate the property matching process and to assist with emerging issues as they arise.
5. Scottish local authorities continue play a disproportionate role in the efforts to accommodate the new arrivals and to date 30 Scottish local authorities have committed to participating in both the ARAP and ACRS scheme. Over 70 families (around 275 individuals) have arrived in Scotland and are making their homes here while a further 41 properties are awaiting families to be matched to them.
6. There are also a number of bridging hotels in two local authority areas, while families in a hotel in a third local authority have recently been moved due to that hotel being required for COP26. The local authorities and their community planning partners continue to work tirelessly to ensure that the families who are in the hotels are able to access all the services and information they need before being relocated to their new permanent homes.

### **What is changing**

7. There a number of issues that local authorities have raised with COSLA that are causing significant problems for them and the smooth running of the scheme

### Funding

8. The UK Government has now issued draft funding instructions for the placement of families into local authority sourced housing and the provision of integration support through the ARAP and ACRS schemes, while there are separate funding instructions to cover support provided in the bridging hotels. Funding has also been committed by UK Government for local authorities to cover the gap in benefits and rent in relation to larger properties.
9. While the commitment to a three year funding package for both ARAP and ACRS is welcomed, COSLA, along with our Local Government partners across the UK, have raised serious concerns about the funding instructions and the potential impact on local authorities that have committed to take Afghan families.
10. In relation to families who qualify for the ARAP/ACRS schemes the following concerns have been raised with the Home Office:
  - The funding instructions apply only to those who arrived at local authority sourced accommodation and support on or after 1 September – meaning those councils which were first to ‘step up’ and support the first arrivals do not qualify for the three year funding package and, as things stand, will receive considerably less financial support from UK Government.
  - Though the Home Office issues funding instructions on a yearly basis the initial funding instructions are due to only covers a 6 month period which is too short and does not allow local authorities to plan effectively. Given the circumstances and late issuing of the funding instructions we would expect this to run for the financial year 22/23 as well.
  - The exceptional costs claiming process seems overly complex and deters local authorities from applying and reimbursing costs they incur due to participation in the schemes.
  - The additional housing costs for larger properties only seem to apply to those here under the ARAP scheme not the ACRS.
  - Though people arriving through the schemes are given Indefinite Leave to Remain in the UK, there is no clarity as to whether people arriving under either scheme are considered to be refugees, which affects their rights and entitlements (e.g.to family reunion and, in Scotland, to Higher Education).
  - There is confusion as to whether support is linked to the date of the arrival into the local authority sourced accommodation or into the UK. We would suggest this needs to be clearer and aligned with arrival into local authority sourced accommodation.
11. In addition, the following significant concerns have been raised in relation to the bridging hotel funding instructions:
  - Of greatest concern, the funding instructions do not cover everyone accommodated in hotels and only those who qualify for the ARAP and ACRS schemes. Local authorities have, in good faith, been supporting all those who have been placed in the hotels by UK Government and should be funded accordingly.
  - There is no reference to the additional funding for health and education that was previously promised, despite being key parts of the wrap around support being provided.
  - There is no guarantee of full cost recovery of costs incurred despite previous attempts to secure conversations about this.

- There are serious concerns about the level of monitoring which might be imposed on councils in relation to the scheme, despite their involvement being on a no choice basis.

12. COSLA, along with our partners across the UK are pressing the Home Office for urgent resolution to the identified issues. In addition, the local authorities that are hosting bridging hotels have requested an urgent meeting with the Home Office to progress their concerns on the funding instruction for the hotels.

### Matching Process

13. There are lengthy delays in the matching process for accommodation. A significant number of properties which have been offered by local authorities (currently 41 across Scotland) have not yet been matched to Afghan families. All have been ready to be matched for many weeks, with some having been offered as much as three months ago. This is causing local authorities significant problems due to the length of the void period and it has also led to the withdrawal of some property offers that were made in conjunction with RSL partners.
14. There is also concern that the UK Government is continuing to press local authorities for additional property offers at a time when they have not been matching families with those properties that have already been provided. COSLA has been raising this issue with the Home Office, as have our Local Government partners across the UK. The main barrier to matching seems to be a lack of clarity as to the status of many of the people in the bridging hotels and currently it is only people who qualify for the ARAP who can be placed in settled accommodation. The detail behind the ACRS scheme is awaiting sign off by Ministers.

### Other concerns

15. Local authorities have raised other issues which we are seeking resolution to in partnership with the Home Office. These include unsatisfactory travel arrangements for families facing long journeys to different parts of Scotland; issues with families refusing to travel to their allocated accommodation; a lack of information being shared with families prior to travel and during the matching process; and a lack of clarity of rights for those people who have a family member who is a British citizen.
16. Notwithstanding these challenges, local authorities continue to do all that they can to ensure the families' experiences are positive and that they are settling well in their properties. Council staff are working exceptionally hard, often at very short notice, to put all the necessary support in place for the families, both when they arrive and as they settle in to their new homes and communities.

### UK Resettlement Scheme (UKRS)

17. Despite COVID bringing a pause to the UKRS in March 2020, arrivals under this scheme restarted in January 2021. Local authorities are still being encouraged to offer properties to the UKRS and it remains open. UKRS remains separate from the ARAP and ACRS schemes and has a slightly different funding structure attached to it. The scheme offers a route to resettlement for refugees who have been referred to the Home Office by UNHCR. Since January 2021 we have received 39 number of families (146 individuals) in Scotland across 11 local authorities.

## **Next Steps**

18. COSLA, together with our partner local authority associations across the UK, will continue to press the UK Government for urgent confirmation and clarity on the funding instructions for the ARAP and ACRS schemes, as well as for the bridging hotels, and for clarity as to how and when the ACRS will operate. In addition, we will support the local authorities which are hosting bridging hotels as they seek urgent dialogue with UK Government regarding their funding arrangements, and will press for resolution to the operational issues associated with the schemes, particularly in relation to property matching.
19. More broadly, COSLA officers will continue to progress the work set out in this paper and to support councils in relation to the humanitarian protection schemes for people from Afghanistan. We will continue to keep the Board apprised of any developments in relation to these key areas of work.

**November 2021**