

Written evidence submitted by UNHCR, The UN Refugee Agency (COR0015)

Introduction

1. UNHCR, the UN Refugee Agency, is a global organisation dedicated to saving lives, protecting rights and building a better future for refugees, forcibly displaced communities and stateless people.
2. The UN Refugee Agency leads international action to protect people forced to flee their homes because of conflict and persecution. We help safeguard fundamental human rights in displacement, deliver life-saving assistance like shelter, food and water, and advocate for solutions that ensure people have a safe place to call home where they can build a better future. We also work to ensure that stateless people are granted a nationality.
3. UNHCR welcomes this opportunity to share our initial observations on the current challenges related to managing an asylum and immigration system in the middle of the COVID-19 public health crisis.
4. Given UNHCR's mandate, the following areas of the inquiry are addressed in this submission:
 - a. How the Home Office and its major contractors are working together to ensure the safe and effective operation of contracted services is maintained, particularly where these services affect vulnerable people;
 - b. Whether Border Force is sufficiently equipped to deliver any additional functions required of it during a period of heightened vigilance, and with reduced staffing;
 - c. The effectiveness of Home Office communications to its partners, responders and the wider public about its preparations.
5. The COVID-19 pandemic is a global challenge that must be addressed through international solidarity and cooperation. It also serves as a reminder that to effectively combat public health emergencies, everyone – including refugees, asylum-seekers and irregular migrants – should be able to access health facilities and services. This is not only a moral and legal imperative; it is also a practical one that helps ensure the safety and wellbeing of the entire community.
6. UNHCR wishes to express its support for the current efforts by the UK Government to continue with both Dublin III transfers as well as the processing of in-country asylum applications where possible despite the challenges posed by COVID-19. In so doing, the UK is abiding by international standards that foresee that while a State may take necessary and proportionate measure to protect public health, it should not deny persons in need of international protection an effective opportunity to present their claim.
7. UNHCR stands ready to support the UK Government with this positive approach, particularly at the UK borders, and to ensure that any new measures in response to COVID-19 are in accordance with international best practice, for example, by ensuring that measures to adapt the procedures to the current social-distancing requirements do not inadvertently result in reduced opportunities for claimants to effectively make their case.

UNHCR offer of support for asylum and statelessness operations

8. In acknowledgement of the significant challenge the UK Government is facing to adapt the asylum and migration management system to an unprecedented public health threat, UNHCR has extended the full support of its UK office in helping develop the UK response to COVID-19.
9. This may include through the longstanding joint Home Office and UNHCR "Quality Protection Partnership" (QPP). In line with UNHCR's supervisory role (as set out in Article 35 of the 1951 Convention), this partnership enables UNHCR to work in close collaboration with the Home Office on improving the quality of asylum and statelessness processes and decision-making.
10. Under this partnership, three UNHCR staff members are issued with Home Office security clearance and are available to provide remote support in response to the unfolding crisis. This could include for instance, assisting to either review or design new policies affecting asylum-seeking, refugees and stateless persons in the UK, which enable the continuation of case processing through adaptive measures, limit the build up of a backlog and ensure the maintenance of safeguards where possible.

Key areas of focus and concern

Effective Communication

11. UNHCR is aware of various efforts by the Government to communicate with claimants and stakeholders about changes to asylum procedures and to update on developments as a result of COVID-19. This has included the pause in face-to-face interviews, through the established National Asylum Stakeholder Forums (NASF). In addition, the Home Office has sought to coordinate updates on their efforts to the sector through tri-weekly calls with the British Red Cross. It has been agreed that the British Red Cross then acts as a point of coordination tasked to feedback to the rest of the sector by way of conference calls, email updates, google docs and a SharePoint repository of documents.
12. The Home Office and other relevant Government departments should continue to develop and strengthen plans around communication modalities, in particular to ensure that timely, consistent and accurate information is provided to all relevant parties – including asylum-seekers, refugees, migrants and stateless persons. For instance, the Government website and other communications channels should be regularly updated with announcements on the key changes to asylum policy in response to COVID-19.
13. UNHCR notes Doctors of the World has produced COVID-19 advice for patients in 23 languages, in partnership with the British Red Cross, Migrant Help and Clear Voice. UNHCR therefore recommends that the Home Office continues to work with other relevant Government departments and these trusted partners to ensure this information is disseminated and updated as required. UNHCR has offered to support the UK government to develop adapted communication materials, including by sharing examples of our own communication tools developed in response to COVID-19 across Europe.

14. In addition to the development of posters and pamphlets explaining COVID-19 symptoms and guidance, UNHCR recommends adopting multiple channels of communication on key changes to asylum and stateless policy and guidance in collaboration with civil society and diaspora communities to reach diverse groups, including children and stateless persons.

Potential impact of “hostile environment” measures

15. UNHCR shares wider concerns among the third sector that policies tied to the so-called “hostile environment” for irregular migrants may now adversely impact the vulnerable and increase risks to the wider community.

16. Specifically:

- a. Evidence has repeatedly shown that charging for NHS treatment, as introduced through measures in the Immigration Act 2014, discourages migrants from accessing health support, because of the threat of being charged or falling into debt. These charges include emergency care outside of Accident & Emergency (A&E) care, for instance, in intensive care, and is required to be paid in advance of treatment if the condition is not urgent or immediately necessary. With these charging measures still in place, this could increase the risks posed by this public health crisis. Fear of being reported to the Home Office is also a significant deterrent for migrant populations. UNHCR therefore supports calls to immediately suspend NHS charging and data sharing between the Health Service and the Home Office.
- b. Migrants, particularly those in an irregular position, may delay or avoid seeking necessary medical help or advice due to a fear of possible detention or removal. Therefore, UNHCR urges the Home Office to ensure that all migrants seeking medical assistance will not be at risk of immigration detention or removal. This information must also be widely communicated.

Screening and triage for new arrivals and asylum applicants

17. UNHCR is aware that there has been a recent increase in irregular arrivals at Dover port, and it is possible that other intake units will experience an increase in claimants seeking protection and/or a reduction in manpower/capacity to respond. For instance, UNHCR is aware that the Home Office has recently advised that due to a reduction in available officers some asylum screening interviews will be cancelled. They are currently working to establish a process to enable asylum claims to be registered with as limited contact and travel as possible.

18. Following observations at Croydon and Kent intake units, UNHCR has previously made recommendations and offered its support on the strengthening of screening and triage practices relating to asylum applicants, including for unaccompanied children and potential victims of trafficking. As the Home Office works to develop its capacity to respond here, it is vital that all staff receive the necessary training, including around safeguarding.

Increased powers for police and immigration officers

19. UNHCR notes that the provisions within the Coronavirus Bill would introduce increased powers for police and immigration officers if they believe someone could be infectious, including powers to detain people and put them in appropriate isolation facilities if necessary. UNHCR wishes to highlight that any such restrictions would naturally have to be proportionate, necessary for the legitimate purpose of managing the identified health risk, and subject to regular review. Health concerns would not justify the systematic use of immigration detention against individuals or groups of asylum-seekers or refugees, and should not result in obstacles to seeking asylum.

Immigration detention

20. UNHCR understands that, at the time of submission, over 300 people have been released from Immigration Detention and that plans are proceeding for the review of all remaining detention and prison cases. UNHCR welcomes this development and further commends the Government on the publication of specific guidance on responding to COVID-19 from within prisons and immigration removal centres.

21. It remains uncertain what support and accommodation, where needed, is being provided for those people who have already been granted bail and what will be guaranteed for these people in the long term including those persons who will be destitute/likely to become destitute upon release from detention. UNHCR has recently been working closely with the Home Office on the development of Alternatives to Detention and specifically the provision of support in a number of innovative ways, including through individual case-management and the holistic provision of care. UNHCR urges that persons being released from the Immigration Detention estate are provided with suitable and safe accommodation, support and care including financial support without delay.

Destitution/Asylum Support

22. UNHCR welcomes the measures the Government has introduced to ensure vulnerable people are able to meet their immediate living needs during this emergency, including changes to Universal Credit, measures to protect wages and legislation preventing evictions from private and social landlords. However, these measures do not currently extend to people in the asylum system and people with insecure immigration status, many of whom may be facing homelessness and destitution and do not have the means to follow the Government advice to enact social-distancing or to self-isolate where necessary.

23. From discussions with asylum and statelessness applicants, UNHCR has heard first-hand of the challenges that those living in asylum support accommodation may face in complying with current advice and guidance relating to COVID-19. These include room sharing between unrelated adults; inadequate provision of sanitation and cleaning supplies (including lack of laundry provision); and shared communal spaces, which make it difficult to clean and practice social distancing and/or self-isolation. It was also reported that the very limited funds received by these groups, along with reduced availability in stores due to panic buying, has resulted in difficulties in purchasing basic essential food and cleaning products.

24. Furthermore, At least one person who had been receiving section 95 asylum support mentioned to UNHCR that they have been served with an eviction notice. UNHCR is also

aware that newly recognized refugees can find it extremely challenging to move from asylum support to mainstream benefits and employment within the so-called 28-day "move on" period, leaving them susceptible to destitution and homelessness.

25. Along with seven other major organizations working with refugees and asylum seekers, UNHCR has recommended that the Home Office:

- a. suspend asylum support terminations, including the suspension of evictions from Home Office accommodation in line with Government policy on private and social landlord evictions;
- b. All asylum support applications from people who have applied for asylum or received a negative asylum decision should be granted, and support provided as quickly as possible;
- c. Rapidly increase suitable contingency accommodation so that people seeking asylum have somewhere safe to be and, if needed, to self-isolate; and
- d. Remove barriers to accessing Local Authority support that people face due to their immigration status.

March 2020