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Right to refugee status recognised for people resettled in the UK under the Syrian Vulnerable Persons Resettlement Scheme and Vulnerable Children's Resettlement Scheme

This information sheet explains a change in government policy so that those resettled in the UK under the Syrian Vulnerable Persons Resettlement Scheme and the Vulnerable Children's Resettlement Scheme are granted refugee leave, with effect from 01 July 2017.

What is resettlement?

Resettlement is a process under which refugees whose life, liberty, safety, health or fundamental human rights are at risk in the country where they sought refuge may be transferred to a safe country such as the UK and obtain a durable solution to their protection needs. The process usually involves field offices of the United Nations High Commissioner for Refugees identifying people who are particularly vulnerable to *refoulement* (forced return to the country fled), or whose needs cannot be met in the refugee camps or regions neighbouring conflict zones, and arranging their transfer with government authorities in receiving countries in accordance with quotas agreed in advance.

Resettlement provides an important safe and legal route for people who are in danger to access protection and a durable solution in a safe country. However, the numbers of people who are assisted under resettlement programmes are very limited and many people have to make dangerous journeys to flee persecution and access safety.

What resettlement schemes operate in the UK?

The Government has for some time operated a resettlement programme called the Gateway Protection Programme under which it accepts 750 refugees each year following an agreement with the United Nations Commissioner for Refugees. People resettled under this programme are recognised as refugees and granted Indefinite Leave to Remain.

In November 2014, the UK established the Syrian Vulnerable Persons Resettlement Scheme following public pressure to do more to assist Syrian refugees fleeing conflict there. The UK committed to resettle 20,000 Syrian refugees in the UK over the five-year period of the current parliament. So far only approximately 5500 people have been assisted. The scheme prioritises people who need urgent medical treatment, survivors of violence and torture, and women and children at risk. In April 2016, the UK established the Vulnerable Children's Resettlement Scheme with the commitment to resettle 3000 child refugees, both unaccompanied and in families, from the Middle East and North Africa region.

Those resettled under the Syrian Vulnerable Persons Resettlement Scheme and the Vulnerable Children's Resettlement Scheme are currently granted humanitarian protection and five years limited leave to remain on arrival in the UK. ILPA has argued strongly that as people in these circumstances are refugees, they should be recognised as refugees.

What is the difference between refugee status and humanitarian protection?

Refugee status under the 1951 Refugee Convention is for people identified as having a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group, or political opinion and who are unable to access protection in their country. It is an internationally recognised status.

Humanitarian protection is granted under UK and European Union law where there are substantial grounds for believing that the person would face a real risk of suffering serious harm in their country and would be unable to access protection. Serious harm may include the risk of the death penalty, unlawful killing, torture, inhuman or degrading treatment, or a serious and individual threat to a civilian's life due to indiscriminate violence in situations of conflict. In the UK, those who risk breaches of their rights under the European Convention on Human Rights not to be tortured or killed are granted humanitarian protection. Unlike the Refugee Convention, the harm feared need not be for a specific reason such as race.

For both refugee status and humanitarian protection in the UK, leave is granted for five years with the possibility of applying for Indefinite Leave to Remain at the end of this period if the need for international protection still exists. Both types of status carry the same rights to be reunited with family members in the UK, to work in the UK and to access public funds such as welfare benefits.

There are important differences between the two forms of status. Refugees benefit from internationally recognised rights and protection, including the use of an internationally recognised refugee travel document. Those granted humanitarian protection do not have access to refugee travel documents and so often face problems obtaining documents that enable them to travel. This has caused particular difficulties for people who need to search for family members in other countries. In England, Wales and Northern Ireland, those granted humanitarian protection need to have lived there for three years before qualifying for access to student loans for higher education whereas those recognised as refugees qualify immediately. Access to student loans is different in Scotland which makes provision for those resettled under the Syrian resettlement programme and those granted leave to remain following an asylum claim to qualify immediately. People granted humanitarian protection on resettlement in the UK who had problems because of the restrictions they faced could apply for asylum for their case for recognition as a refugee to be considered.

How has government policy on resettlement changed?

The government has now accepted that people arriving in the UK under the Syrian Vulnerable Persons Resettlement Scheme and under the Vulnerable Children's Resettlement Scheme should be recognised as refugees. The change follows advocacy undertaken by ILPA, jointly with refugee and student organisations, during the passage of the Higher Education Bill, which highlighted the delayed access to higher education faced by those granted humanitarian protection following resettlement in England.

What will happen now?

The government has stated that from 01 July 2017, people resettled in the UK under the Syrian Vulnerable Persons Resettlement Scheme and under the Vulnerable Children's Resettlement Scheme will be recognised as refugees on arrival. People who have already been resettled in the UK under these programmes will be given the opportunity to make a request to change their leave from humanitarian protection to refugee leave. The government will publish information on how individuals can do this in due course. Its statement, made in parliament, is available here:

<http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2017-03-22/HCWS551/>