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# Housing rights

Your quarterly newsletter from the housing rights website

January 2020

The [housing rights website](#) gets 10,000 visits every month. This newsletter, from the Chartered Institute of Housing and BMENational, keeps you up-to-date with developments around the housing rights of people with different kinds of immigration status. Please feel free to share it with anyone interested.

Remember, for the latest on Brexit and housing rights, go to the [Brexit page](#) of the website. And go to the [What's New page](#) for other news. If you have any comments on the changes to the site, or there is anything we have missed, do contact us ([policyandpractice@cih.org](mailto:policyandpractice@cih.org)).

[BMENational](#), the collective of over 60 BME housing associations in England that jointly publishes the website, has a new [mission statement](#). Mushtaq Khan writes about it in the newsletter.

## New on the website

Most of the pages on the [housing rights website](#) have now been updated, edited to make them clearer or provide new information. Among the new additions are pages for [England & Wales](#) and [Scotland](#) on key immigration terms - which we hope will be useful to everyone. Suggestions and comments are welcome (send them to [policyandpractice@cih.org](mailto:policyandpractice@cih.org)).

## Will the new government make the immigration system even tougher?

It is too soon after the election to tell of course, but this hasn't stopped speculation. The *Sunday Times* claimed that there would be a [new department](#) for borders and immigration. The *Independent* warned that this could [expand the hostile environment](#) if any changes are rushed and the rules are simultaneously strengthened. The danger is that [the dizzying maze](#) of the immigration system gets even more complicated and difficult to negotiate.

So the *Daily Mail* [demands](#) that the 'firmer and fairer Australian-style points-based immigration system' promised in the Tory manifesto must be 'simple'. The *Financial Times* [quoted](#) a CBI spokesperson as saying: 'Whatever the final shape of the new immigration system, it needs to be simple from its first day of introduction and allow firms to access both the labour and skills they need to grow.'

Can this be done? The future skills-based immigration system [white paper](#) issued in December 2018 says there will be immigration routes for 'skilled workers', and investors or people with 'exceptional talent'. There will be another route for 'temporary short-term workers' at all skills levels, only open to migrants from specified 'low-risk' countries. The last category is where the government will attempt to match the demand for workers in specific sectors like farming with enough visas to meet that demand.



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Free Movement says this task is 'so fraught with difficulty in the real world that the Home Office will not touch it with a bargepole, instead offloading it to the MAC' (the Migration Advisory Committee).

Free Movement [called instead for](#) 'more honest reflection on what we want our immigration system to do and what it should represent'. A sober assessment of the options for a new immigration system has been provided by the [House of Commons Library](#). And Free Movement pointed out that adopting an Australia-style points-based system for the UK is not a new idea, it was first rolled out by the then Home Secretary Charles Clarke [in 2006](#).

The newsletter will keep readers up to date with new developments as they occur.



## Rough sleeping and 'removals'

The October newsletter reported on the Home Office's attempts to reassure rough sleepers and agencies who support them about when enforcement action will be triggered. Nevertheless, the *Guardian* is still running a series of stories on how rough sleepers who are migrants can end up being removed from the UK. It [reported](#) that 'safe havens' provided by organisations such as the Salvation Army can be used by officials to secure removals. Religious groups [are being paid](#) in some cases by the Home Office to assist with deportation. Director of Advocacy at the Refugee Council, Lisa Doyle, [said](#) that homelessness charities and shelters must remain the safe places for vulnerable people they are designed to be: 'Home Office processes should remain entirely separate from this'.



Meanwhile, in a follow-up to one of its earlier stories, The *Guardian* said that homelessness charity St Mungo's [has apologised](#), having found out that one of its rough sleeper outreach teams had shared information with the Home Office.

And in related news:

- *Big Issue North* says that in Northern cities, including Sheffield, police and local authorities [are increasingly working with immigration enforcement agents](#) to target rough sleepers who may be undocumented migrants.
- The centre-right think tank, Social Market Foundation, published [Between a rock and a hard place](#), a report making the case for 'rebooting' the process of assisted voluntary return.
- The European Court has ruled that 'voluntary return' must really be voluntary, in a case involving an Iraqi man [who was killed](#) on his return to his home country.
- Maddie Grounds of the Immigration Advice Service shows how deporting rough sleepers [is just one way](#) in which the hostile environment persecutes people suffering homelessness.





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## EU citizens are fighting 'the slow erosion of their rights'

Maïke Bohn, writing for 'the3million' campaign in the *Huffington Post*, [says that](#) as many as 600,000 EU citizens in the UK may fail to apply for settled status, and that what happens to them afterwards is unclear. Government ministers [have warned that they may be deported](#). Bohn says the most vulnerable people such as older EU citizens, those not in regular employment and victims of domestic violence may fail to apply. The Free Movement blog says they will be [unlawfully resident in the UK](#), and could be sanctioned unless they have a 'good reason' for missing the deadline. Bohn calls such cases a 'ticking time-bomb'. And she also points out that secondary legislation is already being used to erode EU citizens' rights. The ability to own and manage companies or to provide services in the UK on the same basis as UK nationals is being removed. EU citizens will also lose their ability to bring nationality discrimination claims in relation to these rights.

The [Greater Manchester Immigration Aid Unit](#) (GMIAU) also claimed that the EU settlement scheme is designed only for people 'leading ordered, uncomplicated lives'. It [warned](#) that thousands of children in care whose immigration status will be affected by Brexit could find themselves in the UK unlawfully, facing homelessness, immigration detention or deportation.

## EU migration has been falling, not rising

Net migration from the EU into the UK is now at its lowest level since before the bloc was enlarged to take in countries including Poland and Lithuania, [according to the latest figures](#). The difference between EU nationals arriving and leaving in the year ending June 2019 was 48,000, the lowest level since 2003, when it was 15,000. EU net migration climbed to a peak of 219,000 in March 2015 and has been falling ever since against the backdrop of the referendum and the Brexit negotiations.

Steve Peers of the University of Essex has pointed out that feelings against EU citizens were stirred up by [lies and false claims](#) about EU migration during the recent election. For example, there were claims that EU membership means unlimited immigration from the entire world, that EU citizens can just show up in the UK and claim benefits and that free movement law means the 'free movement of criminals'.

## More help with the EU settlement scheme

### Aire Centre toolkits on Permanent Residence and EU Settled Status

The AIRE Centre has free toolkits to help those who want [Permanent Residence](#) (PR) and [EU Settled Status](#) (EUSS). Both are designed to take users through multiple questions, which mirror the ones in the actual PR and EUSS applications, to give an idea of whether they would be eligible to apply for either. They are easy to use, increase people's confidence in applying and can be done in a safe environment. In addition, the centre has [information sheets](#) on EUSS in seven languages.

The AIRE Centre in collaboration with Herbert Smith Freehills has a web app to support any EU citizen who is unsure about the settled status system and would like reassurance as to their eligibility. A second app helps EU citizens understand their entitlement to permanent residence.

Individuals can access either app via [www.airecentre.org](http://www.airecentre.org). Each poses a series of questions relating to users' travel within the EU, length of employment in the UK and proof of EEA citizenship. The answers are mapped against relevant aspects of EU law to provide





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an indication of the decision likely to be made by the Home Office. Users can download a pdf of their questions, answers and the likely outcome, in order to get personal advice.

If you have any questions please contact the AIRE Centre on 0207 831 4276 or [info@airecentre.org](mailto:info@airecentre.org)

## Quick Q&A: EU settled status for family members of dual nationals

Free Movement offers some [questions and answers](#) on how EU settled status affects family members of dual nationals.

## Asylum seekers living in 'rat-infested properties'

The *Independent* has had a number of stories about poor living conditions endured by asylum seekers, including [this one](#) where those affected have problems getting their problems resolved by Migrant Help. Later in the newsletter we provide alternative ways of getting through to Migrant Help to deal with asylum accommodation problems.

In Scotland, campaigners learned that the recent 'lock change' evictions of asylum seekers by Serco [are lawful](#) (see the July newsletter). *Scottish Housing News* reported the Court of Session's ruling in [detail](#). Meanwhile the *Glasgow Evening Times* printed a 'no lock change' pledge from Mears, who took over the Scottish asylum accommodation contract from Serco last September. The *Guardian* says that recent evictions are worsening Glasgow's [homelessness crisis](#).



## Asylum support for victims of domestic abuse

ASAP has a [new factsheet](#) looking at the latest Home Office guidance dealing with how its housing contractors and Migrant Help should react when an asylum seeker experiences domestic abuse and needs safe housing and support.

In early 2020, ASAP, the Refugee Council and the British Red Cross will be meeting with the Home Office to discuss the implementation of the policy. In preparation for this meeting, the organisations are collecting case examples of how the policy is being implemented in practice. Regardless of whether you have had a positive or negative experience of using the policy, they would greatly appreciate feedback. Please contact Matilda Bryce ([Matilda@asaproject.org.uk](mailto:Matilda@asaproject.org.uk)).

The Metro has a campaign on this issue, and recently reported on a domestic abuse victim being told by police [to 'go home' to the country she came from](#).

## High Court rules Home Office fee for children to register their rights to British citizenship is unlawful

*Solange Valdez-Symonds, PRCBC volunteer director and instructing solicitor, writes about the recent high court victory.*

On 19 December, the High Court gave judgment in [PRCBC, A & O v Secretary of State for the Home Department \[2019\] EWHC 3536 \(Admin\)](#). This concerns the Home Office fee for children to register their rights to British citizenship. The fee - currently £1,012 - was ruled unlawful because the Home Office had failed to assess and have regard to children's best interests when setting it. The evidence showed many children are effectively priced out of their citizenship rights by the fee leaving the children feeling alienated and excluded.

The Project for the Registration of Children as British Citizens (PRCBC) and the two children (called A & O in the court case) also argued there was no power in law to set such a high fee. It is £640 more than the real cost of processing a child's registration, and is applied to all children including those in local authority care. The court decided an earlier decision of the Court of Appeal required it to reject this part of the claim.





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However, it has allowed PRCBC, A & O to apply direct to the Supreme Court to appeal on this point (this is known as '[leapfrog](#)').

The judgment is important in emphasising the statutory rights of many children under the British Nationality Act 1981 to register as British citizens, rights which are all too frequently overlooked. This affects children born in the UK and children brought to the UK at a young age. It is still not widely understood that birth in the UK (and possession of a British birth certificate) does not in itself make someone a British citizen. Ever since the 1981 Act took effect on 1 January 1983, citizenship has been acquired at birth in the UK only if one or other parent is a British citizen or settled in the UK. The Act provides children who are not born British citizens with rights to register as British where their connection is to the UK.

PRCBC has produced [information leaflets](#) on children's citizenship rights; and there is more information about the court case on its [website](#).

The *Guardian*, [reporting on the case](#), noted that Amnesty International accused the Home Office of 'shameless profiteering'. Child O said of the ruling: 'I am glad I got to tell the court my story. I was born in this country and have lived here all my life. I feel as British as any of my friends and it's not right that I am excluded from citizenship by a huge fee.'



## Migration Observatory issues new briefing on housing issues

The Migration Observatory is the 'go to' source for all information on migration issues, and researchers Carlos Vargas-Silva and Mariña Fernández-Reino have recently updated their [briefing on housing](#). Key points include:

- Foreign-born migrants have lower homeownership rates than the UK born, and are more likely to be in the private rental sector.
- Recent migrants are almost three times as likely to be renters compared to other migrants. Migrants who have been in the UK for longer tend to have accommodation similar to that of the UK-born.
- UK-born and foreign-born people have similar levels of participation in social housing, on average.
- Migrants are more likely to live in overcrowded housing than the UK born, especially in London.
- There is some evidence that migration has increased average UK house prices.

Migration Observatory also has a new briefing on [asylum and refugees](#).

## 'Exclusion' in rented housing is getting worse

Jenny Preece, a research associate for [CaCHE](#) at Sheffield University, writes about new research.

Measures such as the 'right to rent' have been highlighted as factors in limiting access to housing for already marginalised groups. Research for CaCHE (UK Collaborative Centre for Housing Evidence) by Jenny Preece, Emma Bimpson, David Robinson, Kim McKee and John Flint draws on interviews with housing providers and stakeholders across social and private rented housing. Most say that housing exclusion is worsening, with very limited options and no access at all to decent housing for large numbers of people. Black and minority ethnic groups are especially affected.

Exclusion is not only about housing affordability, but affects other aspects such as support services and legal and advice services. Exclusion results in greater exposure to poor quality or inappropriate housing and the risk of homelessness. At the same time, measures to protect access to housing for marginalised groups have been cut back.



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One way in which exclusion works is through the complexity of the housing system. It deters providers from entering some markets (e.g. PRS landlords refusing to let to people on benefits). It also discourages people from claiming rights to which they are entitled. This is compounded by the loss of specialist housing advice services, which is why resources such as the [housing rights website](#) are so important.

Not surprisingly, respondents call for measures such as increased social housing supply, reform of the private sector and improved welfare policies, measures which in some cases are being followed in Scotland and Wales but not yet in England.

On pages 20-21 of the [evidence review](#), there is an excellent summary of the problems which the right to rent causes for those applying for private tenancies, especially for black and minority ethnic groups.

The full report will be available from [CaCHE publications](#) later this month.

## Migrant homelessness is also getting worse

A new report from Crisis, [A Home For All: Understanding Migrant Homelessness in Great Britain](#) looks at the scale of homelessness among non-UK nationals, different experiences of homelessness across Britain and how services are responding. Key findings include:

- Nearly seven out of ten survey respondents said that the scale of migrant homelessness in their areas had increased in the last 12 months.
- The two biggest causes relate to lack of income (93%) and lack of access to financial support (89%).
- Being unable to access benefits leads migrants to being desperate for work, and alongside their precarious housing situation means that they are extremely vulnerable to exploitation.
- 84 per cent of survey respondents said that the people they work with have difficulty in accessing housing and 82 per cent that they generally lack entitlement to housing benefit.
- Legal advice for migrants experiencing homelessness has been severely affected by cuts to legal aid. Over 50 per cent of survey respondents said they provided legal support or advice; 67 per cent said that legal aid cuts have worsened migrant homelessness.

- Support needs had increased across all migrant groups. Many of the issues raised were common challenges within homelessness services, such as mental health or substance misuse, but for the migrant population these can be exacerbated by their immigration status.
- Brexit and the implications for EEA nationals was their biggest concerns, according to 62% of survey respondents.

## BMENational's housing priorities

*Mushtaq Khan, a board member of Manningham HA in Bradford, writes about BMENational's new mission statement.*

BMENational is a collective of BME housing associations that work mostly in areas with a high proportion of people from minority communities. The collective provides a platform for black and minority ethnic (BME) housing issues and promotes the needs of BME communities.

We have just launched our mission statement: a shared ambition from BME housing associations committed to delivering homes and services to the communities in which we work, and this will be the focus of our work from 2020-23.

Two of our aims are particularly important for refugee and migrant communities:

- Ending BME homelessness. We know that people from BME communities are more likely to become homeless and think that BME housing associations are a crucial part of any solution to the homelessness crisis. We also believe that any approach to solving homelessness in migrant and refugee communities should be able to access services and support in the same way as happens for UK Nationals.
- Diverse and thriving cities. We invest in inner city areas to facilitate social cohesion and vibrant places and seek to work with others so that our communities are not left behind. We want our communities to be open and welcoming in which everyone feels a true sense of belonging. Obviously, this applies particularly in neighbourhoods where new arrivals to the UK have made their homes.

This is only a summary of two aims within the mission statement. To see it in full, please look at our website [www.bmenational.co.uk](http://www.bmenational.co.uk) or contact [info@bmenational.co.uk](mailto:info@bmenational.co.uk)



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## Take part in the JCWI 'Routes to Regularisation' research survey

The Joint Council for the Welfare of Immigrants is conducting a short survey of immigration practitioners who represent or advise undocumented migrants seeking to regularise their status in the UK. This will contribute towards a project looking at how best to advocate for new and better paths to regularisation. Please help this project by taking [the survey](#), if it applies to you.

## Ways to contact Migrant Help about asylum accommodation issues

There are lengthy waiting times to get through to the Migrant Help telephone centre. As their peak times are from 10:30 to 16:00, callers are reminded that they are open 24 hours a day, 365 days of the year and can assist with queries whatever the time. Alternatively, callers can use the following email addresses:

[ASCorrespondence@migranthelpuk.org](mailto:ASCorrespondence@migranthelpuk.org) is to be used for all other communications relating to asylum support including supporting documents for support applications.

[Escalations@migranthelpuk.org](mailto:Escalations@migranthelpuk.org) is for cases that need escalating to managers.

[Submissions@migranthelpuk.org](mailto:Submissions@migranthelpuk.org) is for communications relating to asylum support applications that have been submitted to the Home Office.

[S98@migranthelpuk.org](mailto:S98@migranthelpuk.org) is for applications (and requested evidence) relating to a request for section 98 support applications.

[Outreach@migranthelpuk.org](mailto:Outreach@migranthelpuk.org) is for requests for an outreach appointment.

A webchat option is also available by clicking on 'Contact us' and 'webchat' on the [Service User Portal](#).

## Other news

### New guidance for immigration advice at level 1

A new [Home Office guide](#) sets out what individuals and community/voluntary groups can legally do to advise or assist people with immigration queries.

### New debt advice service for young people

People aged 18-30 can now get free debt or money advice from [Youth Legal](#), as well as families with children who may be experiencing financial hardship and debt problems. Contact them on 020 3195 1906 (or email [info@youthlegal.org.uk](mailto:info@youthlegal.org.uk)).

### New advice line for migrant pregnant women and parents

Maternity Action has a new advice line on benefit entitlements of migrant households or people returning from abroad, provided there is a pregnant woman or new parent in the household.

It is open Mondays 10am - 12pm at 0808 802 0062.

### Access to secure tenancies for care leavers

The [Pan London Housing Reciprocal](#) provides a housing pathway for people with a social housing tenancy in London who are at high risk of harm where they live and need access to a tenancy in another area. But it is now clear that a care leaver who doesn't already have a secure tenancy can have a referral into the scheme. Details are in their [second year report](#). Pages 26 onwards are devoted to care leavers.

### Project 17's Hotel Fund

The [Hotel Fund](#) is open to referrals from the voluntary sector and from lawyers and can be used to pay for emergency hotels for a family (including children under 18) with no recourse to public funds who:

- are street homeless and have no other safe accommodation available
- have requested support from the local authority under s.17 of the Children Act
- have been refused support, and
- the refusal is being/will be challenged

The fund will pay for a hotel for up to three nights to prevent homelessness while a decision is challenged. Once a referral is approved, the referring organisation books the hotel and sends an invoice. When the situation is resolved, the referring organisation fills in a short monitoring questionnaire and writes to the local authority (with Project 17 support) to complain about the poor practice.

### Guide to those advising Polish victims of domestic abuse

Sue Lukes, housing rights author, has written a new version of this Vesta guide, [Getting and paying for housing](#), available in English and Polish.





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## New Scottish code of guidance on homelessness

Long out-of-date, the Scottish Government has published an [updated code of guidance](#) on homelessness. It includes the new (October) rule that makes the test of whether someone is 'intentionally' homeless a discretionary one. The effect of this in practice, of course, will depend on whether Scottish local authorities use their new discretion. The code also has a set of advisory standards to be applied by local authorities to their temporary accommodation, stipulating that it must be safe, warm and high-quality.

The new code does not contain updated guidance on dealing with migrant homelessness but instead links across to the [COSLA guide](#) which covers this topic.

CIH Scotland has produced a [briefing](#) on the new code for CIH members.

## Should asylum seekers have the right to work?

The government is reported to be considering changing the rules on whether asylum seekers can work. The House of Commons Library has [a new briefing](#) on the arguments for and against change.

## More on the hostile environment

A new book, [Hostile Environment: How Immigrants Became Scapegoats](#) by Maya Goodfellow explains in detail how the policy developed and how it works. Satbir Singh, chief executive of the Joint Council for the Welfare of Immigrants, recently despaired that [the only way around the Home Office's cruelty is to get your story in the news](#). The *Independent* showed how the hostile environment led to [a widow being made homeless](#) after her husband's death.

Showing no sense of irony, the Home Office has [condemned as a hate crime](#) the use of slogans such as 'Go home!' against people who are thought to be migrants, despite having used the same words ('Go home or face arrest!') on the vans used in its 2013 campaign against people who are in the UK 'illegally'.

## What's so special about being British, anyway?

Would you like to know 'what is so special' about being a British citizen, in legal terms? Free Movement has the [answer in detail](#). And how do people feel when they become 'British'? - Nando Sigona [explains the feelings](#) of someone who has just taken part in a citizenship ceremony.

## Finally, a good news story...

Since it began in 2014, 18,252 people (mainly Syrian nationals) have been resettled under the Home Office's Vulnerable Person Resettlement Scheme. A further 637 were resettled under the Vulnerable Children Resettlement Scheme over the last year. Now the magazine *1843* tells the story of what happened to the Syrian refugees [who found new lives](#) in the Scottish island of Bute.

## Contributors

The newsletter is edited by John Perry from CIH. This issue was put together with help from Sue Lukes (consultant and main website contributor) and CIH's Sam Lister, as well as Solange Valdez-Symonds, Jenny Preece and Mushtaq Khan.

## Do you have any comments on this newsletter?

Send them to [policyandpractice@cih.org](mailto:policyandpractice@cih.org)

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