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The government’s Illegal Migration Bill

The government’s [Illegal Migration Bill](#) has finished its stages in the House of Commons and now passes to the House of Lords. The bill is intended to withdraw the UK from the international refugee framework set up after the Second World War. The [United Nations High Commissioner for Refugees](#) has said the bill will effectively put a ban on asylum: those arriving irregularly will have no right to seek asylum “no matter how genuine and compelling their claim may be, and with no consideration of their individual circumstances.”

Enver Soloman of the Refugee Council gave [his response](#) to the government’s proposals on BBC Newsnight. “I want to see people treated fairly and with compassion,” he says. The Equalities and Human Rights Commission [said](#) it is “seriously concerned” about the bill and that it risks breaching international obligations.

The opposition has not opposed the bill in its entirety. Yvette Cooper said that the party would not reverse the criminalisation of undocumented asylum seekers and would seek to amend, rather than repeal, the [Nationality and Borders Act](#) introduced by Priti Patel last year. Parliament’s Human Rights Committee considered the bill on March 22, you can watch the proceedings [here](#).

CIH supports [Together with Refugees](#), which is coordinating responses to the bill and suggests [actions that individuals and organisations can take](#). It also provides [a range of messages](#) that can be used in response to the bill (this will be updated as the bill progresses). You can see a webinar describing the bill and its effects [here](#). There is also a [transcript of the Q&A](#).

Here are some links with more discussion and information:

- “Am I stupid? How many refugees are living in my cupboard?” Zoe Gardner answers TalkSPORT listeners’ [questions about the bill](#) and about migration generally.

- Zoe Gardner also joins *The Independent* for their [video discussion](#) “You ask the questions.”
- In the [first of four posts](#), *Free Movement* explains how the bill breaches the convention.
- Rob McNeil of the Migration Observatory [argues that](#) “the elusive promise of ‘control’ is steering an ever more radical UK migration policy.”
- Institute for Government has a podcast [“Will the government’s ‘stop the boats’ plan work?”](#)
- [Refugee Council](#) produced an impact assessment of the bill.
- [Together With Refugees](#) has an MP briefing.
- In *Free Movement*, David Cantor [asks](#), “If the Illegal Migration Bill is unworkable, what can the government do instead?”

What will the Illegal Migration Bill mean for housing?

Writing for [Inside Housing](#), CIH’s John Perry looks at the implications of the bill for housing and homelessness.

The government’s controversial Illegal Migration Bill began its parliamentary stages last month. Aimed at ending ‘illegal’ migration via small boats, it would deny anyone who enters the UK by informal routes the right to claim asylum, a right protected by international law. The measure would even affect trafficking victims and, potentially, unaccompanied children.

The bill will not be subject to the normal committee process but will be dealt with by a committee on

the floor of the house, which means there will be limited opportunity for lobby groups to give evidence. However, given vocal opposition from some Conservatives, it seems likely that its provisions will be amended, and perhaps made less severe, as it passes through parliament.

The government’s aim seems to be to take all undocumented migrants into detention, prior to removal to Rwanda or another ‘safe’ country, or their return to their country of origin if, like Albania, it is judged to be safe. A person from an unsafe country (e.g. Afghanistan) could be sent anywhere except their country of origin. Because of the difficulties the government faces in removing

people, however, the bill will likely lead to people suffering long periods in detention.

There will be an opportunity to challenge removal based on expected serious, irreversible harm or faulty notification – but only on very short timescales (as short as a week in some cases) which are completely impracticable given the need to prepare a legal case and the problems of getting legal aid.

The new system effectively becomes the new ‘asylum process’ for anyone entering the country undocumented. People with genuine asylum claims will simply not be able to make one unless they arrive through a ‘safe and legal’

route (at present available primarily to Ukrainians, and some people from Hong Kong and Afghanistan). In theory, anyone else arriving after March 7 will not be able to enter the asylum process.

However, there are multiple snags for the government to overcome. For a start, the whole arrangement depends on the ability to remove people to a ‘safe country’ such as Rwanda – but the first flights to Rwanda are not likely until late 2023, even if the government wins court cases in the meantime, and the scheme will only cater for about 200 people annually.

The picture might be different if there is a big change in arrangements with France – but that is a country with its own asylum backlog.

What will be the consequences? First, people will face months in detention. There is a huge risk of people ‘going underground’ as they won’t be able to make claims, so there could be a big increase in destitution, illegal working, etc. – something the government otherwise wants to tackle. Traffickers will also use the new laws to keep control of the people they are exploiting.

Removals are likely to become much more violent, as people will be threatened with being taken to a country where they have no contacts and no economic/social future. This means much greater hardship, probably more suicide attempts, and more bad publicity and protests.

There will likely be even bigger demand for private providers like SERCO to manage large-scale detention, monitoring undocumented migrants (perhaps with much more tagging), more removals and all the other enforcement work. Detention applies to about 600 people at the moment: according to the Refugee Council, the government will have to expand the ‘estate’ to accommodate over 9,000 people.

There are likely to be more tragedies at sea, as people try to cross the channel to reach more remote beaches, without

detection. More may attempt to come undetected in container lorries, which have led to horrible deaths in the past. The threat of death, sadly, will not be a deterrent, as has been seen in the numbers dying while attempting to cross the Mediterranean.

Colin Yeo, a well-known immigration lawyer, [tweets](#) that ‘Refugees who avoid detection on arrival will presumably try to avoid the Home Office and police once inside the UK. They’ll try and make their way in the shadow economy. They will be destitute, homeless and at serious risk of exploitation by very bad people.’ In other words, rather than be kept in a hotel for years on £8 per week, with no prospect of claiming asylum, people will simply disappear. Fewer contacts with the Home Office may mean that asylum figures fall, but it doesn’t mean that people won’t end up on the streets or in dubious parts of the private rented sector (if they are working illegally).

As Yeo has also pointed out, this looks like a bad idea even from the government’s point of view. Either the new approach doesn’t work, creating a huge, expensive mess, with thousands in detention, or it does work, and they face removing people with a lot of potential violence involved, and potential suicides.

From the perspectives of housing providers and local authorities, the picture may change from the present one where large numbers of people are in hotels or other kinds of temporary accommodation, but are at least recognised by the asylum system, to one that is far more anarchic. The prospect is of more people forced to sleep rough, or living in deeply unsatisfactory conditions, adding to the already large numbers of those who cannot be helped because they are not eligible for housing or benefits.

While it’s right that attention focuses on the cruelty that will be suffered by those caught in the new system, we also need to draw attention to the hardship faced by those who escape its clutches.

The Illegal Migration Bill risks pushing thousands more people into homelessness and destitution

A [letter](#) from 52 charities and organisations to Secretary of State Michael Gove MP expresses concern about the impact of the bill on homelessness and destitution in the UK. The letter argues that:

“If passed in its current form, the Bill could see as many as 190,000 people, including some 45,000 children, have their claim to asylum deemed inadmissible over the next three years if they arrive by routes deemed irregular by Government. With no realistic prospect of a return to their country of origin, or a safe third country, the Bill would effectively lock those whose asylum claims are deemed inadmissible out of society, leaving them to face an indefinite period of extreme hardship and poverty, unable to work and vulnerable to exploitation. The inevitable outcome for many would be homelessness and destitution.

“As well as the significant risk of harm this deliberately punitive immigration policy presents to individuals, it will have a profound impact on communities in the UK, and will clearly undermine the Government’s manifesto commitment to end rough sleeping in England by 2024.

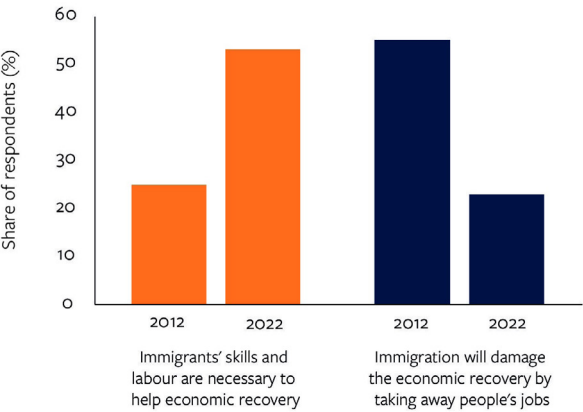
“We know, as frontline practitioners, that unless all the complex and wide-ranging drivers of homelessness in migrant communities are tackled head-on, any strategy to end rough sleeping will fail. Alarming, the Illegal Migration Bill looks set to create an entirely new homeless and precariously-housed population, increasing the likelihood of people rough sleeping on our streets and in our communities.”

Is the government out of step with public opinion?

New surveys about public opinion offer promising findings

- New research [suggests](#) that the rhetoric around the Illegal Migration Bill is significantly out of step with British public opinion. UK public attitudes around immigration have become more tolerant, balanced and pragmatic. For example, there has been a large increase in numbers reporting that they believe immigrants’ skills and labour are necessary for Britain’s economic recovery (see chart).
- Of 17 countries, the UK is least likely to say the government should place strict limits on the number of foreigners who can come to the country or prohibit people from coming altogether. Of the UK public, 31 per cent hold this view, compared with 35 per cent of people in Germany and 39 per cent in Canada – the next-most accepting countries on this measure.
- At the same time, 68 per cent of the UK public think we should either let anyone come to the UK who wants to or let them come as long as there are jobs available – the highest of any nation.
- False beliefs about migration run the risk of worsening existing divisions in public debate. [New research](#) suggests that communicating economic evidence about EU immigrants seems to have the potential to shift attitudes on the issue.
- In a [blog based on their research](#), the researchers say their results back the idea that people on both sides of an issue [update their views](#) when they encounter new information. Therefore efforts to improve the evidence used in policy debates warrant [further investigation](#) for two reasons. First, voters’ choices may be sensitive to what they know about migration in the short term. Second, there are broader and more long-term concerns about what the quality of public debate signals for how well democracies are working.

Will immigration help or hinder Britain’s economic recovery?



Source: British Future, 2022

- The UK public also have among the most positive attitudes to immigration internationally, according to [a new study](#) that ranks the country at the top of an international league table as the most accepting of new arrivals.



Pro-refugee demonstration in Liverpool (from @Care4Calais)

MIGRANT CHAMPIONS NETWORK



Councillors unite to welcome migrants

Despite (or perhaps because of) the government’s wish to strengthen the hostile environment, many councillors in different parts of the country have joined together to form the [Migrant Champions Network](#). Mary Atkinson of the Joint Council for the Welfare of Immigrants describes what it aims to do:

The Migrant Champions Network exists to support local councillors to fight for the rights of all residents, regardless of their immigration status. Local councillors have so much power to push back against central government hostility and make life materially better for their communities – the network exists to support them to do that.

The network launched publicly on 24 February. Over 100 attendees heard from the network’s co-founders, its new members and a musician with lived experience of immigration detention and of being supported by his local council. The

network is growing fast, with Migrant Champions appointed in six local councils.

The network has already supported councillors to campaign on issues like asylum accommodation and Rwanda deportations. It has also produced a range of resources for [councillors](#) and for [residents](#), covering topics like supporting residents who cannot pay visa application fees, No Recourse to Public Funds and a general explainer of the immigration system for council officers.

The network is led by its members and will support councillors to campaign

on the issues that motivate them. Members are currently planning a response to the government’s cruel new migration bill and will fight for greater protections for migrant workers by local authorities.

To find out more and join the network, please email info@migrantchampionsnetwork.org. You can also check out our [website](#) for more information, and to download resources. If you would like to urge your local councillor to become part of the network, you can send a [template letter](#) to your representative.

Network writes to Michael Gove about asylum accommodation

One of the first acts of the network has been to send a joint letter about the issues raised by the government’s plans for asylum accommodation. In January 2023, 160 local councillors wrote to the Department for Levelling Up, Housing and Communities to ask central government to stop lining the pockets of private companies, and instead make sure that local authorities have the budget they need to keep people safe.

It said that “...we as councils are committed to giving everyone in our communities the best possible chance to thrive, but find ourselves held back by inadequate funding. We are committed to building good community relations and working with all our diverse residents to live well together and welcome new neighbours.

“The decision to house those seeking asylum in hotels, camps and

barracks – rather than investing in long-term solutions that benefit all our communities – has very real consequences for community relations.

“Local councils have the knowledge and the will to provide better solutions, ones which build good community relations rather than stoking mistrust.”

The full letter and list of signatories can be viewed [here](#).

Small boats, deportations to Rwanda and “safe and legal” routes

More and more people arrive in small boats

Recently the Home Office [said](#) it expects to support up to 140,000 asylum seekers by the end of 2023, after record Channel crossings. A barrister also revealed the government is “working on estimates of up to another 56,000 people arriving on small boats this year”, which would be a new record and a rise of more than a fifth on 2022. So far (April 24), 5,049 people [had arrived on small boats](#) since the year started: almost a thousand of these were from Afghanistan.

[Separate](#) statistics on “irregular migration” show that around half of those arriving to claim asylum in 2022 did so in a small boat: 45,755

people. That is an increase on 2021, but the rate of increase has slowed a little.

The Refugee Council published [a report](#) showing that 60 per cent of all those who made the dangerous Channel crossing in small boats last year will be recognised as refugees through the asylum process. The analysis, based on Home Office data, finds that 25,119 of those who made the journey would be allowed to stay as refugees.

At the same time the numbers of people starting new lives in the UK under formal resettlement programmes such as family reunion have fallen dramatically – suggesting that more people seeking refugee status are taking the dangerous

Channel journey. Safe routes for the main nationalities crossing the channel have been drastically reduced – resettlement numbers are 75 per cent lower than in 2019 and the number of family reunion visas issued is 36 per cent below the pre-pandemic level. For example, thousands of Iranians crossed the channel but just nine were resettled to the UK between January and September 2022.

The report reveals that most of those crossing the Channel are people fleeing war-torn or oppressive countries where there are no safe and formal routes to gain asylum in the UK. This contrasts with those escaping the war in Ukraine, where more than 200,000 visas have been issued under UK refugee schemes.

Can more use be made of “safe and legal routes”?

The House of Commons Library has produced [a guide](#) to the safe and legal immigration routes available to people wanting to come to the UK for humanitarian reasons. It also looks at how many people use them, and the government’s position on expanding them.

Rishi Sunak is set to open ‘safe’ routes for 20,000 migrants a year, [according to the Daily Telegraph](#). It says that ministers are finalising plans that would see a global [safe and legal route](#) created that would include an annual cap of refugees, which would be voted on by MPs after local authorities have been consulted about

their capacity to house migrants. Zoe Gardner [argues](#) in *Open Democracy* that humanitarian visas could be used to make legal entry possible. She advocated three ways of doing this. One would be a quota of (say) 20,000 visas per annum available at UK embassies for those with a clear asylum case. A second would be re-entry of the UK into the EU “Dublin system” which allocates asylum seekers between countries. And the third could be a travel document specifically for those stuck in Northern France who have good reason to choose the UK as a destination.

Safe and legal routes account for some of the rise in migration

Net migration to the UK is set to surge to around 245,000 annually over the next few years, despite Rishi Sunak’s vow to drive down the number of new arrivals. The Office for Budget Responsibility’s latest forecast was revised up from 205,000 in its November forecast and is nearly double the number projected last March, which was 129,000.

So, what’s driving the rise? According to Office for National Statistics data, net migration for the year ending 2022 was 504,000. Migration jumped

significantly due to several factors, many to do with “safe and legal” routes: refugees from Ukraine, a new visa system for Hong Kongers and the Afghan resettlement scheme.

At the same time, many policies in place in the UK deter people who try to claim asylum and who cannot use these routes. The Migration Observatory has a [briefing note](#) on the numerous policies to make seeking asylum in the UK less attractive, particularly ones put in place since 2021.

Government doubles down on Rwanda deportations

The policy to send asylum seekers to third countries, specifically Rwanda, is still due to go ahead. However, the court action against the Rwanda scheme resumes with an appeal hearing on April 24-27. Going ahead with the scheme has also been complicated by a [challenge](#) by the European Court of Human Rights. The court of appeal, [which will be hearing arguments on and having to decide](#) whether the Rwanda policy breaches Article 3 of the human rights convention, now knows that it is likely that its determination will face scrutiny by the European court.

The Rwanda scheme has reached the attention of the *New York Times*: in an [article](#) headed “He’s a Brutal Dictator, and One of the West’s Best Friends,” Rwanda’s president, Paul Kagame, is said to have reduced his country to tyranny. But despite this, “he’s one of the West’s best and most reliable friends.” His “greatest endorsement” is the deal with the British government to receive asylum seekers. The *NYT* adds: “This controversial bargain, which may contravene [international law](#), has cemented Rwanda’s reputation as a steadfast partner of Western countries. Far from the authoritarian holdout it is, Mr. Kagame’s Rwanda is now hailed as a haven for people fleeing dictatorship.”



Asylum claims, the backlog and the proposed questionnaire

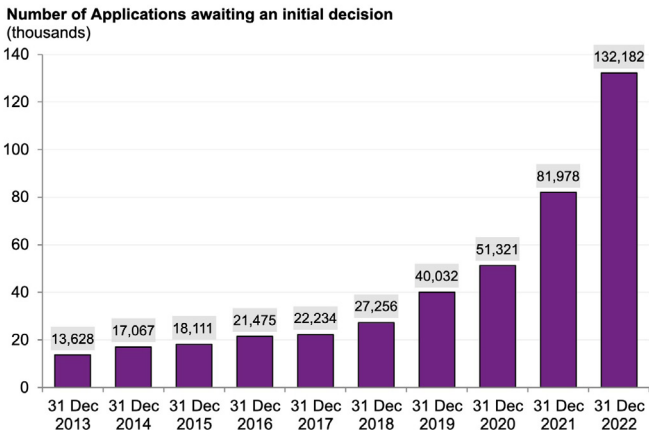
Latest asylum statistics show the Home Office is failing on all fronts

The asylum backlog has reached over 130,000 cases, representing over 160,000 people (see chart). Unsurprisingly, therefore, the numbers on asylum support have also increased, to 110,171 individuals.

Why is the backlog growing? *Free Movement* says the reason is twofold. First, there were 74,751 asylum applications (main applicants only) in the UK in 2022, more than twice the number in 2019, according to the [latest migration statistics](#). This is higher than at the peak of the European migration crisis (36,546 in year ending June 2016) and is the highest number of applications for almost two decades (since 2003).

Second, and more important in explaining the backlog, the Home Office only managed to make 18,699 decisions on asylum claims in the whole of 2022. Although the number has increased by 29 per cent in the last year, it remains 10 per cent below the number in 2019, before the pandemic. Of the 132,182 main applicants awaiting an initial decision at the end of 2022, 67 per cent (around 89,000) had waited for more than six months - hence the rising cost of housing asylum seekers, currently £6 million per day.

Just over three-quarters of the initial decisions in 2022 were grants (of refugee status, humanitarian protection or alternative forms of leave), which is a substantially higher grant rate than in pre-pandemic years and the highest yearly grant rate since 82 per cent in 1990. Of the top ten nationalities applying for asylum, half have a grant rate above 80 per cent (Afghanistan 98 per cent, Iran 80 per cent, Syria 99 per cent, Eritrea 98 per cent, and Sudan 84 per cent).



In the EU and associated countries, there were [over 900,000 asylum applications last year](#) and some 330,000 irregular crossings of the EU's external border. Both figures are higher than for 2020 and 2021. The two main countries of origin of people seeking protection in Europe are Syria and Afghanistan, as has largely been the case for ten years.

More on the asylum backlog:

- The Migration Observatory has a new [briefing paper](#) on the asylum backlog.
- *Free Movement* [looks in detail](#) at ways to tackle the backlog: for example by increasing the productivity of Home Office asylum decision-makers, and by simplifying and prioritising some of the procedures involved in asylum processing.
- A refugee [speaks about](#) how difficult it was being stuck in the UK asylum system for seven years, but how the new Illegal Migration Bill will make life so much worse for people like her.

Asylum claims for 12,000 to be considered without face-to-face interview

The BBC [covered](#) the latest Home Office proposal to cut the asylum backlog. Some 12,000 asylum seekers to the UK are to be considered for refugee status without face-to-face interviews. A 10-page questionnaire will decide the cases of people from Afghanistan, Eritrea, Libya, Syria and Yemen who applied before last July. Applicants from these countries already have 95 per cent of their asylum claims accepted.

Some 170 organisations [wrote to the home secretary](#) expressing concern about the questionnaire and how it will be implemented. They warn that asylum seekers who want their claims to continue will simply lodge new ones: "This proposed plan of withdrawing claims will only give the appearance of reducing the backlog, whilst in fact adding to the backlog of fresh

asylum claims being made. We urge the government to rethink its plan and to remedy it."

Another potential impact of the planned questionnaire is that large numbers of people will have their asylum cases dealt with quickly and at the same time. This could mean a huge demand from people with eligibility to claim homelessness assistance. This would be on top of the demand from Ukrainians and of course Afghan refugees and others in hotels. CIH has drawn attention to this possible unintended consequence of the questionnaire with DLUHC officials.

Instalaw are making a legal challenge to the proposal on basis of discrimination against nationalities that also have a high grant rate but are not included (Sudan in this case). [Instalaw](#) told

the *Guardian*: "We believe that the policy is discriminatory because it excludes asylum seekers from certain countries and is only available in English. We are also concerned that the timeframe of 20 days prevents access to legal advice. This is not sufficient time."

The Immigration Law Practitioners' Association letter says the questionnaire proposal is "fundamentally flawed" and that the form itself is "long, complex and poorly drafted."

Lawyers also [told](#) the *Guardian* that delays are built into the system for processing the questionnaires. Home Office officials are rejecting the witness statements they send, because they pre-date the questionnaires, even though they were part of claims developed before the new system started.

Resources for advisers on handling the questionnaire

- Refugee Action has a newly published [guide on the asylum questionnaire](#). It includes an FAQ on what the Streamlined Asylum Process is, a briefing for caseworker/ support workers who are not OISC level 2 equivalent or above, and some template letters that can be used. They are available in different languages as well.
- The Law Centre Northern Ireland has also produced [FAQs](#) that provide some basic information about the questionnaires.
- The Migration Justice Project have created [a template letter](#) to apply for an extension to respond to the questionnaire. You can edit the template according to the circumstances.



The Windrush review and the “hostile environment”

Home secretary challenged on refusal to implement Windrush reforms

As “Windrush Day” approaches – June 22 will be the 75th anniversary of the Windrush’s arrival – a leading civil rights group, the Black Equity Organisation, has launched legal action against the home secretary. They are challenging [her decision to abandon](#) several crucial reform commitments made as a result of [Wendy Williams’ review](#) of the causes of the Windrush scandal (see previous editions of the newsletter). The BBC [confirmed](#) that plans to beef up the powers of the immigration watchdog, set up a new national migrants advocate and run reconciliation events with Windrush families would be axed, despite the Home Office originally endorsing them after the Williams review was published.

A petition with 50,000 signatories urging Suella Braverman to reconsider has also been delivered, along with a letter to the prime minister signed by Windrush survivors and celebrities such as the actor Adjoa Andoh, the Olympian Dame Denise Lewis and the historian David Olusoga.

The letter says:

“The Windrush scandal came to light in 2018 and following the government commissioned independent review by Wendy Williams, the then home secretary vowed to ‘listen and act’.

“That promise has been shattered by the current home secretary, who has abandoned three of the key recommendations from the Williams review. This is a kick in the teeth to the Windrush generation, to whom our country owes such a huge debt of gratitude.”

Baroness Floella Benjamin also [appealed to the prime minister](#) to address the “complete lack of respect” for the Windrush generation as his government u-turns on key reform pledges.

“The latest situation has increased the burden of trauma on the many dignified people who have suffered injustices; some as you know have even paid with their lives,” Baroness Benjamin, Lib Dem peer and iconic television presenter, wrote in a letter to Rishi Sunak.



Victims of the Windrush scandal and others gathered in Windrush Square in April for a vigil organised by @DefendWindrush to mark the 5th anniversary of the scandal.

Ongoing review of the hostile environment reveals some of its effects

One of the principal recommendations of the Williams review was to re-examine the “hostile environment”, given the part it played in depriving Windrush people of their rights.

Lawyer Jacqui McKenzie [points out](#) that while the home secretary claims that 21 of the Windrush review’s recommendations have been implemented, it is difficult to see any change in the immigration system as a result, especially as there are now plans to deport children and families to countries where they have no connection.

Ironically, a review of what the Home Office calls the “compliant environment” was [published](#) only in February, as promised following

the Windrush review. Among other issues, it looks at the evidence on the workings of the “right to rent” checks on private tenants, although it largely summarises earlier evaluations. It is unclear whether this ongoing work will continue or, if it does, whether it will have any impact, given the home secretary’s recent statements.

The Independent [noted](#) that migrants affected by the hostile environment are more likely to be of South-East Asian or Black ethnicity. The assessment said: “It would initially appear that data indicates migrants impacted by the compliant environment are more likely to be from one of a select number of nationalities rather than a wide range and may also be more likely

to be of South-East Asian or Black ethnicity.”

It added: “We note that of the top five nationalities impacted, most are identifiable as being from/of brown or Black heritage and all five are visibly not White. This means that the internal data suggests some of the compliant environment measures may disproportionately impact on people of colour.”

The Joint Council for the Welfare of Immigrants (JCWI) said the assessment “...acknowledges for the first time what we’ve long known – that these policies have ‘disproportionate impact’ on people of colour. In other words, the hostile environment is racist. This is a watershed moment.”

The “hostile environment” is due to get more hostile

Migrants who entered the country “illegally” and have irregular employment face a new crackdown on their access to bank accounts, jobs in the gig economy and public services including education and health, [reports the Daily Telegraph](#). A new taskforce will use “every available power” to ensure “only those eligible can work, receive benefits or access public services”.

The government believes that ratcheting up enforcement activity on illegal working combined with curbs on access to public services will make the UK [a far less attractive destination for migrants](#) “asylum shopping” on the continent and help reverse the surge in Channel crossings.

The taskforce will investigate how to update the right to work regulations to tackle the issue in the gig economy. It will examine how to protect access to rented accommodation, bank accounts, healthcare, education, driving licences, and public funds to only those eligible. The review will also examine how data on the immigration status of individuals could be used to check on undocumented migrants when they use schools or seek NHS treatment.

Bank checks are being reinstated but with an appeal mechanism, supposedly “to ensure no-one is wrongly denied access to cash.” (Banking checks actually restarted in April, reports the *Guardian*.)

The taskforce will also review whether new legislation is needed to prevent migrants who entered without documents from gaining casual, self-employed jobs in the gig economy such as food delivery drivers and car hire. It will be allied to a 50 per cent increase in immigration enforcement visits to workplaces in key sectors such as construction, car washes and gig economy businesses.



Starting a tenancy in the hostile environment

The ways in which the hostile environment affects private tenants is discussed in this piece by [Law for Life](#).

“Basically, there is a crisis in housing. There is so much help needed and so little is provided”, explained Maaz Salih, a member of London Renter’s Union, talking at an online event on starting a tenancy and right to rent checks last November. The event was organised jointly by Law for Life and Refugee Council to launch two new legal information resources – an information [guide](#) in English and a [short film](#) in Arabic.

Navigating England’s increasingly expensive rental market as someone who has recently arrived in the country is a daunting process to say the least. There are many challenges in sorting out a deposit and a guarantor whilst not knowing anyone in the country or having limited English. “Just reaching out to landlords and talking to them, or visiting a house can be challenging”, explained Bushra Manochchery from RETAS, a Leeds-based charity which works with the local authority and volunteers to help refugees in the area find housing.

This issue is particularly acute for new refugees who have only 28 days to find secure housing before they are evicted from asylum accommodation. As a result of the ban on work for asylum seekers, and the five weeks wait for universal credit, many find themselves without enough money to pay for a deposit. To address this situation, Refugee Council set up their [Private Rented Scheme](#). Adonis Magama, the project coordinator, stressed the importance of their bond programme and of working with landlords to convince them that it is safe to rent to refugees.

The right to rent (RtR) requires private landlords to check the immigration documents of prospective tenants and may face fines or even prosecution if they rent to someone who does not have the right to rent. The event discussion clearly pointed to the urgent need to abandon RtR – together with other [hostile environment](#) policies – as it poses a huge barrier in access to housing for migrants. John Crowley, from Leigh Day Solicitors, reflected on past legal efforts to challenge the policy in courts. Although in 2019 the High Court found that the policy causes unlawful discrimination, following

a review brought by the Joint Council for the Welfare of Immigrants, the Court of Appeal [overturned the decision](#) and found the discrimination to be justifiable under the law.

Leigh Day Solicitors tried to bring another case to the European Court of Human Rights. The case, however, was deemed inadmissible. Commenting on the court decision, John Crowley said: “Demonstrating that any specific individual has suffered discrimination as a result of the right to rent scheme is inherently difficult except where a landlord has been explicit in their racism. Evidencing that a particular landlord’s decision to refuse an individual’s application to rent was discriminatory, and caused by the right to rent policy, is a near impossible task.”

Ethnicity and nationality may not be the only grounds on which discrimination takes place. University of York researchers Joe Tomlinson and Jed Meers presented evidence from an experimental study indicating that digital proofs of immigration status are treated less favourably by landlords compared to paper documentation. Although the study focused on EU citizens, the findings are likely to affect anyone who is required to use digital forms of documentation to prove their right to rent.

The Home Office has published [an evaluation](#) of RtR, concluding that “there no statistically significant evidence of differential treatment” between UK and non-UK prospective tenants. But it also found patterns of discrimination in landlords’ behaviours, especially with regards to ethnicity. It is also worth noticing that the methodology did not involve prospective tenants who are likely to experience discrimination. The findings are also at odds with the HO’s own overarching [impact assessment of hostile environment policies](#) which found “indirect discriminatory impacts [of hostile environment policies, including RtR] on the basis of nationality and colour.”

Note: The new research for the Home Office, [published in February](#), found that almost a quarter of landlords would not let to a non-UK passport holder from outside the EU.



Helping Ukrainian refugees – latest developments

The housing rights website page on [Help for Ukrainian refugees](#) is being updated each week with the latest government guidance and other news. Please check it to stay up to date (and let us know if anything needs changing – email policyandpractice@cih.org).

Ukrainian refugee ‘touched’ by kind Brits who saved her from homelessness

A Ukrainian mother who fled her country nearly a year ago says she is grateful to the British public after kind strangers donated £4,785, so she could move into a flat and continue her dream job in the UK.

Anna Bozhenko was living peacefully in her native Kharkiv on the Russian border when the war started in February 2022. “We were awakened by the sounds of bombs. I thought that it was fireworks, but they weren’t stopping. I was totally sure that tanks were coming to our streets, and that we would be killed. It was very terrifying. The war was my biggest fear from my childhood” she said.

Ms Bozhenko and her 15-year-old son fled Ukraine less than two weeks later and spent some time in Montenegro before arriving in the UK on 7 May 2022. They were matched with a British family in North London via the Homes for Ukraine scheme. “We are very thankful to our host family for giving us this opportunity,” said Ms Bozhenko. “They helped us a lot, including enrolling my son into school. They were a nice family, but it’s not easy for us and for them to live with someone else.”

Like many Ukrainians, Ms Bozhenko found herself on the cusp of homelessness when her sponsorship placement came to an end. She approached Brent Council for support, who connected her with the social enterprise platform [Beam](#).

Beam is helping Ukrainian refugees find stable jobs and homes in the UK by crowdfunding the cost of their job training, work tools, rental

deposits and other financial barriers. Each person gets a campaign page, where they share their story and a budget breakdown of how much they need to raise. Members of the public can donate, leave encouraging messages and receive updates on the people they have supported.

Within 28 days, Ms Bozhenko raised £4,785 on Beam’s platform from 17 members of the public to pay for a rental deposit, first month’s rent and housing essentials. She has since started renting a flat nearby, which means her son can stay at the same school.

“There is a big difference in renting a flat in Ukraine and the UK, so it was really stressful finding a home. I was afraid of becoming homeless. I didn’t expect to get any help, but I’m really thankful. When my campaign launched and I saw that people started donating, it was really surprising for me. You see how many kind people are ready to help. It was very touching.”

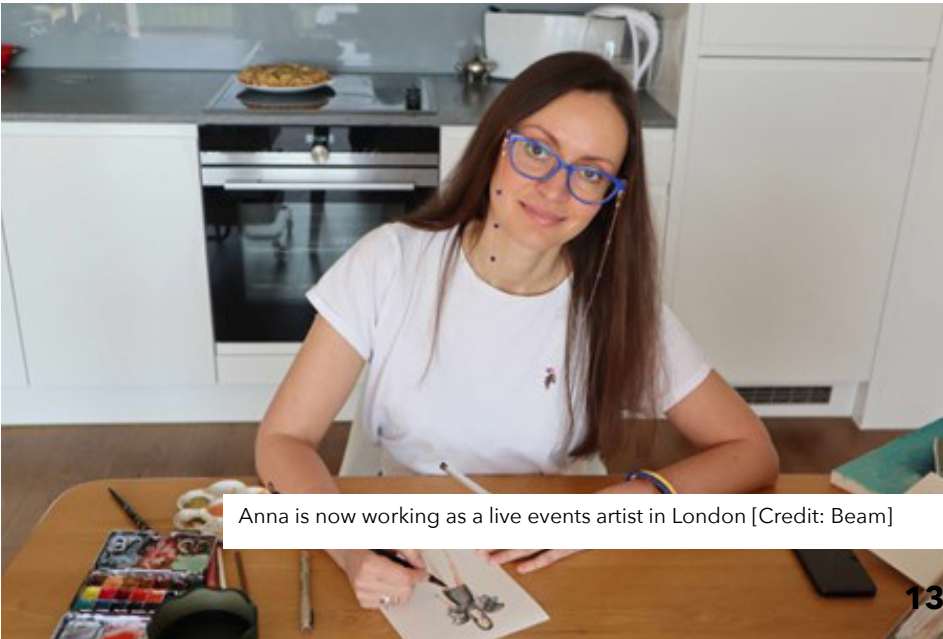
Looking to the future, Ms Bozhenko hopes to continue her profession as a live events artist in London, after finding work through Instagram. “I really cannot believe that it’s already

a year since the war started and no one knows how many more years it will last,” she said. “But despite all the circumstances that have happened to us, I’m happy that we are alive and we are settled. We are really thankful for our lives and all the help we are getting.”

Alex Stephany, founder and CEO of Beam, said: “We’re delighted to work with local councils to support Ukrainian refugees like Anna into stable jobs and homes, so they can thrive here in the UK. We’ve also seen an influx of donations and kind messages for Ukrainians using Beam’s platform, and it’s amazing to see the British public rallying behind them.

“Despite these glimmers of hope, there are still thousands of Ukrainians who are becoming homeless in the UK, and we need to act urgently to reverse this trend. The UK government needs to increase funding support for Ukrainian refugees if we want to truly tackle this humanitarian crisis.”

For more information, contact Montana Gerry at Beam: montana@beam.org.



Anna is now working as a live events artist in London [Credit: Beam]

Homelessness among Ukrainian refugees now exceeds 5,000 households

New government data show that homelessness among Ukrainian refugees in England now affects more than 5,000 households for the first time. Most are concentrated in London, but several smaller councils are also seeing increased homelessness. Nearly seven in ten cases are families with children, the rest are single people. Detailed data are available from [DLUHC](#).

DLUHC has introduced a £500 million capital fund, the Local Authority Housing Fund (LAHF).

A copy of the prospectus for the fund, released by the Department of Levelling Up and Housing Communities can be found [here](#). And further information can be found [here](#).

The All-Party Parliamentary Group for Ending Homelessness held a meeting to discuss growing homelessness amongst Ukrainian refugees. They heard from three Ukrainian women who powerfully shared

their struggles in finding safe and secure housing. As a follow-up they drafted an open letter to the minister, Felicity Buchan, to convey the urgent need for action. They called for parliamentarians to support the letter and received 74 signatories. The letter can be read [here](#).

Meanwhile, the *New York Times* [reports](#) that Ukrainians in the US are experiencing similar problems. More than 280,000 Ukrainians have escaped the war through a programme meant to resettle them into US homes. "But not everyone has found a safe or welcoming place to stay," with many now struggling with homelessness and dependent on charities for assistance.



Ukrainian refugees in Bulgaria (photo: UNHCR)

More news and information on Ukrainian refugee

- **Ukrainians struggle to bring family to UK because of government rules.** Government schemes gave Ukrainians three-year visas rather than full refugee status. Emmeline Skinner Cassidy, who runs the Families Together coalition, [told](#) the *Independent* that "at first glance" Ukrainians appeared to have an advantage over people fleeing other countries, with bespoke routes set up under intense public pressure at the start of the war. But Ukrainians are not eligible to go on to sponsor anyone themselves, and they also can't access regular refugee family reunion because they lack formal refugee status. "If they need to bring a family member to join them here in safety, they're reliant on finding someone settled in the UK to sponsor their family member for them." She added that the government has not told Ukrainians what will happen when their three-year visas run out, making them anxious about their future.
- **"Inside Homes for Ukraine: sex bargains, child neglect and domestic servitude."** An [exclusive investigation](#) by the *New Statesman* reveals the dark side of Britain's refugee scheme, which failed to safeguard some guests and their hosts. *The Daily Mail* is also [worried about](#) marital problems caused between hosts and guests.
- **Ukrainians continue to find problems in access private lettings.** Even though Ukrainian refugees can apply for universal credit, the widespread discrimination of benefit claimants in private renting is preventing Ukrainians from accessing

housing. Renters who are migrants, refugees or Black, Asian and minority ethnic (BME) renters, have community engagement experience or just want to help Generation Rent better engage with migrant and BME renters, can sign up [here](#) to get involved with a new community partnerships programme.



Benefits are a vital lifeline for Ukrainian refugees who have fled the war. However, many have struggled to find a landlord to rent to a welfare claimant.

"There were estate agents that categorically refused to consider me while I was receiving Universal Credit. They are looking for a pre-payment of at least 3 months plus a deposit."

"My salary is less than the minimum wage and I receive Universal Credit. As soon as the (rental) agency hears about it, they immediately refuse and say that there are other, more financially attractive, potential tenants."

Source: Generation Rent Ukrainian survey, Nov 2022-Jan 2023

Join our fight for housing equality by signing up at www.generationrent.org/end_housing_inequality

- Where are the African students who fled Ukraine, one year on? Thousands of African students who fled the country have been "frozen out" of receiving support for those driven out by Russian attacks, the *Independent* has been told. Before the conflict, around 76,000 international students were based there, but after grappling with racism at Ukraine's borders while trying to flee, a large number of students are now displaced across no less than 21 countries, unsure of their next move. [Read more here](#) and [watch our short video report](#).
- **Resource tool for Ukrainians.** Migration Yorkshire's [Ukraine Hub](#) is a resource tool for Ukrainians, hosts and organisations interested in or already supporting Ukrainians in the UK.

The plight of refugees from Afghanistan

Afghan refugees arrive through official schemes and on "small boats"

Statistics [issued in February](#) give the official picture of how many Afghan refugees are being helped through official schemes:

- 24,500 people have arrived in the UK from Afghanistan through such schemes. About 2,000 arrived before "Operation Pitting" - the evacuation process - about 15,000 during it and around 6,000 afterwards.
- 12,296 individuals have been granted indefinite leave to remain across both Afghan resettlement schemes.
- Around 9,242 Afghan refugees remain in 63 bridging hotels across the UK.
- 7,572 people have moved into settled accommodation nationally.

The Refugee Council [point out](#) that the number of Afghans coming across the Channel has increased five-fold, showing that the government needs to urgently rethink its approach. In 2022, the UK received 10,011 asylum claims from Afghans who came through irregular routes.

There have been several prominent news stories about Afghans fearing persecution and their difficulties in getting to the UK (in contrast to - for example - Ukrainian refugees):

- In a case which received a lot of political attention, an Afghan war hero told *The Independent* [his story](#) of how he reached the UK as an undocumented migrant.
- The High Court [quashed](#) the government's refusal to relocate eight prominent Afghan BBC journalists and their families to the UK. The claimants, all high-profile former BBC journalists, are in hiding for fear of their life. The cases have been featured in the press including the BBC Radio 4 documentary "Abandoned in Afghanistan" available [here](#).
- In a different case, the defence ministry had to "apologise unreservedly" after *The Independent's* [investigation](#) revealed that Afghans who want to leave the country and come to the UK were asked to get evacuation documents certified by Taliban.

Other resettlement schemes

The UK [offered protection](#) (in the form of refugee status, humanitarian protection, alternative forms of leave and resettlement) to 23,841 people (including dependants) in 2022. This number was 15 per cent higher than in 2019, but well down on the more than 18,000 resettled in 2021 (mainly due to the Afghan crisis). Resettlement accounted for 5,792 (24 per cent) of the people offered protection in 2022, and most of these were Afghan nationals.

Just 1,163 people were granted protection through resettlement schemes for other nationalities in 2022, compared with 1,587 in 2021. Resettlement through these schemes has not yet returned to levels seen for the Vulnerable Persons Resettlement Scheme (VPRS), which was introduced initially in response to the situation in Syria (in the period 2016-2019, 22,842 people were resettled, equal to a rate of more than 5,000 per year, predominantly through the VPRS).

High Court rejects challenge by Afghan families to hotel move

Three families [brought a legal challenge](#) against the home secretary in January, after being forced to move out of London. *Free Movement* [discusses the outcome of the case](#). The group, all Afghan families rescued from the Taliban in 2021, challenged being moved from one temporary hotel to another hotel in a different part of the UK, which would lead to some families losing jobs and cause a break in the children's education. The families were concerned that they would be subject to repeated moves between temporary accommodation. But the judge rejected the challenge, a disappointing result which will leave Afghan families who came to the UK under the resettlement schemes vulnerable to repeated moves between hotels while they try to establish themselves in the UK.





Afghan refugees being moved out of hotels

On March 28, the government announced a new plan to move Afghan refugees out of hotels and into permanent homes. Afghans in “bridging hotels” will be written to and given as little as three months’ notice to move. Local authorities warned that this risks creating massive homelessness. About £35 million of [new funding](#) will help councils provide increased support for people to move from hotels into accommodation across England, while the local authority housing fund will be expanded by £250 million, with most of the cash going to house Afghans and the rest for easing homelessness pressures.

London Councils [told](#) the *Financial Times* that they were “very concerned by the lack of alternative housing options for Afghan evacuee families who are being asked to leave hotels.” The LGA added:

“To ensure we do not see a further rise in homelessness as a result of a chronic shortage of properties across the UK and increase current significant pressures on homelessness teams, councils will need sufficient resources and flexibilities to assist with finding and funding accommodation, particularly for larger families. A place-based approach is also needed which takes into account pressures on local services and from other programmes.”

Cruel moves of Afghan refugees from London, where they settled, found work and have children in school, to other areas to start over again, are causing disruption and trauma. *The Guardian* [reported](#) on 40 families brought to the UK who were given only weeks to move to Yorkshire.

Afghan refugee families who were told by the Home Office to uproot their lives in London and relocate 200 miles away [told](#) the *Guardian* that their children’s education and health are being severely damaged. Some of the refugees, who include former elite soldiers, interpreters and political advisers who worked alongside the UK authorities in Kabul, say doctors’ appointments, operations and jobs have been lost because of the move.

Zahra, an Afghan refugee, [shares her experience](#) of living in a hotel in an article for the Refugee Council.

Asylum - the continuing controversy of the use of hotels

Protests outside a Knowsley asylum hotel turn violent

A police van was set ablaze, and officers were pelted with missiles during violent scenes sparked by protesters outside a hotel providing refuge for asylum seekers in Merseyside. The BBC [reported](#) that 15 people, including a 13-year-old boy, were arrested after violent clashes outside the hotel on February 10. Care4Calais [went to the hotel](#) to visit the asylum seekers shortly afterwards, to see if they were okay. The mood was muted. People were naturally disturbed. The most common comments heard were “We just want to be safe,” “We haven’t done anything wrong” and “Please, can you help us move to another town?”

The saddest thing they heard was a man from Afghanistan who said “I wasn’t safe in my country and I’m not safe here.”

The National [reported](#) that Suella Braverman was criticised for “tacit victim blaming of asylum seekers” after the violent protests. She [tweeted](#): “I condemn the appalling disorder in Knowsley last night. The alleged behaviour of some asylum seekers is never an excuse for violence and intimidation.”



Human rights lawyer Shoaib Khan said it was “disingenuous” for Braverman to condemn the violence when she had used inflammatory rhetoric against asylum seekers. He wrote: “You called the people in these hotels, ‘invaders’ and ‘criminals’. Now you’re blaming the British public for not wanting them in their community? When the government continuously tells people their country is being invaded by dangerous criminals and the government’s hands are tied because of leftie loony laws, what is the public expected to do?”

On February 18, [more protests took place](#) outside an asylum hotel, this time in Rotherham (photos and a report [here](#)). Asylum

seekers [were said to be](#) “living in fear” as more UK anti-migrant protests were planned.

CIH and many other organisations [signed an open letter](#) to leaders of all parties in response to the attack on the hotel in Knowsley where asylum seekers are housed.

The letter received significant media coverage, including in the *Guardian*, *Daily Mail*, *The Times*, *iNews*, *The Independent*, *BBC*, *LBC*, *Sky News* and others.

Why do asylum hotels provoke violent attacks?

Writing for the [Institute of Race Relations](#), Sophia Siddiqui points out that accommodation for asylum-seekers has long been an easy target for far-right campaigns across Europe. Dispersal policies isolate refugees from any community or family they may have, and often place them in deprived areas. And the increased use of hotels since the pandemic, often hired at short notice and with little or no local consultation, provides fertile ground for resentment that can be preyed upon by the far-right and redirected at asylum seekers.

She adds that research [shows](#) that so-called ‘migrant hunters’ made 253 visits to hotels housing asylum seekers in the UK in 2022, more than double the figure from 2021. This is not unique to the UK and Ireland. In [Germany](#), at least sixty-five attacks on refuge shelters have occurred in less than a year, with at least two asylum seekers a day being subject to attacks.

Daniell Trilling [argues](#) that the logic behind the system – the result of both Conservative and Labour

governments – is that holding people in limbo while the state decides on their asylum cases is a way of reducing hostility. If asylum seekers can’t work, so goes the argument, there can be no accusations that they are stealing other people’s jobs. If people are scattered widely and kept in penury, then they are less easily accused of being a drain on the state.

In reality, it has the opposite effect. Subsistence payments and precarious housing, however much these might compound the trauma of people who have fled war and persecution, are maliciously spun as freebies. Accommodation has long been placed in poorer parts of the country – partly for reasons of cost, but also because residents of wealthier areas have more power to make a fuss.

In *UnHerd*, Thomas Fazi [argued](#) that these protests did not necessarily stem from the extreme right, but may be simply a local reaction to the government’s chaotic immigration policies, over which people feel that they have no control.

Spending on hotels reduces the UK’s overseas development assistance

In March, [according to the Guardian](#), the Home Office was using more than 386 hotels to house refugees and asylum seekers. A considerable part of the cost is met from the budget for the UK’s overseas development assistance. The campaign group [Bond](#) points out that while Britain is spending 0.5 per cent of its national income on development, some £3.7 billion of this money (about 29 per cent) is not being spent overseas, but on supporting refugees and asylum seekers in the UK. This is an increase of 250 per cent (£2.6 billion) since 2021 and 487 per cent (£3.1 billion) since 2020. This is more than the government spent bilaterally in Africa and Asia combined, and three times larger than the total humanitarian assistance budget.

Children in hotels - bad practice will continue

[The Times reported](#) that the controversial practice of housing migrants in hotels will continue for the foreseeable future as the Home Office plans to change the law to allow it to act as a legal parent for orphaned child refugees. Since July 2021, 4,600 unaccompanied asylum-seeking children have been [housed in six hotels](#), each for an average of 16 days but some for up to three months. It is illegal to accommodate unaccompanied children in unregulated facilities, which include hotels.

The practice has left those children in legal limbo over who is responsible for their wellbeing and safety as the Home Office has struggled to find capacity in children’s services run by councils. One in ten have [gone missing](#) at some point and 200 remain missing. Child safety experts and MPs blame the “legal grey area” of who is responsible for the children before they are transferred to a local authority.

The department will act as “corporate parents” in an effort to clarify the legal status for unaccompanied children while they stay in hotels before being transferred to a local authority. There is no legal clarity on who is responsible for children living in hotels, and the numbers arriving on the Kent coast have left services overwhelmed. Concerns have been raised about the safeguarding of children who are abused or go missing, and it is not clear who is responsible if anything happens to them.

Child safety experts and MPs have warned that the Home Office does not have the expertise necessary to become corporate parents responsible for looking after children. Anne Longfield, the former children’s commissioner, said the change would only lead to children being kept in hotels for longer. She said the Home Office had delivered the national transfer system at a “snail’s pace”, pointing out that to house the 200 child refugees now in hotels, councils would need to take in one child each.

Children “just vanish” from a hotel in Hove

Whistleblowers [told The Observer](#) that they are “met by wall of complacency over missing migrant children.” In April last year, a 17-year-old disappeared near the bustling centre of Hove. He was never seen again. Days later another teenager vanished nearby. Within hours, a 15-year-old was also reported missing. The disappearances continued.

Lawyers for the home secretary disclosed to a family court that

66 unaccompanied asylum-seeking children remain missing from the hotel in Brighton and Hove.

[According to the Guardian](#), the number was revealed at an urgent hearing to address the fact that no agency has parental responsibility for the missing youngsters. [The Guardian](#) also reported that UN special rapporteurs are [expressing concern](#) over the fate of missing, unaccompanied children, which may breach international law.

Leaders of Brighton and Hove City Council have written to the immigration minister, calling for a safeguarding review into the hotel. The council said the Home Office began to place children in the city in July 2021, without prior consultation. The hotel’s residents are boys aged between 16-17 and over 1,600 children have stayed in the hotel before being transferred to other local authorities.



Children abducted from hotels are dispersed across the country

[A map from The Observer](#) shows the scale of the problem for police forces across the UK attempting to track where asylum-seeking children abducted from hotels are taken to. Currently, 200 children are missing from hotels run by the Home Office. Almost two-thirds of the 43 police forces in England and Wales have so far recovered children who vanished from six hotels run by the Home Office to care for unaccompanied asylum seekers.

Those disappearing from Kent are taken everywhere. Almost half the police forces in England and Wales – 19 – have located a child who vanished from a Home Office hotel in Kent. Children from the county have been found as far away as Cleveland, Nottingham, West Yorkshire and Merseyside. Six were found in Somerset. Another three were taken to South Wales; another seven were taken more than 500 miles away to Scotland.

Of 160 child asylum seekers who disappeared from Home Office venues in Kent, at least 63 remain missing.

Children taken from Home Office hotels in Sussex have been found in 18 other police force areas



Source: <https://www.theguardian.com/uk-news/2023/feb/18/uk-missing-child-refugees-put-to-work-manchester-gangs>

London councils raise concerns after 100 asylum seekers are moved from a Greenwich hotel

According to the *Evening Standard*, [two-thirds of London's councils](#) have signed [an open letter](#) slamming the government's "failing" asylum hotels policy, saying it is causing unnecessary suffering.

The intervention, led by Greenwich Council, comes after 100 asylum seekers were forcibly removed from a hotel in the borough at short notice, some of whom were sent 50 miles away to Dunstable in Hertfordshire.

The letter calls upon Home Secretary Suella Braverman to take "urgent action" to stop the removal of asylum seekers from their support networks and to improve communications with councils. "Removals of people against their wishes with only a few hours' notice is unacceptable," it states.

"Often by the time we are informed, the removal of asylum seekers is already underway."

A broken system in need of change

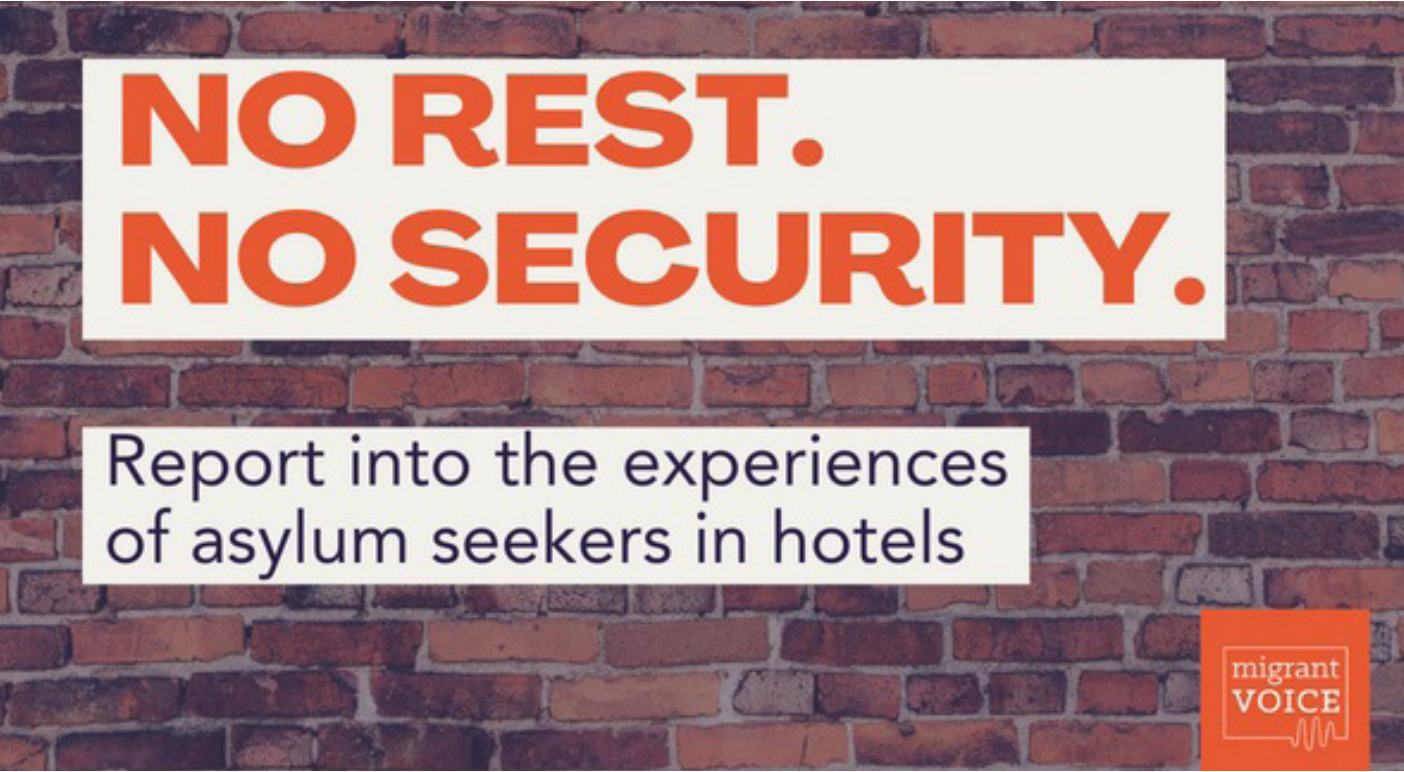
Migrant Voice's new report, [No rest. No security](#), looks in detail at the treatment of asylum seekers in ten different Home Office hotels. They say that "...one thing was consistent across the people we interviewed and surveyed is the sense of dehumanisation caused by the system in general. People were left months without contact from the Home Office. Abandoned in limbo with no updates about what will happen to them next."

Overcrowding and unsanitary conditions were rampant, with some asylum seekers reporting 24 people having to share one toilet and another of having to share one shower with people from two floors. In some cases, people were placed ten to a room, and one asylum seeker was left for a year in a windowless room measuring only two metres by two metres.

"Not having privacy in the room and very bad quality of food and not having enough money even for bus and tube tickets ... I got depressed," a survey respondent said.

The report concludes:

- Investment needs to be made into providing suitable accommodation within communities.
- People must be provided with privacy, and the ability to live their lives in dignity.
- People living in hotels for long periods should have access to use of kettles, microwaves and fridges, or access to cooking facilities.
- Hotel staff, or staff in other types of accommodation, must be instructed to treat residents with respect and dignity and should receive trauma-informed training.



Councils take action against hotels, barracks and barges used as asylum accommodation

Vessels and barracks: Home Office asylum accommodation announcements

The BBC [reported](#) the first of a series of government announcements about the use of ex-military bases and possibly barges to accommodate asylum seekers as an alternative to hotels, which currently hold about 45,000 asylum seekers. By Easter, some specific sites had been announced. *Free Movement* [gave](#) the list so far as:

- [RAF Scampton, Lincolnshire](#)
- [MoD Wethersfield, Essex](#)
- [An old residential and training establishment in Bexhill, Surrey](#)
- [Bibby Stockholm, a barge in Portland, Dorset](#)

When at full capacity, these will be able to host about 5,400 asylum seekers, combined, all single adult males, meaning that they will only resolve a small proportion of the hotel problem.

Bloomberg [reports](#) that a plan to use former cruise ships has been abandoned as too costly. *The Independent* [predicted](#) a Tory backlash over plans to put asylum seekers on barges and in military bases. One Tory MP had told parliament that barges should be "out of the question", while another says legal action will be launched over RAF base conversion.

However, about 500 adult male migrants will be housed in a barge on the Dorset coast "in the coming months", the government [confirmed](#). The three-storey barge called Bibby Stockholm will be located at Portland Port off the coastal town of Weymouth, and used to house single men while they wait for their asylum claims to be processed. It will operate for at least 18 months.

"Why does the Tory plan to house asylum seekers on barges sound Dickensian?" [asks Anna McKay](#) in the *Guardian*: "Because it is."

Is planning permission required to house asylum seekers in hotels?

Court cases have focused on whether using hotels to house asylum seekers constitutes a material change of use to a hostel. The House of Commons Library has [published a briefing](#) on whether planning permission is needed. It says that accommodation for people seeking asylum is not listed as a use class in the 1987 Order. But the Order also only provides a guide to the types of building or land use which may fall into a class. Whether a material change of use has occurred (and planning permission is required) is for the planning authority to determine in the first instance, or the courts in the case of a dispute.

In recent months, some councils have sought injunctions against accommodation providers to stop hotels being used to house asylum seekers. They argued this constituted a material change of use of a hotel to a hostel (which would require planning permission). In each case, a judge decided whether to continue the injunctions to trial, where a final decision would be made.

In November 2022, the High Court declined to continue [injunctions sought by Ipswich Borough Council and East Riding of Yorkshire Council](#). The judge found there were arguments pointing towards and against hostel use, concluding: "the distinction between a hotel and hostel ... is [a] fine [one]". Whether a change of use from hotel from hostel is material, he added, depends on the planning consequences. In these cases, the consequences were "very limited": the alleged change of use would not alter the buildings, cause environmental damage, or impact the character of the area.

The High Court has also declined to extend interim injunctions by [Fenland District Council](#) and [Stoke-on-Trent City Council](#). It has declined [North Northamptonshire Council's](#) application for an injunction.

However, in January 2023, the High Court decided to continue an injunction preventing the use of a [seafront hotel in Great Yarmouth to house asylum seekers](#). Great Yarmouth's local plan includes a policy to protect the seafront because of its importance to the town's tourism economy. The local plan defines uses that are not permitted on the seafront, including hostels.

The judge also considered the impact of an injunction on asylum seekers and whether the LPA had used [other enforcement powers](#) prior to seeking an injunction. Great Yarmouth had issued an enforcement notice in 2006 prohibiting the use of the building as a hostel. The judge noted this was still in force but had not deterred the provider. This supported the use of more serious powers, in this case an injunction.

“High hurdle” for hotel accommodation challenges?

The High Court has [rejected a challenge](#) to the Home Office’s dysfunctional and chaotic hotel system. *Free Movement* explains that the claimant and two children had spent months in a hotel awaiting ‘dispersal’ to a self-contained flat. They were eventually relocated, but the claim continued. They argued that the Secretary of State was applying an unpublished policy requiring an elevated threshold of ‘exceptional circumstances’ before moving families out of hotels, with insufficient regard to the best interests of dependent children.

The court instead chose to see a system beset by resource constraints and ad hoc (lawful) decision-making. Relying on an earlier successful challenge to the disastrous Napier Barracks, the court decided that “the hurdle the claimant has to overcome is a high one.” In other words, Napier was so bad, a hotel must be presumed to be good enough. You can read more about the judgment [here](#).



Ministers to give locals “no say” over migrant camps

[According to The Times](#), ministers plan changes to planning law that would mean that new developments on government-owned land can go ahead more quickly. Changes to the use of crown land would no longer need the approval of local planning authorities and would instead need only to be signed off directly by the Secretary of State. Ministers will be able to turn disused military bases and other crown properties into mass migrant camps without any say from local residents, communities and councils, if the amendment to the current Levelling Up and Regeneration Bill is approved. However, ministers also [promised](#) the *Local Government Chronicle* that the new powers would be used “sparingly”.

Use of former airfield contested through local plan

West Lindsey DC is using its local plan try to prevent the government from moving asylum seekers at to RAF Scampton. A new local plan for Central Lincolnshire – covering West Lindsey, North Kesteven DC and Lincoln City Council – [was adopted on April 13](#) and designates the site a “specific opportunity area”.

Major development proposals for the site should now be contained in a masterplan and any proposals which may result in a conflict between uses and safety concerns in connection with the ongoing use of the site or the airspace, or which delivers substandard development, will not be supported by the council.

The council had planned to deliver a £300 million regeneration programme involving RAF Scampton and has expressed concern that plans to house asylum seekers on the site will put its status as a world-renowned heritage site at risk. Built in 1936, RAF Scampton was the base for the 617 squadron, the Dambusters.



A council loses its bid to block government plans to house asylum seekers at a former RAF base

In a court case about the plan to develop the RAF Wethersfield base in Essex into a camp housing 1,700 asylum seekers, the Home secretary’s lawyers [told the High Court](#) that the situation is an “emergency”. A planning rule known as “Class Q” was being used to

bypass normal planning permission. Wethersfield would become the UK’s largest asylum accommodation centre.

Braintree District Council wanted an injunction, arguing the proposals were a “flagrant breach” of planning

laws. However, in a decision [just announced](#), Mr Justice Waksman said he did not have the legal power to grant the council’s application. In rejecting it, he sent the case to appeal, recognising its wider implications.

Dormitory accommodation for asylum seekers has to be “suitable”

Rebecca Ives from Wilson Solicitors LLP writes about a recent case.

The case concerned asylum seekers who are single, adult men being accommodated in a former courthouse accommodation, which was previously a jail-themed hostel. The clients in this case had histories of detention, sexual violence and torture, making staying in that accommodation and sharing a room particularly traumatic. As a result of being successfully challenged, the Home Office has updated its [Allocation of Asylum Accommodation Policy](#) (pdf, 23 December 2022) which applies to all types of accommodation. With respect to communal dormitory forms of accommodation, caseworkers are now required to consider each case individually

(pp15-16). There is no set definition of ‘dormitory’, rather it is taken to be a situation where there is room sharing between unrelated family members. The amended policy makes clear that the suitability criterion applies to all dormitory-style accommodation.

Should an individual allocated accommodation with a communal dormitory raise the issue of suitability, complaints should be first and foremost directed to the accommodation provider. However, accommodation providers rarely, if at all, have the internal expertise to assess people’s needs and vulnerabilities, so it is not clear how they are expected to respond to such complaints and challenges.

The accommodation providers are expected to flag issues and raise

new information with the Home Office relating to unsuitability. Following this, a caseworker will review the case and potentially move someone out. Nevertheless, this tends to happen only once a pre-action letter has been sent.

There are several restrictions on who can be accommodated in communal dormitories (including someone defined as vulnerable under the Asylum Seekers (Reception Conditions) Regulations 2005 regulation 4(3)), however it has been found that vulnerable people will still be put in dormitory accommodation and will then need to raise a request to be moved.

For more details, Rebecca can be contacted at r.ives@wilsonllp.co.uk.

Regulations will exempt newly procured asylum-seeker accommodation from HMO licensing

The Secretary of State has [announced](#) draft regulations that exempt will more buildings from the requirements of licensing houses in multiple occupations (HMOs). They will exempt newly procured accommodation in England, used to accommodate asylum seekers, from HMO status for two years.

The [explanatory memorandum](#) says that HMO licensing regulation is a barrier to acquiring properties to provide asylum accommodation. There currently are approximately

6,000 HMO properties accommodating 28,000 asylum seekers. This temporary exemption removes barriers that may limit the cost-effective accommodation available for asylum seekers.

During the period of the temporary exemption, local authorities will no longer license HMOs used as asylum accommodation so will no longer receive licensing fees in respect of these properties. The Home Office will provide funding to local authorities in recognition

of the costs associated with accommodating asylum seekers in their area.

The draft regulations do not apply retrospectively, i.e. to accommodation already occupied. Nor do they remove other aspects of HMO regulation. So local authorities can look to other parts of HMO legislation for ways to regulate the condition of asylum-seeker accommodation.

Asylum accommodation is “cruel by design”

Refugee Action’s new report, [Hostile Accommodation](#), finds our asylum accommodation system to be

“cruel by design, with a truly shocking impact on people seeking safety in the UK.”

Of the people seeking asylum they spoke to, 75 per cent reported that the food provided in asylum accommodation was low quality and inappropriate, 90 per cent reported that the hotel was unsuitable for children and 61 per cent reported safeguarding

concerns regarding their children. A further 57 per cent reported significant health issues as a result of conditions in their accommodation and 71 per cent reported a deterioration in their mental health.

The report asks: “who benefits from these terrible conditions and the prospect of more detention?” It says that the private companies contracted by the Home Office make staggering profits despite failing to meet even the most basic human rights standards. As detention expands, so do their pay packets.



Deaths in asylum-seeker accommodation more than doubled in 2022

Home Office figures provided to *The Civil Fleet* in response to a Freedom of Information (FOI) request show that **21 people died in the first six months** of last year – more than the 19 deaths for the whole of 2021 – and a further 25 people died in the last six months of 2022. These were more than double the number of deaths in 2021.

- 15 people died in Northwest England, the Midlands and the East of England in housing operated by Serco.
- There were ten deaths in Scotland and the Northeast England, Yorkshire and Humberside region. Housing in these areas is run by Mears Group.
- 21 people died in Southern England and Wales who were being housed by Clearsprings Ready Homes.

“Home Office outsourced asylum-seeker accommodation providers Mears Group,

Serco, and Clearsprings Ready Homes, face no accountability,” a [Corporate Watch](#) spokesperson told *The Civil Fleet*. “In 2022, Clearsprings directors were paid a total of nearly £1.1 million, and Serco reported £217 million in operating profit. Meanwhile, according to its interim results, Mears Group paid £6.1 million in dividends to shareholders in the first six months of 2022.”

The Guardian [describes](#) conditions at the Manston detention centre as the crisis there developed last year, including multiple cases of diphtheria. In late September, a Home Office employee walked into a newly opened section of the Manston short-term holding facility in Kent and realised that conditions there were spiralling out of control: “It had got way beyond what was ethical and humane.” In the article, reporter Amelia Gentleman recounts the key stages in the crisis that eventually led to Manston being cleared in late November.

A shocking case of neglect in the asylum accommodation system in Scotland

Positive Action in Housing’s CEO, Robina Qureshi, tells the story of a near disaster, which began in Glasgow.

On Monday 16 January, a family with three very young children endured sub-zero temperatures for over 12 hours in Coatbridge, Glasgow after a catalogue of neglect by the Home Office, its contractors Migrant Help, Mears Group, and the police.

Henry Okwo is a survivor of torture, studying for a master’s degree at Strathclyde University. He had a private tenancy in Coatbridge paid for by his minimum wage job. Henry’s wife, Blessing, is also a graduate but abandoned her studies after receiving threats in Nigeria. As a result, the family was forced to claim asylum on December 15 2022, and asked for emergency support. The Home Office wrongly told Henry he could not work (in fact he can work, as he is an overseas student with permission to work). As a result, Henry followed the rules and gave up his job to comply with asylum policy. From this point on, the family descended into a spiral of extreme poverty, destitution and total loss of agency.

This [twitter thread](#) highlights the shocking neglect and failure of duty of care towards the Okwo family. At every turn, no one took responsibility, everyone involved appeared to be doing their job with no risk assessment whatsoever.

On Monday January 16, the letting agent, Aquila Management services, evicted Henry and Blessing with their three children from their private accommodation in Coatbridge and sent people to take their belongings out and empty the flat despite rent being fully paid and a temporary eviction ban being in place. The family sheltered in the corridor of the building from the sub-zero temperatures with their belongings. We escalated their case with [Migrant Help](#) to urge the Home Office to approve their emergency homelessness request originally made one month previously. Despite Henry’s pleas that they would leave but were waiting for emergency accommodation, the property agent persistently called and texted Henry, demanding to know why they were still in the building.

At 4.50 pm, Migrant Help told Henry emergency support was now approved and to “wait in the street so that he was visible to the driver who would take them to their accommodation”. Henry moved their things onto the street while Blessing hid with the children at the back door. It was -2 degrees outside.

At 10.00 pm a driver arrived; he was from a Home Office accommodation contractor. The driver said he would take Blessing and the two younger children and a second car would take Henry and his son. Henry begged him to wait so the cars could go together. The driver said he couldn’t wait as it’s a long journey, to York, England. Henry was shocked and said that “there’s some kind of a mistake” and that he had to call Migrant Help.

But the driver left without them. At 10.45pm the property agent messaged Henry repeatedly, accused him of trespassing and threatened to call the police. The police arrived at 11 pm and took the family to Motherwell Police Station in a police van. Henry states that the police told him there was no room in the police station so they would stay in the van. For the next four hours, 17 minutes the family remained in the van. The [recorded](#) temperature from midnight was -2 to -5 degrees.

At 3.17 am, Motherwell Police released the family from the van and the family was driven to the Embassy Hotel, Newcastle, run by Mears Group, arriving at 6am. But they were told there was no room. The driver left them there. The family slept for two hours in the hotel lobby.

At 8.00 am, a Mears official told them they were going to York. On arrival, the children slept from exhaustion. The two older children developed bleeding lips from the cold. The family had spent over 12 hours in sub-zero temperatures, after being taken hundreds of miles from their home in Glasgow.

On Friday January 20, our Homelessness Team brought the family back to Glasgow. Henry is doing a master’s degree and the children have appointments for immunisations. Their lawyer, McGlashan Mackay is in Glasgow. They are staying in a hotel room paid for by Positive Action (funded by donations). From January 29, they moved in with one of our refugee hosts in Glasgow while our Homelessness Team worked to have them accommodated in Glasgow by the Home Office. But it’s safe to say the family were traumatised and bewildered by the way they were treated, despite behaving with the utmost decorum throughout their ordeal.

Donations to help the Okwo family rebuild their lives are appreciated. We’ve set up a time limited appeal at this [link](#).



Locked into poverty - life on asylum support

Emma Birk of Asylum Support writes for [Just Fair](#) about the problems of surviving on the tiny amounts of money provided by the Home Office.

"I have to be so careful with what I spend because if I go over even a pound, we will suffer for the week. I'm in a situation I cannot change, I feel so powerless. Some days I wake up and have no strength to live life." These are the words of Grace, a mother from Birmingham trying to decide if she can afford a pack of spaghetti for her and her child.

People seeking asylum in the UK are effectively banned from working and forced to depend on immensely low levels of support from the UK Government. This amounts to £45 per person per week and £9.10 for those in full board accommodation.

The current rate of £45 equates to 58 per cent of the amount universal credit awards to over 25s and works out at £6.43 a day to pay for food, clothing, toiletries, transport and other essential items. Even though support has increased incrementally over the years, in real terms the support level is lower now than in the year 2000. The Migration Observatory has stated that "in real terms, the payment level in 2022 is 27 per cent lower than in 2000" (see chart).

The isolation and forced inactivity experienced by many people seeking asylum has a negative impact on their psychological well-being and is often compounded by the anxiety of providing for themselves and their families. In 2020 Asylum Matters surveyed over 180 people seeking asylum, both individuals and those in families, asking them to outline their experience of living on asylum support. The report '[Locked into Poverty](#)' sets out the findings of our survey and revealed that 92 per

cent of respondents did not have enough money to buy all they need. In the current cost of living crisis this hardship will only be compounded and exacerbated.

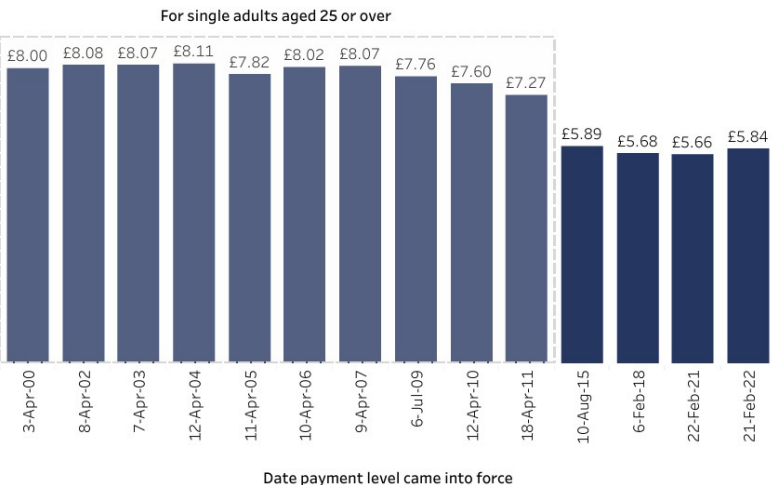
Asylum Support was originally set at 70 per cent of the social security benefit income support, on the basis that asylum seekers' accommodation and utility bills would be paid for separately. However, in 2008 the government decided to break the link to income support payments, which led to a growing disparity between asylum and income support levels.

In December 2022 the Home Office [announced an interim increase](#) to £45 after the High Court ruled that the home secretary had acted unlawfully by failing in her legal duty to provide for the essential living needs of asylum seekers. The court also found the new methodology used in 2021 to be [irrational and unlawful](#). We await the response from the Home Office on this ruling.

Asylum Matters believes that the rate of asylum support should be raised to at least 70 per cent of mainstream benefits provided to over 25s, and that asylum-seekers and their adult dependents should be given the right to work after six months of having lodged an asylum claim or further submission and be able to apply for any job on the market. See [our briefing](#) for further information. The system desperately needs reforming so that people are put first and are able to live lives of freedom and dignity, where their basic human rights are respected.

You can read more stories about people trying to afford essentials while living on asylum support in [The Independent](#), [Birmingham Mail](#), [North East Bylines](#) and [My London](#).

Asylum support payments have fallen in real terms since 2000
Per-day nominal payments; and inflation-adjusted estimates (based on 2021 GBP), 2000 to 2022



Source: Migration Observatory analysis of legislation.gov.uk: The Asylum Support Regulations 2000 and subsequent legislation amending it, up to The Asylum Support (Amendment) Regulations 2022.
Notes: Inflation-adjusted estimates were calculated using the Bank of England Inflation Calculator. Inflation-adjusted estimates are given in 2021 GBP, except for 2022, which is given in 2022 GBP. From 3 Apr 2000 to 9 August 2015, payment levels are given for a single person aged 25 or over (reflecting the most common category of asylum seeker); from 10 August 2015 onwards, there was only one type of asylum support pay..



Housing refugees: what can we learn from recent crises?



Government should stop 'reinventing the wheel' with each crisis

Councils will continue to struggle to afford housing for refugees without a funded central framework for responding to humanitarian crises, [according to Public Finance](#).

Since 2021, there have been at least five separate policies to support people fleeing war zones and persecution in Hong Kong, Afghanistan and Ukraine. Despite additional funding, the unavailability of permanent housing has seen thousands of refugees moved into hotels, increasing costs for councils, and leading to some authorities threatening the government with legal action.

Clive Betts MP, chair of Parliament's Levelling Up, Housing and Communities Committee, said the lack of a central refugee framework has led to ministers "reinventing the wheel" each time a new scheme is needed. "The main problem is there is not any overall policy; each refugee crisis is looked at in isolation. So, we need an overall policy," he said. "Given that this is putting pressure on local service and local resources, DLUHC ought to be the lead department for housing refugees, not the Home Office.

The Home Office is responsible for deciding who can come into the country, and once they're here DLUHC should take responsibility for helping councils in terms of housing and other services."

Betts said it is crucial that any government strategy aims to meet the nationwide housing issues, considering that around 10,000 Afghan refugees are still awaiting permanent accommodation.

"Most councils have not got extra money to spend on refugees coming in, so they do need funding attached to that for housing, schools and the NHS needs resources for mental health,"

he said. James Jamieson, chair of the Local Government Association, said "We are stressing the need for joint work on these to be prioritised to help solve the current crisis, and for new accommodation to be stood up in line with these agreed plans. Any housing used instead of hotels needs to be a better alternative for both asylum seekers and local communities."

The news made Homes for Ukraine a success, now we must harness it to protect all migrants

Harry Williams from *Commonweal Housing* argues that hosting works, and we now need to use it more widely.



When the heart-breaking images of the young Syrian boy, Alan Kurdi, lying face-down on a beach in Turkey swept across our frontpages, it felt as though an impasse had been broken: a moment of realisation that the perils of these journeys are born from desperation, and that empathy is the only appropriate response. The public's immediate reaction to this moment, while perhaps all too fleeting, shows the influence that the news can have on our attitudes, and sometimes our actions.

When Russia invaded Ukraine a little over a year ago, it understandably dominated the news cycle. The uncertainty surrounding newly created Ukrainian refugees became a policy question and Britain answered, namely in the form of Homes for Ukraine. The nature of the reporting on the war and the Homes for Ukraine

(HfU) scheme led 100,000 Brits to sign up in just the first 24-hours of HfU opening.

"I think just seeing the news, seeing the appalling way in which the Ukrainians were being treated and that war was declared and that they didn't want that, and we just felt a want to help."

That quote is from a host, recently interviewed as part of a report into HfU that we funded and produced alongside Nottingham University's Rights Lab and hosting charity Hope at Home. It captures the tumultuous jolts of action inspired in response to the war in Ukraine. The [report](#), *Homes for Ukraine: learnings to inform and shape future hosting schemes*, showed that the news was a major motivator for people to act and host. So too was the feeling of injustice and immorality over the invasion.

Government involvement, ease of applying, the short-term nature of the scheme and of course the practical ability to host were all reported as reasons why hosts signed up too. While all of these point to the success of the scheme, there were a number of key concerns among hosts. A lack of checks on properties, that the scheme was heavily bureaucratic, a series of unexpected lifestyle challenges posed

difficulties, and the lack of move-on accommodation options for Ukrainians were all major areas of concern.

However, beyond all else, HfU proves one thing clearly: hosting works. British people are willing to open their homes to the vulnerable from across the world. Indeed, one of the most interesting anecdotes from the research showed the changing perceptions of hosts towards refugees of non-European descent and the influence that the news plays in these misconceptions.

"To be brutally honest, I think I possibly wouldn't have [hosted someone from a different country such as Syria or Afghanistan] because it's been in the background of what's going on in Syria and Afghanistan. I haven't really understood it or engaged in it. You know what it's like when you listen to the news and stuff - there's always some story going on and I don't even know where some of the places are. I probably wouldn't have, but because of that, just because I hadn't really engaged with it as much. But it does make me think now about that. And now I think: why haven't I done that and would I do that in the future? And I think I'd like to say I would, but I don't know."

The quote feels like a similar snapshot to that of many others during the period following Alan Kurdi's death: one of introspection about our own attitudes and what action that may elicit.

One of the key recommendations in the report is for the third sector to shape and change the narrative around deservingness of refugees. The uniqueness of the response to the war in Ukraine from both the government and the public demonstrates a disconnect between our beliefs and support for one population group against others.

As the government further entrenches anti-migrant sentiments into legislation, it is an incredibly tough fight to win, but one that we in the third sector absolutely must champion. But the HfU scheme and this report show one thing to be clear: the British public care about the vulnerable and will do what is necessary to help them. Sometimes they just need a nudge from the news.

A united housing sector must fight the hardwired immigration injustice

Housing Rights website contributor Sue Lukes has a call to action on migrant destitution based on research by MigrationWork colleagues Elizabeth Balgobin and Alexandra Bulat, working with Praxis. The full article is [here](#): this is an extract on how the housing sector can help to tackle "no recourse."

It is increasingly clear that a policy of enforced destitution has no place in a humane society, or even in the toolkit of decent immigration controls. If we want to end rough sleeping, deal with overcrowding, ensure that children have a decent chance in life, to take just three examples of how we make our communities happier, more resilient and safer, abolition of the no recourse rule must be part of our efforts. As Praxis says:

"Housing solutions ... can be a big help to those who are facing destitution - and there's lots to be learned by practitioners and policymakers about these models specifically. However, such models won't ever solve the problem while the NRPF policy persists, so...Policy change is essential. Abolition of NRPF is the ultimate aim. Absent that, there's scope for incremental change ... that will improve the lives of some affected by NRPF."

For many involved in housing, however, such incremental changes within a wider campaign for abolition are not just much needed ways to improve people's lives, they also enable us to engage with those directly affected by the no recourse rule and start the difficult process of co-producing solutions with them. This is what Praxis found and did. And putting a roof over their heads, providing some stability and a base from which to grow, is essential for that.

Baroness Lister of Burtsett echoes this sentiment:

"With COVID and the cost of living crisis, the need for support is constantly growing. We must continue testing innovative models such as that of Commonweal and Praxis in search of sustainable solutions to end the injustice of NRPF and its negative impacts on children, families, and our community cohesion."

There are opportunities. The [Homes for Cathy](#) network is a national group of housing associations and charities working together to end homelessness, formed in 2016. It now has 116 members managing over 1,340,000 homes. Members sign up to nine commitments, one of which is "to contribute to ending migrant homelessness in the areas housing associations operate".

How can associations do this? By:

- Agreeing a small percentage of vacancies to be allocated to people with no recourse, working in partnership with local authorities and third sector organisations to assign them to those supported by them
- Ensuring that skilled immigration advice is part of any support offer for residents
- Opening discussions with investors, especially social investors, about options for developing projects based on the Praxis/Commonweal model in their area
- Contacting the [No Accommodation Network](#) to find out how they can help, with housing management, funding and accommodation
- Signing up and showing up to campaigns to end no recourse.

Local authorities can similarly keep their eyes on the prize of the significant social gains that could come from the abolition of no recourse, making that case heard clearly through local government associations, national political channels and any other forums and joining and supporting the [NRPF Network](#). Locally they can bring together the actors that can make a difference

to destitute migrant residents: housing providers, immigration advice agencies, migrant organisations and community leaders to work on improving services to migrants and co-producing new initiatives and priorities.

All of us that are campaigning for a fairer immigration system need to get on message: no recourse is unacceptable, forced destitution has no part of immigration policy any more than forced immiseration has in any social policy. Showing how we can mitigate against the effects of these policies has the dual benefit of exposing how appalling the policies are and also busting some of the myths about migrants and benefits.

By housing and engaging with migrants subjected to this abuse, housing providers can support them, work with them, amplify their voices, and stand for their right to dignity and participation. It is time to come together and build those pathways out of destitution.

From arriving in the UK with nowhere to turn, to falling through the cracks and sleeping rough, *Byline Times* looks at the experiences of [migrant people who are homeless](#).

Using short-life property in Bristol to give refugees a fresh start

Paul Hassan, Partnership Manager at ACH (Ashley Community & Housing), writes about how their work in Bristol and the West Midlands focusses on refugees and migrants.

We at ACH are one of the foremost refugee-led social enterprise and housing providers in the country. Our staff are significantly drawn from a range of refugee and migrant communities and so have first-hand insight into the challenges our clients face.

The voice of our diverse and energetic refugee communities is not always heard in the “corridors of power.” Too often judgemental and wholly inaccurate stereotypes frame the refugee and

migrant experience. All our communities ask is for their stories to hold validity and their future needs and aspirations are listened to with empathy and an open mind.

Over the last year we have housed just shy of 100 refugees and migrants and delivered parallel support services that give our clients the tools they need to succeed. We also helped over 1,000 people achieve their personal goals and lead fulfilling lives in their adopted home.

We have partnered with many organisations and landlords to lease properties to vulnerable refugees at risk of homelessness. Currently one of the more

innovative models we have developed is the re-purposing of buildings which have short-term life. FORE Partnership, Amicala and Socius have joined forces with social enterprise ACH to provide temporary housing for 15 refugees in the city, including people from Syria, Iran, Afghanistan, Sudan, Somalia and eastern Europe. The scheme offers affordable “move-on” one-bedroom accommodation, fully furnished and fitted with white goods. Residents will have a minimum lease of two years and be offered at least three months’ notice ahead of any future development works commencing.

Mike Dodd, project director, Socius commented:

“As a partnership with FORE and Amicala, we are deeply committed to making a positive impact in the communities we work in, both socially and environmentally. While we work our way through the development process, we saw an opportunity to utilise an otherwise vacant site as much needed temporary accommodation for newly arrived refugees.”

This partnership is much needed. The current system of residential support for refugees is sadly lacking. Holes within the system and endemic short-termism often means refugees and migrants are passed around the system and fall through the many gaps. Some of the refugees housed in the scheme already have jobs and more will follow.

Here are more inspirational stories from ACH.



Ali, an Iranian refugee, housed at the Lodge, came to celebrate with us after securing fulltime work.

A positive story: creating safe housing for LGBTQI asylum seekers

Rosalind Duignan-Pearson writes about safe houses created by Micro Rainbow.

Micro Rainbow created the first ever safe housing scheme in the UK for LGBTQI people fleeing persecution, opening the first dedicated safehouse in 2017. Our research and work with beneficiaries showed that LGBTQI asylum seekers are often actively unsafe when placed in housing environments with people whose religious and cultural backgrounds can encompass extreme homophobic and transphobic views.

This can often include accommodation with people from their own countries. This can put asylum seekers at risk from the very persecution they were trying to escape. Unsurprisingly, non-cisgender LGBTQI people placed in unsafe environments such as these frequently suffer from higher levels of violence and abuse. Some have even reported being sexual assaulted and raped.

Our safe housing scheme was developed in direct response to these risks, to provide safe welcoming, and inclusive housing for LGBTQI people fleeing persecution. In the five years since the opening of the first safehouse, the national safe housing scheme has expanded to 17 safe houses. The houses are in London, the West Midlands, and the Northwest of England, with space for four residents in each house. As of 2022, the Micro Rainbow housing capacity is over 25,000 bed-nights a year.

Staying in a Micro Rainbow safe house allows LGBTQI migrants to benefit from a supportive environment and specialised support at a critical point in their lives as they fight for their right to live freely in the UK. Applying for asylum is mentally and physically draining but trying to do this while at risk of violence from other detainees can cause intolerable strain. Micro Rainbow can provide some of the support and stability needed when LGBTQI asylum seekers are preparing their cases.

Alana is a trans woman from Malaysia. After filing her asylum claim, she was at risk of homelessness and was initially placed in hotel accommodation in London. Her solicitor put her touch with Micro Rainbow and eventually she was relocated to one of our safehouses while she awaited her Home Office interview. Alana said this about her experience of Micro Rainbow Housing:

“I was incredibly lucky that Micro Rainbow was there at the right time. I kept worrying I could end up homeless, like so many LGBTQI asylum seekers do, and risk losing the claim or delaying the process. But when I arrived at the Micro Rainbow house, I felt a sense of relief to have a roof above my head and feel safe at the same time - something I hadn’t felt in a long time. It was heart-warming.”

Jon and Marbilla escaped from Saudi Arabia. Jon is a trans man, and both he and Marbilla knew that their relationship would not be accepted in their home country. They felt compelled to leave and claim asylum in the UK. They stayed in a Micro Rainbow house while awaiting the results of their asylum claim. Jon said:

“For the first time since our ordeal began, we feel safe. There’s no racism in the shared Micro Rainbow house, or a feeling you’re still in your own country. I can now leave the house comfortably and not worry about Marbilla or anything else.”

Alana, Jon and Marbilla knew that they were safe to be themselves while living in Micro Rainbow housing. While living in a safehouse, Alana was able to connect with people from different backgrounds and with different stories, all united by the same purpose: to live their lives as authentically as possible. The safehouse provided stability for Jon and Marbilla. They knew they were able to stay until the results of their asylum claim and didn’t have to worry about being uprooted and moved.

Up to 2,000 people claim asylum on the basis of their sexuality in the UK every year. In response to this, we are continuing to try and meet the needs of LGBTQI asylum seekers with housing and other holistic support.

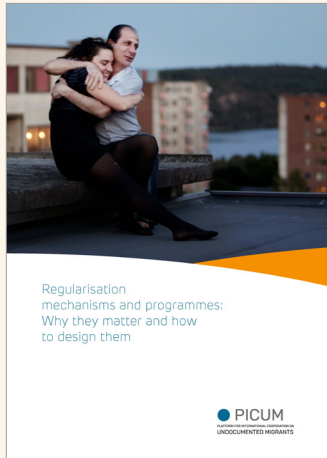
We opened three more safe houses in the West Midlands in 2022 and intend to open several more in 2023, taking our total over 20.

This was originally a CIH blog.



Footnote: let’s make it easier for migrants to “regularise” their status

If there’s one thing that can hugely improve the lives of undocumented people, that’s regularisation. In a new report, the Platform for Undocumented Migrants (PICUM) discusses its benefits, how to make it fair, effective and humane, and gives examples of procedures from around the world.



Regularisation mechanisms and programmes: Why they matter and how to design them

Challenging the “no recourse to public funds” rule

A British child whose carer had no recourse to public funds makes a successful court challenge

On 26 January, the High Court in Birmingham held that Central England Law Centre’s client, BCD (a child), was discriminated against by Birmingham Children’s Trust in the way it provided him and his family with support under section 17 of the Children Act 1989, contrary to Article 14 of the European Convention on Human Rights (ECHR).

The court decided that it is unlawful for a local authority to pay children cared for by foreign national adults with the right to be in the UK the same level of support as children cared for by foreign national adults without the right to be in the UK. This case raises important legal issues about how local authorities should meet the needs of children and families with no recourse to public funds.

In this judgment, the court:

- Interprets Schedule 3 to the Nationality Immigration and Asylum Act 2002 and how this provision creates an ‘ECHR breach cap’ for certain groups.

- Explains that some groups with no recourse to public funds are not caught by the ECHR breach cap.
- Explains that the ECHR breach cap limits support to a ‘subsistence standard’ and that this means at least asylum support levels.
- Where the ECHR breach cap does not apply – such as to children like BCD – then a ‘welfare standard’ of support applies and the rate of support must promote the child’s welfare. This is liable to be much higher than asylum support rates. Indeed, in BCD’s case it was the same as a fostering allowance of £510/ week.

To comply with the law, local authorities should ensure the following:

1. They must recognise that the “ECHR breach cap” does not apply to everyone with no recourse to public funds.

2. Uncapped families must be supported to the welfare standard. This will require an assessment of their needs. It is likely to require support at fostering/welfare benefits levels. It will almost certainly not be met through asylum support levels of payments, because asylum support rates make no allowance for books, toys or recreational activities.
3. Capped families must be supported, at the very least, at the asylum support rate. But local authorities will also need to undertake Human Rights Assessments of children and provide a standard of support to avoid a breach of Article 8 rights. When referring to asylum support rates, local authorities must have regard to R(CB) v SSHD [2022] EWHC 3329 (Admin) and the dramatic rise in the cost of living during 2022.

Read the full article [here](#) and the judgment in full [here](#).

Home Office taken to court over thousands of people “being wrongly denied work and benefits”

The Independent publicised the court action by Ramfel (Refugee and Migrant Forum of Essex & London) over Home Office treatment of tens of thousands of people in the UK who are being denied employment rights and benefits. A judicial review is being brought by Ramfel over the government’s alleged failure to provide the right documentation for foreign nationals who are living lawfully in the UK but who are encountering delays in their visa renewal process.

Foreign nationals who are legally in the UK but looking to extend or formalise their immigration status

are put on “3C leave” while their application is being processed. This status protects their current rights to work and claim benefits but leaves them without a physical document confirming their status – something many employers insist on seeing.

Tens of thousands of people in this situation are being wrongly suspended from work and being denied access to benefits each year, leading some into destitution, the charity Ramfel will argue. They will say that the Home Office is frustrating the purpose of the law by depriving people of the rights their status is meant to protect.

Ramfel believes it would be straightforward for the government to implement relatively modest changes and put an end to this, but they have refused, instead wasting public funds opposing the legal challenge.

Those taking the action are trying to [crowdfund](#) to protect Ramfel from adverse legal costs if the challenge is unsuccessful and to help cover court and admin fees if the challenge is successful.

“No recourse” found to be unlawful – again

Policy on no recourse to public funds (NRPF) has been found to be unlawful for the fifth time in five years, following a [recent case](#) brought by Deighton Pierce Glynn, on the basis that it breaches disability discrimination laws. The Home Office conceded that the Immigration Rules are unlawful in relation to those

who are unable to work due to disability. The relevant Immigration Rule (GEN 1.11A) and associated guidance must now be amended.

Until then, if anyone with limited leave to remain under the family route who requires public funds because of a disability is told by the Home Office that they cannot

access public funds, that decision is likely to be unlawful. Similarly, applicants seeking the lifting of the NRPF condition from their limited leave to remain because they require recourse to public funds due to a disability should not be required to demonstrate that they are destitute or imminently destitute.

NRPF Network guidance on assisting adults with no recourse to public funds and on subsistence rates

The Association of Directors of Adult Social Services endorses the NRPF Network’s [authoritative guidance](#) for England on assessing and supporting adults who have no recourse to public funds. NRPF Network also has [guidance](#) on the key principles, considerations, and approaches for local authorities when determining subsistence rates.

Photo exhibition on conditions families live in when subject to NRPF

United Impact is a group of 56 people supported by Project 17, with lived experience of NRPF. In a joint ‘Photovoice’ project with Dr Jasber Singh from Coventry University, United Impact worked to produce a photo exhibition, “A Voice for the Voiceless. Through the lens of lived experience: No Recourse to Public Funds, the violation of human rights, and resilience to it.”

The exhibition is about the negative effects of the NRPF policy on the group’s lives, and the hostile immigration environment. The exhibition is designed to create a space for reflection and dialogue about NRPF, to raise awareness and create change.

The exhibition was in March. The photos are of accommodation provided under section 17 of the

Children Act 1989, by children’s social services. One photo shows black mould which can cause childhood illness. Another shows the result of tenants using drugs in bathrooms and in bedrooms. Families face noise, hazards that are left unrepaired despite complaints from tenants, many flights of stairs with no lifts for single mums with buggies and shopping bags, and many more issues. Other photos show rats, cockroaches, lack of space for children to crawl or learn to walk or play, sometimes no beds for babies or children so they have to share with mums. Cold accommodation is often provided with insufficient financial support to pay for heating, children having to use the potty in the bedroom where the family sleeps; eats and does homework in. The list goes on....



What is the UK’s immigration policy for survivors of the Grenfell Tower fire?

Tom Surr, a trainee solicitor at Kingsley Napley, brings us up to date, nearly six years after the Grenfell Tower fire.

Following the tragic fire on 14 June 2017 at Grenfell Tower, on 5 July 2017 the UK government announced a dedicated Grenfell survivors’ policy, which provided for a temporary 12-month immigration amnesty for survivors to regularise their immigration status.

On 2 January 2023 the policies were updated for survivors applying to settle in the UK. A policy to provide peace of mind to survivors has of course been welcome. However, it does show the Home Office seeking to make vulnerable people jump through numerous hoops in order to reach settlement. It is unclear why individuals could not have been granted settlement at the outset or at least have been granted a single period of leave to remain for five years rather than requiring multiple applications, generating additional work for the Home Office and creating considerable uncertainty for survivors.

What was the temporary 12-month immigration amnesty granted in 2017

The policy was introduced to recognise the fact that some foreign nationals directly affected by the fire had concerns about their immigration status whilst others had permission, which was about to expire, and so they were reluctant to engage with authorities either to seek help or provide information.

In the initial 2017 policy, ‘survivors’ meant foreign nationals either with no immigration status/uncertain status or with limited leave to remain, who on the date of the fire were residents of Grenfell Tower (lawfully or unlawfully) or alternatively who were living close to Grenfell Tower and were significantly affected by the fire. The Home Office agreed to not conduct immigration checks on survivors for a period of 12 months.

The policy also included:

- **‘No recourse to public funds’ condition lifted.** Any survivor in the UK with valid leave on another basis had the ‘condition lifted’ where the existing leave was subject to that condition, or was allowed to switch to 12 months’ leave as part of the five-year route to settlement under the Grenfell survivors’ policy.

- **Dependants** of those who were eligible to apply for leave under this policy could be included in an application, if they were ordinarily residing with the qualifying individual on the date of the fire and providing they did not fall into one of the categories excluded from the policy.
- **Relatives.** A Grenfell relatives’ policy enabled relatives of those directly affected by the fire to remain in or come to the UK for up to six months, to support family members and to support the public inquiry.
- **Discretionary grants.** Both policies provided for discretionary grants of leave outside of the Immigration Rules on the basis of exceptional compassionate and compelling grounds.

How was the initial Grenfell survivors’ policy extended?

On 11 October 2017, the government announced that those who qualified under the Grenfell survivors’ policy would be able to apply for settlement (indefinite leave to remain) after five years’ lawful residence in the UK. Survivors were asked to come forward no later than 31 January 2018.

Those eligible were granted permission to stay for an initial period of 12 months. Within 28 days of the end of the period they could apply for a further two years’ permission. They could then apply for another period of two years before being eligible to apply for settlement, after five years’ lawful residence.

On 26 June 2018, the Grenfell relatives’ policy was updated to allow relatives with Core Participant status in the public inquiry to extend their stay for successive periods of up to six months at a time in order to participate in the inquiry.

How many people applied under the Grenfell survivors’ policy?

According to Home Office statistics, 19 people came forward for an initial 12 months’ leave outside the rules under the survivors’ policy. Of those, 15 people were granted 12 months’ leave and four people were refused. Those refused failed to meet the eligibility qualifying criteria. Of the 15 people who were granted the initial 12 months, 12 applied for a further two years, all of whom were successful. Those that did not apply for further permission were either granted permission under another immigration route or did not qualify due to failing to meet the required criteria. No survivors came forward after the closing date of 31 January 2018.

What is the Grenfell Tower Survivors’ settlement policy published in January 2023?

The first survivors to be accepted onto the five-year route to settlement are now reaching eligibility to apply. Accordingly, on 2 January 2023, the Home Office published the Grenfell Tower Survivors’ settlement policy. Settlement is open to those survivors who have either completed five years’ continuous lawful residence in the UK or switched into the Grenfell survivors’ route to settlement.

The settlement policy covers a wide range of topics including, for example, dependants and out-of-time applications.

Of particular interest is the provision that any child born to the main applicant in the UK after 14 June 2017 who is not a British citizen can be added as a dependant on the SET(GT) application form and, if successful, will be granted settlement.

The guidance is due to be reviewed on 1 May 2023.



The EU Settlement Scheme - latest news

Pre-settled rules to be changed following court decision

The BBC [reported](#) that the home secretary will not appeal the judgment which found the Brexit rule that makes EU citizens reapply to stay in the UK is unlawful. The government must now implement changes, in order to conform with the ruling in the case brought by the Independent Monitoring Authority, covered in the January newsletter.

The court ruled people with pre-settled status cannot lose their residence rights just because they do not make a second application to the EU Settlement Scheme before the expiry of their pre-settled status. In addition, people with pre-settled status should not be denied permanent residence rights once they reach five years' lawful residence just because they do not make a second application for settled status. While the government is working on proposals for changes to reflect the judgment, nothing has changed about the EU Settlement Scheme for the time being.

Here are some resources on this important judgment:

- On 15 February 2023, the government [published a letter](#) notifying the House of Commons of the government's decision after the judgment.
- The Independent Monitoring Authority issued [a reminder](#) to local authorities to recognise all "rights to reside" within the Withdrawal Agreement and EEA EFTA Separation Agreement.
- The Migration Observatory has a [briefing paper](#) on what the judgment means for EU citizens' rights.
- And for more information as it emerges, see the [3million's FAQ page](#).

Finding housing, making home: experiences of Romanian migrants in post-Brexit/post-Covid UK

A [study from CaCHE](#) sheds light on the challenges faced by Romanian migrants and emphasises the importance of addressing issues of inequality and cultural values in housing policy.

It points out that Romanians have arrived in the UK in great numbers at a time of an acute housing crisis, complicated by the overlap between the Brexit transition and the Covid-19 pandemic, a context that raises important questions regarding the economic circumstances and housing practices of those who decided to stay in the UK.

Report published on Roma Communities in the UK and the EU Settlement Scheme

The All Party Parliamentary Group (APPG) on Gypsies, Travellers and Roma, has published [a report](#) on *Roma Communities in the UK: the EU Settlement Scheme and post-grace period situation*, written by Professor Philip Brown. The report sketches out the current situation of the EUSS (EU Settlement Scheme) in Britain and describes inequalities in the system and society faced by Roma people.

It makes a case for more support and protection for Roma people, appealing to the government to make changes to the system to reaffirm its commitment to keeping post-Brexit Britain open and diverse.

The report gives recommendations based on testimonies from community-based practitioners, (including Roma Support Group's Mihai Calin Bica), on the experiences of Roma engaging with the EUSS. It proposes the continuation of collaboration between central and local authorities to ensure long-term success in EUSS service delivery, and the establishment of long-term EUSS support centres by local authorities for EU residents.

Acting on these recommendations, it says, will ensure that local public services are not overstretched by assisting those unable to access their rights. It will also prevent increased pressure on public authorities who will otherwise have to provide support to people who have lost access to their EUSS rights from failing to update their pre-settled status. As a result, these actions will also relieve the unnecessary, and avoidable burden currently placed on the welfare and associated support systems.

EU nationals living in the UK have diverse backgrounds

James Bowes [unpacks](#) the latest census and EU Settlement Scheme data to explore the diversity of the EU national population in the UK, showing that during the UK's membership of the EU freedom of movement was a major driver of immigration to the UK of people born outside of the EU. He finds that there are roughly one million people living in the UK under EU freedom of movement rules, who were born outside the EU.

Update on help for arrivals from Hong Kong

By the end of 2022, 160,700 people from Hong Kong had applied for BN(O) visas in almost two years since they were introduced, and about 105,000 had [actually arrived](#).

The Hong Kong BN(O) welcome programme includes £3.6 million DLUHC funding for Hong Kong welcome hubs hosted by Strategic Migration Partnerships (SMPs).

SMPs are facilitating and enabling collaboration between DLUHC and the Home Office, representatives from England, Scotland, Wales and Northern Ireland, local government and non-governmental organisations and local stakeholders to develop a strategic approach to promoting the benefits of migration and to minimise any adverse impacts.

The national HKBNO Welcome programme also provides:

- An online Welcome Pack on GOV.UK in English and Cantonese.
- £30.7 million in total for targeted English language (£14.7 million) and destitution

(housing support) (£16 million) for the small numbers of BN(O)s who may require this in England.

- £299,556 in funding for the prevention of hate crime, enabling the set-up of third-party support services to tackle and report hate crime offences and will look to ensure that this is open to all East Asian and Southeast Asian communities.

Funding has been granted to national voluntary organisations to provide intensive support that may not be offered directly by local authorities (such as educational resources, employability, and befriending support). These organisations are working with resident communities to build up understanding of BNO Visa holders and intelligence gathering for DLUHC on their needs. Year two funding has been confirmed for those VCSE groups who wish to continue offering this support for a further year. A further £1.4 million has been awarded by DLUHC to regional groups to welcome Hong

Kong BN(O) status holders to local communities. Examples from the East Midlands have included £40,000 for Transform Training Ltd in Nottingham, and £18,000 for Nottingham's St Nicholas Church.



Jobs fair in the East Midlands hosted by Transform Training

NRPF affects Hong Kongers, too

The BN(O) visa comes with a no recourse to public funds (NRPF) condition attached to the visa, although applicants can apply for a change of conditions if their financial circumstances have changed and they are no longer able to provide food or housing for themselves, or their family and/or the applicant's child is at risk because of their very low income. This includes support with any housing costs and translation up to £2,720 per household. Details of funding available for local authorities can be found [here](#).

Maria Brambles, the resettlement policy officer for the resettlement programme in the East Midlands, made these comments:

"Some parts of the UK are receiving notable migration into a particular area because of arrivals of people with BN(O) status; this is inevitably influencing the availability of housing as well as having an impact on local communities. Whilst people with BN(O) status will not be entitled to local authority housing, the potential

impact on the private sector could have an indirect impact on demand for local authorities and may push up market rental prices.

"There will, however, be benefits to local communities because of this cohort. The arrival of new migrants with the right to work who may be able to fill skill gaps, develop local businesses or improve the performance of local schools are just some of many examples of where migration can have a positive impact on local communities. Engagement to date with this new community in the East Midlands has found that they are ambitious, focussed, mostly highly educated and hard-working. They are keen to integrate into UK society and make a valuable contribution, both socially and economically."

Maria can be reached at HKBNO@emcouncils.gov.uk.

More guidance for advisers

Local connection, residence requirements and how they affect migrants

Housing rights contributor Sue Lukes points out possible confusions about “residence” when applying for a housing allocation.

Sometimes there is confusion between “local connection” (used in determining which local authority has the housing duty in a homeless application) and local authority requirements for minimum periods of residence for applicants for housing via the housing register or waiting list. So, an authority may have a housing duty but also

find that the applicant falls foul of the residence requirement.

The issue arose in a recent case where the applicant had actually lived in the area for some time but the local authority were trying to exclude the person from housing on the basis that they could not “prove” their residence. On residence requirements, the Court of Appeal has a clear view on this type of exclusion.

The short version is that schemes that bar access to people who

have not been resident for a specified number of years are indirectly discriminatory against migrants, and such discrimination is unlawful (as race discrimination) unless the authority can provide a justification and/or make exceptions to avoid the discrimination.

It is also important to note that in both these situations, the applicant simply has to be resident, not necessarily have had a tenancy. An applicant can demonstrate a local connection or local residence even if they

have been sofa surfing. The case involved an applicant who had been sofa surfing in one area for eight years prior to being granted refugee status and could prove this through GP letters and letters from friends who supported him. The council said the proof was inadequate, which certainly could have been challenged, but since he (unsurprisingly) had no local connection elsewhere the housing duty lay with them anyway.

Residence criteria and the Care Act

Lou Crisfield, a partner at Miles & Partners LLP, answers a question about “ordinary residence” and the Care Act.

The residence criteria for a Care Act 2014 assessment is “ordinary residence”. That is to be give its ordinary and natural meaning. So, where the person normally lives – or if they don’t normally live anywhere, where they are currently present.

The guidance says :

19.14. The concept of ordinary residence involves questions of both fact and degree. Factors such as time, intention and continuity (each of which may be given different weight according to the context) have to be taken into account. The courts have considered the meaning of “ordinary residence” and the leading case is that of

Shah v London Borough of Barnet (1983). In this case, Lord Scarman stated that:

“...unless ...it can be shown that the statutory framework or the legal context in which the words are used requires a different meaning I unhesitatingly subscribe to the view that ‘ordinarily resident’ refers to a man’s abode in a particular place or country which he has adopted voluntarily and for settled purposes as part of the regular order of his life for the time being, whether of short or long duration.”

Local authorities must always have regard to this case when determining

the ordinary residence of adults who have capacity to make their own decisions about where they wish to live. They should apply the principle that ordinary residence is the place the person has voluntarily adopted for a settled purpose, whether for a short or long duration. Ordinary residence can be acquired as soon as the person moves to an area, if their move is voluntary and for settled purposes, irrespective of whether they own, or have an interest in a property in another local authority area. There is no minimum period in which a person has to be living in a particular place for them to be considered ordinarily resident there, because it depends on the nature and quality of the connection with the new place.

Home Office misunderstood British citizenship laws over several decades - High Court rules

On January 20 the High Court found that the Home Office has incorrectly applied the law on British citizenship for nearly 40 years, particularly for those born to a parent exercising European Union free movement rights. The Project for the Registration of Children as British Citizens (PRCBC) gives an [update](#) on confirmation of British citizenship rights after the change in the government position as a result of the court case.

The change in the Home Office position was first announced during a hearing before the High Court in October 2022. It was confirmed by the subsequent judgment of

the court. On 23 March 2023, the Home Office withdrew its public-facing policy that had presented its previous position.

The Home Office has confirmed its intention to take steps to protect the British citizenship of people affected by this change. The steps it intends are:

- To immediately introduce protective operational measures (see below); and
- To, as soon as may be possible, legislate to protect people’s citizenship (see below).

The immediate protective operational measures are to:

- Continue to respect the right to a British passport of anyone affected by this change to whom it has previously issued either a British passport or some other confirmation of their British citizenship (including processing any application to renew a passport); and
- Find ways that may enable a person affected by this change, who has not previously been issued with a British passport or some other confirmation of their British citizenship, to secure British citizenship (or failing that, some other secure status in the UK in the interim).

The legislative intention is to amend British nationality law so that what had been understood and applied, up to at least October

2022, by the Home Office concerning the law between 1 January 1983 and 1 October 2000 should be made law by Act of Parliament.

The Home Office has confirmed that it understands that its change of position may affect people born in the UK to EU citizen parents between 1 January 1983 and 1 October 2000, and the children born to these people. It has also confirmed that it understands there may be circumstances in which its change of position may affect some EU citizens who naturalised as British citizens between these dates, and the children born to these people. The steps it is taking and intends to take are to apply to all people affected.

The litigation, to which the High Court hearing in October 2022 relates, continues. Nonetheless, it is the intention of the Home Office to take and implement the steps described above, without waiting for the conclusion of that litigation. This is to secure the British citizenship of all the people affected by the Home Office change of position whatever may be the outcome of that litigation or the time it may take to be finally resolved.

For further reading:

- 21 October 2022: [Letter from PRCBC](#) to Mr Armstrong, Head of Passport and Nationality Policy at the Home Office
- 20 January 2023: The High Court judgment [Antoine Roehrig v SSHD](#)

- 20 January 2023: [PRCBC Practitioner’s note](#) on the judgment
- 8 March 2023: [Letter from PRCBC, ILPA and the3million](#) to Mr Armstrong, Head of Passport and Nationality Policy at the Home Office

- PRCBC Booklet: [Children and their rights to British Citizenship](#)
- For another viewpoint on the Roehrig court case, see the [Free Movement blog](#). And for more discussion of its implications, see [The Conversation](#).

More advice and resources

- [Human trafficking - improved pages on the housing rights website](#)

Take a look at our pages for refugees, asylum seekers, trafficking survivors and people with discretionary leave and humanitarian protection: there is help for [survivors in England and Wales](#) (and for their [advisors](#)), as well as help for [survivors in Scotland](#) (and their [advisors](#)).

- [Stand Up! Speak Out! Solidarity Knows No Borders training series](#)

Billed as a toolkit to resist the hostile environment, this training [series](#), running March-June 2023, has a wide range of topics including safeguarding, family reunion, no recourse to public funds, healthcare/ NHS charging and legal aid. Sessions will be led by migrant justice organisers, campaigners from organisations and case workers as well as academics. These will be

“bite-size,” introductory, one-hour sessions. [Click here for full listing and booking forms](#)

- [Sanctuary Foundation resources for those working with refugees](#)

The resources help all those living, working or volunteering with refugees, and ensuring their welcome and welfare. The [resources](#) have been developed in collaboration with refugees and those experts who are working closely with them.

- [The Right to Remain Toolkit and country of origin](#)

In some immigration applications, you may be required to provide objective evidence to the Home Office about country of origin. The Toolkit has been [updated](#) to tell you exactly what this evidence is and where you can get it (with or without a lawyer).

The Right to Remain Toolkit

A guide to the UK immigration and asylum system



Other migration news

Migrant farm workers are accommodated in overcrowded caravans

The Bureau of Investigative Journalism and VICE World News [spoke to](#) nearly 50 workers who came to work on UK farms in 2022, and analysed data from the Work Rights Centre, a charity that advocates for the rights of migrants, about an additional 23 workers. Their accounts revealed a scheme where workers are often housed in unsafe and unsanitary conditions and with fewer protections than ordinary tenants – all allowed by loopholes in the rules.

Every year, thousands of workers come from countries including Indonesia, Nepal and Ukraine

to work in the UK on a six-month seasonal agricultural visa. Historically, the vast majority of the UK’s seasonal agricultural workers came from Europe, but after the Brexit vote, the visa scheme was launched in 2019 to cover anticipated labour shortages.

Labour rights organisations have criticised the scheme for putting people at risk of exploitation. Despite this, the government has rapidly expanded the maximum number of visas available – from 2,500 in 2019 to 55,000 in 2023.

Most of the workers stayed in caravans on the farms or

businesses where they work. Having accommodation ready and waiting removes the burden of having to find a home for the six months they are allowed to work in the UK. For farm owners, the set-up creates low-risk tenancies since they deduct rent directly from workers’ payslips.

But this can’t make up for the appalling conditions described by those interviewed for this investigation, who complained of leaking pipes, mice, and mouldy, cold and uninsulated caravans.

The [full story](#) has more details and photographs of the conditions.

The immigration legal aid crisis - a call for evidence- can you help?

Immigration legal aid provision is in crisis. More than 40 per cent of people applying for asylum may be unable to access legal aid according to research by Jo Wilding, and 65 per cent of the population are in an areas described as immigration “advice deserts”. We are currently gathering evidence to demonstrate this level of unmet need and contrast it with the level of available legal aid provider capacity.

PLP is representing Haringey Migrant Support Centre (HMSC) to investigate a potential judicial review challenge against the Lord Chancellor for allowing market failure to develop in the immigration legal aid advice sector.

HMSC are based in North London and campaign and provide advice and support to the local migrant community. Only three per cent of 854 referral attempts HMSC made to legal aid providers were successful over a six month period. Providers have told us that they no longer have the capacity to even process referral requests, let alone reject them.

Legal aid hourly rates have not increased since 2007 and the fixed fee funding system is not fit for purpose. Overstretched practitioners are having to work against the backdrop of the ever-changing immigration, legal, and policy environment.

Previous efforts of engagement with policy makers have failed and the problems and solutions are well known but unaddressed. The Ministry of Justice (MoJ) has begun its review into Civil Legal Aid. However, this is not due to conclude until summer 2024 and any policy changes will not be implemented until after this date. The sector and our clients cannot wait this long.

The right of access to legal aid is a fundamental part of the constitutional right of access to justice. The Lord Chancellor has a duty to “make legal aid available” and we need your help to demonstrate to the courts that in reality it no longer is available.

We are looking for participants in the sector to share their recent experiences of how the system is

working (or not) for them. We have produced an online [questionnaire](#) and [case data spreadsheet](#) for NGO referrers to complete which can be accessed on our [website](#). The spreadsheet is to be returned to us at the email addresses at the end of this piece. If you plan to start collecting case level data now, we’d suggest doing so for at least a month.

If you are an NGO referrer we would love to hear from you. We appreciate that it is difficult to find the time to do this in the current climate when your clients’ needs are the priority. But the fuller picture we can present, the more compelling our evidence will be. Please be aware that any information you provide may be used as evidence in legal proceedings or in future policy work by PLP/HMSC.

Please get in touch with Ed Cripwell (e.cripwell@publiclawproject.org.uk) or Daniel Rourke (d.rourke@publiclawproject.org.uk) if you would like to contribute but feel constrained by the suggested format.



Patriotic Alternative: The town fighting the far right with Welsh cakes

The BBC [tells the story](#) of a Welsh community standing up for refugees. Far-right groups have been stoking tensions in UK towns by posting inflammatory leaflets through people’s doors and staging anti-migrant rallies. In one town in south Wales, a local community has banded together and is planning a peaceful counter-protest.

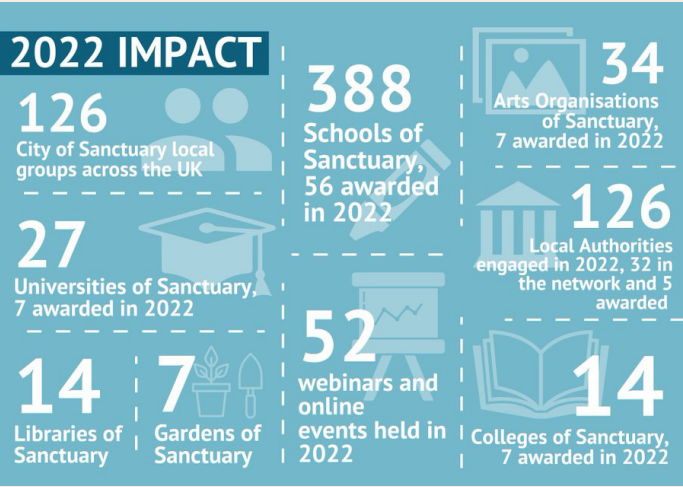
Patriotic Alternative started leafleting Llantwit Major in February, soon after Vale of Glamorgan Council announced that temporary houses for refugees were going to be built on the site of a closed-down primary school. The leaflets promoted a protest against the development on 25 March, and read: “Llantwit says no to a migrant camp” and: “No more migrants - Wales is full”.

People felt the best way to challenge the group was with non-violent resistance - “the spirit of welcome”, Father Edwin Counsell told BBC News. The day will kick off with an overnight vigil at the church, he said, followed by a Welsh cake giveaway during the day. Another church will also open a space during the day for anyone feeling anxious about Patriotic Alternative.

“Welsh cakes are a symbol of hospitality,” the priest said. “So, if you meet a far-right, neo-fascist bonehead who looks out of place here, the critical question you must ask that person is: ‘Would you like a Welsh cake?’”

More good news

- City of Sanctuary had a great 2022. Hundreds of new schools, councils, universities, arts organisations and more joined the Sanctuary networks. This means thousands more people have committed to create welcome, support and solidarity. “The ripple effect of this across society will be huge.”



- Wales has extended its [free travel scheme](#) to all refugees (although not asylum seekers).
- How an asylum seeker channelled his rage at the immigration system and transformed it into a force for good: Zain Hafeez came to the UK as a child and faced harrowing times as he battled to navigate the system. Now he is [fighting for change](#).
- A refugee is running for election as a councillor in Belfast. Mini (see photo) was forced to flee the Democratic Republic of Congo. Now she’s seeking to become the first refugee elected as a councillor in Northern Ireland, [reports](#) the *Belfast Telegraph*.



- All legal advice surgeries must now be face-to-face. In an important victory for [Women for Refugee Women](#), it has been announced that all legal advice surgeries in immigration detention must now take place face-to-face.

Postscript: Crisis in Sudan: what can councillors do?

Sue Lukes, who contributes to the housing rights website, has worked with Sudanese colleagues to produce this initial guidance on responding to the crisis in Sudan.

What is happening?

War has broken out in Sudan, and conditions there are reported to be terrible. There is a large Sudanese population in the UK (one estimate in 2020 was 24,000 Sudanese citizens in the UK but community sources reckon there are at least double that), and many British citizens of Sudanese origin, or with family in Sudan. The government offered evacuation flights for the estimated 4,000 UK citizens in Sudan, 2,000 registered for them, but no more are currently planned. They were only available to British

citizens and any of their family members who had leave to remain in the UK, plus parents caring for British children, although the last flight was also belatedly opened to Sudanese NHS doctors (there are many Sudanese working in the NHS: the first two doctors to die from frontline exposure to Covid were Sudanese). The UNHCR is planning on the basis that 800,000 people may flee from Sudan to neighbouring countries. Hundreds have already been killed, and flight is difficult and

dangerous. Those who are able to leave who have connections with the UK are likely to try to make their way here, as has already happened: in most years there are about 2,000 asylum applications from Sudanese nationals. The government has indicated it may organise further flights, and there is growing pressure for those to include a wider selection of family members of Sudanese settled in the UK as well as British citizens still stranded there. So, more evacuees may arrive.

Sudanese people in the UK

Most areas have an established Sudanese community, with larger numbers in London (particularly north and west), the south-east (Brighton and Kent especially), Bradford, Leeds, Manchester, Birmingham, Newcastle and the north-east. There are Sudanese

communities in Scotland and Wales as well. There are many flourishing and well organised Sudanese community groups, ranging from small local meetings to national associations of professionals like doctors and lawyers. There are also many asylum seekers stuck in

the system backlog, most in hotels and temporary accommodation: in most years Sudan is one of the top ten countries of origin of people applying for asylum, and these applications are very likely to succeed as over 80 per cent of them do.

What are the problems?

1. Concern for family members and others in Sudan

The evacuation has been chaotic, and many people did not “qualify” or could not get on the planes. UNHCR says there is a catastrophic humanitarian situation in Sudan and neighbouring countries. Their relatives and friends in the UK are understandably very worried for them. Some are trying to arrange travel to safety, lobbying MPs, asking about visas, pushing for more and wider evacuation programmes.

2. Uncertainty for asylum seekers and others on limited leave in the UK

Although Sudanese are not among the 12,000 asylum seekers who have been sent a questionnaire with a view to clearing the asylum backlog, there are several thousand Sudanese in the asylum backlog, waiting for a decision (which is likely to be positive as most are). Others are in the UK as students, on work permits or visiting. They clearly cannot return home, but face huge uncertainty, and may be unable to work and potentially facing destitution.

3. Arrival of traumatised and vulnerable people

People have left a chaotic and dangerous war situation, and some have been forced to leave family behind. Some may be injured; most are likely to have some level of trauma. There are no proper reception or assessment arrangements. Councils have been told:

“Welcome Points at ports of entry are providing some immediate support, e.g., the opportunity to rest, welfare or health checks, and advice about onward travel. Onward rail transport from arrival airports will be free to those who do not have funds for travel. In some cases, immediate overnight accommodation is being provided – e.g., where a flight has arrived late.

“In order to manage the pressures at the ports of entry, we are encouraging people to move on quickly. In cases where people do not have accommodation arrangements, they are being encouraged to travel to where they have existing connections in the UK and seek to make arrangements

with family and friends where possible. Where this is not possible, councils may start to receive homelessness applications and other requests for assistance from households returning from Sudan.”

4. Difficulties with accessing services

Those dealing with physical and psychological trauma will obviously need specialist help, and health services are not geared up for this. While most local authorities now have specialist teams helping Syrians, Afghans and Ukrainians, some funded specifically for this by central government, this is a new group with different needs and also different statuses. Some benefits and housing services are only available to those who are eligible, and British citizens and some others must pass or be exempted from the habitual residence test to access them. Unlike some previous evacuations of British citizens, the government have not yet exempted them from the habitual residence test although they “will do this at the earliest opportunity”.



What can councils do?

1. Make contact with local Sudanese community and groups

Local groups may know of new arrivals who need services, and may also be willing to offer information about expected arrivals to assist with planning. They may also be able to offer help with translating, contact with Sudanese professionals for advice and expert knowledge and informal but vital interpersonal support.

Not all Sudanese are involved with community organisations, and it is important to reach out to those who are not, especially asylum seekers in hotels who are already facing many problems and will now be worrying about family members and friends in Sudan as well as the progress of their asylum applications.

Some of those evacuated will stay with family members or friends, at least initially, and some may already have homes in the UK, and so not approach local councils for help. However, their circumstances may have changed significantly. Apart from their own physical and psychological state, which may need attention, they may

now be living in overcrowded conditions, or dealing with complex family issues and concerns. They may have significant financial pressures from the need to support family or get them out. Consultation and contact with community groups and individuals can alert the council to these and also provide guidance about how best to ensure that they know what is on offer to help.

2. Brief all frontline staff

Community groups may be able to assist with this. Staff need to understand the background to new requests for help and the pathways to appropriate services. Ideally this should be done with local partners, particularly health, education and the voluntary and community sector.

Human resources staff should also be briefed since Sudanese council employees may be under enormous stress and may face specific difficulties. Councils should check that employee assistance programmes know about the situations they may be facing and have appropriate referral resources available.

3. Ensure that new arrivals have a proper referral pathway to services they need

Services will include housing, social services, welfare benefits/cost of living support, education, health. The current teams working with Syrians/Afghans/Ukrainians are likely to have all the relevant information at hand and be the best to coordinate this.

There are, as noted above, many Sudanese professionals working in the NHS and other services: many of them offered advice about their community and organised access during the pandemic. Councils should consider liaising with Sudanese professional associations and relevant health and care services to release some, especially those specialising in mental health, children's services and other relevant areas, to work with traumatised newcomers and those in the settled communities finding it difficult to cope.

All new arrivals should be signposted to education, health, social services and cost of living support as appropriate, but there may be an issue with eligibility for some housing and benefits services.

British citizens must pass the habitual residence test to get housing and homelessness services and universal credit and some other benefits. The government may exempt them soon, but in the meantime, **any British citizens who have not lived in the UK (and common travel area) as adults before arrival will fail the test.** Some who have spent significant time outside the UK before arrival may face problems and may need specialist benefits or housing advice. They should be referred to social services for accommodation and support if there are any children or adults with care needs in the household. The [NRPF Network](#) provides guidance and resources on this.

Non-British citizens will only be eligible for benefits and housing if they have certain types of immigration status or rights to reside. The [housing rights website](#) provides information on this. Many families will include people with different citizenships and status.

Asylum seekers are supported by the Home Office, but if they get full refugee status via the backlog clearance programme will then be eligible for housing and benefits. If they applied for asylum after 28 June 2022, they may be classed as a "group 2" refugee which means they may be barred from access to benefits and housing. There is guidance on this on the NRPF Network website.

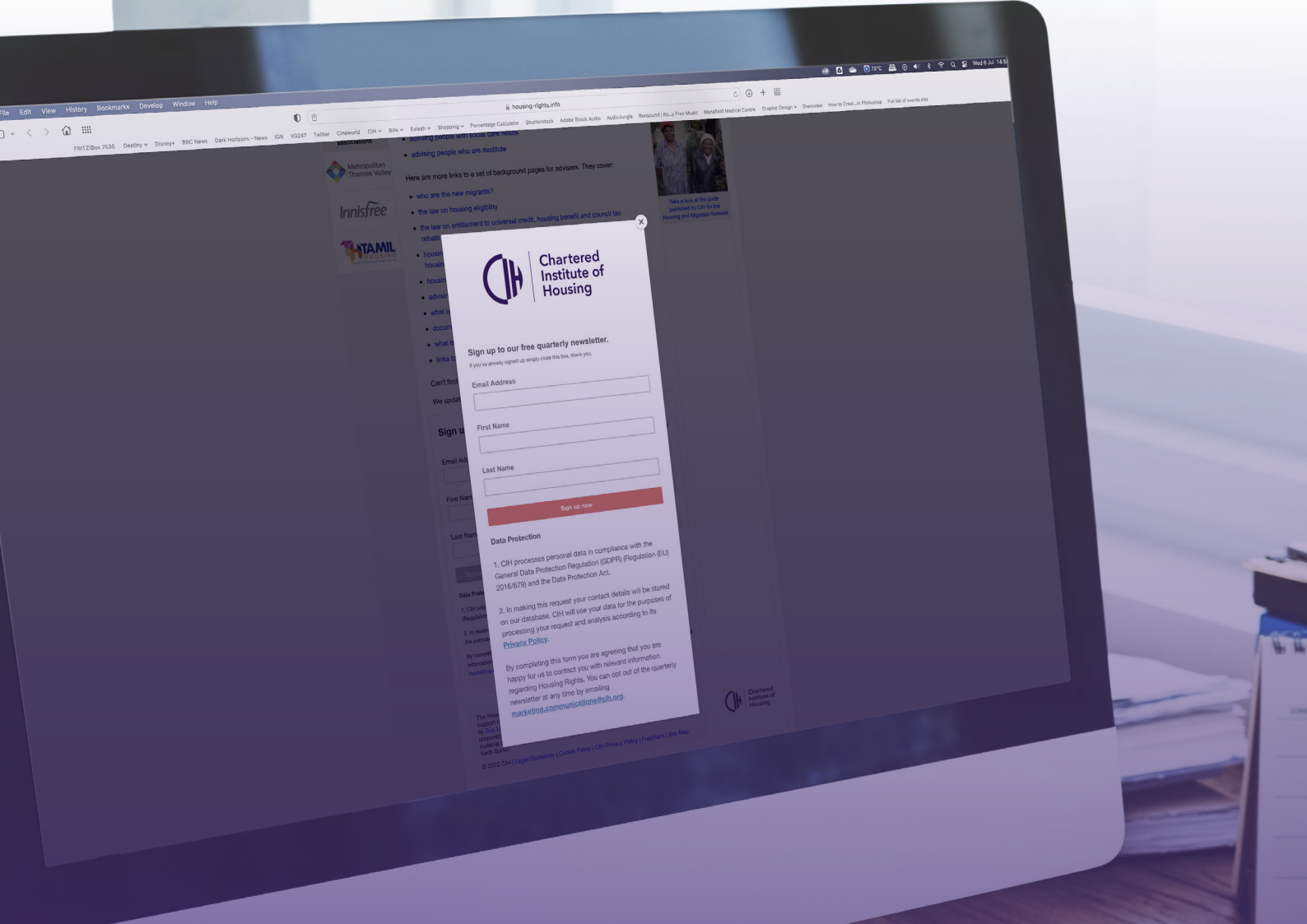
One service that may prove more difficult is the need for legal advice and help: unless and until we get new schemes to allow Sudanese to come to the UK, family and friends here will need to get legal advice and advocacy to see how they can get people to safety. Currently there is no legal aid for most non-asylum immigration cases or for advice and help for people outside the UK, other than in exceptional cases.

4. Lobby government

The evacuation of citizens from Sudan has been hasty and is incomplete. However, there are also already many Sudanese citizens in the UK facing an uncertain future and extreme concern for those left behind as the humanitarian crisis unfolds. Local councils are already very hard pressed and need support and action from government to enable them to work with their residents. Council leaders and local authority associations should lobby government for:

- **Sudan schemes to mirror the Ukraine schemes:** the UK's links with Sudan are at least as close and longstanding as with Ukraine. We need to have the same schemes, all of which offer three years leave with access to work, benefits and housing:
 - **A Sudan family scheme** to allow those settled here to bring the same wider family members to join them here as we have encouraged Ukrainians to do, including particularly the elderly and vulnerable. We have seen the disgraceful scenes of grandparents turned away in their wheelchairs, and we do not want our residents to go through this anguish.
 - **A Sudan extension scheme** to cover all Sudanese nationals currently in the UK with no long-term leave. This would, of course, assist with the asylum backlog clearance, but would also cover students and others on temporary stays or with no leave. Since they clearly cannot return to Sudan, this will clarify their status as quickly and easily as possible.
 - **A Homes for Sudan scheme:** the significant public response to the Homes for Ukraine scheme has shown how this can work. There are many in the UK who will offer homes to Sudanese fleeing war in the same way. In addition to those already working with existing hosting schemes, many living in the UK have links with Sudan, via the professions, friendships, aid, academic contacts etc. Offering a home as a way to allow their friend or contact to escape could be popular. But of course, it will need local authorities to support and monitor it.
- **Funding for local authorities to support people from Sudan:** again, to mirror that on offer for Ukrainians. This can be used to provide necessary services, preferably in partnership with Sudanese communities and groups and commissioning them where possible.





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