



Housing rights

Your quarterly newsletter from the housing rights website

Winter 2023/24

ur Winter 2023/24 newsletter starts with a success story. The joint letter initiated by the Refugee Council and CIH, with 140 additional signatories, appears to have persuaded the government to allow more time to house people who are being told to leave asylum accommodation.

Before Christmas the government quietly went back to giving people 28 days' notice to leave their accommodation, instead of just seven days - although of course this is still not enough, and hundreds of newly recognised refugees are becoming homeless and having to sleep rough.

The newsletter also covers the latest on the government's Illegal Migration Act and Labour's alternative policies. The new home secretary has just set out his "five-point plan" for immigration.

We report the latest news on refugees from world crises, including the (very limited) news on help for Palestinians.

We take a further look at the state of the asylum system - the claims backlog and how it is being tackled, and the alternative measures the government is using to house asylum seekers now that less use is made of hotels.

We give the latest news on the EU Settlement Scheme, and we report on migrants facing destitution. There are also changes in the help available for migrants fleeing domestic abuse.

We wrap up with the usual miscellany of other news items, including the "good news corner".

Our thanks to our sponsors and all the contributors to this issue. If anyone is interested in contributing to future issues, please email john.perry@cih.org. And, as ever, a special thanks to our sponsors Metropolitan Thames Valley and Innisfree.

We encourage you to share this edition with anyone you know who works in this area. If you haven't already, please **click here** to subscribe and receive the newsletter direct to your email inbox.

the Housing rights team

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Breaking news

Tory social housing plan: "British homes for British workers"

On January 24 The Guardian revealed a government plan to prioritise people with UK nationality for social housing allocations. This is despite the fact that more than 90 per cent of allocations already go to UK nationals.

In response to the proposal, CIH wrote an open letter to the Prime Minister and Secretary of State for housing co-signed by 16 housing organisations including National Housing Federation, Local Government Association (LGA), Association of Retained Council Housing (ARCH), National Federation of ALMOs (NFA), PlaceShapers, Homeless Link, Shelter, Crisis, St Mungo's, Generation Rent, The No Accommodation Network, Joint Council for the Welfare of Immigrants (JCWI), the Welsh Refugee Council and Tai Pawb.

The letter expresses opposition to the plan and questions how it could be made to work. Previous efforts along these lines, for example, to impose long residence requirements on people before they join council waiting lists, have been rejected as discriminatory by the courts.

The Spring newsletter will report on further developments.

Refugees sleeping on the streets - the battle is won, but not the war

Refugee Council, CIH and others
- reported in the last newsletter
- to persuade the government
to stop giving such short notice to
those leaving asylum accommodation,
the Home Office quietly backed down.
Asylum seekers whose claims are
approved normally get 28 days' notice
to leave their accommodation, but the
Home Office suddenly cut this to just
seven days. Then, just before Christmas
it halted evictions temporarily, and when
they resumed it started giving 28 days'
notice again.

fter the campaign led by the

The Big Issue explained the government climbdown. The Home Office also faced a legal challenge from Lawstop.

However, while this helps the individuals concerned it only postpones the impact on local authorities and others struggling to find new accommodation for those whose asylum claims are approved. The *Big Issue* reported that 1,000 asylum seekers in "cash-strapped Birmingham" faced homelessness before Christmas. The Home Office told Birmingham City Council that an estimated 1,000 former asylum seekers in the city would be leaving asylum accommodation between 1 August and 31 December, an "unprecedented" number.

Sky News reported that the number of refugees sleeping rough on London's streets rose by 800 per cent in two months, following the change in Home Office policy. Inside Housing said the number of homelessness presentations made by refugees and

asylum seekers evicted from Home Office accommodation increased by 39 per cent, according to new research by London Councils published in December.

Glasgow City Council warned that it faces an "unprecedented" rise in homelessness applications as the Home Office tries to clear the backlog of asylum claims, says the BBC, with 1,400 applicants needing help with housing this year. Modelling suggests the council will need to find another 1,100 properties and incur an extra £27 million in costs. Leicester City Council also faces extra costs of £30 million over the next two years.

The Refugee Council (RC) argues (again) that refugees are given insufficient notice to leave accommodation. "I was officially homeless" - Amal, a dentist forced to flee Sudan says. Despite being granted safety in the UK, hundreds like her face immediate eviction. 28 days to move on isn't enough. "It's a failure of government," says the RC's Enver Solomon.

Councils are also urging the government to extend the 28-day period. The Local Government Association says that councils "struggle to keep up with growing demand" and that they need "as much notice as possible" to support refugees. Back in December, councils asked for urgent funding to provide crucial integration support and prevent homelessness, reported Inside Housing. Long-term sustainable funding is needed across all the programmes for all new arrivals, councils said. So far there has been no response.



How councils are responding to homelessness among those leaving asylum accommodation

Advisers in different cities have given details of how evictions are being dealt with by councils:

- In Liverpool, the council accepts the letter granting refugee status as a notice to quit (NtQ), meaning the resident can present as homeless when they receive the letter, although they will not be accommodated until an actual eviction goes through (this might be delayed awaiting more paperwork). This means that at least they are "on the books" for full assessment, ready for the eviction date. The Home Office has clearly stated in numerous forums that the grant letter is the NtQ and the 28 days' notice starts from there.
- In **Southampton**, advisers are notifying the council of imminent homelessness the moment someone gets status, with an approximate date of when they may need to leave their hotel. The council are processing much of the paperwork with advisers helping with details and forms and doing assessments with interpreters without the NtQ and then as soon as it comes in, they are confirming the deposit they will offer for private rental. Where the person has children or very severe medical issues, they are being offered temporary B&B accommodation. However, despite the

- council's response, all other people are now street homeless until such time as they can find private rental accommodation, because both hostels in the city, including the 28-day safe place to stay accommodation, are full, with waiting lists of two weeks plus in a worsening situation.
- In **Portsmouth** once clients have been given status advisers notify the housing team who will register their initial information on their system and open up a file. As a result of an agreement with council officials, they provided some of the triage paperwork templates such as consent forms, income and expenditure form and a few other items which advisers complete with the client and send in before the NtQ arrives. This saves time and allows the team to focus on whether the client meets the criteria for being housed and then get them into temporary accommodation if that decision is made.

The housing rights website has a briefing for advisers on helping those being evicted. Right to Remain has an article explaining what happened between August and December, and how refugees can be helped to deal with the short notice period they get to leave asylum accommodation.

Refugees can now claim universal credit without a biometric residence permit

Rebecca Walker, CPAG author and trainer (freelance), responds to recent queries about problems refugees are having accessing universal credit (UC).

Advisers are experiencing problems with the Habitual Residence Test (HRT) within UC - including problems if the claimant does not yet have their biometric residence permit (BRP).

A refugee is exempt from the HRT for UC - see UC Reg 9(4)(d) and confirmed in Department of Work and Pensions (DWP) guidance ADM Chapter C1 para C1377. However, it can be very difficult to get the DWP to engage with this and they tend to apply the HRT anyway (which a refugee will then satisfy).

As has been noted many times (and confirmed in recent DWP guidance which we now have thanks to Jenny Papworth's Freedom of Information request), a BRP is not required to claim UC.

It is also not required to be accepted as being exempt from (or indeed satisfying) the HRT; other evidence should be accepted where it is reasonable in the circumstances to do so (e.g. where the person has not yet received their BRP).

Similarly, a UC new claim advance can be paid where it appears to the decision-maker likely that the conditions of entitlement for benefit are satisfied and they are satisfied that the claimant is in financial need - there is no requirement that the claimant has a BRP - and as confirmed by the Court of Appeal in Bui - not having a national insurance number is not in itself a barrier to paying a UC advance.

A new resource is available on the CPAG website dealing with some of these common issues and providing some text to paste into a UC journal (or into a mandatory reconsideration request letter if the UC claim has been refused or terminated) and links. Scroll down to template 12 here.

There is also useful content on Migrant Help's FAQs. Free Movement also explains the changes and how applicants should now be able to access UC with their grant letter and asylum registration card.





Compassionate reforms to the refugee system can improve housing options for all

Philip Brown and Santokh Gill of the University of Huddersfield describe the work they have done on refugee homelessness.

People who arrive in the UK to seek sanctuary have, over the past few decades, been increasingly finding themselves accommodated in precarious situations, often enduring periods of repeat homelessness. This is particularly the case for those receiving refugee status after a decision on their claim for asylum.

Those arriving through more organised resettlement programmes have traditionally benefited from more secure housing options. However, the long-term stays in hotels experienced by Afghans, not to mention the presentations at local authorities by Ukrainians following their exit from the homes of their hosts, demonstrate that housing insecurity can affect all those who seek sanctuary, regardless of their routes in.

This picture is further complicated when we consider how well the diversity of refugees is catered for, for example in terms of their identities (gender, ethnicity, age etc.), their experience of persecution, their journeys en route to sanctuary, where they moved to once in the UK, their skillset (and English language skills), whether they are in a family unit, and their access to support and community networks.

We have worked with the Centre for Homelessness Impact to produce a briefing paper on the relationship between refugee status and homelessness. It is intended as a primer for those working in organisations that deal with housing and homelessness but who may not be aware of refugee policy, or the specific challenges faced by refugees in the UK.

For refugees, their experience is made more complex by their socio-legal status, their experiences of the asylum and refugee systems, their pre-arrival experiences which forced them into exile in the first place and their position within an increasingly "hostile" and divisive set of political and policy narratives which talk of maintaining UK borders and reducing the numbers of those entering as migrants.

We believe that there needs to be a co-ordinated national refugee resettlement strategy that feeds into clear and workable local strategies. As it currently stands, the responsibility for the resettlement and housing of refugees is spread across government departments, local authorities and civil society. This causes unnecessary duplication, as well as gaps and inefficiencies across many systems, which in turn contribute to negative outcomes for refugees.

In order to change outcomes, there needs to be a change to the system producing these outcomes. New arrivals into the UK require additional assistance and signposting to services that can provide support.

It's also clear, just as we've learned through programmes like Housing First, that the individual support provided by key workers can make a transformative difference to people who are unfamiliar with the UK's housing, welfare, health, education, and employment systems.

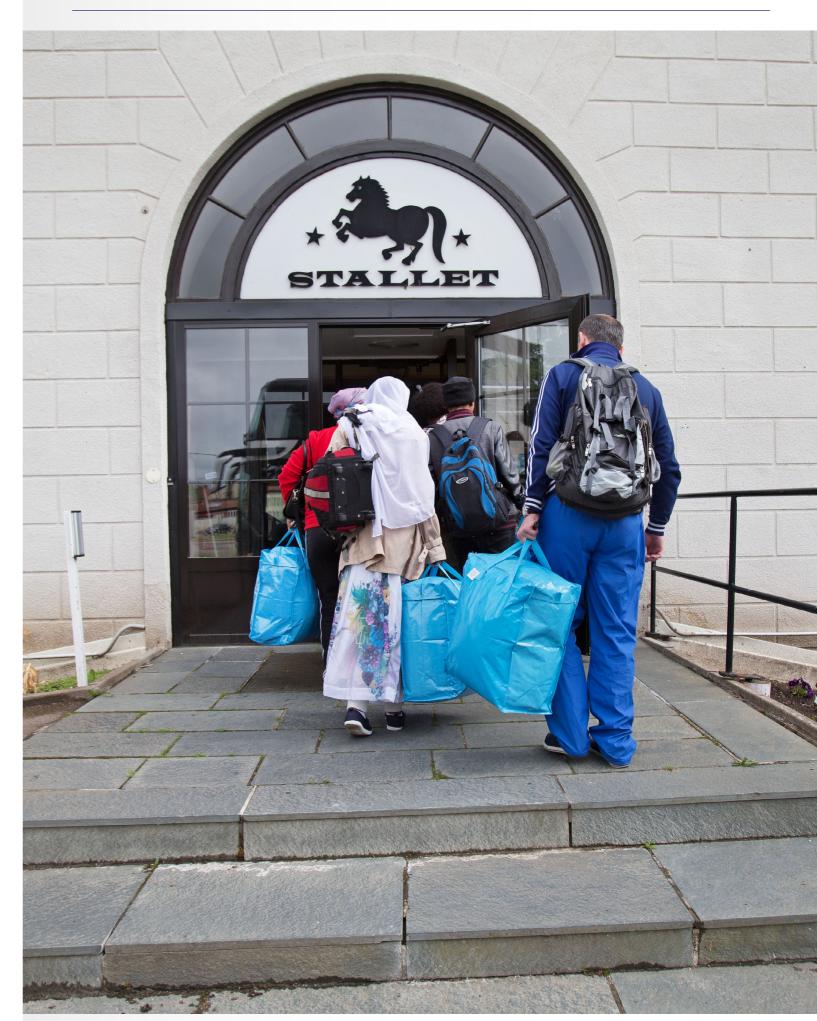
This is particularly vital for refugees who are often completely perplexed by our processes and ways of doing things, resulting in a requirement for support, which in turn exacerbates these inefficiencies, blocking access to systems for members of other communities who also need vital support and do not need the help of intermediaries. Of course, these intermediaries can, and possibly should, be largely comprised of people with lived experience of exile and settlement.

Programmes of capacity building amongst and across new arrival communities to provide the capability needed to support others are sorely needed.

Some resources would be needed to make co-ordinated, systemic changes to practice. But these are changes that would benefit the majority of those who are multiply excluded and disenfranchised - people who are experiencing homelessness, people leaving care, those fleeing domestic abuse.

However, many of the changes that are needed may require modest amendments to existing practice. These small changes could make a significant difference to the lives of those who lost so much when simply searching for sanctuary.

Homelessness, Refugees and Resettlement in the UK is published by the Centre for Homelessness Impact and can be downloaded here.





New home secretary's five-point plan

What should UK employers make of the government's five-point plan to reduce immigration?

ew home secretary James Cleverly presented a "five-point plan" on December 4 to reduce UK immigration, after a feverish fortnight in which every news outlet badgered him about the Office for National Statistics revising its estimate of 2022's net migration up to 745,000.

Under the plan:

- People on health and care visas will no longer be able to bring family dependants and care firms must be regulated by the Care Quality Commission in order to sponsor workers.
- 2. The skilled worker salary threshold will be increased by a third to £38,700, the care sector will be exempt.
- 3. Ending the 20 per cent salary discount for roles on the Shortage Occupation List and reforming the list. The Migration Advisory Committee (MAC) have been asked to review the occupations on the list in light of the new higher skilled worker salary threshold. A new immigration salary list with a reduced number of occupations will be published in coordination with the MAC.
- 4. The minimum income requirement for family visas for British citizens and those settled here will also be raised to £38,700: (now to be in early 2025).
- The Home Secretary has asked the MAC to review the graduate route to "prevent abuse and to protect the integrity and quality" of the higher education sector.

The government expects these changes to result in a 300,000 drop in net migration.

Free Movement commented that, combined with other recent measures that will make it more expensive to sponsor migrant workers, as well as an unprecedented attack on people's ability to have dependant family members live with them in the UK, it looks likely that these measures will indeed reduce UK immigration (already falling from a post-pandemic peak anyway).

It forecasts that more details about these immigration reduction measures and how they may be phased in will be published around February or March as is customary, with the usual few weeks' notice before they are implemented.

Also in *Free Movement*, immigration lawyer Colin Yeo assesses Suella Braverman's 43 days as the previous home secretary.

In Inside Housing, the chair of CIH Futures, Halisha Kaur, says that the government wants to "weaponise" social housing in its fight against asylum seekers. She says that this is a risky moment for the sector: "The government is using this rhetoric to side-step its own failure to build enough social housing after nearly 14 years in power. It is attempting to build a narrative that the lack of social housing is being worsened by the current levels of migration."

Migrants may be forced into destitution as UK hikes visa renewal fees

The *Big Issue* **explained** how the hiking up of visa fees by the Home Office will force more migrants into destitution.

Migrants who want to stay in the UK now have to spend more than £3,000 every 30 months - a fee campaigners have labelled "extortionate" and "devastating." The UK government has hiked its visa application fees and international health surcharge. The increases are set "to pay for vital services and allow more funding to be prioritised for public sector pay rises", the government claims

But the costs will force many migrants into destitution, campaigners have warned - and push them out of legal migration routes.

"Many care homes wouldn't be here without foreign workers"

The Observer explains how a government-imposed cap on migrant workers would affect care homes.

Professor Martin Green CBE, chief executive of Care England, said such changes could force some providers out of business. "If the government places a cap, refuses to allow dependants into the country or changes the pay requirements for overseas staff, which will make them more expensive, this will lead to more care services struggling to get staff and potentially reducing the amount of care they are able to provide," he said. "In some cases [it] may lead them to exit the market."





The Illegal Migration Act becomes law - what next?

Just Right Scotland calls on the Scottish Government to protect people from the Illegal Migration Act

ust Right Scotland asked the Scottish government to heed the recommendations of its Equalities, Human Rights and Civil Justice Committee and take action to safeguard the human rights of people affected by the Illegal Migration Act 2023.

The devastating effects of the Act on areas of policy and practice within devolved competence - including combating trafficking and exploitation, and child protection - were immediately clear, Just Right Scotland argued. They have provided legal analysis and recommendations to help the Scotlish Government respond in concrete and practical ways: "time is running out to take action in what is a human rights emergency in Scotland".

Could there be alternative "safe routes" for asylum seekers?

In October, Routes to Safety published proposals for new safe routes and ways to fix the existing ones, spearheading regional and international cooperation, and restoring and rebuilding our asylum system. Their proposals include a new "emergency protection scheme" together with a "refugee visa pilot" to provide new routes for those currently attempting to cross the Channel. They argue that such measures would disrupt the smuggler business model, save lives and uphold the commitment to protect refugees.

The IPPR argues in *Charting new waters: A progressive policy response to the Channel crossings* for widening refugee family reunion rules and expanding the UK Resettlement Scheme to around 10,000 people annually. IPPR also favours the piloting of a refugee visa scheme to allow asylum seekers to make an application for temporary leave to enter the UK, where they would be able to apply for asylum.

Labour's alternative to the Act - will it be better?

Zoe Gardiner argues in openDemocracy that Labour's plans for immigration have the potential to either bring about key improvements or continue to cause harm. So, it's important to make sure that this conversation moves in the right direction. "The biggest cause for hope at the [Labour Party] conference was that it looks like Labour is putting some real thought into designing a new and better points-based immigration system."

Zoe also writes in *The New European*, arguing that "It will take political bravery to overcome the current narrative of deterrence, but it is urgently necessary."

Meanwhile, migration runs at record levels

In November, the Office for National Statistics (ONS) withdrew its original estimate of net migration to the UK in 2022 and replaced it with one that was 23 per cent higher, causing much political comment. The updated estimate, that net migration totalled 745,000, reflected continuing ONS efforts to make immigration statistics more accurate.

Most of the growth is accounted for by larger numbers using the official routes to travel from outside the EU to work and study in the UK. The *New Statesman* called this a "secret workforce" which is "plugging gaps in understaffed sectors in Britain", via visas for "shortage occupations". Five construction-work occupations were added to the shortage list in the March budget, but by far the biggest growth in numbers is of those working in health or social care, accounting for nearly 70 per cent of skilled worker visas.

Numbers have also increased as people use official routes to flee crises in Afghanistan, Hong Kong and Ukraine. However, those seeking asylum who arrive by "irregular" routes, and on which much of the debate really focuses, only form eight per cent of total immigration; of these, only about half arrived on "small boats" in 2022. Asylum seekers' contribution to the figure (90,000 arrivals) is similar to that of returning British nationals (84,000).

"Small boat" arrivals in 2023 totalled 29,437, a similar level to 2021, although more than one-third down on the 45,755 arrivals in 2022. Much of the reduction, though, was due to fewer Albanians making the crossing now that many are being returned to Albania.

Doubts and concerns raised around government's approach to the asylum backlog

In January, new statistics were released by the home secretary, James Cleverly, claiming to have ended the so-called "legacy backlog" of asylum cases from 2022. But the statistics also show that growing numbers of cases are being defined as withdrawn or paused, and therefore removed from the official backlog. Labour accused the prime minister of pushing a "barefaced lie" in publishing the figures. The statistics watchdog said it would review the prime minister's claims.

The statistics show that of the 112,138 initial asylum decisions made between January and 28 December 2023, 35,119 were "non-substantive decisions", which include withdrawn or paused applications. This would mean that 31 per cent of 2023 asylum decisions were withdrawn or paused, up from 22 per cent in 2022 and 16 per cent in 2021.

On *Channel 4 News*, the Refugee Council's policy analyst Jon Featonby addressed the Home Office's claims about withdrawn applications, revealing that one-third have been removed from the backlog without explanation. This raises serious concerns about the whereabouts and potential exploitation risks these individuals could be facing.

The House of Commons Public Accounts Committee (PAC) had expressed concerns in October about the Asylum Transformation Programme, including about its work to clear a backlog of cases, the unacceptable costs of an inefficient system, a lack of safeguards for vulnerable people, and greater risk of flawed decisions on people's asylum claims. Furthermore, it said, the Home Office's "incomplete and unrealistic business case ignores the impact of a rapid clearing of the asylum backlog on immigration enforcement and the courts, and risks simply transferring backlogs to elsewhere in the system".

Colin Yeo, writing in We Wanted Workers, looks at what is really going on with the main features of the contemporary asylum system: arrivals, the backlog, appeals and removals.



Latest on refugees fleeing world crises

Plan for UK to host thousands of Gaza refugees drawn up by charities

blueprint setting out how Britain could provide refuge to thousands of Palestinians from Gaza has been drawn up by a coalition of charities and groups. Organisations including the Refugee Council, Safe Passage International, Doctors of the World, Helen Bamber Foundation and City of Sanctuary have raised concerns about the conflict worsening the Palestinian refugee crisis.

They are urging the UK Government to introduce an emergency family reunion scheme modelled on the initiative for Ukrainians and carry out a medical evacuation for people in need of specialist care, reports *The Guardian*.

However, openDemocracy said that the Home Office refuses to set up a Ukraine-style visa scheme for Palestinians. The government said it has "no plans" to waive fees or tests to help Palestinians reunite with family in the UK. More than 25,000 people signed a parliamentary petition asking for the government to waive fees, salary thresholds and tests for Palestinians displaced by Israel's attacks on Gaza, but the petition was rejected in December.

Afghan asylum claims "ten times number of those arriving in resettlement schemes"

The number of asylum applications from Afghans was ten times the number of people from Afghanistan who resettled to the UK in the year to September, under schemes set up in the wake of the Taliban takeover, according to The Independent.

People from Afghanistan were the most common nationality applying for asylum to the UK in that period, with 10,305 applications made, according to Home Office figures. Meanwhile, just 1,110 Afghans arrived in the year to September under the legal routes created by the Home Office following the fall of Afghanistan to the Taliban in 2021.

Meanwhile, an Afghan refugee won substantial damages from the Home Office. The home secretary has paid Sayed Rahimi £10,000 in damages, concluding his claim for breaches of EU law and the Human Rights Act after the Home Office left him destitute for two months. Mr Rahimi was at the time an Afghan asylum seeker, who had made a fresh asylum claim.

The Home Office said that Mr Rahimi did not attend to be transported to asylum accommodation by its contractors and that it had no further duties. Mr Rahimi maintained that he had never been informed that his travel had been arranged, and his efforts to arrange alternative accommodation were ignored. The court accepted Doughty Street Chambers' argument and ruled against the Home Office.

"Homes for Ukraine" viewed favourably by parliamentary committee

The National Audit Office (NAO) published a generally favourable report on the government's Homes for Ukraine scheme. The House of Commons Public Accounts Committee (PAC), to which the NAO reports, launched its own inquiry into the scheme. CIH submitted evidence, arguing that – despite teething problems – the scheme was successful overall. CIH said that an important lesson should be that hosting – with payment to the hosts – is a measure that could be used to provide refugee or asylum accommodation more generally, not just for Ukrainians. It has solved a problem during the time of a wider shortage of low-cost rented accommodation, and the government should look to make the scheme permanent.

CIH's evidence will be published once the PAC has made it public.

A British Red Cross report, Fearing, fleeing, facing the future: how people displaced by the conflict in Ukraine are finding safety in the UK, looks at the UK's Ukraine visa schemes one year since the escalation of the conflict. It says that there have been various shortcomings in the UK's response, which need to be urgently addressed for the benefit of hosts and arrivals alike.

This report is informed by significant operational insight of helping more than 60,000 people displaced from Ukraine arriving in the UK over the past 12 months.

Over 7,000 Ukrainians have arrived in Wales, and many have been housed via Airbnb. Bonnie Williams of Justice Cymru explains how it works.

Hong Kongers are here to stay but need more support to make full contribution to the UK

From HK to UK: Hong Kongers' new lives in Britain, is a new report from the Welcoming Committee for Hong Kongers and British Future. It draws on a new, randomised survey of 2,000 BN(O) Hong Kongers, making it the most authoritative study to date. It finds that a lack of confidence in spoken English, issues with Hong Kong qualifications being recognised in the UK and a lack of careers advice and support are all holding Hong Kongers back from realising their full potential and making the contribution that they could to the UK economy.







Life in the UK asylum system

Asylum seekers "survive in poverty"

sylum Matters has published a **new report** which reveals the devastating impact of living on asylum support and the effect of the rising cost of living.

Surviving in Poverty: a report documenting life on asylum support has the results of a survey of over 300 people seeking asylum which shows how they face a continuous struggle to meet their most fundamental needs. This includes being unable to afford food, clothes, toiletries and public transport.

Deprived of the right to work, the report shows that the rising cost of living has pushed people seeking asylum further into poverty. Compared to a similar survey in 2020, people are facing even tougher decisions on whether they can afford the basic essentials.

The key findings from the report include:

- 91 per cent don't always have enough money to buy food
- 75 per cent can't always afford the medicines they need
- 85 per cent struggle to afford the cleaning products they need
- 97 per cent experience difficulties affording the clothes they need
- 65 per cent face challenges affording the toiletries they need
- 95 per cent can't always afford to travel where they need to by public transport
- 88 per cent don't always have the data and phone credit they need
- 83 per cent say asylum support payments aren't enough to cover the rise in the cost of living.

On January 15, the weekly cash payment for asylum seekers' "essential living needs" was raised from £40.85 to £49.18.

Dire effects of Home Office "Operation Maximise"

Concerns are mounting about "Operation Maximise," the new anti-migrant strategy that involves cramming asylum seekers into accommodation provided by the Home Office. Following several cases of abuse and an outbreak of an infectious disease in Home Office-provided hotels, warnings have been made that the measure is creating conditions that cause physical and mental harm to vulnerable people.

Responding to the dire, crammed conditions in the accommodation, Stockport council leader Mark Hunter said:

"Asylum seekers have been cooped up... for months and this inhumane treatment acts as a Petri dish for mental health issues in a cohort that are already vulnerable."

Despite cases like this and subsequent warnings, the government still pressed ahead with its "Orwellian-sounding plan to cram people into absurd room-sharing arrangements," as Enver Solomon, chief executive of the Refugee Council described it.

Less than six months into the strategy being launched, and concerns are mounting about the safety, health and wellbeing of the residents being forced to room share. NGOs have also identified cases of age-disputed children being forced to shared rooms with adults they were not related to.

Shared accommodation exacerbates mental health problems

MZ is an Iranian asylum seeker and victim of torture who suffers from nightmares and issues about sleeping generally. He has been moved to shared accommodation by the Home Office and is very troubled by the anti-social behaviour of another housemate and asylum seeker.

MZ has told the housing manager (and police) that he does not feel safe living with this man and thinks he may be inebriated (drunk or high) due to his odd behaviours. This housemate has called the police on MZ but nothing came of it as they believed MZ's version of events (this was very concerning for MZ due to his pending asylum claim). The other man persistently asks MZ for money and food, stole his food and belongings (including post - a bank card), has gone into his room without him there, persistently wakes MZ up in the early hours of the morning by singing loudly, playing music, speaking on the phone at 2am, and jumping up and down on the floor. He has accused MZ of stealing and reported this to the housing manager.

The housemate has not assaulted or harmed MZ, but he feels threatened by him as he has told him he will take and use what he wants from MZ, or he will cause problems for him. He has also shown a knife attached to his belt to MZ and once removed this and put it in front of MZ as a threat.

The manager and police have simply advised MZ "to avoid interacting with the housemate". MZ feels he cannot live like this any longer and is seeking legal help to challenge the Home Office.



Government faces legal challenge over "unlawful segregation" of asylum seekers

The Guardian says that the Home Office has been accused of unlawfully segregating asylum seekers from the local population by "falsely imprisoning" them on the Wethersfield airbase in Essex.

Humans for Rights Network and Helen Bamber Foundation have released a **new report** highlighting a catalogue of concerns regarding the use of Wethersfield RAF base as an asylum camp, and the irreparable harm caused to men held there. The report, *Ghettoised and Traumatised*, is based on assessments carried out by Helen Bamber Foundation clinicians and casework conducted by Humans for Rights Network with over 140 individuals since the camp opened in July 2023.

They found that men have displayed symptoms of worsening mental health following transfer to Wethersfield. They have reported anxiety and depression, suicidal ideation, intense desperation and fear, self-harm, and acute sleep deprivation. When one man shared his suicidal thoughts with members of staff at the site, he was simply told that it was "normal in this environment".

"The hardest part for me after what I have been through in Libya, is what I am going through now in Wethersfield. People screaming at night, gunshots can be heard. When someone wakes up screaming, I don't know what to do. I came through Libya this place is no different." (Wethersfield resident)

Information disclosed to *The Independent* shows that over 100 residents at Wethersfield were quietly sent to hotels after the Home Office admitted it was an unsuitable place for them to stay. According to the Home Office, those who were moved out were suspected victims of modern slavery, had claims of human trafficking, or had complex health needs that could not be managed on the site. Others had claimed to be victims of torture, or said they were children.

However, the BBC reported that two district councils and local residents who brought a judicial review challenging the use of decommissioned Ministry of Defence sites at Wethersfield and at Scampton in Lincolnshire were unsuccessful in the High Court. The judge hearing the case accepted the Home Office argument that it faced an accommodation emergency, which required it to use the bases.

Home secretary James Cleverly says "he hopes to close Wethersfield asylum centre as soon as he can". Wethersfield is in his constituency.





"You can't understand my state, I'm going crazy, nothing can calm me down"

That's how life feels to one of the asylum seekers who has spent the past three months living on the 222-room Bibby Stockholm barge moored off Portland, Dorset, he told *Politico*, as the barge becomes more and more fully occupied.

The Dorset Echo told the story of Azad (not his real name), an asylum seeker living on the barge, who is devoting his time to volunteering for homeless charities in Weymouth. He moved to the UK from Pakistan in January and initially lived in London before being moved to the Bibby Stockholm.

Azad has been helping homeless charities in Weymouth and Portland, helping to cook and distribute food for those who are living on the streets during the coldest months of the year.

"When I first arrived in the UK I was living in London and I volunteered for the British Red Cross," said Azad, "In my country, I would always do the same, working for the welfare societies, giving donations."

Nadia Whittome MP wanted to visit the Bibby Stockholm, but her request was denied by the home secretary. Nevertheless, she reports here from Portland and later met residents of the barge. She then wrote about her experiences for the *Daily Mirror*.

Free Movement explains the latest guidance on those who want to challenge an enforced move to the Bibby Stockholm barge at Portland harbour. Following a legal challenge by Migrants Organise the time period has been extended to five working days to enable people to make representations as to why they should not be moved to the barge.

Migrants Organise has a regularly updated guide to Challenging Notice to Move to the Bibby Stockholm Barge. As we go to press, the latest version was from November 2023.

Meanwhile, *inews* reported that the full cost of the Bibby Stockholm would remain secret, although the Home Office is understood to be paying £300,000 per week to hire and run it.

Huge profits made by asylum support providers

Refugee Action revealed the size of the profits made by companies involved in providing asylum accommodation.

- Clearsprings boosted its profits from £4,419,841 to £28,012,487 during the year ending 31 January 2022.
 Clearsprings runs asylum accommodation in London and also runs Napier, an ex-military barracks being used to house refugees in conditions described as "squalid" by lawyers of the residents.
- Mears listed adjusted profits before tax at £35.2 million for year ending December 2022, an increase of 37 per cent over that achieved in 2021.
- Serco's 2023 half year results state that revenue increased by 13 per cent, or £294 million, to £2,472 million (2022: £2,178 million). In 2023 the Home Office confirmed that Serco will run the proposed camp at RAF Scampton in Lincolnshire.
- Corporate Travel Management (CTM) was contracted to run the Bibby Stockholm barge as part of its award of the Bridging Accommodation & Travel Services contract by the UK Home Office, valued at approximately £1.6 billion.



More news on problems faced by asylum seekers

Court rules against asylum-seeking children being housed in hotels

he home secretary must set out plan to eliminate use of hotels for lone children, *The Guardian* reported. A high court order in December says hotels can be used only for very short periods "in true emergency situations".

Since June 2021, 440 children have gone missing from asylum hotels. Officials told a recent session of parliament's cross-party home affairs committee that 132 of the children who went missing had not been found - 103 of them have now turned 18.

Brighton council leader Bella Sankey said she was "relieved and proud" at the court ruling (Brighton has one of the hotels from which children went missing).

Proposals to exempt new asylum accommodation from licensing schemes still in limbo

Government plans to exempt houses in multiple occupation from compulsory licensing by local authorities, reported in the Autumn 2023 newsletter, have still not gone ahead. CIH is providing evidence for an ongoing court case against the government, while the plans have not yet been approved by parliament.

However, in a parallel development, when the government announced that social landlords would be subject to a new "Awaab's Law" - to force them to fix damp and mould problems - it also said that this requirement would not apply to providers of asylum accommodation.

Bridget Young, the director of NACCOM - the No Accommodation Network - which provides support in the form of accommodation for asylum seekers and refugees, said: 'It is totally unacceptable that the vital measures brought in by the government through "Awaab's Law", to ensure that people are protected from exposure to damp and mould in their homes, will not include asylum accommodation contractors. Housing should be safe for everyone, regardless of immigration status.'

Over half the people seeking asylum are now unable to access a legal aid lawyer

Free Movement says that at least 51 per cent of asylum applicants in England and Wales - 37,450 people - are now unable to find a legal aid lawyer.

That is the gap between the number of new legal aid cases opened ("matters") and the number of new applications for asylum. This analysis comes from Freedom of Information data on immigration legal aid matter starts for the contract year 1 September 2022 to 31 August 2023.

Charity blocked from helping asylum seekers

The Home Office blocked a charity from supporting asylum seekers staying in supported accommodation. Care4Calais can no longer enter asylum seeker accommodation at Napier Barracks to give haircuts, clothes and shoes, reported inews.







Latest news on the EU Settlement Scheme

Changes to late application rules under the EUSS

ree Movement sets out the Home Office's recent changes to the immigration rules and the guidance on making applications to the EU Settlement Scheme (EUSS), taking a far more restrictive approach to late applications than has been the case previously. The Office of the Immigration Services Commissioner (OISC) has updated its guidance to reflect these changes and indicate which late applications level-one advisers are still able to assist with.

The Roma Support Group newsletter highlights the changes to EUSS rules, some of which may create extra challenges for digitally excluded or illiterate Roma to access the scheme and therefore access the rights and entitlements of settled status. This is worrying, the RSG says, and underlines how digital exclusion, while stemming from social inequalities, exacerbates them and leads to further marginalisation and exclusion.

Court of Appeal dismisses government appeal on benefits for people with pre-settled status

The Court of Appeal has dismissed the government's appeal in Secretary of State for Work and Pensions v AT (AIRE Centre and Independent Monitoring Authority intervening) [2023] EWCA Civ 1307, meaning that people with pre-settled status under Appendix EU are able to access universal credit in circumstances where they do not also have a qualifying EU right to reside.

Updated guidance on the EU Settlement Scheme

Updated guidance for landlords has been published to reflect the High Court judgment in December 2022, in a case brought by the Independent Monitoring Authority (IMA) in relation to the EUSS. It removes the requirement for landlords to verify a digital certificate of application with the Home Office employer checking service when conducting a right to rent online check, involving an outstanding EUSS application made after 1 July 2021.

The government has also published a revised code of guidance on right to rent, which will come into force on February 13.

Caseworker guidance on the EUSS has also been updated. However, Here for Good said:

"We are disappointed to see such minor updates to a system that is in urgent need of change."

Fivefold rise in number of EU citizens refused entry to UK since Brexit

The number of EU citizens refused entry to the UK since Brexit has increased fivefold, Home Office figures show. In the first three quarters of 2019 just over 2,200 people from the EU were turned away at the border – compared with 11,600 in the first three quarters of 2023.

Since the last full year before the Covid lockdowns curtailed travel, and the UK's exit from the EU in 2020, the number of German nationals turned away has increased fivefold, from 80 in the whole of 2019 to 411 in the year ending September 2023. The number of French people turned away at the border has increased from 92 to 426 over the same period.

"England took us in..."

A report in the Public Interest Law Centre's Other Voices series centres the voices and analysis of people typically marginalised in accounts of migrant destitution - activists, frontline workers, homeless migrants themselves - with a dialogue between five Polish men with a history of rough sleeping.

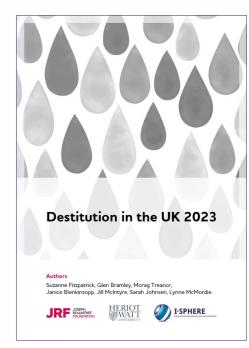


"No recourse" drives migrant destitution

More than a quarter of destitute people in the UK were born abroad

n 2022, more than a quarter (27 per cent) of destitute households were headed by someone who was not born in the UK, according to a new report from researchers at Heriot-Watt University. The risk of destitution for migrants is 35 per cent higher than for non-migrants and a high proportion of these migrant households contain children. Significant proportions are European nationals, often people who failed to apply for settled status in the UK or whose applications were rejected, and asylum seekers, usually those whose claims have been denied.

The obstacles to helping irregular migrants are considerable. Reports from CHAIN, a multi-agency database recording data about street homelessness in London, indicate that half of those sleeping rough in the metropolis are foreign nationals, typically with NRPF. The London Borough of Camden, for example, recently found 40 per cent of people sleeping rough to be ineligible for benefits and therefore unable to be offered hostel accommodation or similar.



Public funds list amended

The NRPF Network advises that the list of 'public funds' that certain migrants are prohibited from accessing was amended on October 5. Some new Social Security Scotland benefits have been added to the list, and a clarification has been made with regards to Social Fund payments, which are available across the UK. The public funds list can be found at paragraph 6 of the Immigration Rules and

the amendments are set out in Statement of Changes HC 1780.

NRPF Network also points out that, following a legal challenge, the Home Office has confirmed in a new policy instruction that it will consider lifting a No Recourse to Public Funds condition when a person has any type of leave to remain. Previously, a change of conditions application could only be made by

a person with leave to remain on a family or private life, or Hong Kong British National Overseas (BN(O)) route.

Free Movement has a useful guide to the legal background to NRPF, explaining how the rules were significantly tightened in 2012. The Migration Observatory has a new briefing on deprivation and the NRPF condition.







Why the Criminal Justice Bill presents danger to people sleeping rough

Jasmine Basran, head of policy and campaigns at Crisis, writes about the effects of new legislation.

In the run-up to the Kings Speech, we headed off plans by the then home secretary, Suella Braverman, to crackdown on the use of tents by people sleeping rough. This would have posed a real danger to people forced to sleep on the streets.

But now, a new government bill seeks to criminalise people sleeping rough. Here's why this presents just as big a danger to people bedding down on the streets.

Under the Vagrancy Act of 1824, people sleeping rough in England and Wales could be moved on or fined up to £1,000. Following a decades-long campaign, led by Crisis and supported by politicians across the political spectrum, people with lived experience and a wide number of charities, parliament voted to repeal this archaic Act in February 2022.

But the repeal has not yet been enacted, meaning the Vagrancy Act is technically still in force. Now the government is introducing replacement legislation, via the Criminal Justice Bill, that replicates much of the Act's most problematic elements; criminalising people for sleeping rough.

What new laws on homelessness will the Criminal Justice Bill introduce? The bill contains broad new powers for police and local authorities to enforce against so-called "nuisance rough sleeping". These powers include being moved on, imprisonment and a fine up of up £2,500, much like the Vagrancy Act.

And the wide definition of "nuisance" should alarm us all. The bill states that someone can fall under this definition if they have slept rough, appear to have slept rough or are intending to sleep rough, and "are likely" to cause a nuisance.

This means that someone doesn't need to have even slept rough or have done anything a reasonable person would consider a nuisance to fall foul of the legislation. This is extremely worrying when we know people sleeping rough are already often stigmatised.

This leaves the door open for anyone sleeping rough (or apparently "intending to") to be criminalised based on a judgement from an individual about how they look or act. This is unacceptable. These proposals simply punish people for being homeless.

The bill also defines sleeping in doorways as nuisance behaviour as it could be "obstructive". But we know that people sleeping rough, and in particular women, often sleep in doorways or forms of limited shelters to seek some small amount of safety.

People sleeping rough are 17 times more likely to be victims of violence and abuse. This bill could criminalise people simply for trying to keep themselves safe. There are also other definitions of "nuisance" behaviour in the bill that are simply dehumanising, such as deeming someone sleeping rough a nuisance due to "excessive smell".

People who had faced police action under the Vagrancy Act told us how dehumanising it was to be moved on and fined, instead of helped, when they had nowhere else to go.

During the Scrap the Act campaign, we showed that an approach that uses criminalisation as a first response only succeeds in breaking down trust between people sleeping rough and services like the police, pushing people further from support into destitution and exploitation.

These issues did not go unnoticed at the second reading of the bill in parliament. MPs from all parties spoke out against these new laws, questioning why they are similar and, in many respects, worse than the Vagrancy Act, and calling for the enforcement of "nuisance" rough sleeping to be dropped.

Originally posted by Crisis. CIH supports the position taken by Crisis and has submitted evidence to the committee scrutinising the Criminal Justice Bill.



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Help for migrants fleeing domestic abuse

New rules governing the "domestic abuse route"

overnment has published new immigration rules relating to the so-called "domestic abuse route".

Rights of Women says that the new rules include the long-awaited introduction of a new route for victims of domestic abuse abandoned overseas to apply for permission to enter the UK as a victim of domestic abuse.

The new rules, called Appendix Victim of Domestic Abuse or Appendix VDA for short, come into force on January 31. That is the first date that applications can be made; any applications made before that date will be considered under the existing rules.

The main changes are:

• The introduction of an entry clearance route for victims of transnational marriage abandonment who will be able to apply for indefinite leave to return to the UK if their relationship has broken down permanently because of domestic abuse and they have been abandoned overseas. There will be a new application form for these applications.

- The introduction of rules relating to dependent children who can also apply under the domestic abuse route.
- Drafting changes mean that it is no longer necessary for relationship breakdown to occur during the last grant of leave. This means the relationship breakdown can happen even after a spouse / partner visa has expired as long as the applicant's last grant of leave was one of those that permits access to the domestic abuse route.
- The domestic abuse rules will be taken out of Appendix FM and from January 31 will be in Appendix VDA; the rules relating to victims of domestic abuse under Appendix Armed Forces are moved into the new Appendix VDA.

After Home Office policy guidance has been published, Rights of Women intends to publish a legal guide for women and professionals supporting them about the new rules and offer training to professionals.

Domestic Abuse Commissioner calls for ban on reporting victims to immigration authorities

A new report from the independent Domestic Abuse Commissioner has revealed that every single police force in England and Wales has shared the data of a victim of domestic abuse with immigration authorities over a three-year period from April 2020 to March 2023 The commissioner, Nicole Jacobs, has long called for a firewall to be established to prevent police from sharing data on victims of crime with immigration authorities. The commissioner says fear of being reported prevents victims of domestic violence with insecure immigration status from reporting abuse.

Safety before status - the need for a firewall for migrant victims and survivors of domestic abuse

Hannah Keilloh from CIH explains why the firewall is needed.

Sadly, we know that many victims and survivors of domestic abuse with insecure immigration status will not report abuse to the police or other statutory services because of the fear that their details will be passed on to immigration authorities. The threat of immigration enforcement is often used by perpetrators to control their victims and dissuade them from going to the police, allowing dangerous offenders to continue to abuse safe in the knowledge that their victims and survivors will be too afraid to go to the police or seek the support and help they need.

This fear is well founded. Data recently published by the Domestic Abuse Commissioner (DAC) shows that all 43 police forces across England and Wales and the British Transport Police have indeed shared information about victims and survivors of domestic abuse with immigration authorities at some point in the last three years. According to the figures obtained from the Home Office, the police made 537 referrals to the Home Office for immigration investigation in relation to victims and survivors reporting domestic abuse between April 2020 and March 2023. Whilst none of these immigration status checks resulted in enforcement action (such as detention or removal) being taken, it does not reduce the fear and insecurity felt by these migrant victims and survivors.

In November this year, Domestic Abuse Commissioner Nicole Jacobs wrote to the Home Secretary pointing out the fact that no immigration enforcement action was taken against victims, highlighting that this practice is serving no one. But this data-sharing practice comes at an incredibly high cost to both the personal safety of victims and public safety more generally, as perpetrators evade justice.

The recommendation of the DAC, which CIH supports, is that there should be a firewall between immigration authorities and statutory services, including the police. This would ensure that migrant victims and witnesses can safely report domestic abuse and other crimes without fear of immigration repercussions.

DAC's recommendation is for a data firewall amendment to the Victims and Prisoners Bill (currently at committee stage in parliament) so that all victims are treated as victims first and foremost, regardless of their immigration status. This would increase their confidence in reporting and enable victims to access support and provide statutory services with the clarity needed to protect not only the victim but the wider public by bringing abusers to justice.

Providing secure support for domestic abuse victims and survivors regardless of their immigration status is essential. In our Homes at the heart housing manifesto, we highlight that although survivors of domestic abuse who are non-UK nationals are entitled to help under housing, homelessness and benefits rules, many do not receive it. Recognising and supporting survivors of domestic abuse who are non-UK nationals by extending the Domestic Violence Indefinite Leave to Remain (DVILR) and Destitution Domestic Violence Concession (DDVC) model for those on partner/spousal visas to all migrant victims, regardless of their immigration status, would further provide the confidence that speaking out is the right thing to do.

More on domestic abuse

 More than 15,000 households fleeing abuse were denied support in 2022/23. Inside Housing reports that this was most commonly because they had no recourse to public funds due to their immigration status, or because of mental health support needs or issues with family size or children's ages.







Other migration news

Many sponsored migrant workers are exploited

A new report comes with a stark warning: "As the number of sponsored migrant workers rises every quarter, the issue of migrant labour exploitation is only likely to increase". Work Rights Centre, a charity that works to support migrants and disadvantaged British residents access employment justice, has published a report Systemic drivers of migrant worker exploitation in the UK, based on over 40 case studies with sponsored workers, interviews with caseworkers, analysis of Home Office guidance and annual reports of labour enforcement agencies.

The centre received queries from approximately 400 migrant workers needing help with their employment rights in the ten months to October 2023. Issues raised include withholding of salary, insecure hours and pay, low quality accommodation and insufficient safety equipment, as well as more extreme cases of modern slavery.

The report focusses on those people who have what is referred to as a "tied visa", this is where their permission to be in the UK is dependent on their employer. The risk of exploitation has been identified in the seasonal worker, health and care, and skilled worker routes, among others.



UNISON has gathered evidence of appalling exploitation of migrant workers by unscrupulous care bosses. Care is one of the biggest industries in the UK, but also one of the most precarious. "It's broken, on the brink of collapse and only being propped up by the work of migrants."

Workers from abroad have sold everything they own to come here and care for people. But instead of receiving decent pay and conditions, and being treated with dignity and respect, UNISON says that the UK government is letting employers get away with terrible practices that should be consigned to history.

The UNISON report, Expendable Labour details shocking treatment of migrant care workers in the UK care system.

In West Country Voices, a migrant worker explains what he has gone through in order to come to the UK for work.

Good news corner

Government's Displaced Talent Mobility Pilot extended for a further year

ollowing a successful start, the government's Displaced Talent Mobility Pilot has been extended for a further year, with more businesses being encouraged to hire skilled refugees while helping people rebuild their lives in the UK. First launched in October 2021, businesses ranging from renowned global companies to small enterprises have participated in the scheme, with refugees fulfilling roles as senior engineers, paralegals, construction managers, and software testing consultants in priority sectors.

"Nobody can disturb us here": Refugees start afresh in Manchester

The Guardian, whose New Year charity appeal included several migrant/refugee charities, including NACCOM, describes the work of the Boaz Trust in Manchester, which uses accommodation provided by housing associations to provide housing for refugees and for asylum seekers whose cases have been rejected and have no recourse to public funds.

Uplifting stories from Bradford, Hastings, Glasgow and Cornwall

Need an uplifting story? Then say hello to Isaac, aged 9, from Thackley Primary School in Bradford, and read his wonderful piece about his experience of hosting Ali, from Syria, in his family home.

The Nation explained how "refugee buddies" help asylum seekers in Hastings. Local volunteers and those they mentor often form close bonds.

In Glasgow, Ubuntu is working with refugee women. "We are the talk of the town," says Syeda, one of the seven-woman team. Ubuntu assisted more than 200 women last year and is a member of NACCOM.

Cornwall Council is acquiring 20 homes for Afghan refugees and for temporary accommodation, using government funding, reports the BBC.







More news shorts

The Supreme Court's Rwanda verdict and Rishi Sunak's response: what happens next?

onathan Jones explains the Supreme Court's judgment on the government's Rwanda asylum policy – and says Rishi Sunak's plan to ensure "flights are heading off in the spring" is neither straightforward nor risk-free.

French woman loses job after falling foul of immigration rules

A French woman who has lived in the UK since she was a child has lost her job because of confusion about applying for settlement. Immigration lawyer Colin Yeo says "This is what happens when normal, ordinary people get exposed to Home Office bureaucracy and the UK immigration system. It is so easy to fall foul of the system even if you are eligible for status." However, after the publicity, the Home Office rectified the situation and confirmed the woman's status.

Housing experiences of Romanian migrants in the UK

A new report by CaCHE, Finding housing, making home: Romanian Migrants in post-Brexit/post-Covid UK, explores the ways in which Romanian migrants' inequalities of labour and migration-status and their cultural values shape their experiences of housing and home in post-Brexit/post-Covid UK. Romanian migration to the UK is one of the least studied, most recent and the second largest among all European migrant groups.

New survey of migrant experiences of temporary accommodation

Generation Rent and BID UK have teamed up to better understand the experiences of people who are migrants living in the UK. Generation Rent are a renterled campaigns and advocacy organisation for private renters. BID UK is an independent charity that exists to end immigration detention.

They want to hear from migrant peoples who have lived in temporary accommodation (including Home Office provided accommodation) or who have been private renters. Please can you share the survey/complete the survey to support their work. In particular, they want to know more about the conditions of living in temporary accommodation, the difficulties in finding a safe and secure rented home and the threat of homelessness amongst migrant peoples.

They say: "the first 40 submissions will be entitled to a £15 shopping voucher. So please share our survey/complete our survey and support our work."

Right to Remain's new guide on workers' rights

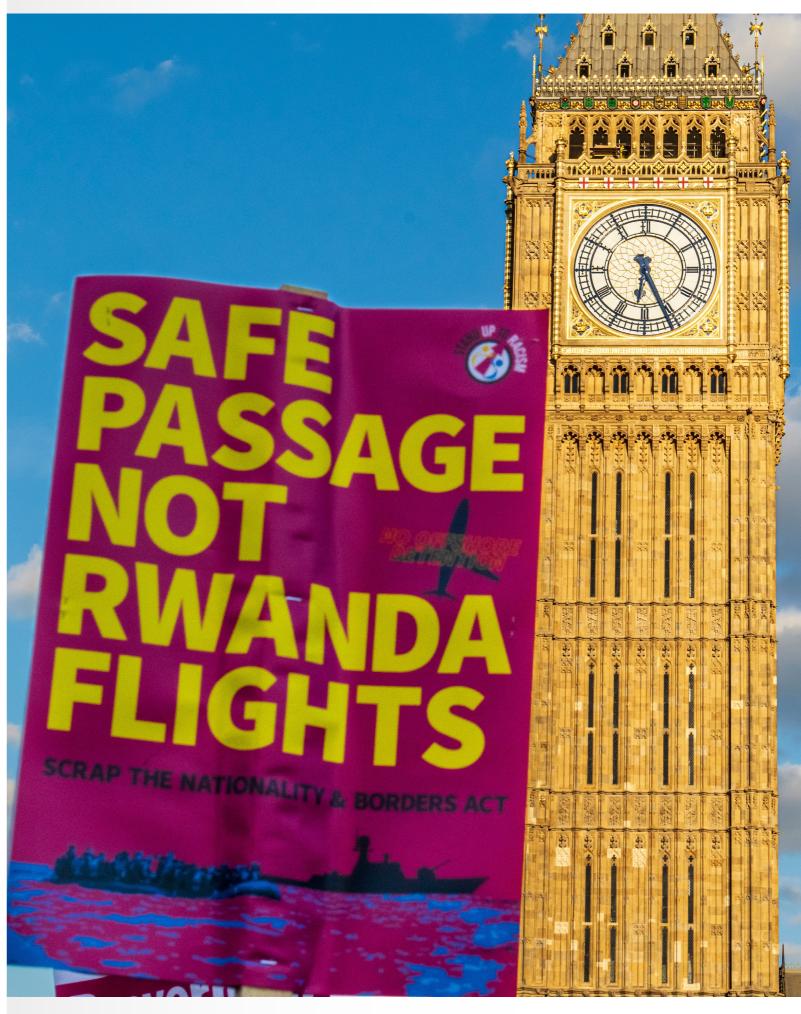
The new guide explains work exploitation and migrant workers' rights. Right to Remain says a revised edition will cover changes from recent legislation. Right to Remain also published its annual report on action taken to secure justice for migrants in 2023.

RIGHT TO REMAIN





RIGHT TO REMAIN CAMPAIGNING FOR MIGRATION JUSTICE IMPACT REPORT 2022/23





Do you have any comments on this newsletter?

send them to policyandpractice@cih.org

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