



Housing migrants and refugees

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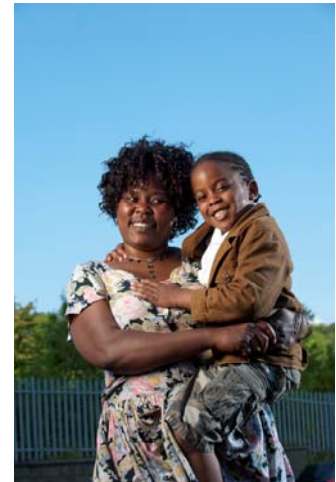
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Introduction

This guide has been developed for use by Scottish Registered Social Landlords (RSLs) when housing and assisting customers from abroad. It is based on guidance created by Glasgow Housing Association with support from the Lintel Trust. It has been adapted for a wider audience in partnership with the Scottish Federation of Housing Associations, Glasgow and West of Scotland Forum of Housing Associations, the Lintel Trust and the Scottish Government. You can download the guide from www.housing-rights.info/scotland. Immigration legislation is complex and subject to regular change and the guide will be updated regularly to reflect this.



The number of foreign nationals living in social housing in Scotland is increasing and it can be difficult to understand their different rights and entitlements. This guide sets out the key issues affecting migrants at the different stages in the customer's journey to getting a house. It provides information about what housing officers must discuss with applicants and which issues to consider before allocating a house.

The guide covers:

- asylum seekers
- refugees
- migrant workers
- overseas students.

You can use the guide alongside your own policies on lettings, rent arrears and tenancy management. It is supplemented by the following appendices:

- a glossary of terms
- background information on different categories of migrants
- useful contacts
- right to reside, habitual residency test and eligibility for benefits flowchart
- migrant support plan.

You can contact Seonad Forbes at Glasgow Housing Association on 0141 274 5543 or Seonad.forbes@gha.org.uk to discuss any of the information in this guide. You can also refer to the Housing Rights Scotland website. It provides information on migrants' eligibility for local authority housing and homelessness assistance: www.housing-rights.info/scotland/.

Summary

Housing applications: Any person over the age of 16 can complete a housing application regardless of their nationality or immigration status.

Suspensions: Applications from refugees, migrants or other foreign nationals may only be suspended for the same reasons as other applicants (e.g. previous rent arrears, history of anti-social behaviour). You may wish to apply a different policy to asylum seekers which would allow you to suspend their applications until they have received refugee status.

ID: Migrants, refugees and other non-UK nationals should be asked for the same identity documentation as other applicants. However, you can use your discretion where the person has no documents. Most foreign nationals will have a National Insurance Number. The housing application should still be processed if they do not.

Tenancy obligations: The Housing (Scotland) Act, 2001, prohibits social landlords from taking the an applicant's income into account when allocating housing. However, before making an offer, make sure that all applicants understand their tenancy obligations and that you discuss affordability and employability if relevant.

Migrant support plans: You can use a migrant support plan to help you identify risk and support needs. A pro forma plan is included as **Appendix 5**. After completing a Housing Application Form, or immediately after accepting an offer if the applicant is a Section 5 homeless referral, housing officers should complete the support plan. We recommend that a welfare benefit advisor is involved in this process. If necessary you should arrange an interpreter.

Offers and sign-up: You should follow your normal selection and offer process. At sign-up, you should use the normal procedure for a new tenant. Interpreting services should be used if necessary. You may wish to use a translated tenancy agreement where the tenant's first language is not English. In this case, you should retain signed confirmation of the translated tenancy agreement on file. N.B. The English version must be signed by the tenant otherwise it is not legally enforceable.

Arrears: If a migrant worker falls into arrears apply the same procedures you use for other tenants with arrears. You should offer an interpreter for all meetings to discuss rent arrears. If the tenant fails to pay arrears, follow the normal escalation process to court action if necessary.

Social Work has a duty to provide support to children, regardless of their immigration status, and local authorities have the power to assist destitute European Economic Area (EEA) nationals to return to their countries of origin. Ask the tenant for permission to discuss their case with your local authority. Request a joint meeting if support may be required.

Tenant Participation: You can reduce barriers to tenant participation by providing translated information about local events, meetings or consultations to migrant and refugee tenants. Encourage refugee and migrant tenants to be involved in local committees and registered tenant organisations. You may be able to access Wider Role or Community Planning Partnership funding for local integration activities.

Racial Harassment: Reports of racial harassment must always be taken seriously and investigated. Under the Equality Act 2010 you have a duty to respond to cases of discriminatory harassment. You can arrange to accept third party referrals (where another agency tells you about harassment) making it easier for tenants to report incidents.

Complaints: Provide information on your complaints policy to all applicants and tenants so that they are able to complain to you if they are not satisfied with the way they have been treated.

Equality and Diversity Issues:

- Do: Take account of an applicant's circumstances when asking for identification or evidence
- Do: Ensure that you use interpreting and translation services if required
- Do: Treat all applicants with equal status
- Don't: Refuse an application due to immigration status
- Don't: Pre-judge a person's circumstances before getting all of the information.

1. Housing, the law and migrants

1.1 Legal Framework

Immigration is a reserved matter, so the United Kingdom (UK) Government has responsibility for it, but many issues that affect migrants on arrival in Scotland, for example housing, education and health, are devolved to the Scottish Government.

Different rules apply to local authorities and Registered Social Landlords (RSLs) when housing migrants. There are restrictions on most migrants accessing public funds which include local authority housing, welfare benefits and homelessness assistance. For more information on this, you can refer to www.housing-rights.info/scotland



Under section 20 of the Housing (Scotland) Act 1987, as amended by the Housing (Scotland) Act, 2001, Scottish RSLs cannot restrict housing allocations on the basis of nationality or income¹. This means that there are no barriers to housing any migrants that apply to RSLs. The Scottish Government guidance on allocations states: “As RSLs are not subject to the exclusion on granting tenancies to persons subject to immigration control (see section 118 of the Immigration and Asylum Act 1999, which applies in Scotland only to local authorities) they do not need to consider nationality or immigration status and can allocate homes to any person.”²

The Scottish Government guidance on allocations states: “The law prevents you from taking the income of housing applicants into account when allocating homes. This restriction also applies to applicants for housing who are non-UK nationals, whether or not they can receive benefits, and who may as a result, have problems in paying their rent.”³

Refusal to put people onto your waiting list because of their nationality or immigration status would constitute direct discrimination under section 13 of the Equality Act 2010⁴.

Section 39 of the Housing (Scotland) Act, 2010 states: “Social landlords when performing housing services must act in a manner which encourages equal opportunities and in particular the observance of the requirements of the law for the time being relating to equal opportunities.”⁵

Refusing migrants’ access to your housing list would almost certainly be in conflict with your own equal opportunities and diversity policies. For more information on

¹ Housing (Scotland) Act 1987 as amended by Housing (Scotland) Act 2001: www.legislation.gov.uk/ukpga/1987/26/section/20

² Social Housing Allocations: A Practice Guide Section 1.1 Eligibility for housing The Scottish Government March 2011: www.scotland.gov.uk/allocations

³ Social Housing Allocations: A Practice Guide Section 1.3 d) vii) Factors you must not take into account: income The Scottish Government March 2011: www.scotland.gov.uk/allocations

⁴ Equality Act 2010: www.legislation.gov.uk/ukpga/2010/15/section/13

⁵ Housing (Scotland) Act 2010 Section 39: www.legislation.gov.uk/asp/2010/17/section/39/enacted

discrimination, read the Code of Practice on Racial Equality in Housing Scotland:
http://www.equalityhumanrights.com/uploaded_files/code_of_practice_on_racial_equality_in_housing_scotland.pdf

1.2 Regulatory Framework

The Housing (Scotland) Act, 2010 created an independent Scottish Housing Regulator (SHR) which will assess social landlords' performance based on the Scottish Social Housing Charter. The Charter is currently being developed by the Scottish Government and it will come into effect in April 2012. It will likely include outcomes on preventing homelessness and supporting vulnerable tenants. This guide will be amended to reflect outcomes for migrant and refugee tenants when the Charter is finalised. Until then, Performance Standards, divided into Activity and Guiding standards provides the regulatory framework for RSLs.

Discriminating against foreign nationals does not comply with the SHR's guiding standards⁶, specifically:

- *GS2.1 Equal opportunities* We embrace diversity, promote equal opportunities for all and eliminate unlawful discrimination in all areas of our work
- *AS1.1 Access to housing* We ensure that all people have fair and open access to our housing list and assessment process. We work with others to maximise and simplify access routes into our housing
- *AS1.2 Lettings* We let houses in a way that gives reasonable preference to those in greatest housing need; makes best use of available stock; maximises choice; and helps to sustain communities.

1.3 Ability to Pay

You cannot refuse to allocate a tenancy on the basis of income or lack of benefit entitlement. However, it is good practice to discuss rent, affordability, income and benefit entitlement as you would with any other prospective tenant, **before making an offer**. Not all migrants will be eligible to claim housing benefit (you can find out more about this in section 2.5) and this may affect their ability to sustain a tenancy. As part of your approach to tenancy sustainment you need to be able to provide applicants and tenants with information, advice, and referrals to specialist organisations regarding these issues. See section 2.4 for more on tenancy sustainment. See **Appendix 3 Useful Contacts** for organisations you can refer applicants and tenants to.

At every stage of the customer's journey from application through allocation and programmed visits you should take the opportunity to discuss affordability and tenancy sustainment, specifically:

- rent
- service charges
- utility bills
- council tax
- restrictions on right to work in the UK (section 2.4 has more information)
- employability support.

⁶ Scottish Housing Regulator's Guiding Standards:
www.scottishhousingregulator.gov.uk/stellent/groups/public/documents/webpages/shr_performancestan_ia47f1df80.pdf

If the applicant does not have access to benefits, employment is likely to be their only source of income so it is important that you can refer them to organisations which can provide employability and job-search support. See **Appendix 3 Useful Contacts** for employability organisations you can refer applicants and tenants to.

1.4 Housing Options

Social housing may not be the most appropriate solution to a migrant applicant's housing need. Discuss other broader housing options with applicants, including private rented sector, owner occupied, mid-market rent homes, shared equity schemes etc.

2 At Application

You must accept a housing application from any person over the age of 16 regardless of their nationality or immigration status. This applies to: EEA Nationals⁷ including people from Bulgaria and Romania (A2 countries); third country nationals (migrants from outside the EEA) such as people from South Africa and China; refugees and, asylum seekers.



Asylum seekers

An **asylum seeker** is a person who has lodged an asylum claim with the UK Border Agency and is waiting for a decision on their claim. Asylum seekers in Scotland tend to live in Glasgow where they are supported by the UK Government through the agencies that the UK Border Agency has contracted to provide accommodation and support.⁸

You may choose to have a different policy about housing applications from asylum seekers than those from other migrants and refugees. While asylum seekers are awaiting a decision on their asylum claim, they cannot claim welfare or housing benefits and generally do not have the right to work. Therefore, they would be unlikely to sustain a tenancy before receiving refugee status.

You may wish to implement a policy which would allow you to accept a housing application from an asylum seeker but suspend it until refugee status has been confirmed. For example, Glasgow Housing Association (GHA) suspends applications from this group until refugee status is confirmed.

Asylum seekers may not have a passport or other relevant documents which they can use as proof of identity, but they should have an Application Registration Card (ARC) from the Home Office which you can accept as ID.

If an asylum seeker applies to you for housing, ask if they are currently receiving accommodation and/or financial support from the UK Border Agency. If they are not, you can direct them to the Scottish Refugee Council for advice on claiming asylum support.

⁷ European Economic Area (EEA) consists of all European Union (EU) countries, plus Iceland, Liechtenstein and Norway.

⁸ Ypeople and the Angel Group are the organisations currently contracted to provide accommodation to asylum seekers in Glasgow.

Refugees

A **refugee** is a person who has been recognised by the UK Government as in need of protection under the 1951 Refugee Convention.⁹ People who have been granted other forms of protection by the UK Government, including indefinite leave to remain, discretionary leave to remain and humanitarian protection, are also eligible to be housed by RSLs.

Applications from refugees, migrants or other foreign nationals may only be suspended for the same reasons as other applicants (e.g. previous rent arrears, history of anti-social behaviour).

For more detailed information on housing refugees, see the Scottish Refugee Council's Practitioners Guide to Housing Refugees: www.scottishrefugeecouncil.org.uk/housingguide

2.1 Interpreting and Translation

Many migrant customers may not speak English fluently when they come to you to apply for housing. Nobody should be excluded from making a housing application because of a language barrier. You must consider how you will enable them to communicate with your staff and make a housing application. Migrants need to understand their tenancy rights and responsibilities and be able to ask questions or raise any difficulties with staff. It is also important that migrants are able to understand all information you provide them with pre-tenancy, at sign-up and throughout their tenancy. Provision of interpreting and translation ensures that you are complying with equalities duties and best practice.



There are a number of ways in which you could provide interpreting and translation services.

- A contract with an interpreting and translation company
- A consortium of local RSLs or other service providers
- An agreement with your local authority or a voluntary sector provider.

The service could include telephone interpreting, face to face interpreting and a written translation service.

You can learn more about interpreting and translation from the Happy to Translate website: www.happytotranslate.com

The Scottish Translation, Interpreting and Communication Forum produced good practice guidelines on interpreting and translation:

www.scotland.gov.uk/Resource/Doc/47210/0025542.pdf

The Scottish Housing Regulator self-assessment questions for RSLs and local authorities on Performance Standard GS2.1 Equal opportunities include the

⁹ 1951 Refugee Convention: www.unhcr.org/pages/49da0e466.html

following questions which are all relevant to the provision of interpreting and translation services:

- Do we know the demand for information in alternative formats?
- Do we provide good quality and easily accessible information on the services we deliver and how to access them, in formats, languages and locations which suit the needs of our target population?
- Is there evidence that we have mainstreamed equalities issues throughout all of our service areas?
- Have we given consideration to any possible barriers to access or equal outcomes for individuals belonging to these groups?¹⁰

The CIH Scotland Practice Briefing on Equality, Diversity and Housing states that housing organisations should, “Offer translation and interpreting services and translate key documents into locally used languages i.e. allocations policies”.¹¹

Case Study: Glasgow Housing Association

Glasgow Housing Association (GHA) has a contract with an interpreting and translation company which provides pay-as-you-go telephone interpreting, face to face interpreting and written translations. This allows GHA to access and pay for quality professional interpreting and translation services as and when required. GHA has provided staff with guidance and training to ensure that staff are aware of the service and are able to use the service effectively. Posters in local offices advertise the service. Customers can use language identification charts to point out the correct language to staff. Telephone interpreting is used to provide immediate and urgent information and face to face interpreting is used to communicate about legal and more complex issues. GHA has produced written translations of its corporate customer information leaflets in several languages and has translated tenancy agreements, rents letters and explanations of notice of proceedings. These resources assist tenants to understand important tenancy information and correspondence and to make informed decisions. They also minimise the risk of a sheriff accepting a lack of fluent English as a defence in court if an action is raised against the tenant.

2.2 Key points:

- The first thing you should do when a foreign national applicant comes into the office for the first time is to identify which language they speak and whether they require interpreting and translation services. If possible flag their communication needs in your computer system and use this information to communicate with them effectively. Record in the applicant’s file and on your computer system each time you provide an interpreter or a translated document. You can then be confident that you have made every effort to ensure the applicant understood all the information provided. You will also have an audit trail that you have provided this service

¹⁰ Scottish Housing Regulator Performance Standard: GS2.1 Equal opportunities Self Assessment www.scottishhousingregulator.gov.uk/stellent/groups/public/documents/webpages/shr_gs2.1equalopportunities-se.hcsp#TopOfPage

¹¹ CIH Scotland Practice Briefing on Equality, Diversity and Housing p.39 <http://viewer.zmags.com/publication/0a59a32d#/0a59a32d/1>

- When the applicant is completing their housing application ask if s/he intends for any family members to join him/her in the immediate future; this will affect the size of the house applied for. This is relevant to migrant workers who may have moved to Scotland in advance of their family and now want their family to join them here. Refugees also have a right to family reunion after being granted refugee status and may require larger housing. If the applicant plans to have family members joining them at a later date but is uncertain of how soon this will happen, they should apply based on the family members who are currently resident in Scotland. S/he can apply for a transfer when other family members are moving to Scotland. Future welfare reforms are likely to prove challenging in this area because tenants who are under-occupying will receive lower levels of housing benefit
- Explain your allocations policy and the level of priority you give to each category of housing need i.e. overcrowding, medical priority etc. Explain the importance of providing relevant evidence to support the information provided in the housing application
- You must be vigilant about the potential for creating unlawful sub-lets. Inform the applicant of your policies on Houses in Multiple Occupation (HMO) - more than two unrelated adults living in a house - overcrowding, subletting and taking a lodger
- If the applicant does not know the city or town well, you can provide advice to help them to select which areas to choose. It is likely that they will want to know about
 - employment opportunities
 - schools
 - social, faith and cultural amenities.

If you use Choice Based Letting you need to explain how this process works. It is particularly important to have support in place to allow vulnerable applicants to take part. Carry out an equalities impact assessment and continue to monitor which applicants are not participating so that you can address disadvantages which may be affecting equalities groups. If you are part of a Common Housing Register explain how this works.

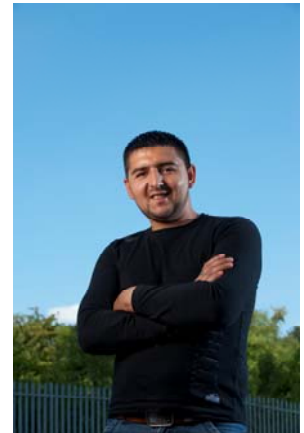
- Tell the applicant about turnover in their chosen areas and how long they are likely to wait for an offer. Send them a letter confirming this in accordance with your letting standards
- Record the applicant's ethnic origin and nationality in the equalities monitoring section of the housing application so that you have accurate data on migrant tenants
- Discuss the rent and any other charges and the applicant's ability to pay for this (affordability). Remember that not all migrants will be eligible to claim benefits. If you have access to welfare benefits advisors it is useful to arrange a meeting for the migrant applicant for benefits advice at this stage
- If the applicant has any questions about their immigration status, refer them to an immigration lawyer for advice. Do not give immigration advice – it is a criminal offence to give immigration advice if you are not qualified and registered to do so. The Law Society of Scotland can give details of immigration solicitors

- If the applicant or a family member is interested in finding out more about their options for work, training, education or voluntary work, make a referral to a local employability agency. This is a critical element of tenancy sustainment, especially given the welfare reform agenda.

2.3 Documentation

Ask migrants and refugees to provide the same forms of ID as other applicants. This will ensure that you are meeting your equalities duties and not discriminating against migrant applicants based on their race, nationality or any other protected characteristic. Best practice suggests asking all applicants to provide documents such as:

- birth certificate
- driving licence
- NHS medical cards
- passport
- child benefit details
- utility bill from last quarter showing name and current address, or
- bank statement dated in the last 4 weeks – showing name and current address.



However, **you can use your discretion when asking for proof of ID as some applicant groups may find it harder to provide the required documents** – for instance, homeless customers can be left with no documents at all, and rely on assistance to get appropriate proofs for applications. You can apply the same discretion to migrant and refugee applicants.

Asylum seekers and refugees may not have a passport, but you can accept:

- a Home Office Application Registration Card (ARC) from asylum seeker applicants
- a Home Office Immigration Status Document (ISD) from refugee applicants.

These are official forms of photographic documentation provided by the Home Office. Most migrants who have worked or who are currently working will have a National Insurance Number (NINo), but there may be occasions when an applicant does not have one. You should still accept the housing application and process it even if the applicant does not have, or does not provide, a NINo.

2.4 Tenancy sustainment – Rent Arrears Prevention

Tenancy sustainment is a key strand of RSLs' housing management strategies. Migrants can face additional tenancy sustainment issues because they may not have access to benefits or have local support mechanisms.

Many migrants do not have access to public funds, which includes most welfare benefits, local authority and homelessness assistance. Refugees are able to claim benefits and are eligible for homelessness assistance, but may not understand how the systems work or what benefits they are eligible for.

Because of the additional issues migrants and refugees may face in sustaining a tenancy, it is good practice to discuss their financial situation, rent and affordability pre-tenancy. Even if the applicant has regular employment and/or savings at the time of application, their circumstances may change in future, so it is important for them to consider how they will pay their rent if their circumstances change. In order that they can make an informed decision about signing up for a tenancy applicants need to be aware of their likely welfare benefits entitlements pre-tenancy.

Up until 1st May 2011 most **A8 nationals** (people from Estonia, Latvia, Lithuania, Poland, Hungary, Czech Republic, Slovakia and Slovenia) were required to register with the Home Office's Worker Registration Scheme in order to work in the UK. Their eligibility for benefits and local authority housing and homelessness assistance depended on whether or not they had registered. Now the Worker Registration Scheme is no longer operating and A8 nationals have the same rights of access to welfare benefits as other European Economic Area nationals. If they are:

- working or
- self-employed or
- temporarily unable to work as the result of an illness or accident or
- seeking-work or
- a family member of another EEA national who is working, self-employed, temporarily unable to work or seeking-work.

they will be able to access benefits, including housing benefit, if they meet the normal eligibility criteria.

However, you may have applicants or tenants who are A8 nationals and have rent arrears because they became unemployed and were unable to access benefits prior to 1st May 2011. This would affect people who had not been working in accordance with the Worker Registration Scheme. It is important to identify applicants and tenants who are in this situation and refer them for welfare rights advice to ensure that they are claiming all benefits that they are now entitled to. For more information on the historical restrictions that applied to A8 nationals, and on their current rights to access benefits, see: www.migrantsrights.org.uk/files/publications/FAQ-rights-benefits-A8-May-2011.pdf

A2 nationals (people from Romania and Bulgaria) are entitled to come to the UK but must seek authorisation to work here. Their rights to work in the UK are complex, and migrants themselves often have little or no awareness of the complex restrictions placed on them when they decide to relocate to the UK. You can print out translated information on the restrictions to give to applicants from: www.ukba.homeoffice.gov.uk/workingintheuk/eea/bulgariaromania/liveworkuk/

A2 nationals are likely to fall into rent arrears if they lose their jobs and have not completed 12 months of authorised work, because they will not be able to claim housing benefit. To promote tenancy sustainment, you must provide as much support as possible at application, pre-tenancy, at sign-up, and in the early stages of the tenancy to ensure that the tenant understands their obligations to comply with UK Border Agency employment restrictions and completes the necessary paperwork to do this.

For A2 nationals, employment restrictions will apply until at least January 2012 and the Government may apply to extend the scheme for an extra two years until January 2014.

You can find out more about the restrictions that apply to different categories of migrants in terms of accessing benefits in **Appendix 2 Categories of Migrant Tenants**.

Some important questions to discuss with migrant customers include:

- If the applicant is an A2 national (from Romania or Bulgaria) and is working, ask if they have been authorised to work by the Home Office. This is important because if they haven't been authorised they are unlikely to be able to claim benefits. If they have not been authorised, print them translated information from www.ukba.homeoffice.gov.uk/workingintheuk/eea/bulgariaromania/liveworkuk/
- Make a referral to a welfare benefits advisor so that the applicant can find out what (if any) benefits they are entitled to
- If the applicant is an asylum seeker, ask them if they are receiving financial support and accommodation from the Home Office. If not and they need somewhere to live, refer them to the Scottish Refugee Council where they can get advice about asylum support. The Scottish Refugee Council is based in Glasgow but can provide advice to any asylum seeker living in Scotland: www.scottishrefugeecouncil.org.uk
- If the applicant is a third country national (not from an EEA country and not a refugee or asylum seeker), do they have savings to support themselves? They are unlikely to be able to claim benefits. Make a referral to a welfare benefits advisor so that the applicant understands their position in relation to claiming benefits
- If the applicant loses his/her job, will s/he be able to continue to pay rent? Discuss whether they can claim benefits or have savings they can use;
- Does the household have furniture? If not, discuss sources of affordable furniture. Ensure that the applicant understands all the costs associated with furniture packages and will be able to continue to afford them even if their circumstances change, for example, if they move from claiming benefits into work
- Does the applicant know where to go for employability support if they are not currently working and want to get back into work? Make a referral to a local employability agency where appropriate
- Tell the applicant how important it is for them to inform you of any changes in their circumstances, for example if a new baby is born in the household or if they lose their job and are struggling to pay rent. This will help to prevent overcrowding and to sustain tenancies.

Discuss these issues with the applicant when you are completing the housing application. Whilst you must always accept an application for housing from eligible customers you also must manage any risk you identify. You must consider whether the customer can sustain a tenancy and what you can do to assist. Be clear with the applicant about the consequences of taking up a tenancy and not paying rent – they may lose their home.

2.5 Welfare Benefits Advice

You may already employ welfare benefits advisors to help tenants to maximise their income and sustain their tenancy. If so, ensure that they receive training on migrants' eligibility for welfare benefits and are able to advise different categories of migrants appropriately pre-tenancy. Child Poverty Action Group provides training on benefits for people from abroad and European nationals – benefit essentials: www.cpag.org.uk/scotland/training/courses/default.htm



If you do not employ welfare benefits advisors, you may have an agreement with your local authority or a voluntary sector service such as the Citizens Advice Bureau to provide benefits advice to your tenants. If you have such an arrangement it would be useful to extend it to provide advice to migrant applicants. If you have no such arrangement, consider local options for providing this service and offering advice to migrant applicants.

We recommend joint working between the housing officer and welfare benefits advisor to provide a pre-tenancy support meeting for migrant and refugee applicants. The aim is for applicants to understand all their tenancy obligations and to maximise their income by claiming any relevant benefits, and also to ensure that the housing officer is aware of any eligibility for benefits. We have provided a migrant support plan which you can adapt as required to use with the applicant at this meeting. It is important to ask the applicant to sign the migrant support plan to confirm that they have received advice and support.

You may decide not to carry out a pre-tenancy support meeting with asylum seeker applicants if you decide to have a policy of suspending their applications until they are granted refugee status. If you take this approach you should carry out the pre-tenancy support meeting when the applicant contacts you to tell you that they have refugee status.

Migrants and refugees will have additional forms of ID which they should bring to their pre-tenancy support meeting so that the welfare benefits advisor can identify whether or not they are eligible to access benefits. **NB These documents are not required as proof of ID for the housing application form.** You need to ask the applicant to bring the correct documents to the pre-tenancy support meeting. Explain to the applicant that we are only asking to see the documents to help them claim any benefits that they are eligible for. You also need to arrange for the welfare benefits advisor to attend the meeting and book an interpreter if face to face interpreting is required. Interpreting services are likely to require prior booking – check with your provider.

2.51 Documentation – A2 Nationals*

You should ask A2 nationals to bring one of the following to their pre-tenancy support meeting if they have them:

- Passport
- Accession Worker Card

- SAWS Work Card
- Blue Registration Certificate
- Yellow Registration Certificate
- Evidence of self-employment i.e. letter from HMRC
- Permanent Residence Document.

2.52 Documentation – Other EEA Nationals and Swiss Nationals*

Other EEA and Swiss nationals are not subject to any employment restrictions in the UK. You should ask them to bring details of their current employment or self-employment, or evidence that they are seeking work, to the pre-tenancy support meeting. EEA nationals may have a Registration Certificate which demonstrates that they are exercising their right to reside in the UK. If they have a Registration Certificate, you should ask them to bring it to the meeting because it demonstrates that they are eligible to claim benefits.

2.53 Documentation – Third Country Nationals*

Ask third country nationals to bring proof of their immigration status to the pre-tenancy support meeting so that the welfare benefits advisor can check if they are eligible to claim benefits. This may be a stamp within their passport or a separate document which states what conditions are attached to them being present in the UK e.g. “no recourse to public funds” would indicate that they are not eligible for most welfare benefits.

The welfare benefits advisor will be able to establish migrant applicants’ eligibility for benefits by considering whether they pass the following tests:

- immigration status
- habitual residence test (HRT)
- right to reside.

Section 115 of the Immigration and Asylum Act 1999 does not apply to EEA nationals, therefore they are not subject to an immigration status test. You can find out more from **Appendix 4 Right to Reside and the Habitual Residency Test – Access to Benefits.**

2.54 Documentation – Refugees*

Ask refugees to bring their Immigration Status Document to the pre-tenancy support meeting. This document includes their name, photo, date of birth, nationality, place of birth, gender, place, date of issue, status, and when their status expires.

*See **Appendix 2 Categories of Migrant Tenants** for more information about the different categories of migrants outlined above.

Case Study: Eildon Housing Association, Migrant Support Service

Eildon Housing Association set up a Migrant Support Service in 2006. The service was funded by the Voluntary Action Fund at that time. Partners included Borders Housing Network and the Scottish Borders Council. Later funding came from the Scottish Government's Fairer Scotland Funding Allocation. Eildon HA delivered the service using a Service Level Agreement that reflected the Scottish Borders Single Outcome Agreement (SOA) specifically 'Migrants will be welcomed to the Borders'.

The service was shaped in response to the needs of service users and was informed by a Migrants Support Group which had multi agency representation encompassing health, housing, further education, employment, equalities, benefits and advice.

The service provided information on aspects of living in the area as well as signposting and referrals to specialist services. Information requested was wide ranging, including:

- housing and homelessness
- financial
- employment
- language
- education
- legal
- health
- social.

Clients received support in:

- understanding their rights and responsibilities
- accessing information
- understanding systems and procedures
- making informed decisions
- accessing services
- getting involved in the community.

The service was available for anyone coming from outside the UK and working and living in the Scottish Borders. The Migrant Support Service helped over 400 clients over three years and highlighted the areas that had to change in order to cater for people whose first language was not English. It ended in March 2011.

3 Pre-tenancy: Migrant Support Plan

Using a migrant support plan can help you to identify risk and support migrant applicants. We have included a template which you can adapt as required, see **Appendix 5 Migrant Support Plan**. If you decide to use the migrant support plan, it makes sense to complete it with every migrant and refugee applicant as soon as possible after they have completed a housing application. This is beneficial because it gives the applicant some time to consider their circumstances and whether a tenancy will be affordable for them before being given an offer. The period of time between completing the migrant support plan and being offered a tenancy will allow them to apply for any relevant benefits they are not already receiving, seek work where relevant, or comply with any UK Border Agency restrictions that apply to them. If the migrant or refugee is a homeless person who has been referred to you as a Section 5 referral, you can complete the migrant support plan with them at a later stage, generally as soon as they have accepted an offer of accommodation.

The migrant support plan should be completed by a housing officer with a welfare benefits advisor and interpreter (telephone or face to face). This will:

- ensure that the applicant has been given all information being discussed
- allow a benefit check to be carried out
- flag up any potential difficulties with tenancy sustainment pre-tenancy
- allow time for the applicant to comply with any relevant UK Border Agency restrictions and apply for any benefits they are eligible for prior to receiving an offer of a tenancy
- ensure that when an offer is made, the migrant or refugee applicant will be aware of any eligibility for housing benefit and will be able to make an immediate application.

For A2 nationals, the single most important issue that you must discuss at this meeting is whether or not the applicant (or worker in the household) is doing authorised work or is self-employed. **A2 nationals who are doing authorised work or have already completed 12 months of authorised work and self-employed A2 nationals are eligible to claim in-work benefits which may assist them to sustain their tenancy.** It is your role to point out the implications for security of tenure should the applicant lose their job. All of the relevant information is included in **Appendix 2 Categories of Migrants**, together with links to the UK Border Agency website where you can download translated information on the restrictions for customers.

Note: Don't give advice on immigration status – you are not properly qualified to do so and if a customer requires advice on their status they should consult an immigration lawyer or specialist advice agency. It is a criminal offence to give immigration advice without being an approved adviser. For A2 nationals it will usually be sufficient to print translated information from the UK Border Agency website which will allow the applicant/tenant to ensure that they are complying with the regulations.

Keep notes on the migrant support plan and on your computer system about information and advice that given to the applicant at the pre-tenancy meeting, and

about any referrals to other agencies. You should refer back to the migrant support plan at each contact with the migrant customer to check whether they have responded to advice given and have made use of any referrals made.

Their circumstances may change in the future, and if so, you will need to record any new support needs and any new referrals made or advice given. Keeping a record of support provided is important once a tenancy is created. This is because if the tenant ends up with rent arrears, and you need to take court action against them, you will be able to demonstrate to the Sheriff how much support has been provided.

4 Offer Stage

Check again that the applicant understands their tenancy obligations such as paying the rent, and other responsibilities before making an offer of housing. The Housing (Scotland) Act, 2001, prohibits social landlords from taking the income of an applicant into account in the allocation of housing. You should follow the normal selection and offer process as per your Letting Guide, using the interpreting service for the viewing if required.

The Scottish Government guidance on allocations provides information on circumstances under which you may choose to bypass applicants at the top of your housing list to make sensitive lets.¹² This involves taking into account the housing need of the applicant, the suitability of that house for the applicant and the needs of the community. The law allows for sensitive lets to be made, but it is essential that you clearly set out your policy or procedures for using sensitive lettings.

If you decide to suspend applications from asylum seekers until refugee status is confirmed, you must wait until the applicant has informed you that they have received refugee status or a similar form of leave to remain before making an offer to them.

5 Sign Up

At sign-up you should use the normal procedure for a new tenant, as per your Letting Guide, using telephone interpreting if necessary. You may find it helpful to get your tenancy agreement translated into the main languages used by your migrant customers. This will ensure that tenants understand their rights and responsibilities upon signing a tenancy agreement. Tenants must still sign the normal English version of the tenancy agreement. If you have concerns about the cost of translating your tenancy agreement, you may wish to consider pooling resources with other local RSLs to create a basic translated summary of the main tenancy rights and obligations. If you provide a translated tenancy agreement or summary, record that you have done this and ask the tenant to sign to confirm that they have received it and understood it. For more information on translation and interpreting see section 2.1.

¹² Social Housing Allocations: A Practice Guide Section 5.7 Suitable, sustainable and sensitive lettings
The Scottish Government March 2011: www.scotland.gov.uk/allocations

6 New Tenant Visit

If you carry out new tenant visits routinely, take this opportunity to identify any issues or potential difficulties and refer to other agencies as appropriate. Record any advice you provide and any referrals you make in the migrant support plan if you have chosen to use this.

Fuel poverty is a major issue for some migrant tenants. Fuel advisors can advise migrant tenants on energy related issues including:

- cost effective use of heating and hot water systems
- suggestions on energy- and money-saving measures for the home such as insulation and energy saving white goods
- understanding fuel bills
- obtaining the best tariffs from utility companies
- offering an advocacy service for householders dealing with utility companies.



If you or your local authority employ fuel advisors, refer new tenants to them at this stage. The Home Energy Scotland Hotline is a freephone number which provides advice on saving energy in the home: 0800 512 012. Energy suppliers have social tariffs for vulnerable customers: www.energychoices.co.uk/social-tariffs.html

You can help the tenant by providing a tenancy starter pack. This could include basic household items, a map of the local area and information about local services. You can find out more about starter packs from the Starter Packs Association website: http://frn.org.uk/index.php?option=com_content&view=article&id=100&Itemid=99

If the tenant or a family member is interested in finding out more about their options for work, training, education or voluntary work, you can, with their permission, make a referral to a local employability agency.

As with all tenants, you must ensure the tenant understands their rent payment options, how to report repairs and how to report discriminatory harassment. Discuss home insurance, credit unions, and fire safety. Provide referrals to any local financial inclusion advice agencies as appropriate.

If the tenant is new to the area and does not know many people locally, you can direct them to local community classes such as ESOL (English for Speakers of Other Languages) or sports classes where they will have an opportunity to meet people and reduce isolation.

Appendix 3 Useful Contacts provides a basic list of Scottish agencies which may be able to provide further support and advice. You may also wish to develop a detailed list of local contacts, including local ESOL (English for Speakers of other Language) providers, advice surgeries and services.

7. Throughout the Tenancy



Use the migrant support plan with the tenant throughout their tenancy to identify any issues they may be facing and to record what advice and referrals you have made to address those issues.

7.1 Rent Arrears Management

You may be able to prevent rent arrears from arising by following the steps outlined at the application, pre-tenancy, sign up and new tenant visit stages. However, inevitably some migrant tenants will experience changes in their circumstances which may affect their ability to pay rent and they may build up rent arrears. Closely monitor migrant tenants' rent accounts in the same way you would with other groups who may be vulnerable to accruing rent arrears. If a migrant tenant accrues arrears, you must treat them in accordance with your rent arrears policy and guidance and in the same way that you would treat any other tenant with arrears. You must ensure that interpreting is offered for all meetings to discuss rent arrears.

If rent arrears occur, make a referral to a welfare benefits advisor so that they can offer advice on benefit entitlements and income maximisation. This is one of the mandatory rent arrears pre-action requirements which are likely to be introduced from April 2012 under section 155 of the Housing (Scotland) Act 2010.¹³ This guidance will be amended to reflect the legal changes in 2012. Be aware of the signs of a problem as early as possible – if a payment is missed, or you are having problems making contact with a tenant, there may be an issue with their employment or income.

If a migrant tenant fails to reach an agreement to pay arrears or breaks an agreement, follow your normal escalation process to court action if necessary.

Some migrant tenants will not be entitled to homelessness assistance after eviction. This applies to EEA nationals who are not exercising a right to reside, A2 nationals who have not been doing authorised work or are not self-employed, and third country nationals who have no recourse to public funds. If this is the case for a particular tenant, you should raise it at the joint discussion so that your local authority is aware at the earliest possible stage and can provide them with the appropriate information and advice. Social Work has a duty to provide support to children, regardless of their immigration status, under the Children (Scotland) Act 1995, and local authorities have the power to assist destitute EEA nationals to return to their countries of origin under The Withholding and Withdrawal of Support (Travel Assistance and Temporary Accommodation) Regulations 2002.

¹³ Housing (Scotland) Act 2010 section 155: www.legislation.gov.uk/asp/2010/17/section/155/enacted

7.2 Discriminatory Harassment

In addition to antisocial behaviour and general harassment which any tenant may face, some groups are vulnerable to experiencing discriminatory harassment. This refers to a range of behaviours that are motivated by hostility or hate towards someone because of their race, colour, nationality, ethnic or national origins, sexual orientation, gender identity, or disability. It is important to ensure that all staff know about your approach to discriminatory harassment and have been trained to deal effectively with such complaints. If you do not have a policy on this you may wish to consider developing one. You should not tolerate any level or any form of harassment affecting your tenants, or the behaviour of your tenants which affects other residents.

Racial harassment is one of the forms of discriminatory harassment which refugees and migrants may experience. Various studies have found that most racist incidents are not reported to the police. It is essential that you take discriminatory harassment seriously in order for migrant tenants to feel confident about reporting it.

We recommend that you develop local third party reporting procedures so that tenants can report harassment to you through a third party, such as a voluntary sector organisation. This can make tenants feel more confident about reporting harassment.

Positive Action in Housing has developed a toolkit for tackling racist incidents: <http://challengeracism.com> Glasgow Housing Association has an Anti-Harassment Toolkit which is available on request.

7.3 Tenant Participation

There are a number of barriers to integration and participation of migrant and refugee tenants. The table below sets down some examples of barriers and possible solutions.

Barrier	Solution
Language	Translate notices and leaflets about public events, community consultations and other participative events
Little knowledge of local structures, right to participate	Use integration networks, ethnic minority publications and organisations to encourage participation
Little involvement in local RSL committees and registered tenant organisations	Hold focus groups to discuss participation. Consult with representative (BME) groups and registered tenant organisations (RTOs) to determine ways of removing barriers to participation Develop links with local colleges to provide community based English for Speakers of Other Languages (ESOL) classes. Raise awareness of issues for migrants among governing body members and encourage 'buddying' to support migrants Wider role funding can be used to hold Open days and community events to encourage integration
Poor participation in projects, regeneration activities and consultative events	Carry out equality impact assessments of all major projects and put in place activities identified to minimise adverse impacts. Provide same information as other residents receive but in accessible formats

Case Study: Tenant Participation

Beltus Etchu from Cameroon came to the Kennishead area of Glasgow as an asylum seeker in 2002. He became a community activist and was one of the pioneer members of the Greater Pollok Integration Network, formed over 10 years ago to promote integration and cooperation between the diverse communities throughout Greater Pollok. These include settled BME communities, white Scottish people, asylum seekers, refugees and migrant workers. Beltus has served as Chair and Treasurer of the Network.

Beltus served as a management committee member of his local housing organisation, Kennishead Avenue Local Management between 2005 and 2009. He became involved after receiving an invitation to its AGM through his door and by attending an open day. Beltus wanted to make a contribution to his local community and to be able to influence local decision-making processes. He was granted refugee status in 2008 and remained in Kennishead, where he became a tenant of Glasgow Housing Association.

Beltus benefited from his membership of the committee by gaining knowledge of local politics, building skills including negotiating skills, and enhancing his sense of belonging in the area. He was able to assist other management committee members and the wider local community to understand the issues that asylum seekers and refugees faced locally. Beltus was instrumental in gaining approval for a community flat, hosted by Kennishead Avenue Local Management and run by Greater Pollok Integration Network. The community flat provides opportunities for all members of the local community to learn IT skills, access employability support, and become involved in local events. Beltus believes that his involvement in the management committee helped to improve community safety and community relations locally and assisted the local housing office to provide better support to refugees.

Beltus also became involved in the Scottish Refugee Policy Forum and in the Community Responses Coordinating Group, a strategic group to which Integration Networks from across Glasgow contribute. He identified the impact of various policy initiatives on refugees and highlighted the lack of availability of accommodation for larger families.

Beltus was asked to speak about asylum seekers' and refugees' experiences of accessing services, including housing, at the 2006 Chartered Institute of Housing Scotland annual conference. He contributed to:

- “Understanding the Stranger”, a publication which profiles 21 projects from across the UK where local communities, councils and other organisations have been working on imaginative projects to build bridges between local people and asylum seekers and refugees; and
- “Understanding Each Other” which is a publication based on workshops that Greater Pollok Integration Network ran with primary school children.

Beltus is one of the founders of Next Step Initiative, which runs Radio Kilimanjaro. The Next Step Initiative is a community managed, needs-led charitable organisation that contributes to social, economic and digital inclusion with particular focus to the African community in Scotland. Radio Kilimanjaro is the only cross-platform African community Media resource which operates in Scotland and is based in Glasgow.

Beltus has now moved to another area, but continues to support Greater Pollok Integration Network and is involved in several projects which aim to build the capacity of African communities in Scotland.

7.4 Overcrowding

Overcrowding may become an issue for some migrant tenants if their circumstances change, for example if they have more children after signing up for their tenancy or if additional family members come to live with them. Ensure that migrant tenants are aware of your policies on overcrowding, sub-letting, lodgers and Houses of Multiple Occupation (HMOs) so that they do not become overcrowded and cause issues for people living within the tenancy and for neighbours. Stress how important it is for tenants to inform you of any changes of circumstances and for them to meet their tenancy obligations.

7.5 Subletting and taking lodgers

If a tenant applies to sublet their tenancy to a migrant or to take in a migrant lodger, advise the tenant that s/he retains the responsibility to pay rent. Recommend that he discusses the accommodation cost and whether the migrant is able to afford it. It is not unlawful for RSLs to consider a sub tenant's ability to pay before giving permission to sub-let etc as s/he will not be a Scottish Secure tenant. You may wish to take legal advice if a situation like this arises.

7.6 Assignment

If a tenant applies to assign their tenancy to a migrant, consider how affordable the tenancy is for the migrant; this is likely to be influenced by their immigration status. It is important to establish the immigration status of the assignee and the length of time that they have lived at the tenancy. Tenants have the right to apply to assign their tenancy, not the right to assign their tenancy so you can consider ability to pay when deciding whether or not to permit the assignment. You may wish to take legal advice if a situation like this arises.

If a tenant applies for their tenancy to be assigned to an EEA national or to a third country national, you should arrange a meeting with the prospective tenant to discuss affordability prior to assigning the tenancy. You may wish to use **Appendix 5 Migrant Support Plan** to ensure that you have discussed all issues regarding affordability and that the prospective tenant fully understands all their obligations as a tenant.

You may choose to have a policy which does not permit assignments to asylum seekers even if the individual has been resident in the tenancy for 6 months prior to the application for assignment. Asylum seekers have no recourse to public funds, i.e. no eligibility for housing benefit, and most asylum seekers do not have the right to work, so they would be likely to experience difficulties with paying rent.

If an asylum seeker is in need of accommodation while they are awaiting a decision on their asylum claim, they can apply to the UK Border Agency for asylum support which may include financial support and/or accommodation. The Scottish Refugee Council can advise asylum seekers on how to apply for asylum support. Asylum seekers can also choose to live with friends or family as long as they do not cause the tenancy that they are living in to become overcrowded.

You should follow the same process as for any other tenant when considering assignments to refugees. Refugees can claim housing benefit and have the right to work, so should be able to afford to pay rent, but you must still discuss affordability with them. You may wish to use Appendix 5 Migrant Support Plan to discuss affordability before assigning the tenancy.

7.7 Succession

You may wish to take legal advice if a situation involving a migrant succeeding arises. If a migrant tenant is going to succeed to a tenancy, you can use **Appendix 5 Migrant Support Plan** to discuss affordability and identify any support that is required.

7.8 Complaints

Provide information on your complaints policy to all applicants and tenants so that they are able to complain if they are not satisfied with the way they have been treated. You may need to provide interpreting to ensure that tenants who do not speak English fluently are not excluded from making a complaint.

8 Staff Training

It is important to provide staff training to support staff in implementing the processes contained in this guide. Depending on how much prior knowledge and experience your staff have of working with migrant and refugee customers, it may be appropriate to deliver training as a half day or full day session. For more information on delivering training on this subject, contact Seonad Forbes at Glasgow Housing Association on 0141 274 5543 or seonad.forbes@gha.org.uk.

Case Study: Tenants First Housing Cooperative, Ethnic Minority Housing Support Worker

From November 2007 Tenants First Housing Cooperative, Aberdeen and Aberdeenshire Councils and the Lintel Trust funded a housing project worker to support ethnic minorities in the area. Funding is currently supplied by Aberdeenshire Council, Tenants First Housing Cooperative, Castlehill HA, Grampian HA and Langstane HA.

The North East is attractive to migrant workers due to:

- low unemployment and
- availability of low skilled jobs.

Private rented housing in the area is extremely expensive so migrants have taken tenancies in “hard to let” social housing. Police and the local council report that migrants have made a positive contribution to the regeneration of “hard to let” areas.

The project aims to:

- provide a housing information and advice casework service;
- ensure equal access to housing for ethnic minorities;
- encourage non-discriminatory allocations policies and procedures.

Through casework the project worker has identified the following local issues:

- Need for help with applications for social housing, including checking that priority is correctly awarded.
- Overcrowding of migrant workers in social housing and private rented accommodation.
- Problems of racism within a housing context (private rented, Council and RSL)
- Rent arrears arising from lack of access to benefits, not applying for benefits, or being refused benefits incorrectly.
- Migrant workers find the homeless legislation difficult to understand and in some cases are being incorrectly advised.
- Problems with language barriers in relation to communication with statutory services.
- Problems with rogue landlords throughout the area and poor landlord regulation.

The project worker continues to work in partnership to address these issues. For more information contact Louise Wreathall on lwreathall@tenantsfirst.com or 01224628426.

Appendix 1

Glossary of terms

Accession Worker Authorisation Scheme – A2 countries	The UK Government introduced restrictions on A2 migrants working in the UK, following expansion of the EU to include Bulgaria and Romania. Most A2 nationals have restrictions placed on the type of work that they can do and must be authorised to work under the Accession Worker Authorisation Scheme by the UK Border Agency. Following completion of 12 months legal authorised work the person can apply for a registration certificate confirming their right to live and work in the UK.
Asylum	A place of refuge; allowing a person to stay in a country because of the dangers they would face if returned to the country from which they fled.
Asylum Seeker	A person who makes a claim to the immigration authorities to be a <i>refugee</i> , as defined by the UN Convention on Refugees 1951. The status of asylum seeker ends when the person is given permission to stay in the UK, or when any rights of appeal against refusal come to an end. For benefit and asylum support purposes, someone who claims that removing him/her from the UK would violate their rights under Article 3 of the European Convention of Human Rights is also treated as an asylum seeker.
Discretionary Leave	A person who would be excluded from a grant of refugee leave under Article 1F(b) of the Refugee Convention or from Humanitarian Protection under the exclusion criteria would qualify for Discretionary Leave to remain if her/his removal would involve a breach of the European Convention on Human Rights.
European Community (EC)	Legislation of the European Union (formerly known as the European Community and before that as the European Economic Community) is often referred to as EC law. For example, the EC Treaty which guarantees, among other rights, freedom of movement for EU nationals and their families.
The European Economic Area (EEA)	The EEA was established in 1994 by members of the European Free Trade Movement, members of the European Union (EU) and the European Community. It consists of all the EU member states plus Iceland, Liechtenstein and Norway. EEA citizens and Swiss nationals have the right to live and work in the UK if they are exercising the right to reside under a European treaty right. The members of the EEA are Austria, Belgium,

	Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, the Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom.
	EEA – post 2007 The EEA expanded in 2007 to include Bulgaria and Romania. A2 workers must comply with UK Border Agency employment restrictions for their first 12 months of work.
European freedom of movement	One of the four freedoms of the EU. Nationals of the EU, and the EEA, are free to move as workers, or to provide or receive services, or for other reasons defined in EU regulations.
Habitual residence	In order to be entitled to Income Support, income-based Jobseekers Allowance, Pension Credit, Housing Benefit and Council Tax Benefit, a claimant must be habitually resident in the Common Travel Area. Some people are automatically treated as habitually resident and are exempt from the test. The term ‘habitually resident’ is not defined in the benefit regulations and is determined by looking at all the circumstances in each case. Habitual residence has a different meaning in EC law.
Humanitarian Protection	Leave granted to a person who, if removed, would face a serious risk to life or person arising from one or more of the following reasons: death penalty, unlawful killing, torture, inhuman, degrading treatment or punishment. Usually granted for three years, then reviewed. Same rights to work, housing and welfare support as UK national.
Indefinite Leave to Enter/Remain	Leave to enter or remain in the UK without time limit. Where there is no time limit, no other immigration restrictions can be put on a person’s stay. A person with indefinite leave to enter/remain is generally accepted as being settled in the UK.
Public Funds	For immigration purposes these are: housing provided by local authorities – either as a homeless person or allocated from its housing register; Attendance Allowance; Severe Disablement Allowance, Carer’s Allowance; Disability Living Allowance; Income Support; Working Tax Credit; Council Tax Benefit; Child Tax Credit; Housing Benefit; Income-Based Jobseeker’s Allowance; Child Benefit; Social Fund

	payments; State Pension Credit; Health in Pregnancy Grant; Income-Related Employment and Support Allowance. Often a condition of no recourse to public funds is attached to leave to enter.
Refugee	A person who “owing to a well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or owing to such fear, is unwilling to avail himself of the protection of that country”. Article 1 of the 1951 UN Convention on Refugees. A person granted Refugee Status in the UK is generally granted 5 years leave to remain (previously Indefinite Leave to Remain). Same rights to work, housing and welfare support as UK national.
Residence Document	A term used in European law to refer to documents which must be provided to the family member of an EEA national where that member is not an EEA national, but who is entitled to be in the UK as a family member of an EEA national who is exercising EU rights of free movement.
Residence Permit	Document issued by the Home Office to EEA nationals to confirm their right to live in the UK as a person exercising EU rights of free movement.
Right to reside	A complex residence test introduced in 2004 (and updated in 2006) for certain social security benefits and child tax credit.
UK Border Agency (UKBA)	An agency of the Home Office, created in April 2008 to manage UK border control, enforce immigration and customs regulations, consider applications for permission to enter or stay in the UK, and manage citizenship and asylum. UKBA brings together the work previously carried out by the Border and Immigration Agency, Customs detection work at the border from Her Majesty's Revenue and Customs (HMRC) and UK Visa Services from the Foreign and Commonwealth Office (FCO).

Appendix 2 Categories of Migrants

1 Third Country Nationals

For a long time, the UK has operated a system of managed migration whereby anyone from outside the European Economic Area (EEA) who wants to work here must apply for a work permit or permission to study. Migrants from out-with the EEA are commonly referred to as **third country nationals**. Workers and students must demonstrate that they have a sufficient number of points (based on qualifications, prior experience, earnings, and English language knowledge) to qualify to enter the UK under the 5 tier points based system operated by the United Kingdom Borders Agency (UKBA) which is part of the Home Office. In April 2011 UKBA introduced annual quotas to restrict the number of third country nationals coming to work in the UK. For more information on how the points based system works, see www.ukba.homeoffice.gov.uk/workingintheuk for workers and www.ukba.homeoffice.gov.uk/studyingintheuk for students.

1.1 No recourse to public funds

Generally, permission to work or study is granted to third country nationals on the condition that the individuals accommodate and support themselves. If this is the case, the migrant's passport is likely to be stamped to state that they have "no recourse to public funds". This means that they have no access to local authority housing or homelessness assistance or benefits, because these are categorised as public funds. However, **third country nationals are eligible to be allocated a tenancy**, but you must make them aware of their contractual obligation to pay rent.

Once a third country national has settled status or indefinite leave to remain in the UK, they can apply for naturalisation. If successful they will then receive a British passport and gain full access to the UK benefits system in line with other British citizens.

1.2 Domestic Abuse

Third country nationals who are experiencing domestic abuse cannot access mainstream support if they have no recourse to public funds. However, the Sojourner Project can provide support to women who entered the UK on a spousal or partner visa and are eligible to apply for Indefinite Leave to Remain (ILR) under the Domestic Violence Rule. For more information on the Domestic Violence Rule see: www.ukba.homeoffice.gov.uk/policyandlaw/immigrationlaw/immigrationrules/part8/victimsofdomesticviolence

For more information on the Sojourner Project see:

www.wrc.org.uk/what_we_do/campaigns/women_with_no_recourse_to_public_funds/the_sojourner_project.aspx

Scottish Women's Aid, Hemat Gryffe and Shakti Women's Aid may also be able to provide advice and support. See **Appendix 3 Useful Contacts** for their details.

For more information on advising people fleeing domestic abuse, see:

www.housing-rights.info/scotland-ha-domestic-abuse.html

1.3 Relationship Breakdown

Family members of third country nationals tend to have no recourse to public funds unless the family member is an EEA national, British citizen or refugee. This can cause

difficulties where relationships break down and family members can be left without any form of financial support or access to public funds. People in this situation are still eligible for a tenancy with a RSL, but are likely to have difficulties meeting their contractual obligation to pay rent. They may wish to consult an immigration lawyer for advice on their legal status and how best to support themselves in the UK. See **Appendix 3 Useful Contacts** for a list of immigration lawyers in Scotland. Depending on their individual circumstances, they may be eligible for some support from local authority social work services.

See www.housing-rights.info/scotland-ha-social-care.html for more information.

2 European Economic Area (EEA) Nationals

European Economic Area (EEA) nationals are not required to apply for a work permit and have the right to freedom of movement within the EEA. The EEA consists of all European Union (EU) countries, plus Iceland, Liechtenstein and Norway. The current members of the EEA are set out in the box below. Switzerland is not a member of the EU or the EEA, but Swiss nationals have the same rights to freedom of movements as EEA nationals. The rights to freedom of movement stem from European Union directives and they are not restricted by the UK legislation governing third country nationals (Points Based System).

EEA countries: Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Republic of Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, The Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the UK.

All EEA nationals are eligible to be allocated a tenancy. Any entitlement EEA nationals may have to homelessness or housing assistance from local authorities depends on whether they are exercising a right to reside in the UK. Limited entitlement to benefits means that migrants who fail to find jobs, or who lose their jobs unexpectedly, can become homeless. Destitute European nationals are not entitled to even the most basic homelessness services in many cases. However, Social Work has a duty to provide support to children, regardless of their immigration status, under the Children (Scotland) Act 1995, and local authorities have the power to assist destitute EEA nationals to return to their countries of origin under The Withholding and Withdrawal of Support (Travel Assistance and Temporary Accommodation) Regulations 2002.

The following section summarises the rights and entitlements of migrant workers, and describes some of the barriers they face.

2.1 Migrant workers from EEA states except for Romania and Bulgaria

Migrant workers from all EEA states with the exception of Bulgaria and Romania (i.e. Austria, Belgium, Czech Republic, Cyprus Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, the Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden), have access to benefits and local authority housing and homelessness assistance, provided that they are exercising a European treaty right (“right to reside”) which permits access to public funds. In certain circumstances, some of these workers retain their rights to local authority housing, homelessness assistance and benefits when not employed. This also applies to Swiss nationals. The relevant treaty rights include:

“jobseeker”, “worker”, “self-employed person”, and “worker or self-employed person who has ceased activity”. Family members of people exercising treaty rights also have the right to access benefits, local authority housing, homelessness assistance.

The rights of EEA nationals to access benefits are laid out in the Immigration (European Economic Area) Regulations 2006. In order to claim benefits, EEA and Swiss nationals must demonstrate that they have the “right to reside” because they are exercising a treaty right, and that they are “habitually resident” in the UK, i.e. that they are principally living in the UK at the time of their benefit application and intend to continue doing so for a period of time. See **Appendix 3** for more information.

2.2 A2 Nationals

In 2007, Bulgaria and Romania (known as Accession 2 or **A2 nationals**) joined the EU. A2 nationals face stringent restrictions on access to work in the UK, and are likely to continue to have these restrictions imposed on them until December 2013, particularly in light of the economic recession. The earliest the restrictions may end is January 2012.

A2 nationals, although entitled to freedom of movement, must seek permission to work in the UK. The restrictions on A2 nationals’ rights to work in the UK are complex, and migrants often have little or no awareness of the restrictions when they decide to relocate to the UK. The restrictions are explained in detail on the UK Border Agency’s website:

www.ukba.homeoffice.gov.uk/workingintheuk/eea/bulgariaromania/liveworkuk/

The Accession Worker Card (AWC) is the main type of authorisation that A2 nationals can apply for to work legally in the UK. The migrant must have been offered a job in order to apply for this card, but they may apply from their home country or within the UK if they have a job offer. Most categories of employment will require the A2 national’s employer to apply for a work permit before the A2 national is able to apply for an Accession Worker Card. AWCs are generally only issued for skilled jobs and where suitably qualified resident labour (i.e. British people or other EEA nationals) is unavailable to fill the vacancy. The AWC also applies to the Sector Based Scheme under which a quota of permits is issued for lower skilled jobs in the food processing industry. Accession Worker Cards are purple and contain a photo of the migrant and their personal details.

Another scheme which allows A2 nationals to work legally in the UK is the Seasonal Agricultural Workers Scheme (SAWS). The UK Border Agency has contracted operators to run this scheme and A2 nationals must apply to one of the operators to be issued with a work card. SAWS is a quota based scheme and the 2011 quota is 21,250 places for the whole of the UK. It is a seasonal scheme, so A2 nationals who receive a SAWS work card are only authorised to work under this scheme for 6 months. More information on SAWS is available from:

www.ukba.homeoffice.gov.uk/workingintheuk/eea/saws/workers/

Once an A2 national is working, and has been issued with an Accession Worker Card or a SAWS work card, they are entitled to apply for in-work benefits, including housing benefit, and local authority housing and homelessness assistance.

A2 nationals must work continuously for 12 months before gaining full access to the benefits system. At the end of their 12 months of continuous work, A2 nationals gain full access to the UK labour market and no longer need to seek authorisation from the UK Border Agency to work. Workers on the SAWS scheme are unable to accrue 12 months continuous work because work cards are only issued for a period of 6 months, and if the worker wishes to reapply at the end of that period they must wait 3 months before re-applying.

A2 nationals who are students at a college or university recognised by the UK Border Agency are able to work for up to 20 hours per week during term-time, and full-time hours during vacations. They must apply to the UK Border Agency for a yellow registration certificate to demonstrate that they are exercising treaty rights as a student and are therefore eligible to work. More information for students who wish to work is available from:

www.ukba.homeoffice.gov.uk/sitecontent/applicationforms/bulgariaromania/guidanceforbulgariaromania0408

2.21 A2 nationals not subject to restrictions

Some A2 nationals are exempt from the requirement to authorise their work. They can apply for a blue registration certificate to confirm this right. The following people do not require authorisation:

- A2 nationals who had leave to enter or remain under the Immigration Act 1971 on 31 December 2006 and that leave did not place any restrictions on taking employment in the United Kingdom or A2 nationals who have been issued with such leave after that date. For example, A2 nationals who have been given leave to remain as the dependant of a person settled in the UK
- A2 nationals who have been working with permission, and without interruption, in the United Kingdom for a period of 12 months ending on or after 31 December 2006. For instance, A2 nationals who are already present in the United Kingdom as work permit holders or in some other category that confers permission to take employment (for example as a student who has been in part-time employment continuously for 12 months) A nationals who are providing services in the United Kingdom on behalf of an employer established elsewhere in the European Union (EU)
- A2 nationals who are also a citizen of the United Kingdom, Switzerland or an EEA state, other than Bulgaria or Romania
- A2 nationals who are the family member of an EEA national exercising a Treaty right in the United Kingdom (except if they are the family member of a Bulgarian or Romanian national who is subject to work authorisation requirements or who is exempt from those requirements, but only by virtue of being a self-employed person, a self-sufficient person or a student)
- A2 nationals who are the family member of a Bulgarian or Romanian national who is self-employed, self-sufficient or a student. They will remain exempt provided that their sponsor remains a student, self-sufficient person or self-employed
- A2 nationals who are the spouse or civil partner of a British citizen or person settled in the United Kingdom
- A2 nationals who are family members of a Romanian or Bulgarian national worker who holds a valid Accession Worker Card or valid SAW card except where it was issued pursuant to an application as an authorised family member. In this category a family member is defined as the spouse, civil

partner, direct descendants of his or his spouse or his civil partner under 21 or dependant

- A2 nationals who are the spouse/civil partner/ child under 18 of a person with Leave to Enter/Remain in the UK that allows the person to work
- A2 nationals who are a member of a diplomatic mission, the family member of a diplomat or the family member of anyone who is entitled to diplomatic immunity
- A2 nationals who are have met the UK Border Agency's criteria of a highly skilled person.

Self-sufficient and self-employed A2 nationals can apply for a yellow certificate which demonstrates that they are exercising European treaty rights. Self-employed A2 nationals are also entitled to apply for in-work benefits, including housing benefit, and local authority housing and homelessness assistance.

For A2 nationals, employment restrictions will apply until at least December 2011 and the Government may apply to extend the scheme for an extra two years until December 2013.

2.3 Self-Employment for EEA Nationals

As an alternative to becoming workers, EEA nationals are allowed to exercise their European treaty rights by becoming self-employed in the UK. If an A2 national becomes self-employed, they are exempt from the Accession Worker Card and other forms of employment restrictions. In order to become self-employed, migrants need to apply to Jobcentre Plus for a National Insurance Number (NINo). They must attend an interview where they are asked to prove their identity and explain why they require a NINo.

Migrants who are in the process of becoming self-employed are often asked for proof that they are becoming self-employed, for example they may be asked to show a business plan, business cards, or advertising for their business. If the interviewer is satisfied that the migrant is genuinely becoming self-employed, they will issue a NINo and the migrant will receive a national insurance number card within 12 weeks of attending the interview. The migrant must then register as self-employed with Her Majesty's Revenue and Customs (HMRC) for tax purposes and keep a record of their income and expenditure so that they are able to complete a tax return at the end of the financial year.

Self-employed EEA nationals can apply for **in-work benefits**, including housing benefit, as soon as they are registered as self-employed with HMRC. When submitting benefits applications they will be asked for evidence of self-employment including proof of income such as bank statements. A2 nationals who are registered as self-employed can apply to the UK Border Agency for a yellow registration certificate which demonstrates that they are exercising a treaty right as a self-employed person and this may make it easier for them to claim benefits. In order to get the yellow registration certificate, the A2 national will be asked to provide proof of self-employment for example a business plan, letters of recommendation from clients, accounts, publicity materials etc. Family members of self-employed A2 nationals are exempt from employment restrictions and can apply to the UK Border Agency for a blue registration certificate which gives them full access to the UK labour market.

Self-employment can be a difficult option for migrants because there is a lot of paperwork involved and this can be difficult to complete for people who do not speak English as a first language. However, many migrants, particularly A2 nationals, choose to become self-employed because of the restrictions on their employment in the UK. If any of your tenants are self-employed or are interested in becoming self-employed, they can seek advice from Business Gateway or their local employability agency.

Some A2 nationals have struggled to find employment and have become Big Issues vendors because it is the only option they have found to generate an income. Big Issues vendors can register as self-employed and keep a record of their income and expenditure so that they are able to access in-work benefits.

2.4 Family Members of EEA Nationals

EEA nationals who are exercising treaty rights such as “worker”, “self-employed person”, “self-sufficient person”, or “student” are known as qualified persons. Family members of qualified persons are entitled to reside in the United Kingdom for so long as they remain the family member of the qualified person, regardless of whether or not the family member is working. This means that some applicants and tenants who have never worked will be eligible to claim benefits because a family member has been in work.

The family members of an EEA national are defined in Regulation 7 and 8 of the Immigration (European Economic Area) Regulations 2006. Family members are defined as:

- spouse / civil partner
- children who are under 21 years of age or are dependent
- dependent direct relatives in the ascending line (i.e. parents, grandparents)
- more distant family members who can demonstrate that they are dependent
- partners where there is no civil partnership but they can show that they are in a 'durable relationship'.

The definition of children as family members also includes step children and adopted children provided the adoption is recognised by UK law.

Qualified persons who are employed or self-employed have access to in-work benefits in the UK and their family members therefore also have access to benefits. This applies to all EEA nationals, including A2 nationals. Under some circumstances, family members can retain the right of residence even if the family’s circumstances change, i.e. if the qualified person dies or the couple separates or divorces. If the couple is unmarried but in a durable relationship, the same rules apply, so only one partner needs to be working or self-employed and the other partner can access benefits as a family member.

A recent legal case has established further residence rights for family members. In *London Borough of Harrow v Ibrahim*, the European Court of Justice ruled that “the children of a national of a Member State who works or has worked in the host Member State and the parent who is their primary carer can claim a right of residence in the latter State on the sole basis of Article 12 of Regulation (EEC) No 1612/68 of the Council of 15 October 1968 on freedom of movement for workers within the Community, as amended by Council Regulation (EEC) No 2434/92 of 27 July 1992, without such a right being conditional on their having sufficient resources and

comprehensive sickness insurance cover in that State.” Prior to the Worker Registration Scheme ending in May 2011, the Department of Work and Pensions disputed whether this applied to A8 nationals who had not completed 12 months as a worker, but this was clarified in a further case, *Secretary of State for Work and Pensions v JS* – September 2010. This case established that family members of A8 nationals who had been registered workers for some period but had not completed 12 months of registered work were able to access benefits if one or more children in the family were in education in the UK. This also applies to A2 nationals.

DWP guidance on this is available from: www.dwp.gov.uk/docs/m-30-10.pdf

HMRC guidance is available from:

www.hmrc.gov.uk/manuals/tctmanual/tctm02089.htm

2.5 Residence

EEA Nationals can apply for various types of paperwork to demonstrate that they are exercising rights of residence under European law. This paperwork is not mandatory, but having it can make it easier for EEA nationals to apply for and receive benefits. The forms and guidance notes for all types of paperwork are available to download from: www.ukba.homeoffice.gov.uk/eucitizens/documents-eea-nationals/applying

2.6 Registration Certificates

A registration certificate is a document issued to EEA or Swiss nationals that confirms their right of residence under European law. Most EEA nationals can apply for a registration certificate as soon as they arrive in the UK, however A2 nationals are not able to apply for registration certificates until they have completed 12 months of continuous employment. It is free to apply and family members can be included in the application.

Although it is not mandatory for EEA nationals to have a registration certificate in order for them to have the right to reside in the UK, it may be beneficial for A2 nationals to apply as soon as they have completed 1 year of continuous employment. Having a registration certificate makes it easier for them to prove to benefits agencies and local authorities that they have the right to reside. If they do not have a registration certificate, A2 nationals will be asked for authorisation evidence covering a 12 month period whenever they make a benefit application.

2.7 Residence Cards

Family members who come to the UK with an EEA or Swiss national, but who are not themselves nationals of an EEA country or Switzerland, can apply for a residence card. The residence card confirms their right of residence under European law. A residence card is normally valid for five years, and takes the form of an endorsement that is placed in the holder's passport.

Family members who are not themselves nationals of an EEA country or Switzerland, and who are in the UK with an A2 national, cannot apply for a residence card until the A2 national has been employed continuously in the UK for 12 months. Until this 12-month period is completed, a family member who is not an EEA or Swiss national can apply for a family member residence stamp to confirm their right of residence under European law.

2.8 Permanent Residence

After an EEA national has lived in the UK for a continuous period of five years, they can apply for confirmation of their permanent residence. They will need to have been in employment, self-employment, studying or self-sufficient in the UK throughout the five-year period.

For their residence in the UK to be considered continuous, they should not be absent from the UK for more than six months each year. However, longer absences for compulsory military service will not affect their residence. Additionally, a single absence of up to 12 months for important reasons such as pregnancy, childbirth, serious illness, study, vocational training or posting overseas will not affect their residence.

EEA and Swiss nationals will be issued with a document confirming that they are permanent residents in the UK. This document has no expiry date.

3 Asylum Seekers and Refugees

An **asylum seeker** is a person who has lodged an asylum claim with the UK Border Agency and is waiting for a decision on their claim.

A **refugee** is "any person who owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country." 1951 Refugee Convention

3.1 Housing Asylum Seekers

Following the Immigration and Asylum Act 1999, the UK Government developed a policy of dispersal for asylum seekers. Glasgow City Council was the only Scottish local authority to agree to act as a dispersal centre for asylum seekers, and the first families arrived in 2000. Glasgow City Council no longer has a contract with the UK Border Agency.

Asylum seekers in Glasgow are now supported by the UK Government through the relevant agencies that have been contracted to provide accommodation: Ypeople and the Angel Group. Glasgow Housing Association leases accommodation to Ypeople to enable them to provide accommodation to asylum seekers. There are very few asylum seekers living outside of Glasgow, and those who have chosen to do this will be living with friends or relatives rather than being supplied with accommodation by the UK Border Agency.

You may wish to have a policy of accepting a housing application from an asylum seeker but suspending it until refugee status has been confirmed. Asylum seekers generally have no right to work in the UK and cannot access mainstream benefits.

3.2 Types of Refugee Status

Refugees will have one of several different types of status conferred on them by the UK Border Agency depending on their individual circumstances, namely:

- refugee status – given when the individual has been recognised by the UK Border Agency as meeting the definition of a refugee set by the 1951 UN Convention on Refugees. Since August 2005, refugee status is awarded for 5 years and then reviewed just before the 5 years has elapsed. If the review deems the individual to be in continuing need of protection, they will be granted indefinite leave to remain
- indefinite leave to remain (ILR) – a permanent right to live in the UK. Used to be granted to people who were granted refugee status before August 2005. People who have been allowed to stay because of the Case Resolution/ Legacy Review process are granted this status
- exceptional leave to remain (ELR) – used to be granted to people who did not meet the criteria of the 1951 UN Convention on Refugees but could not be returned to their country of origin for some other reason. This was replaced by humanitarian protection and discretionary leave in April 2003
- humanitarian protection (HP) – awarded to people who have been refused refugee status but cannot be returned to their country of origin as they face serious risk to life or person, or inhuman or degrading treatment or punishment. This is granted for 5 years and then reviewed and if the review deems the individual to be in continuing need of protection, they will be granted indefinite leave to remain
- discretionary leave (DL) – awarded to people who have been refused refugee status and do not meet the criteria for humanitarian protection but are allowed for some other reason – for example to unaccompanied asylum seeking children until they reach their 18th birthday at which point their asylum claim will be assessed.

3.3 Housing Refugees

All of the types of status defined in 3.2 allow access to RSL housing and access to the mainstream benefits system, as well as access to local authority housing and homelessness assistance.

The time when asylum seekers receive refugee status is the most critical in terms of resolving housing needs. Once they receive a positive decision, refugees have 28 days in which to find alternative accommodation, claim housing benefit, access furniture and apply for other benefits.

3.31 Housing Refugees in Glasgow

As discussed in section 3.1, the vast majority of asylum seekers in Scotland live in Glasgow, so many people remain in Glasgow at least temporarily once they have been granted refugee status. In Glasgow, different processes apply to refugees who have been accommodated by the Angel Group and refugees who have been accommodated by Ypeople.

Once a refugee who has been accommodated in dispersal accommodation by the Angel Group receives a positive decision from the UK Border Agency, their case is referred to Glasgow City Council's social work services. Glasgow City Council provides temporary accommodation and assigns the refugee a caseworker who discusses housing options, assesses needs and provides a casework service based on a

homeless assessment, ensuring there is a continual housing support service where required. Homeless referrals are made direct from Glasgow City Council to RSLs through the agreed Section 5 referral process. The Section 5 referral confirms that the household has been counselled, and its support needs assessed, and details the support package put in place.

A different process applies to refugees who have been accommodated in dispersal accommodation by Ypeople as asylum seekers. Due to agreements between Glasgow Housing Association, Glasgow City Council and Ypeople, refugees in this situation are able to remain in the same accommodation on a temporary basis while they are awaiting an allocation of permanent accommodation. Glasgow City Council then makes Section 5 referrals to secure permanent accommodation. Where possible, with the aim of preventing upheaval, refugees in this situation will be offered a tenancy in the same accommodation they stayed in as asylum seekers.

Due to language barriers, cultural differences and limited knowledge of British systems, refugees often need advocacy and support. In Glasgow, a personal housing and support plan is developed for every section 5 homeless referral, including refugee households. This support plan deals with tenancy sustainment issues such as housing benefit, utility bills, general welfare rights issues, furniture provision and more specific support issues. Households may need some support to access financial and employment opportunities and to understand their tenancy conditions.

3.32 Local Connection

Not all refugees choose to remain in Glasgow after they have been granted refugee status. In Scotland, asylum seekers are not deemed to have a local connection with their dispersal area because they do not have any choice about living in Glasgow if they wish to receive accommodation from the UK Border Agency. This means that when they are granted refugee status they have no local connection and can present as homeless to any Scottish local authority. Refugees acquire local connection once they have lived in a local authority area for 6 months after becoming a refugee.

The rules regarding local connection are different in England and Wales, where residence in asylum support accommodation counts as a local connection. Refugees considering moving to England or Wales may have a local connection with the relevant area if they have a job there, have lived there (for example staying with a friend) for at least six months in the last year, or if they have a close family member who has lived there for five years. If they have no local connection with the area to which they wish to move they should organise accommodation before moving – English and Welsh local authorities can refuse them homelessness assistance based on lack of local connection.

Refugees can access independent information and advice about their housing rights and options from the Scottish Refugee Council and from Positive Action in Housing.

3.33 Housing List Applications

Refugees can apply to RSLs by filling in a housing application, like any other applicant. Following the grant of refugee status, a refugee's immediate dependents are entitled to residence in the United Kingdom. If you are allocating permanent accommodation, you must take account of the right to family reunion. You should ask refugees if they are seeking family reunion and take details of family members. You should advise

tenants to complete a transfer application and let you know when family members arrive.

3.4 Issues Refugee Tenants May Face

The asylum process used to take months and often years to establish whether an applicant should be granted refugee status or some other form of protection. However, under the New Asylum Model (NAM) new cases are increasingly being dealt with quickly, sometimes in a few weeks. This means that you will encounter both refugees who have been 'in limbo' for years, and ones who have quickly been given a decision, and may be still very unfamiliar with the UK and public services.

Refugees are often affected by the trauma associated with being a refugee, affecting their ability to integrate. Good housing is important to anyone, but for refugee households it is often especially important because they may have gone through a long period of living in temporary accommodation or very insecure conditions. Having a settled place to live and a fixed address means that people can integrate more easily, and access benefits and services.

Most refugees in Scotland are allocated housing through the homeless route, but refugees can also be allocated housing through the housing list or choice based letting. You should take time to explain your policies and processes to refugee applicants so that applicants understand how the system works and how they can increase their chances of finding suitable accommodation more quickly. Ensure that applicants have an understanding of stock availability and how long it is likely to take to be allocated a property in their areas of choice. Many refugees lack local housing knowledge and do not understand why it can take a long time to be offered housing in a particular area. Refugees require advice that is enabling – not only helping them to overcome the immediate problem, but helping them to understand systems and how they can negotiate them in future.

When you are allocating a house to a refugee, you should:

- ensure that housing benefit change of circumstances forms are completed and make an appointment with a welfare benefits advisor to discuss other benefit entitlements and application processes
- ensure the new tenant is aware of responsibility for fuel and utilities bills and make an appointment with a fuel advisor to avoid any potential difficulties with energy suppliers
- signpost to debt and other financial and social support advice if required
- set up and carry out a new tenant visit and ensure that the tenant has furniture
- ensure tenant understands tenancy responsibilities
- use interpreting and translation services where necessary.

Child Poverty Action Group has produced a leaflet for new refugees explaining benefits entitlements and other sources of assistance. You can access this using the link below and you can print and distribute copies to refugee applicants and tenants:
www.cpag.org.uk/scotland/bmeproject/CPAG_Benefits_for_new_refugees_Jan2011.doc

The Scottish Refugee Council has a Financial Literacy project which aims to reduce financial exclusion among refugees by helping to develop financial skills and providing an understanding of available options and avoidable risks. They run free workshops

which cover topics like managing money, bank accounts, borrowing money and taking the first steps to start a business. For more information see:

www.scottishrefugeecouncil.org.uk/how_we_can_help/i_have_refugee_status/leave_to_remain_in_the_uk/financial_literacy_project

For information on the range of services the Scottish Refugee Council provides to refugees, see

http://www.scottishrefugeecouncil.org.uk/how_we_can_help/i_have_refugee_status/leave_to_remain_in_the_uk

Refugees who are newly-arrived in the country are likely to need support with very practical issues about using their accommodation. Some of this will be the same as for any new tenant (running the heating system) but some may be much more basic (changing a light bulb or using a cooker). Refugees may start their tenancy with none of the basics like a cooker, fridge or furniture. Refugees can apply for community care grants to furnish their accommodation. Welfare benefits advisors can assist with making an application.

Refugees may suffer from mental health problems such as post-traumatic stress disorder for various reasons, for example as a result of bad experiences (racist abuse, etc) in the UK. They may be exacerbated by overcrowding or sharing of accommodation. Refugees have access to all NHS services and you should encourage them to register with a local doctor.

Appendix 3 Useful Contacts

Asylum Seekers and Refugees

The British Red Cross helps vulnerable asylum seekers and refugees access essential services and adjust to life in Scotland. They provide an orientation project, a women in crisis project, refugee action casework, a weekly social drop-in centre, a New Voices publication and first aid for women.

2nd Floor
402 Sauchiehall Street
Glasgow
G2 3JD
0141 331 4170
ritsgla@redcross.org.uk

The Refugee Survival Trust (RST) is a small volunteer-led charity that provides grants to asylum seekers and refugees living in Scotland. These grants either alleviate poverty and destitution, or help refugees and asylum seekers to overcome obstacles in accessing educational and employment opportunities. For more information, contact:

Refugee Survival Trust
The Melting Pot
5 Rose Street
Edinburgh
EH2 2PR
0131 243 2660
info@rst.org.uk
www.rst.org.uk

The Scottish Refugee Council (SRC) is an independent charity dedicated to providing advice, information and assistance to asylum seekers and refugees living in Scotland. They provide specialist services in areas such as housing and welfare, women's issues, and community development.

Specialist Housing and Welfare staff provide advice on housing options and welfare benefits to ensure that people can make informed choices before the transition from asylum support to mainstream support. Working in partnership with local authorities and housing providers, staff ensure that refugees understand the legal aspects of tenancy and tenant's rights and responsibilities.

Their Financial Literacy Project helps refugees to develop useful financial skills, understand options and identifies how to avoid possible risks. Workshops are free and cover topics like budgeting and borrowing money, insurance and more specialised areas like starting a business. To find out more contact:
carolanne.nehme@scottishrefugeecouncil.org.uk or 0141 223 7971.

Refugees and asylum seekers can call Scottish Refugee Council's free advice line on 0800 085 6087. Agencies seeking advice should call the main office number 0141 248 9799. www.scottishrefugeecouncil.org.uk

5 Cadogan Square
(170 Blythswood Court)
Glasgow
G2 7PH

Domestic Abuse

Hemat Gryffe Women's Aid is based in Glasgow and provides safe temporary refuge accommodation primarily to black and minority ethnic women, children and young people who are victims of domestic abuse. www.hematgryffe.org.uk
0141 353 0859

Shakti Women's Aid is based in Edinburgh and offers support, advocacy and information to all black and minority ethnic women, children and young people experiencing and/or fleeing domestic abuse. www.shaktiedinburgh.co.uk
0131 475 2399

Scottish Women's Aid is the lead organisation in Scotland working towards the prevention of domestic abuse. www.scottishwomensaid.org.uk
0800 027 1234

Employment and Employability

The Bridges Programme arranges work shadowing and work experience placements for asylum seekers, refugees and migrants across all industry and business sectors. They also run a series of women empowerment workshops throughout Glasgow, which provide transport, childcare and ongoing mentoring support. They have a dedicated team of staff who work with young asylum seekers and refugees including unaccompanied minors, offering a number of services including a Life Skills Development Course and mentoring. They run a dedicated pre-employment training course for refugees and those with leave to remain and work which covers all aspects of employment training including specialist ESOL (English for Speakers of Other Languages) support for the workplace, CV building, mock interviews, application workshops and placement activities.

The Pearce Institute
840-860 Govan Road
Govan
Glasgow G51 3UU
admin@bridgesprogrammes.org.uk
www.bridgesprogrammes.org.uk
(0141) 445 4464

Careers Scotland provides career guidance and employability services throughout Scotland. To find your nearest office, go to www.careers-scotland.org.uk/CSNearestResults.asp

Jobcentre Plus can assist with job-searches. To find your local office, go to: <http://los.direct.gov.uk/default.aspx?type=1&lang=en>

Volunteer Development Scotland leads the way in informing and modernising approaches to volunteering policy, enhancing practice and improving the quality of the volunteering experience for the people of Scotland: www.volunteerscotland.org.uk

English Language

ESOL Scotland www.esolscotland.com/courses.cfm

This database provides information on a number of ESOL (English for Speakers of Other Languages) classes which are available in Glasgow. You can search the database to find classes in your local area.

Health

Compass Asylum Seekers and Refugees Mental Health Liaison is dedicated to building the capacity of mental health services to provide culturally-sensitive healthcare for this client group. In addition, the Compass team also provides a range of direct therapeutic interventions. Compass works with asylum seekers and refugees of all ages.

Compass
Unit 34/35
Hydepark Business Centre
60 Mollinsburn Street
GLASGOW
G21 4SF
0141 630 4985

The Medical Foundation for the Care of Victims of Torture offers medical consultation, examination and forensic documentation of injuries, psychological treatment and support, and practical help to victims of torture.

Room 27
Adelphi Centre
12 Commercial Road
Glasgow
G5 0PQ
0141 420 3161

NHS 24 provides information on local pharmacies, GP surgeries, dentists, hospitals, travel clinics and sexual health clinics: www.nhs24.com/content/default.asp?page=s11

Housing

Positive Action in Housing (PAiH) is a Scottish wide charity which offers advice, information and support to people from new migrant, refugee and minority ethnic communities. They run a free, confidential and impartial casework service for those facing housing problems, poverty, homelessness, or racism. A list of drop-in times is available from www.paih.org/archive/dropinsurgerytimesposter.pdf Contact 0141 353 2220 or home@paih.org

Shelter Scotland provides free and independent housing advice throughout Scotland: <http://scotland.shelter.org.uk/>
0808 800 4444

Ypeople provides accommodation and support to asylum seekers dispersed to Glasgow under the UK Government's Dispersal Scheme:
www.ypeople.org.uk/our-services/asylum-and-refugee-services.html

33 Petershill Drive
Glasgow G21 4QQ
Tel: 0141 557 2355

Information

COSLA Strategic Migration Partnership works in partnership with key stakeholders to ensure foreign nationals living lawfully in Scotland have access to a range of support services and are empowered to contribute to the social, cultural and where possible, economic vitality of the nation: www.asylumscotland.org.uk

The **General Register Office for Scotland** provides statistics on migration to Scotland:
<http://gro-scotland.gov.uk/statistics/theme/migration/mig-stats/index.html>

Legal

The **Office of the Immigration Services Commissioner (OISC)** provides details of all immigration advisors in Scotland which are regulated by the OISC:
www.oisc.gov.uk/people_seeking_immigration_advice/adviser_finder/?region=SC

Money Advice

Money Advice Scotland allows you to search for your local free money advice agency:
www.moneyadvicescotland.org.uk/find-adviser

Race Equality

Race Equality Councils provide support to people who believe they have been discriminated against because of their race and provide a range of information and advice services and projects. They include:

Central Scotland Racial Equality Council which covers Falkirk, Clackmannanshire and Stirling areas: www.centralscotlandrec.org.uk

Community Education Centre
Park St
Falkirk FK1 1RE
01324 610950

West of Scotland Regional Equality Council: www.wsrec.co.uk

39 Napierhall Street
Glasgow
G20 6EZ
0141 337 6626

Grampian Racial Equality Council: www.grec.co.uk

41 Union Street
Aberdeen
Scotland
AB11 5BN
01224 595505

Edinburgh and Lothians Racial Equality Council: www.elrec.org.uk

14 Forth Street
Edinburgh
EH1 3LH
0131 556 0441

Migrant and Refugee Community Organisations and Networks

Fife Migrants Forum aims to help migrants from all backgrounds integrate into the wider community and access services and information, in particular these relating to: welfare rights, housing, employability, health and employment.

www.fifemigrantsforum.org.uk

Forth Valley Migrant Support Network supports migrant communities living in the Forth Valley area.

<http://fvmigrantsupport.com>

Integration Networks in Glasgow are groups of local agencies, community groups and volunteers which plan and deliver services to asylum seekers, refugees, migrants and BME communities in their area. Services may include information and advice, English classes, drop-in services, activities for children and adults, cultural programmes, and emotional and practical support.

http://www.scottishrefugeecouncil.org.uk/how_we_can_help/i_want_to_get_involved_in_my_community/integration_networks

Inverness Polish Association is a voluntary organisation, working for the benefit of the Polish and Scottish community.

www.polness.org.uk/index.php/about-us/49-about-us.html

Migrant Rights Scotland works alongside migrants and their community organisations for a rights-based approach to migration, supporting their engagement in developing the policies and procedures which affect their lives in Scotland and in the UK.

<http://migrantsrightsscotland.org.uk>

Perth Polish Support Group was brought to life with the Poles living in Perth & Kinross area in mind. They provide help, talk about problems, have fun, learn English, or even make films - all in a friendly atmosphere. <http://ppsg.co.uk/>

The **Polish Association in Stirling** aims to integrate the Polish community living in the UK and to create and strengthen a positive image of the Polish community.

<http://studiofat.nazwa.pl/stirling/english/>

This is a list of Scottish **Refugee Community Organisations:**

http://www.scottishrefugeecouncil.org.uk/how_we_can_help/i_want_to_get_involved_in_my_community/refugee_community_organisations.

The **Scottish Migrants Network** is a network of organisations, community groups and statutory bodies working nationally to focus on issues around migration specific to Scotland.

<http://scottishmigrantsnetwork.org.uk>

Swietlica is a weekly meeting place for the Polish community in Edinburgh, providing welfare advice, information, counselling, education and social and recreational activities.

www.mcfb.org.uk/swietlica.html

Welfare Rights

Child Poverty Action Group (CPAG) has a helpline for staff (not customers) which you can call to get information about the welfare benefits entitlements of migrant and refugee tenants. The helpline is available on Monday to Thursday mornings from 10am – 12 noon, call 0141 552 0552. They also provide advice by email on advice@cpagscotland.org.uk. www.cpag.org.uk/scotland

The **Citizens Advice Bureau** provides advice on a wide range of issues include welfare benefits and money advice. This is a list of all the bureaux in Scotland: www.cas.org.uk/find-a-bureau/all-scottish-bureaux

Appendix 4 Right to Reside and the Habitual Residency Test – Access to Benefits

The biggest issues facing migrant tenants are the 3 tests of residency – the Immigration Status Test, the Right to Reside Test and the Habitual Residency Test. Entitlement to benefits is linked to these three tests.

- The Immigration Status Test – the basic principle behind this test is “is the person subject to immigration control?”

A person will be subject to immigration control if:

- They are illegal entrants or over-stayers
- They have no recourse to public funds
- They are granted leave to remain subject to sponsorship. (Sponsors provide financial support to the immigrant sufficient to ensure they do not need recourse to public funds)
- The person is granted temporary leave to remain or any kind of limited leave. N. B. See exceptions below.

There is no time limit on this requirement – if a person is subject to immigration control, they cannot get benefit no matter how long they have been in the country. It is only if their status changes that this may change.

As with any rule there are exceptions to it. In this case the exceptions are as follows:

- Sponsored immigrants whose sponsors have died, or who have been here for 5 years or more
- An EEA/EU national
- Immigrants with limited leave to remain whose funds have been interrupted for up to a total of 42 days in any one period of limited leave
- Immigrants who are granted refugee status or an equivalent to exceptional leave (e.g. humanitarian protection).

Our customer has passed the first test and is not subject to Immigration Control – does s/he have the right to reside here?

- The Right to Reside Test – the basic principle behind this test is– “do you have the right to reside in the UK, Republic of Ireland, Channel Islands or the Isle of Man?”

A person will have the right to reside in the UK if they fall into one of the following categories:

- A returning British Citizen or a British Passport Holder
- The holder of a British overseas passport, endorsed with the right of abode in the UK
- The holder of a British overseas passport, endorsed ‘British Citizen’
- The holder of a British passport who is entitled to readmission into the UK
- The holder of a non British passport endorsed ‘British Citizen’
- The holder of a non British passport endorsed ‘given leave to enter the UK for an indefinite period’

- The holder of a non British passport endorsed ‘given leave to remain in the UK for an indefinite period’
- A refugee
- Someone who has been granted humanitarian protection
- Someone who has been deported to the UK
- Someone with exceptional leave or discretionary leave to remain in the UK
- Someone who left Montserrat after 1 November 1995 due to volcanic activity
- A national from Croatia, Macedonia or Turkey (ECSMA/CESC states) who has been granted limited leave to remain in the UK
- A national from the Republic of Ireland, the Channel Islands or the Isle of Man who has a right to reside
- A person from an EEA/EU state and who is a worker, a work-seeker (excluding A2 nationals), or who is self employed
- A person from an A2 state who holds a valid Accession Worker Card or Seasonal Agricultural Workers Scheme Work Card, or a registration certificate confirming the individual has unrestricted access to the labour market or is self employed.

Economically inactive persons such as pensioners or lone parents have a right to reside for the first 3 months of their residence in the UK without the requirement to show self sufficiency. However, this right is a non-qualifying right to reside for the purpose of claiming benefits – such as HB and CTB. This is because the UK is not required to provide social assistance for the first 3 months of residence.

If an inactive person makes a claim there are 2 questions:-

Is the person self sufficient? and Will they be an unreasonable burden on the state?

The test of self sufficiency is that the resources are deemed sufficient when they are higher than the level of resources below which the UK would provide social assistance – e.g. Income Support, JSA, HB/CTB but the circumstances of the customer must be taken into account.

The test of unreasonable burden takes into account the length of time the person will be dependant on public funds. For instance, if an EEA person makes a claim, the decision maker will look at whether they have previously been self sufficient, as well at the length of time they are likely to be on benefits.

EEA nationals who have no prospects of finding work or becoming self-sufficient may be considered an unreasonable burden on the state.

Our customer has passed the first test and is not subject to Immigration Control – s/he appears to have the right to reside – does s/he now meet the Habitual Residency Test?

- The Habitual Residency Test – the only decision to be made here is whether a person can be considered Habitually Resident in the country.

The phrase “Habitually Resident” is not defined within any laws or guidance, and is often the subject of legal challenges within the courts.

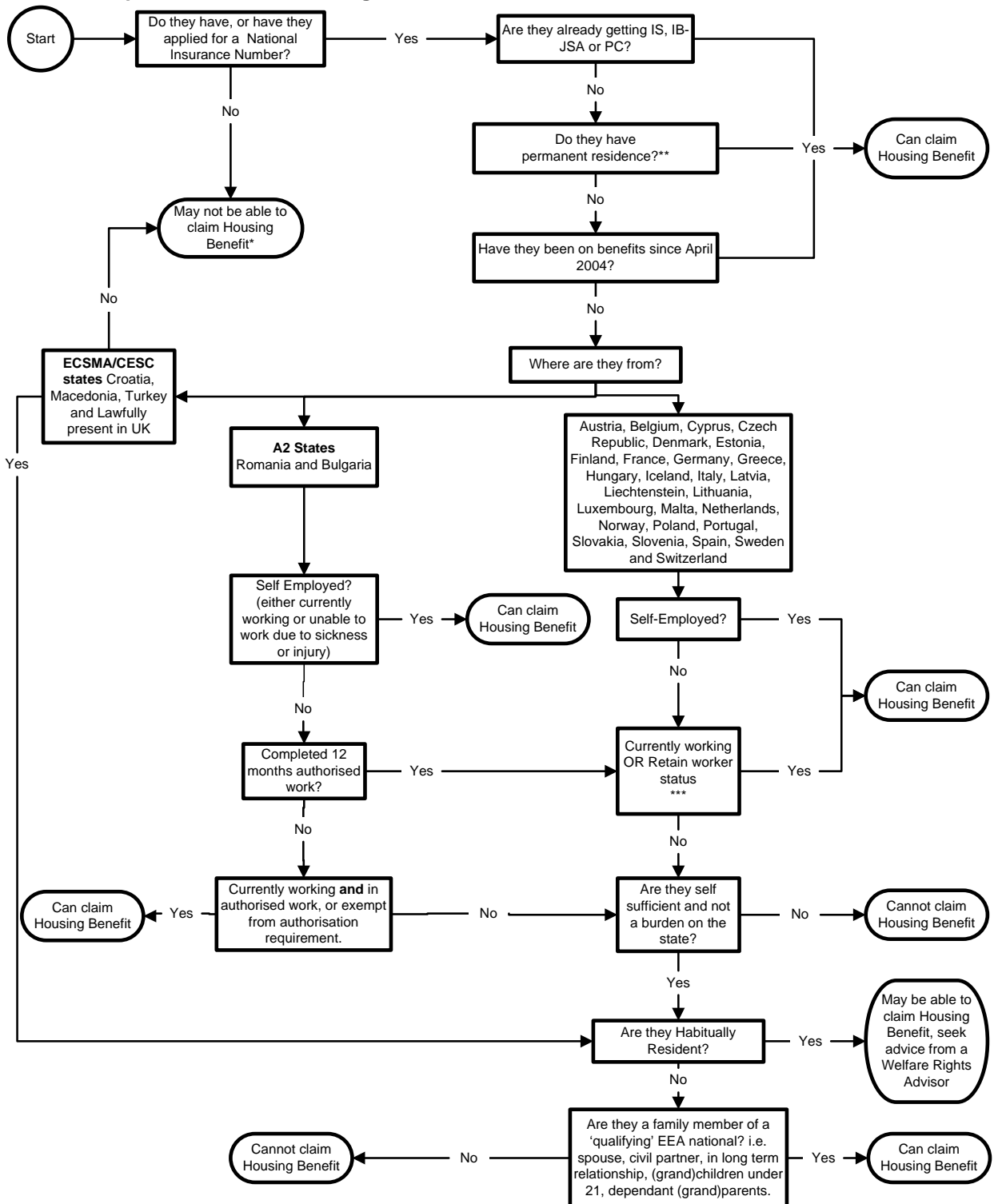
The decision about Habitually Resident usually covers things like:

- Why someone came to the country
- Whether that person has lived here for some time
- Whether that person has an intention to settle and make a home in the UK
- Whether s/he has a settled pattern of living here.
- Persons in receipt of Income Support, Income Based JSA or Pension Credit are already deemed as resident. Others who are considered to be habitually resident usually include
- A refugee
- Someone given exceptional leave to enter or remain in the UK
- A former asylum seeker granted Humanitarian Protection or Discretionary Leave
- Someone who has been deported to the UK
- Someone who left Montserrat after 1 November 2005 due to volcanic activity
- A national of Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden (traditional EEA nationals), Cyprus, Malta and Switzerland and is a worker or self employed
- A national of Romania or Bulgaria
- Highly skilled workers have unrestricted access to the labour market and will be able to claim Jobseeker's Allowance and, if in receipt of that benefit, Housing and Council Tax Benefit whilst they look for work
- Skilled workers authorised by the Home Office to work for a particular employer, will be able to claim Housing and Council Tax Benefit whilst working. If they stop working they will no longer have the right to reside as a worker or be able to claim income-related benefits. After 12 months continuous employment they will have the same rights and access to income-related benefits as other EEA nationals
- Low skilled workers
- Employed in food processing will be allowed to work for one employer for up to 21 months. Whilst working they will be able to claim Housing and Council Tax benefits. After 12 months, even if they lose their job, they retain their worker status if they remain in the labour market
- Employed in the Seasonal Agricultural Worker Scheme will only be allowed to work for 6 months at a time and must have a break of 3 months between employment spells. Whilst working they will be able to claim in-work benefits. As they cannot accrue 12 months continuous employment, they cannot gain full EEA worker status
- Self employed workers are treated the same as other EEA nationals and are able to claim Housing and Council Tax benefits whilst they are working. If they stop working as a self employed person they will be subject to the WRS (A8 nationals) or worker authorisation (A2 nationals).

The flowchart below indicates eligibility for benefits.

Migrant Worker Guidance Note: Appendix 4

Which Europeans can claim Housing Benefit?



Additional Notes:

* there are occasions where a claimant may be waiting on a National Insurance Number (NINO), and your Local Authority can also request a NINO for any applicant – apply just in case

** lawfully present for 5 years, or acquired due to 'retired worker'/family member

*** 1. temporarily unable to work due to illness or accident, or 2. Involuntarily unemployed and registered as jobseeker, or 3. Involuntarily unemployed and started vocational training, or 4. Voluntarily unemployed and started vocational training related to previous job. 5. On maternity leave.

Acquired Permanent Residence 'Retired Worker': 1. Retired, was employed / self-employed for at least 12 months before retirement, and resided in the UK over 3 years, or 2. Permanently incapacitated for work, was resident in the UK for at least 2 years (does not include self-employed), or 3. Permanently incapacitated by an accident at work and eligible for a benefit in respect of that injury.

Surviving Family Member: 1. Worker or self-employed had lived continuously in UK for 2 years, or 2. Died due to accident at work or occupational disease.

Appendix 5 Migrant Support Plan

Migrant applicants should always be offered an interpreter (telephone or face to face). A welfare benefits advisor should be present when the plan is being completed.

1. Applicant's Details

Name	
Address	
Nationality	
First Language	
Interpreter Required	Yes/No
Any Other Communication Needs	

Please (✓) the following boxes on completion

2. Process

- Explained allocations policy and process
- Explained viewing policy
- Explained process to accept/refuse
- Explained documentation required at tenancy sign-up
- Explained tenancy obligations (paying rent, anti-social behaviour policy etc)
- Furniture requirements discussed and appropriate advice given

(✓)

3. Rental Payment

- Applicant advised of rent due (in advance) and dates of payment
- Applicant advised of how rent is made up – basic rent & any service charges
- Applicant advised of rent responsibility
- Applicant offered employability referral

4. Household Composition

- Household composition checked
- Apartment size policy and overcrowding explained
- Applicant advised of need to inform us of any household changes

5. Immigration Status

- Immigration status established
- EEA nationals – right to reside discussed and applicant's situation clarified
- A2 nationals – Accession Worker Authorisation Scheme discussed and applicant's situation clarified
- Third country nationals – recourse to public funds discussed and applicant's situation clarified
- Refugees – financial literacy needs discussed

6. Benefits Check

- Welfare benefits advisor established benefits currently being claimed
- Welfare benefits advisor checked employment income and carried out benefits check
- Welfare benefits advisor advised tenant of benefits eligibility

Welfare benefits advisor assisted tenant to complete relevant benefits applications

<p>A2 National: Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If tenant is an A2 national, have they or a family member been authorised to work in the UK? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Is tenant self-employed: Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If tenant has not been authorised to work in UK, has information been provided on this? Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>Other EEA National: Yes <input type="checkbox"/> No <input type="checkbox"/></p> <hr/> <p>Refugee: Yes <input type="checkbox"/> No <input type="checkbox"/></p> <hr/> <p>Third Country National: Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Please state which type of visa tenant has if known:</p>
--	--

Signed _____ Housing Officer Date _____

Signed _____ Applicant Date _____

Signed _____ Applicant (s) Date _____

Additional Issues (This may include English classes/ isolation/ education/ mental health/ disability etc)

Issue 1
Action taken/referral made
Outcome:
Issue 2
Action taken/referral made
Outcome:
Issue 3
Action taken/referral made
Outcome:

Issue 4
Action taken/referral made
Outcome:

Employability Referral

Date referral made:

Agency referred to:

Outcome: _____

Appendix 6 Further Reading

HACT Opening Doors Resources on providing better housing services for refugees and new migrants: <http://hact.org.uk/opening-doors>

HACT Reach In project to improve refugee employment prospects, address the skills gap within housing and enable housing providers to deliver better services to refugees. <http://hact.org.uk/reach-in>

Housing and Support Services for Asylum Seekers and Refugees: A Good Practice Guide, Perry, J, 2005: www.communities.gov.uk/documents/housing/pdf/491977.pdf

Housing Migrant Workers: The Impact on GHA, Tribal Consulting, June 2008: www.gha.org.uk/content/mediaassets/doc/Housing_Migrant_Workers1.pdf

Housing Support Services to Refugees: A Service Specification, Michael Bell Associates, June 2006: www.scotland.gov.uk/Publications/2006/06/05152256/0

Inquiry into Migration and Trafficking, Scottish Parliament Equal Opportunities Committee, November 2010: www.scottish.parliament.uk/s3/committees/equal/reports-10/eor10-05-00.htm

Navigating the Maze: Refugee Routes to Housing, Support and Settlement in Scotland, Netto G and Fraser, April 2009: www.scottishrefugeecouncil.org.uk/assets/0000/0101/Navigating_the_maze_refugee_routes_to_housing_support_and_settlement.pdf

Practitioners Guide to Housing Refugees, Mignard, E March 2011: www.scottishrefugeecouncil.org.uk/housingguide

Recent Migration into Scotland: The Evidence Base, Rolfe H and Metcalf, H, March 2009: www.scotland.gov.uk/Publications/2009/02/23154109/0

Report on the Situation of the Roma Community in Govanhill, Glasgow, Poole L and Adamson, K: www.oxfam.org.uk/resources/ukpoverty/downloads/roma_report.pdf

Social Housing Allocation and Immigrant Communities, Rutter J and Latorre, M, Spring 2009: www.equalityhumanrights.com/uploaded_files/ehrc_report_-_social_housing_allocation_and_immigrant_communities.pdf

Tackling Racist Incidents: A Toolkit for Scottish Housing Providers, Positive Action in Housing, 2007 <http://challengeracism.com>

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