

# Hotel evictions: what can we do?

This short guide from the [CIH housing rights website](#) is written for anyone working with asylum seekers in hotels and other asylum accommodation. We hope to keep it updated as events unfold, so please do check the latest version on the [home page](#) of the website.



The guide focuses mainly on the options for those who are granted asylum, because those refused may need to focus more on any appeal rights, or on moving on to section 4 support for those who cannot leave the UK. The Asylum Support Appeals Project has [briefings](#) on this.

## What is happening?

- There is a massive backlog of cases in the asylum system (175,000 in June 2023), and many of the people affected have been placed in hotels across the country (known formally as “contingency accommodation”).
- The government is under pressure to clear the backlog and so has started to grant large numbers of people asylum, particularly those from Afghanistan, Eritrea, Iran, Iraq, Libya, Sudan, Syria and Yemen.
- The Home Office has also changed its procedures, so that people who get refugee status now get only 28 days accommodation and support from the day the letter about their decision is issued. Before they got 28 days from when they got their biometric residence permit (BRP), which is often not issued for some weeks.
- This means that many people are being evicted from their Home Office accommodation before they have the necessary documentation to work, claim benefits, rent privately, etc. Most people are getting just seven days’ notice. This leaves them homeless and destitute.
- Some people are also getting negative decisions on their asylum claims. Previously they were given 21 days’ notice, and sometimes more, before losing their accommodation and support. Now it is seven days. They are also then homeless and destitute.
- Is this legal? Probably: there is a clear explanation of why on the [Free Movement blog](#)

## What can we do?

### 1. Extend support

The Asylum Support Appeals Project has published a comprehensive briefing on discontinuation of asylum support and this is on their website with other [briefings](#).

- For people who are getting support under section 95, it is Home Office policy to extend asylum support for those granted refugee status until the BRP is issued. Likewise, if a person has not received a decision on their asylum claim, they will still be eligible for support. So if they have been told to leave before either of these

documents arrive they can contact Migrant Help on 0808 8010 503 or via their [webchat](#) and ask for an extension, which will usually be granted in seven-day increments.

- It may be possible to appeal a discontinuation of asylum support, depending on the type of support and the reason given for the discontinuation. The ASAP briefing explains this in detail. Advisers should contact ASAP if they want help with this via their advice line 0203 716 0283 (Mon, Wed, Fri 2-4pm).

## 2. Get local authority help

Local councils (London and metropolitan boroughs, district and town councils) in England have a duty to help those in their district who are threatened with homelessness within 56 days (under the Housing Act 1996 and Homelessness Reduction Act 2017). Scotland and Wales have their own homelessness legislation which largely mirrors this.

- Councils must ensure that free advice to prevent homelessness or help to find accommodation is available to anyone in their area, including asylum seekers or those refused asylum. So anyone threatened with eviction from asylum support accommodation can ask the council for help, but some may only get advice.
- Where a person is eligible and threatened with homelessness, section 195 of the Housing Act 1996 (as amended) says: “The authority must take reasonable steps to help the applicant to secure that accommodation does not cease to be available for the applicant’s occupation.” So, the local council should negotiate to extend the accommodation where possible.
- Some people can get more help than this from the local council if the council has “reason to believe” they are “eligible”, homeless and “in priority need”. The local council must either prevent their homelessness or provide them with emergency accommodation, and sometimes help them find longer-term housing as well. (NB. The “priority need” requirement does not apply in Scotland.)
- People with refugee status are eligible. They do not need a BRP to prove it, just a document to give the council “reason to believe” they are a refugee, such as the letter from the Home Office.
- People with a child, pregnant woman or vulnerable person in their household are in “priority need”. People may be vulnerable because of old age, mental illness or handicap or physical disability or “other special reason.”
- People evicted from asylum support accommodation with no BRP will be vulnerable whatever their health/disability/age because they cannot work or receive benefits, and have no other resources (if they had they would not be in asylum accommodation). Councils may have some trouble recognising this but it was clearly established in an important case: *R v Kensington & Chelsea LBC ex p Kihara* (1997) 29 HLR 147.
- So anyone evicted from asylum support accommodation because they now have refugee status, but who does not have a BRP should get emergency accommodation from the council. Anyone threatened with eviction should get

help from the council to prevent the eviction, for example by council officers negotiating for an extension of support with the Home Office.

- You may find useful information about how to apply as homeless etc on the website's pages on [applying as homeless to your local council](#) (for people in Scotland, look [here](#)).

### 3. Find other accommodation

There are very few options for other accommodation available, but refugees may find help from community or family. Some organisations may be able to refer to hosting schemes or hostels, but most places are full. Refugees need support on a temporary basis due to the short-notice period policy being enacted by the Home Office and will require support to access longer-term options like social or private rented housing.

Local authority advice duties under section 179 of the Housing Act 1996 as amended include advice and information on “any help that is available from the authority or anyone else... and... how to access that help” and must “be designed to meet the needs of persons in the authority’s district including, in particular, the needs of... any other group that the authority identify as being at particular risk of homelessness in the authority’s district.” Similar rules apply in Scotland and Wales.

Organisations working with refugees and asylum seekers may find it useful to set up liaison with the council senior officer responsible for these services to ensure that the advice and information available actually meets the needs of refugees facing eviction.

### 4. Get help with money or food

Even if the council provides accommodation, new refugees will still be unable to apply for most benefits or start work until they get a BRP. Those with children can ask local council social services for support via section 17 of the Children Act. People who have care needs may also be able to get some support from social services. Social services are run by London boroughs, county councils and metropolitan councils. People may also be able to get help from local food banks or projects.

### 5. Change this policy!

This sudden policy change has been a disaster for refugees and for local authorities.

- CIH has already joined with the Refugee Council and other organisations in [sending a joint letter](#) to the ministers responsible for asylum seekers and for homelessness, protesting about the changes.
- You can get your local council to raise this through the Local Government Association.
- If your local council does not yet have a migrant champion, this shows why they need one! Get helpful councillors to join the [Migrant Champions Network](#). Collect examples of the problems caused and share them with your local authority, your local Migration Partnership, any membership organisations or partnerships you are in and any other calls for evidence of the hardship and difficulties this is causing.

## 6. Get ready!

There is a lot of work to be done here. This is a brief checklist of the information you may need if you are to help someone facing eviction

1. **What does the refugee want?** Not everyone wants to apply to the council or tackle the Home Office or Migrant Help, if there are other options like staying with friends that may be preferable. But now is also the time to encourage realistic expectations: it may be possible to get the council to accommodate for a few weeks, but even for those whom the council house on a longer-term basis, they may spend several years in temporary accommodation, possibly a long way from where they are now.
2. **What information do you need?** At a minimum
  - *Proof of homelessness*: the eviction letter.
  - *Proof of vulnerability*: medical and other reports may be particularly helpful if you want to argue for someone to stay local or for a need for a particular type of accommodation; some sort of letter/explanation of why this specific person finds themselves with no money, no right to work and no home will be needed if you are arguing vulnerability; other evidence about why they will find it difficult to cope (e.g. circumstances of leaving the home country and of the journey, communication difficulties, including language, experiences in the UK).
  - *Documents to support any special circumstances*: homeless people are often placed a long way from where they are now. If there is a need to stay local, for example, to access complicated treatments, or to get or provide essential support, line these proofs up, ideally before applying to the council, but certainly as soon as possible afterwards. Also line up any evidence about what may make certain types of accommodation unsuitable.
3. **What are the agencies that can help?**
  - Those offering housing advice and advocacy locally.
  - [Shelter](#) have links to most local housing advice services.
  - Those providing support, including food and other necessities:
    - The Independent Food Aid Network has a [map](#) of independent food banks and projects and you can find food banks run by the Trussell Trust [here](#).
    - Citizens Advice run a service to [Help to Claim](#) universal credit.
    - Refugee Council run a range of [services for newly recognised refugees](#), including one on [accessing private rented housing](#).
    - In Scotland, the [Scottish Refugee Council](#) and [Positive Action in Housing](#) have advice services.
  - Help into employment: Many local councils run services to help local people into jobs: it may help to alert them to the problems people being evicted from hotels are facing and ask how they can help get people

into employment. [Breaking Barriers](#) offers help to refugees looking for work in several major cities.

- Local community centres and organisations and arts sports and leisure facilities and projects: isolation has been a problem for many in hotels. So, connecting to local organisations, centres and facilities is important, and can also provide helpful contacts and leads for accommodation and employment.

This briefing was put together as quickly as we could: please do get in touch if you have information to add to it or want to suggest amendments. You can do this by sending an email to: [policyandpractice@cih.org](mailto:policyandpractice@cih.org)

Feel free to print or otherwise use this briefing.

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