



Housing rights

Your quarterly newsletter from the housing rights website

January 2021

How new immigration rules affect housing and benefits

Our January newsletter focuses on the immigration rule changes and how they affect housing and benefits, especially for European nationals in the UK. In the meantime, the countdown has begun for European nationals who still need to apply for settled status - [our clock tells](#) you how much time they have left.

The first newsletter of 2021 brings you articles and news items on:

- [How the new immigration rules affect social landlords](#)
- [Will rough sleepers be penalised under the new immigration rules?](#)
- [Risks loom for European nationals as the June 30th deadline approaches](#)
- ["No recourse" is still in the news](#)
- [More on Windrush and the hostile environment](#)
- [Post-Brexit immigration rules - other key changes](#)
- [Growing problems with asylum seeker accommodation](#)
- [Other news.](#)

[Housing rights](#) is your key source of guidance on housing and benefits for people with different kinds of immigration status. For the latest news on measures affecting migrants during the pandemic go to our [coronavirus page](#).

This newsletter, from the Chartered Institute of Housing and BMENational, keeps you up-to-date with new developments. Please feel free to share it with anyone interested. Click [here](#) if you would like to subscribe.

How the new immigration rules affect social landlords

John Perry and Sam Lister outline the key changes.

Starting on January 1st, radical changes were made to the UK's immigration rules. These also meant that new rules took effect on who is eligible for a housing allocation, homelessness help and benefits. With the ending of "free movement" to and from the EU, the changes principally affect European nationals and their family members, although they don't affect people from the Republic of Ireland. Whether a citizen of a European country (specifically, someone from the European Economic Area or Switzerland) or a family member (whether or not they are European) can get housing help depends on a set of key factors such as when they

came to the UK and whether they have applied to the [EU Settlement Scheme](#) to regularise their status.

Anyone from an EEA country who was living in the UK before the Brexit transition period ended at 11.00pm on December 31st keeps the same entitlements that they had beforehand. Over two million European nationals have now been granted "settled status" under the scheme, which is the equivalent of "indefinite leave to remain". They and their family members are fully entitled to housing help if they need it. To get settled status you have to show you have lived in the UK for five years, so those who haven't yet met this test may be granted "pre-settled status." This means they do not



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yet have entitlements to housing help, unless they had it before December 31st for another reason, such as being an EEA worker or self-employed person.

What about the people who have not yet applied to the scheme? During the "grace period" until June 30th, until they apply to the EU Settlement Scheme they will have to prove they have some other entitlement to housing help, e.g. as an EEA worker, and that they were living in the UK before December 31st. They will have to show both their right to remain on December 31st and their right to remain on the date they apply for benefits. If they can do this, they and their family members are eligible.



It is essential that any European nationals still in the UK apply to the scheme. If they don't, unless they have very good reason for a late application, on July 1st they could lose all their rights to be in the UK even if they are longstanding residents. As "overstayers" they potentially become embroiled in the hostile environment and all that it entails, such as detention and removal, as happened in the Windrush scandal.

After June 30th, people who have already applied to the EU Settlement Scheme keep any entitlement they had before, until they get a decision about their status. So do any people who have made late applications and their applications have been accepted, or those who are appealing against a decision under the scheme and have not yet had an answer.

To make life complicated for housing providers, those with settled status do not get a passport stamp, but have to show digitally that they have passed through

the EU Settlement Scheme. European nationals who need housing help and don't yet have settled status will have to show any documentation they have that proves their entitlement.

In England (but not in the rest of the UK), tenancies in the private sector (or by housing associations when they are not via a local authority nomination) are subject to the tenant showing they have a "right to rent" by producing their passport or other suitable document. The government's [guide for landlords](#) confirms that European citizens in these groups can continue to prove their right to rent, simply using their passport or an identity card from their home country. They should not be asked for evidence of settled status or pre-settled status until after June 30th, but they can show their status online if they choose to do so.

Social landlords are likely to have European nationals living in their stock and European staff members whose immigration status will be at risk if they haven't applied to the EU Settlement Scheme - especially if they fail to apply before the end of June. It's a good idea to help your tenants and staff secure their status, and there are many tools available to help you do this. The NHF has a [briefing paper](#) for social landlords, produced in partnership with [Settled](#), a charity which helps Europeans secure their status. Help is also available in special cases. For example, help for children in care or leaving care is available from [ADCS](#) and from [Settled](#); Roma people can get help from the Roma Support Group on 07440 743866 or 07459 319706.

For more details on eligibility and sources of help, make sure your staff have access to and make regular use of the CIH [housing rights website](#), which has details of the [EU Settlement Scheme](#), and how to get specialist advice where you live. It has pages to help different kinds of European national in the UK, such as [workers](#) and [family members](#). It also has a [Brexit news page](#) so you can keep up with the latest developments. A section of the site is exclusively for [Scotland](#).

CIH is keen to hear about problems faced by European nationals and about projects to help them regularise their status. Do get in touch with us by email (policyandpractice@cih.org).



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Will rough sleepers be penalised under the new immigration rules?

In November, CIH and 70 other organisations signed [a letter](#) to Home Secretary Priti Patel and to Secretary of State Robert Jenrick, protesting against changes that make rough sleeping a new ground for refusing or cancelling someone's right to remain in the UK. The new ground was included in the 514-page [statement of changes](#) to the Immigration Rules published on 22 October. The House of Commons Library issued a briefing, [Rough sleeping immigration rule: Who does it affect and how?](#)

Crisis [warned](#) that the change could put vulnerable people at risk of modern slavery or risk their health and safety. The government later claimed that its [guidance on the operation of the new rule was being finalised](#) and that, until this is done, it won't be used.

In the meantime, opposition to the rule change quickly grew. Crisis launched a [campaign](#) which now has over 40,000 signatures. A legal challenge is also likely on the grounds that the rule does not comply with human rights law. And many councils [have promised](#) that they won't collaborate in implementing the new law.

The government move came amid [fears that there is a lack of measures in place](#) to protect rough sleepers during the second lockdown, with charities calling on the government to re-introduce the "Everyone In" scheme, which housed homeless people during the first months of the pandemic. With the threat of homelessness increasing for many during the colder weather, the signatories to the letter re-emphasised the demand for help, as well as calling for a 12-month suspension of "no recourse to public funds" conditions so that no one on the streets is debarred from help.

Former homelessness tsar Louise Casey said that "being utterly direct, I think that essentially one of the causes of rough sleeping is a sort of inability to manage immigration properly." *Inside Housing* [reported](#) her comments to a House of Commons committee, in which she added that the people taken off the streets and housed in hotels included "economic migrants that didn't have their papers, but with a lot of effort could get their papers and could become settled citizens."

Risks loom for European nationals as the June 30th deadline approaches

As explained in the opening article, European nationals living in the UK now only have the so-called "grace period" until June 30th to apply to the EU Settlement Scheme. There is already major concern about how [different kinds of people](#) may miss the deadline because they are unaware they need to apply, or for another valid reason that has prevented them from applying. Many hundreds of thousands - perhaps 30 per cent of those eligible - still need to make an application. Campaign group "the3million" [urges those who have yet to apply](#) to the scheme to "think of it as a vaccine to protect you from the Home Office."

Failure to meet the deadline will result in the person becoming unlawfully resident in the UK (although Free Movement points out that [some will already be unlawfully resident](#)). The Brexit withdrawal agreement requires the UK to accept late applications where there are "reasonable grounds" for the deadline being missed. The Home Office has therefore inserted a clause in the rules to allow this but it would be a mistake to rely on something which is at the Home Office's discretion.

Free Movement [points out](#) that there are other deadlines for some categories. These are:



Free Movement said that, fortunately, these rules [will not apply to very many people](#). They exclude, for instance, asylum seekers and those who fall under the "private life" categories of the rules. But however limited in scope, "these changes make some very vulnerable people liable to enforcement action for circumstances they cannot help". However, no one knows yet what the full implications of the rule changes are and it seems likely there will be other unforeseen effects.



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- Pre-settled status holders have until the end of their grant of limited leave to remain to apply for settled status (though they can apply as soon as they have five years' continuous UK residence).
- Family members coming to join their sponsor in the UK holding an Appendix EU family permit have three months to apply if arriving after April 1st 2021.
- For a qualifying family member who holds leave to remain under another part of the Rules or outside of them, they must apply before end of that leave – even if this is after June 2021.
- People exempt from immigration control have 90 days from the date they cease to be exempt to make an application (effectively [deemed leave](#)).
- So-called “Surinder Singh” families (British citizens who exercised their freedom of movement rights in the EU) where the relationship existed before January 31st 2020 (unless a child) have until March 29th 2022 to move back to the UK and apply.

The “required date” definition confirms that paragraph 39E of the Rules, which normally applies to out-of-time immigration applications, does not apply to Appendix EU. If paragraph 39E did apply, only [14 days](#) would be allowed for late applications.

EU citizens unlawfully resident in the UK stay that way during “grace period”

The UK government takes the view that EU citizen students and self-sufficient people who do not have [Comprehensive Sickness Insurance](#) are living in the UK unlawfully. The Home Office has confirmed that they will still be unlawfully resident in the “grace period” unless they successfully apply to the EU Settlement Scheme. Free Movement [says](#) that the department has told the Immigration Law Practitioners' Association that it has no plans to pull EU nationals out of possible illegality, despite passing regulations that could easily be tweaked to do the job.

“Out of the frying pan...?” - new research into problems with EU citizens' rights

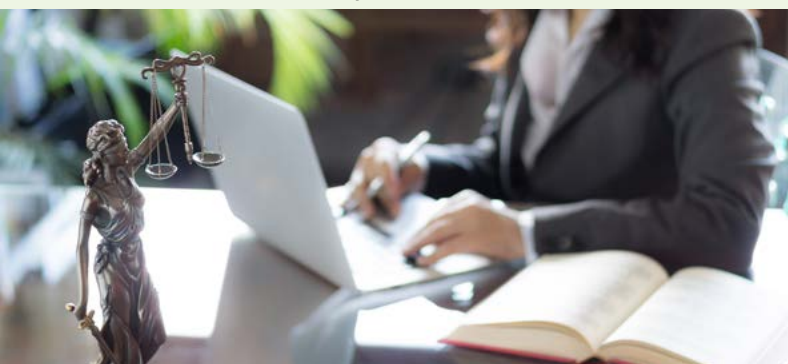
The [EU Rights and Brexit Hub](#) is investigating the barriers to justice which arise during and after the Brexit transition period. They have set up a legal action research clinic which provides [free specialist second-tier advice and drafting support](#) on EU rights and access to welfare benefits and other public services for charitable organisations and other groups working with EEA nationals and their family members.



Problems with EU settled status documents quickly become apparent

An NHS worker was stuck in Kenya within a few days of the EU transition period ending in January. Her settled status documents were rejected when she tried to board a flight home to the UK. Officials at Nairobi airport [said](#) that Home Office documents issued to Doreen Kathambi were not valid and that digital proof was insufficient. “I presented my letter from the Home Office confirming my EU settled status, which said I could share my immigration status online but they said that the advice given by the Home Office to prove my status online is not enough, I need a visa stamped on my passport,” Ms Kathambi said. Chai Patel of the Joint Council for the Welfare of Immigrants commented: “We’ve warned time and again that digital-only status will lead to discrimination – in particular against people of colour. Now we are seeing confirmation of this.”

Meanwhile [the i newspaper reports](#) that they have evidence of multiple job adverts asking for EU nationals to share proof of settled status with an application, despite the Home Office insisting that “nothing would change” for them until the deadline of June 30th. The government has said EU nationals living in the UK should not have to prove they have the right to remain in the country to apply for jobs or homes ahead of the deadline.





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Court of Appeal case: EU citizens with pre-settled status can claim benefits

The Court of Appeal ruled on December 18th that it is unlawful for the government to make regulations that exclude EU nationals with pre-settled status from qualifying for universal credit. The case of [Fratila & Tanase v Secretary of State for Work and Pensions](#) was brought by the Child Poverty Action Group, who have provided a comprehensive [summary](#). This decision could affect a number of people with pre-settled status who are currently supported by local authorities under the Care Act, section 17 of the Children Act 1989, or through "Everyone in". The effect of the order was stayed (put on pause) until 26 February - presumably to give the government time to rectify the issue, so new regulations may well be published.

What about EU nationals who become destitute?

The NRPF Network [issues a reminder](#) that EEA nationals arriving after January 1st will be subject to the "no recourse to public funds" (NRPF) condition when they are granted leave to enter as a visitor, student, or worker. They will be deemed to be "subject to immigration control" under section 115 of the Immigration and Asylum Act 1999 and will be excluded from claiming any benefits that are classed as "public funds", and assistance under Parts VI and VII of the Housing Act 1996. An EEA national who is unlawfully present will also be "subject to immigration control" and will be excluded from claiming public funds. By making a claim they are breaking the terms of the leave that they have and, in England, won't have the right to rent. If they sleep rough they could jeopardise any chance they have of regularising their status.

There is also an important change that will affect entitlement to accommodation and financial support provided by social services when an EEA national is ineligible for benefits, is destitute, and has children in their household or care needs. Schedule 3 of the Nationality, Immigration and Asylum Act 2002 will no longer apply to an EEA citizen on the basis of their nationality. Instead, the exclusion will only apply to an EEA national who is "in breach of immigration laws". This means that the exclusion will not apply when an EEA national has settled status, pre-settled status, or leave to enter as a visitor. In such cases, eligibility for support will be determined through a needs assessment.

A human rights assessment will only be required when an EEA national is "in breach of immigration laws". There will only be limited circumstances when this is likely to apply to an EEA national, and councils are unlikely to encounter many people in this position before the end of the grace period. NRPF Network promises to publish updated guidance about human rights assessments soon.



Guidance for those assisting homeless EU nationals

The solicitors Bindmans have responded to confusion and concern among frontline homelessness workers in relation to their EU clients who have not yet made an application under the EU Settlement Scheme. This is because the ["grace period regulations"](#) confirm that the regulations only preserve the right of residence of EU nationals and their family members who have not yet applied under the EUSS and were lawfully resident in the UK (i.e. exercising treaty rights) before the end of the transition period (11pm on December 30th). Bindmans LLP, Here for Good and the Public Interest Law Centre (PILC) have developed [a short briefing](#) with useful information and advice on the issues.



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“Frontier workers” - who they are and what it means

A new category of EU immigrant, “frontier worker,” became available in December. Although only open to people who had previously commuted into the UK for work pre-Brexit, *Free Movement* [says](#) the criteria are generous enough that a range of people may be eligible to apply. Frontier workers are people who work in one country but live primarily in another. Free movement rules enabled this working pattern to develop and flourish within the EU, helped by cheap travel and remote working.

How does Brexit affect Irish citizens in the UK?

Irish people are now exempt from immigration control, so they do not have to apply to the EU Settlement Scheme. *Free Movement* has [details](#) and those interested can also go to the page on [advising British and Irish citizens](#) on the housing rights website.



After Brexit, UK’s migrant rights watchdog on guard for mistakes

The [Independent Monitoring Authority for the Citizens’ Rights Agreements](#) (IMA) is the new body created to protect the rights of EU and EEA citizens (EU, Iceland, Liechtenstein and Norway) in the UK and Gibraltar, now that the EU transition period has ended. It is independent of government. Access to housing and benefits is part of its remit.

The IMA’s biggest challenge could be building trust among a sceptical migrant community, reports [Politico](#). The chair of Britain’s new post-Brexit migrant rights watchdog has an unvarnished view of the country’s bureaucracy. “Mistakes will be made,” Ashley Fox said. “So our job is to ensure we pick up those mistakes as quickly as possible.” Fox, a former Conservative MEP, has just started work as chair of IMA, the body tasked with upholding the rights of EU nationals granted settled status or pre-settled status in the UK and Gibraltar post-Brexit. He sought to assure migrants that “any issues will not be driven by malice.”

Denying universal credit to Teixeira carers is incompatible with EU law

“Teixeira” (and “Ibrahim”) cases involve either the child of an EEA national worker/former worker where that child is in education in the UK, or the primary carer of a child of an EEA national worker/former worker where that child is in education in the UK, and where requiring the primary carer to leave the UK would prevent the child from continuing their UK education. Some Teixeira carers have been prevented from accessing universal credit for a period of 91 days (three months). *Free Movement* [points](#) out that this has now been ruled to be wrong.

Free casework training resources on the EU Settlement Scheme

The Mayor of London is providing some excellent [training resources on the EU Settlement Scheme](#) on the European Londoners Hub, designed to brief people advising on the scheme and to provide the tools to deal with complex cases. The training videos, which have been produced by legal partners Here for Good, cover particular at-risk groups and are accompanied by materials including a comprehensive manual and training slides. Topics include people with criminal records, older people, people who are homeless and children.





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“No recourse” is still in the news

The “Everyone In” campaign to house people who had been sleeping rough in the pandemic was widely praised because it included large numbers of people with no recourse to public funds. However, the government’s commitment to this group seems to have ended, despite continued lobbying. Some 1.4 million are thought to be affected, the majority of them people who are in the UK with limited leave, including people who were working who may have lost their jobs or be on reduced hours during the pandemic. *The Independent* [reported](#) that the prime minister again appeared to be unaware of this, despite having previously promised to investigate the problem. Asked during a House of Commons Liaison Committee session if NRPF conditions shouldn’t be suspended, at least during the pandemic, he replied:

“I totally understand the logic of your argument, but the problem is it’s a very longstanding provision in this country that NRPF conditions should apply to those for instance who are here illegally or unlawfully. I think it would be not the right way forward to change that.”

Minnie Rahman from the Joint Council for the Welfare of Immigrants accused the prime minister of “either wilfully lying, or obfuscating the truth” about NRPF conditions.

How migrant women with NRPF were affected during the pandemic

Safety 4 Sisters North West have released a powerful report, [Locked In Abuse, Locked Out of Safety](#), which documents the experiences of migrant women with NRPF. The report finds that, at odds with the national “Everyone In” policy, women have faced significant challenges in accessing essential services and securing safe accommodation, with initial refusals for refuge spaces opening them up to new risks. Some women and children have been left in high-risk situations with violent perpetrators. The report makes a number of recommendations, including the removal of the NRPF condition and inclusion of migrant women in the Domestic Abuse Bill. It also recommends training for service providers on the intersection between the NRPF condition and domestic abuse.

More on Windrush and the hostile environment

Concerns mount about the delays experienced by victims of the Windrush scandal in getting compensation from the Home Office. In November the BBC reported that [at least nine people have died](#) while waiting for payments. One of these, Paulette Wilson from Wolverhampton, died aged 64 without getting a payment, despite being identified at an early stage as one of the most prominent victims of the scandal. More than 1,500 claims have been made using the scheme, with just 250 people being offered a major “Impact on Life” payment so far.

An [inquiry](#) is now being held by the House of Commons Home Affairs Committee. Yvette Cooper, chair of the committee, said MPs were “deeply concerned” about the scheme. In the meantime, [changes were made](#)



so that the scheme is somewhat more generous. On December 14th, in what was described as an “overhaul” of the scheme, the Home Office [announced](#) that £10,000 would be paid out to any claimant as soon as they could demonstrate they had suffered as a result of the scandal. On January 3rd, *The Independent* [reported](#) that no one had yet received such a payment. A [letter](#) to Priti Patel on January 1st, signed by 31 Windrush victims and claimants to the scheme – including high-profile individuals such as Anthony Bryan and Glenda Caesar – states: “We are left with the hollow sense that the “overhaul” you announced on 14 December – in the lead-up to Christmas – was no more than a publicity stunt.” The letter went on to say that Windrush victims do not have another three years to wait for these grave defects to be mulled over and tweaked in places. “The hostile environment ripped away our residency, rights and humanity,” it says, but the process of obtaining compensation “sees us subject to the same tools of the hostile environment” including a refusal to accept evidence and “gaslighting” victims by claiming in the media to have made meaningful changes.

A new £500,000 Windrush Community Fund [opened for applications](#) on December 14th. The fund will support community and grassroots organisations to run outreach and promotional activity to raise awareness of the Windrush Scheme and Windrush Compensation Scheme.





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Home Office told again that warnings on the “hostile environment” were ignored

Evidence has mounted that the Home Office ignored warnings against the hostile environment measures soon after they were first made. In November, the Equalities and Human Rights Commission said the Home Office [failed to comply with equality law](#) when implementing the measures. The EHRC focussed particularly on the right to rent scheme, which requires landlords to check tenants’ passports or other documents to prove their status. CIH warned this would happen as early as July 2013 when ministers first wrote to tell CIH about the proposals, and our warning [was repeated in 2016](#) before the scheme was extended across England. These warnings to the Home Office were ignored, and later the right to rent was found to be discriminatory in the High Court.

Then in January, the independent chief inspector of borders and immigration [said](#) the Home Office had failed to implement a series of recommendations he has made since 2016 calling for better monitoring of the impact of the hostile environment. *The Independent* [reported his warning](#) that policies have been “piecemeal”, with “little evidence of consistency or coherence in their design or in their application and no overall strategy or underpinning rationale.”

In his report, the chief inspector noted the lack of evidence of the effectiveness of right to rent:

“While it would have required a considerable amount of work, involving partner agencies, it would have been possible to quantify and codify the actions taken against exploitative landlords where these had been identified. Inspectors found no evidence that this had been attempted.”

There is no mechanism for a migrant suffering discrimination under the scheme to report it to the Home Office, he pointed out, leaving the department “unsighted” about its ill effects.

More on right to rent

New [guidance for landlords](#) was issued by the Home Office at the end of December. This covers the new online right to rent checks, which were launched on November 25. It also gives the latest guidance on how the checks apply to EEA and Swiss nationals until June 2021.

[Law for Life](#) is currently developing new resources on the right to rent scheme. Law for Life is a charity dedicated to ensuring that people have the knowledge, confidence and skills needed to secure access to justice. They would like to ask you to fill in this [questionnaire](#), to help them understand the challenges

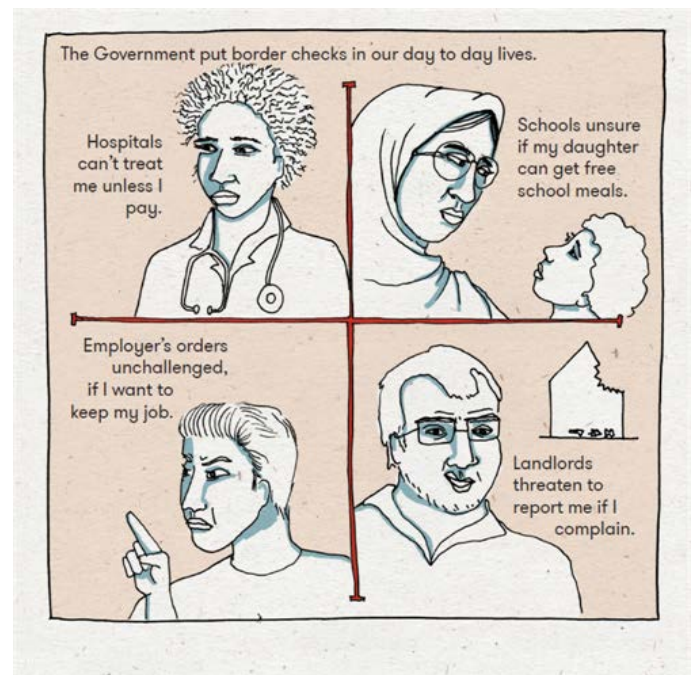


that you or people that you support experience when seeking accommodation in the private rented sector. Law for Life thank you in advance for sharing your experiences. You will not be asked to disclose any personal details and the information you share will not be shared with anyone else.

Do you want to read the full background to the “hostile environment”? Here’s a new academic article, [The UK’s hostile environment: Deputising immigration control](#), by Melanie Griffiths and Colin Yeo.

“In the Gaps”

Here’s what the comic “In the Gaps” has to say about the hostile environment:



[Read the whole comic](#), and if you love it, please share it.



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Post-Brexit immigration rules – some other issues

Post-Brexit Immigration Rules: Law Commission's simplification recommendations ignored

An [article](#) by Jonathan Collinson of the University of Huddersfield sets out how and why the immigration rules that took effect post-Brexit have completely failed to meet demands from the Law Commission and others that they be simplified. His article demonstrates just how complex the rules have become, and that the recent changes have simply added to the complexity. Even simple steps like making the pdf file with the rules navigable, so the reader can move around them more easily, haven't been taken.

However, *Free Movement* [says](#) there is a problem with "simplifying" immigration law. Effectively, we now have two systems of law – one for European nationals via the EU Settlement Scheme, and the points-based system for everyone else. Both are complicated but in different ways. Resolving the complexities isn't easy. But the main issue isn't complexity it's that the immigration system isn't "effective, efficient, and most importantly transparent."

To help understand one of the main aspects of the new rules, the points-based system, *Free Movement* has produced [a very short introduction](#).

The rules have already been criticised by a former minister. The government's "[inhuman](#)" [approach to immigration](#) will only cause further problems and end up costing the taxpayer more money, said former Home Office minister Caroline Nokes, who left her role only in July 2019. She laid out a damning indictment of her former department's direction of travel, describing it as "profoundly depressing" and at times "hideously wrong." In an interview with *The Independent*, Nokes accused ministers of "paying lip service" to Wendy Williams' Lessons Learned report on the Windrush scandal – which broke while she was in office – and said they were failing to put people at the heart of Home Office policy, as recommended in the review.

Stephen Hale and Ryan Shorthouse, writing in *CAPX*, [pick out for criticism](#) the unfair rules which prevent asylum seekers from working and foreign key workers from getting reasonable access to citizenship. As they point out, even workers fulfilling crucial roles in the NHS face a long and costly process to get to stay in Britain permanently. None of this is changed by the post-Brexit immigration system.

Free Movement [explains](#) how new visa rules on invalidity will create more overstayers. If you dutifully apply to extend your visa just before it expires, and

the application is later rejected as invalid because you failed to meet a validity requirement, it will be like you never made an application. You're now an overstayer.

On January 24, as this newsletter goes out, [JCWI](#) will issue new research showing that thousands of key workers who are EU nationals risk losing their jobs in the UK in July, as they are unaware of the need to apply to the EU Settlement Scheme.

Review of Human Rights Act could restrict judges' ability to block deportations

Judges' ability to block deportations of foreign criminals could be restricted under a review of the Human Rights Act announced by the Justice Secretary. He said the first review in 20 years will examine whether there should be new limits on how judges interpret European human rights case law and intervene in government policy. The move, foreseen in the government's election manifesto, comes after clashes between government and the courts, including the recent failure to deport 23 "dangerous" criminals to Jamaica after last-minute legal challenges. *The Daily Telegraph* [says](#) that "It could mean the Government would be able to deport hundreds more foreign criminals a year as they would be blocked from bringing spurious human rights claims."

A question: what is United Kingdom immigration policy in 2021?

Colin Yeo [writes](#) that he follows immigration law and policy pretty closely but he simply does not know what UK government policy is right now. We are told nothing about what outcomes the government wants from the new rules, he says. We are told immigration will be "controlled" but, again, that tells us nothing concrete about outcomes. We are told irregular arrivals by refugees are undesirable but no actual policy to prevent it has been proposed. We are told foreign criminals will be deported but numbers of enforced removals were at an historic low even before the pandemic. We are told Global Britain is open for business but the number of visas granted to overseas entrepreneurs has fallen off a cliff. He concludes that the only explicit immigration policy he can think of is a negative one: ending free movement for EU citizens.

"What does the government want to happen instead, though?" He makes a guess that current immigration policy seems to be "fewer but better" or, failing that, simply "fewer". "But, he says, "this is not stated anywhere, and in any case it is more of an aspiration than an actual policy: a proper policy requires some sort of implementation."



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Growing problems with asylum seekers' accommodation

Almost daily stories appear in the press about the poor quality of asylum seeker accommodation – especially about the reuse of army camps. *The Guardian* reported that 29 asylum seekers died in supported accommodation in 2020, five times as many as those who died trying to cross the English Channel on small boats. Former Home Office minister Caroline Nokes [told](#) Politico in December that asylum seekers “will be housed in camps ... with no mains electricity, nor mains water.”



Here are some reports of the worst conditions.

Penally in Wales

Asylum seekers housed in a military training camp have claimed the “very bad” conditions are making them feel increasingly desperate, the BBC [reported](#) this month. Duncan Lewis Solicitors [are challenging](#) the Home Office’s use of the Penally ex-military barracks to house up to 236 men seeking asylum. The claimants call in question the legality of using the camp in three respects: the Home Office’s decision to use the camp for this purpose; the manner in which individuals were selected and transferred to the camp and the consequences to the individuals of this transfer. According to the claimants, they are effectively in prison – kept behind barbed wire fences with locked gates, manned by guards, with an effective curfew between 10pm and 10am. At one stage the camp ran out of drinking water and had overflowing toilets.

Protesters have gathered outside the camp and those arriving have become a target for “hard-right extremists”, first minister Mark Drakeford [has said](#). Some of the claimants are torture victims. Campaigners [say that](#) using a former military base to house asylum seekers is “completely inappropriate for vulnerable people who have fled terror and suffering.”

Napier barracks near Folkestone

On January 12, *The Guardian* [reported](#) that hundreds of asylum seekers are on hunger strike at another former army barracks being used as temporary housing, amid allegations that conditions at the site are worsening. About 400 men are being held at the Napier barracks near Folkestone, which has been used as temporary accommodation since September and has faced calls for closure after allegations of [poor access to healthcare](#) and [legal advice](#), and crowded conditions.

Volunteers have been asked to sign confidentiality agreements before entering the barracks, and have accused the Home Office of wanting to [cover-up](#) the poor conditions. Volunteers providing warm clothing, amenities, company and counselling to the 400 men have been confronted with the confidentiality form by the private firm running the camp.

The Folkestone MP Damian Collins has written to the Home Office urging it to close down Napier Barracks.

RAF Coltishall in Norfolk

Allegations of poor conditions, poor food quality and mental health crises have also been made about the camp at RAF Coltishall in Norfolk. Care4Calais, speaking to *The Guardian* on behalf of volunteers on the ground, [said](#): “The main overarching issue is some [asylum seekers] have been there as long as eight months with no information, no knowledge as to what is going to happen to them. This is compounded by this being a remote location, miles from the nearest town, facing a bus fare to Norwich. They have nowhere to go, nothing to do. For traumatised people it is incredibly bad for their mental health. They have nothing to do but ruminate.”

More problems with accommodation contracts during the pandemic

Elements of the new asylum accommodation system were “set up to fail” according to the [House of Commons Public Accounts Committee](#) in November. Meg Hillier MP, chair of the committee, said that “Quite simply, there was a wholly unacceptable failure of the Home Office to communicate with local authorities and health services as they rapidly shifted hundreds of asylum seekers into hotel accommodation. In some cases people who had contracted Covid-19 were moved to another borough without the authorities being informed. Even at the pace of events there was no excuse for this lack of communication.”



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Stephen Hale, chief executive of [Refugee Action](#), wrote in [politics.co.uk](#) about some of the terrible conditions found in asylum seekers' accommodation:

"One mother we support watched helplessly as the ceiling in her asylum house collapsed on her two-year-old toddler, splitting her head open. The young girl was hospitalised and needed 20 stitches to fix the wound."

"A video sent by another mother to our services team showed water pouring into her home from the flat above and onto the bed where her young son was sleeping. There was nothing that could be done, she was told, because the fault was with the property above hers."

Hale said that it's impossible to avoid the conclusion that "systemic racism shapes asylum policy."

The High Court: Home Office enforcement of asylum contracts is "chaotic"

In an important judgment, the High Court [ruled](#) that delays in relocating disabled asylum seekers to suitable accommodation and delays with this initial provision of support are unlawful, particularly affecting disabled people. Sasha Rozansky of solicitors Deighton Pierce Glynn, one of those who worked on the case, said that "the judgment is really damning of the Home Office's delays and failures to monitor the number of disabled people it accommodates, as well as failures to monitor the housing contractors' performance in making sure section 4 accommodation is provided on time." She added that "we will have to wait to see how the Home Office will reform its systems, but if it fails to do so the judgment will be useful in ensuring it can be brought to account."

Organisations involved in the action included the Helen Bamber Foundation, Refugee Council, Bristol Refugee Rights, Refugee Action, British Red Cross and Nottingham Refugee Forum. Advisers can find out more about the [PAP Project scheme](#), that led to the action, if they are interested in joining.

A different judgment, [reported](#) by *The Independent*, found that the Home Office's decision to evict refused asylum seekers from emergency accommodation in areas under tier 3 coronavirus restrictions was "unreasonable" and could place communities at harm in breach of the law. Local authority leaders condemned the Home Office for keeping them "in the dark" on decisions that would push up street homelessness in their areas.

Changes to policy on safeguarding people in shared asylum accommodation

Campaigners report that there is a massive problem with people experiencing violence and severe antisocial behaviour in their shared accommodation, and generally the victim is compelled to move out to resolve the situation without any consideration given to moving the abuser. Solicitors Deighton Pierce Glynn [report](#) a successful court case, as a result of which the Home Office has agreed to consult on amending their breach of conditions policy to make sure that there is a process for dealing with incidents of anti-social behaviour and assault in shared asylum support accommodation. This is for people who are not covered by the domestic abuse policy i.e. when the abuse is not between family members or those in intimate relationships. The new guidance is promised for April 2021. In the meantime, the Home Office is publishing a note setting out how these cases will be dealt with.

Various organisations worked together to campaign for this Home Office rule change, including Freedom from Torture, the Helen Bamber Foundation, the Refugee Council, Asylum Support Appeals Project, Bristol Refugee Rights, ASHIANA Network and Refugee Action.

Another rule change threatens asylum seekers

On December 20th the Home Office [published](#) another change to the Immigration Rules that appears to be a breach of the UN Refugee Convention. From January 1st, any person who travels to the UK through a "safe country" will have their asylum case declared inadmissible and in theory face removal to any other safe country around the world willing to accept them. "The likely reality of what happens in practice is very different: more delays in the asylum process and very few if any third country removals," comments *Free Movement*. They have published a [briefing](#) on the new rule.

A think tank, the Social Market Foundation, published a report, [Fixing Britain's broken asylum system](#), which calls for safe routes to be established for asylum seekers to reach the UK. In their report [Missing Piece](#), Refugee Action also says that "Only political will from the Government to secure safe routes to safety can put us back on the right path to welcoming people fleeing war and persecution."





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Other news

Immigration numbers are hit by the pandemic

The CIH's annual [UK Housing Review](#), due to be published at the end of March, will show evidence that numbers of European workers in the UK fell substantially during the pandemic, with many appearing to have "gone home." It reports evidence of a sharp fall in both EU and non-EU national insurance registrations as well as an unprecedented fall in non-UK nationals and in those born overseas working in the UK labour market. On the other hand, numbers of UK-born people in the workforce have increased. The Migration Observatory [says](#) that the numbers appear to show signs of a "summer bounceback", but that they are still subdued.

Hong Kong: China crackdown is likely to boost migration to UK

In recent weeks, dozens of pro-democracy activists and politicians in Hong Kong have been arrested for allegedly trying to overthrow the city's government. *The Conversation* [says](#) that these arrests are the latest in a long line of efforts by the Chinese state to squash political dissent, and that they will likely boost emigration to the UK.

A new visa is available to Hong Kong British National (Overseas) citizens and close family members, from the end of January, meaning that an estimated 5.4 million Hong Kong residents will be eligible to move to the UK and eventually become British citizens. The lobby group [Hong Kongers in Britain](#) predicts that some 500,000 people (possibly more if we count their dependents) will arrive over the next two years.

Contributors

The newsletter is edited by John Perry from CIH with contributions from Sam Lister from CIH.

And some snippets of good news!

- *The Daily Mail* [asked a question](#): Would you take in a refugee who turned up on your doorstep? Surprisingly, it turned out well! - thanks to [Refugees at Home](#).
- Cambridgeshire and Peterborough Clinical Commissioning Group's Wellbeing Pilot for Syrian Refugees has been nominated for the NHS Parliamentary Awards. The pilot was [nominated](#) by four MPs. A key element related to strengthening skills to improve mental wellbeing resilience and the commissioning of a bespoke wellbeing service from the Refugee Council. The pilot has provided firm foundations for a [regional project](#).
- British Future says that we should celebrate citizenship and remove barriers to becoming British. The UK should take a more welcoming approach to citizenship, removing some of the unnecessary barriers, according to the report of an independent inquiry chaired by Alberto Costa MP. It's an approach that would reflect the public consensus on the issue, with ICM polling finding two-thirds of the public in agreement that it is a good thing when migrants who are settled in the UK decide to take citizenship. Just 8% of people disagree. The report, [Barriers to Britishness](#), finds that citizenship is prohibitively expensive, placing it out of reach to key workers who want to become British.
- The Refugee Council has launched [a new guide](#) to help refugees open bank accounts. The guide is available in English, Arabic, Farsi, Kurdish, Pashto and Tigrinya.

Before you leave...

Remember to check the housing rights [coronavirus page](#) for the latest information on changes to housing rights and benefits during the pandemic.

Do you have any comments on this newsletter?

Send them to policyandpractice@cih.org

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January 2021