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# Housing rights

Your quarterly newsletter from the Housing Rights website

January 2023

## What are the government's immigration plans for 2023?

These are the news items and articles in the January issue:

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## The government’s immigration plans for 2023

With record high inward migration figures of **over one million migrants** arriving in the year ended June 2022, the government faces huge pressure from many backbenchers to reduce the numbers, even though they are unlikely to set a new pattern (see **below**). On December 17, the prime minister **announced a new plan** to tackle “illegal immigration.” He said that “if you enter the UK illegally, you should not be able to remain here. Instead, you will be detained and swiftly returned either to your home country or to a safe country where your asylum claim will be considered.” He appeared to suggest that those arriving by small boats, in particular, would be unable to have asylum claims considered in the UK.



UNHCR’s Assistant High Commissioner for Protection, Gillian Triggs, claimed that the proposal to first detain, and then either return asylum seekers to their home countries, or transfer them to a third country, would amount to a denial of access to the UK asylum system for those who arrive irregularly. She **told Middle East Monitor** that this “would close down access to asylum in the UK for all but a privileged few. This would likely result in refugees having no means to establish their status and place them at risk of forced return to their own

countries, in breach of the Refugee Convention.” The prime minister added that “it is unfair and appalling that we are spending £5.5 million every day on using hotels to house asylum seekers.” New sites, including disused holiday parks, former student halls, and surplus military sites, will be utilised to house them. Sunak called for “all local authorities to take their fair share of asylum seekers in the private rental sector.” Rural areas will be asked to accept more people seeking asylum, Robert

Jenrick, the immigration minister has **suggested**, as the government faced criticism from Conservative MPs for placing migrants in their constituencies. Small towns and the countryside may be asked to house more people crossing the Channel in small boats “as long as numbers are so high.” Home secretary Suella Braverman briefed *The Times* **on December 26** that she would cut immigration by targeting foreign students, make it harder to bring spouses to the UK and increase

the minimum salaries for companies employing skilled workers. *The Times* adds that while Sunak and Braverman had not yet held talks to discuss her plans, “the prime minister has signalled support for some of her proposals, particularly on cutting foreign student numbers.” The government also plans to toughen the “hostile environment.” Extra resources will be allocated to increase the number of raids by immigration officers. Checks on bank accounts, suspended because of the Windrush scandal,

will be resumed. Barrister Colin Yeo **points out** that there is essentially no remedy if someone has a bank account closed, which happens without notice: they cannot get the bank to change the Home Office data, and getting the Home Office to do it will take weeks or months. He **reminds us** that the government is still supposed to be reviewing its policies in the wake of the scandal.

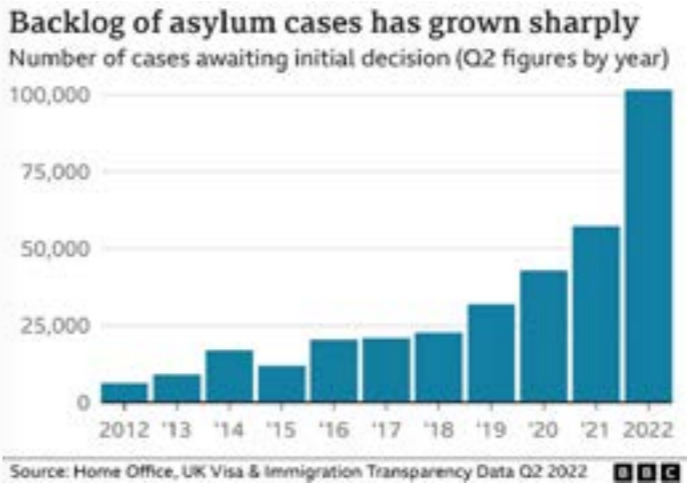
*“It’s probably time to call it: the Windrush Lessons Learned process looks dead. It is a shame, as there did seem to be some serious work being done on this by some people at the Home Office. I cannot imagine they will be happy about this latest development.”*  
Colin Yeo

The Archbishop of York reacted by saying that Britain must become more “compassionate” towards asylum seekers. **Writing for The Telegraph**, he said that people from around the world are “fleeing oppression, conflict, extreme poverty” and are risking “everything to secure shelter in this country and are turned away, sent somewhere else. There is no room at the Inn. Well only in Rwanda.”

Tim Naor Hilton, the chief executive of Refugee Action, condemned the prime minister’s announcements almost in their entirety, saying they would “cause misery for thousands of already traumatised people.” The Refugee Council also criticised the new policy as “deeply disturbing [and] flies in the face of international law.”

## Cutting the asylum backlog

Rishi Sunak also pledged to clear the asylum backlog by the end of 2023, doubling the number of asylum caseworkers. *Free Movement* **called this** “a bold commitment” given that the waiting list for decisions is still growing – fewer decisions are still being made than new claims for asylum – and it **already** stands at 117,400 cases (see chart). This number relates to 143,377 people, with nearly 98,000 people waiting for more than six months. “This looks like a massive hostage to fortune, and the more we look at what Sunak is suggesting the more unwise his promise looks.”



New figures show that there has been a huge surge in asylum seekers waiting many years for an initial decision on their claim. In December 2020 there were

2,284 adults and children who had been awaiting a decision for more than three years. By June 2022 this had risen to 10,276 – a 350 per cent increase, figures obtained by the **Refugee Council** show. To get the overall backlog down to 20,000 cases or so, the average level during most of the 2010s, *Free Movement* calculates it would mean making about 8,000 decisions per month. Yet only 16,400 decisions were made in the whole year ended September 2022. The *BBC* later **reported** that the pledge only relates to claims made before 28 June, when the Nationality and Borders Act came into force, and consisting of 92,601 initial asylum claims. Labour’s shadow home secretary Yvette Cooper said Mr Sunak’s pledge was “already falling apart just hours after he made it.” The prime minister **confirmed** that his pledge relates to the lower figure on December 20. The government also plans that asylum seekers from countries not deemed dangerous enough will be returned without having their claims processed. This is thought to be aimed at deterring **Albanian nationals**; 11,240 Albanians crossed the English Channel in the first nine months of 2022, up from 800 in 2021. But the prime minister also pledged to work with the UN Refugee Agency to create more legal routes “so the UK remains a safe haven for the most vulnerable.” However, new research that has led to changes on the official country guidance about Albania suggests that there is a considerable risk of trafficking, as *Free Movement* **explains**.

## Putting the small boat figures into perspective

After four migrants died in an incident in the English Channel in December, and 43 were rescued, *The Independent* [quoted the home secretary](#) as saying that channel crossings were “totally unnecessary”. She added: “We will extend safe and legal routes once we have dealt with the appalling people smuggling gangs risking people’s lives.”

The tragedy occurred not long after [an agreement was reached](#) between the UK and France to “stem the flow” of migrants making the dangerous journey across the Channel. The agreement will involve British personnel taking part in beach patrols in France for the first time, and the UK will pay France £63m – increased from £55m – to cover more patrols.

45,756 people [came to UK in small boats](#) in 2022. Nine in ten of these are asylum seekers and more than half of the claims processed so far have been granted, with Afghans, Iranians, Syrians, and Iraqis among the most common nationalities. Of all applications for asylum, 41 per cent come from people who have arrived in small boats. But only 17 per cent of small boat migrants arriving since 2018 have had their asylum claims decided, *The Independent* [reports](#).

The Care4Calais charity accused the government of having “blood on their hands” over the “wholly unnecessary and preventable deaths” in the latest tragedy and the disaster that saw more than 30 migrants drown just over a year ago.

*Free Movement* has a [chart](#) summarising asylum and refugee arrivals. It shows that “irregular” migrants (such as those travelling in small boats) are far outnumbered by those coming with visas from Ukraine and Hong Kong. It also shows how few are coming through the “resettlement” routes supposedly available as an alternative.

Arrival Method	Percentage
Irregular arrivals	26%
Hong Kong scheme	26%
Resettlement	0.6%
Ukraine scheme	48%

Absolute numbers:

- Hong Kong scheme: 75,764
- Ukraine scheme: 138,400
- Resettlement: 1,822
- Irregular arrivals: 75,181

Source: Home Office, immigration statistics year ending June 2022 for Hong Kong, Resettlement and Irregular. To 17 October for Ukraine. Includes dependents.

*Free Movement* adds: “Let’s stop pretending we’re too full up or we can’t cope. We take far fewer applications than comparable countries. If we can set up schemes for Hong Kongers and Ukrainians that actually welcome far more people than arrive from the rest of the world combined, why can’t we extend those schemes to others and offer proper safe and legal routes of entry?”

## Centre for Policy Studies calls for asylum system to be dismantled

Suella Braverman, the home secretary, welcomed a new report which calls for a raft of tough policies. [Stopping the Crossings](#) is published by the “pre-eminent right-wing think tank,” the Centre for Policy Studies. Its key recommendations are:

- Indefinite detention and “rapid offshoring to Rwanda” of all asylum seekers who enter the country “illegally,” with other countries to be added to the Rwanda deal.
- New laws making it impossible to claim asylum in the UK after travelling from a safe country, and barring migrants who enter the country illegally from “ever” settling in Britain.
- Changes to human rights laws to allow detention and offshoring.
- A reformed Modern Slavery Act, tightening criteria and evidential thresholds, limiting appeals, and allowing exclusions for whole nationalities where there is widespread abuse.
- The creation of an identity database and system of mandatory identity cards.
- All future grants of asylum to be made through resettlement routes, which would be capped at 20,000 per year.

*The Times* [headlined the plan](#) “Panicking Tories plan tough new laws on asylum.” Saying that the measures are “at the robust end of the spectrum,” it quotes a government source as saying: “Things are moving quite quickly to people being detained as soon as they get here and then presented with the choice of going back to their own country or going to Rwanda.”

However, a blanket ban on claiming asylum in the UK for small boat arrivals “would breach the Refugee Convention,” [said Vicky Tenant](#), of the UN refugee agency. “UNHCR shares the UK’s concerns regarding the rising numbers of asylum seekers undertaking dangerous journeys across the Channel. But access to asylum should never be contingent on mode of arrival or nationality. The only way to establish whether people are refugees is through a fair and efficient determination of their claims.”

The *New Statesman* has [a long article](#) on Suella Braverman’s background and the challenges she faces as home secretary. It concludes: “Braverman’s career is likely to depend on whether she can halt the cross-Channel ‘invasion’ (her word) of asylum seekers that so preoccupies Tory voters...”

It will require graft, perseverance, imagination, and close collaboration with France.”

## Government doubles down on Rwanda deportations

In a move that some found surprising, on December 19 the government plan to deport migrants to Rwanda was found to be lawful by the High Court. The court ruled that the scheme did not breach the UN’s Refugee Convention or human rights laws, but the cases of eight asylum seekers had not been “properly considered” and would need to be reviewed, judges added.

The prime minister [told the BBC](#): “We’ve always maintained that our Rwanda policy is lawful, and I’m pleased that was confirmed today.” Katy Balls [commented in The Spectator](#) that “The prime minister believes the small boat crossings pose an existential threat to his government. Today’s ruling is viewed as an important step in gripping the situation.”

Suella Braverman has claimed that being forcibly deported to Rwanda is “not a punishment” for crossing the English Channel, as asylum seekers [told The Independent](#) they would “prefer to die” than undergo removal. Braverman said the policy would “deter more people” despite small boat arrivals rocketing to new records since it was announced in April. But Ms Braverman refused to give a start date for flights to Kigali after the High Court ruled that the policy was lawful, suggesting potential appeals would have to finish first.

The case against the government was brought by Asylum Aid and is one of several that have challenged the legality of the policy. In a September hearing in [another case](#) brought by aid groups, individuals and a union representing Border Force officers, the High Court heard evidence that the government’s own advisers had warned against introducing the plan over fears it was most likely in contravention of international law.

“For somebody to arrive in the U.K. and then be threatened with being sent to Rwanda without any kind of proper follow-up or support just feels really inhumane.”  
Emma Stevenson

Emma Stevenson, the deputy chief executive officer of Choose Love, a charity that aids refugees, [told the New York Times](#) that the organization had helped fund the Asylum Aid case because it saw the government policy as affecting human rights. She said that the messaging coming from the British government had been particularly dangerous, and that she feared it was worsening a climate of intolerance.

[Care4Calais](#), another group involved in the action, said: “We are disappointed that the High Court has not ruled in favour of our legal challenge and have

judged that the Rwanda policy is lawful. We are however relieved, and indeed proud, to have supported the eight individual claimants with their cases which have been set aside by the judges. The decisions in the individual cases show there are many potential issues with sending refugees to Rwanda and it is open for individuals to challenge any notices they are given.”

An appeal is very likely, so this judgment is not the last word. In the meantime, removals to Rwanda cannot begin because of the interim measure issued by the European Court of Human Rights, which states that removal cannot take place “until three weeks after delivery of the final domestic decision in ongoing judicial review proceedings.”

Meanwhile, the home secretary announced that she is also investigating the possibility of housing asylum seekers [in disused cruise ships that are waiting to be scrapped](#).

In alarming news after the court decision, charity [Streets Kitchen](#) reported that most of the asylum seeker residents of the National Hotel in Muswell Hill received removal letters to Napier Barracks and removal was thought to be imminent. They consider this to be extremely concerning, particularly in the context of the High Court decision. All those targeted are single men, the group most likely to be deported.

Haringey Council leader Peray Ahmet and other senior councillors wrote [an urgent letter](#) to the Home Office expressing extreme concern that, in the week before Christmas, they would be removed to the Napier Barracks, with no notice and no choice, and be denied the community support they are currently receiving.



Photo by [Kevin Bückert](#) on [Unsplash](#)

But will the Rwanda policy make a difference?

Colin Yeo, writing immediately after the court judgment, offers a detailed analysis of the case. In conclusion, he says it is “unlikely that more than a relatively small number would ever be removed”:

“Firstly, Rwanda has indicated so far that it will accept a few hundred per year. That figure could rise or further deals might be reached but there is no sign of either eventuality at present. Secondly, the Home Office is pretty terrible at removing anyone anywhere at the moment. On past form, the idea that the Home Office can remove sufficient number of people to Rwanda to act as a deterrent to others seems implausible, although not perhaps completely impossible.

“A lot of time, energy and money has been put into this Rwanda plan. It has acted as a distraction from the asylum backlog and other issues. Yet it seems to have escaped everyone’s notice that removals of actual failed asylum seekers to their own countries have reached an historic low. A total of 113 failed asylum seekers were removed in the whole of 2021. The numbers have risen slightly since then, but not a lot. Why put all this effort into removing a small number of genuine refugees to Rwanda rather than actual failed asylum seekers back to their own countries?”

Brexit leads to record migration, not less

Migration figures published in November by the Office for National Statistics for the year ended June 2022 showed a remarkable increase. About 504,000 more people are estimated to have moved to the UK than left in the year to June 2022, up sharply from 173,000 in the year before and nearly double the previous record. The total is significantly higher than the 224,000 the ONS projects for 2023.

However, Madeleine Sumption of the Migration Observatory said, “we cannot assume” that today’s record number represents a “new normal”. A total of 1.1 million people are likely to have migrated to the UK in the year to June, the majority – 704,000 – from outside the EU. By contrast, 560,000 people are estimated to have left the UK in the

same period, almost half of them – 275,000 – going back to the EU.

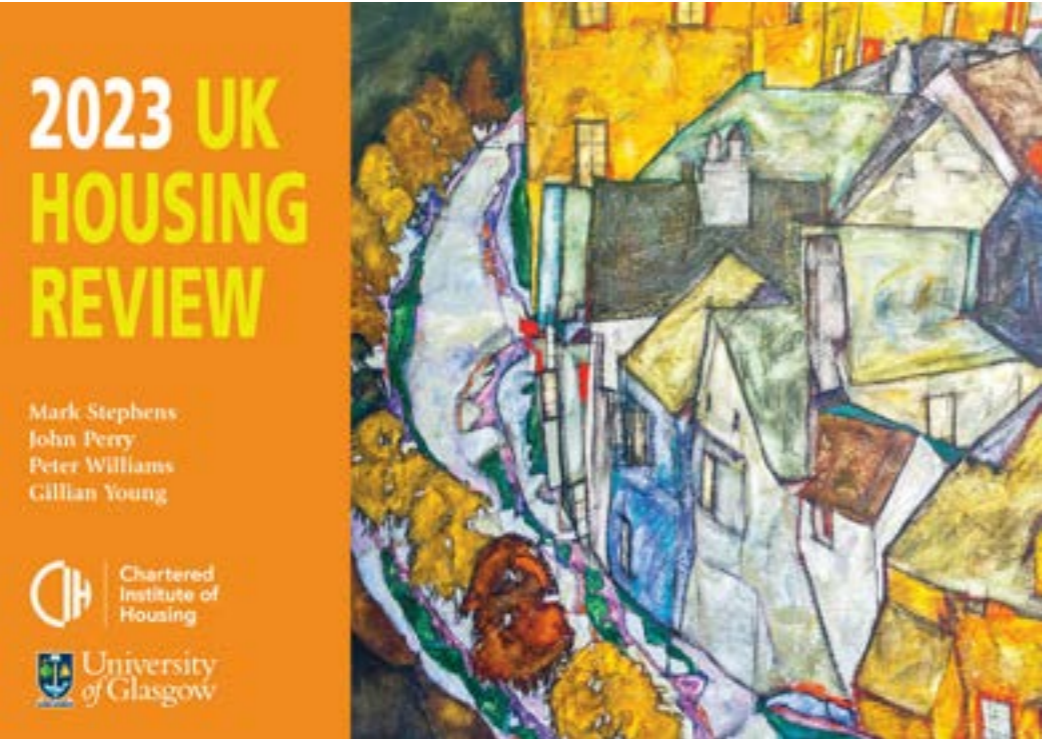
The ONS said the UK was living through a “unique” period when travel was recovering after COVID 19. The statistics also show that the number of people applying for asylum was the highest for nearly 20 years, at 72,027. Figures also show the proportion of asylum applications granted is the highest for 32 years, at 77 per cent.

Jay Lindop from the ONS said: “A series of world events have impacted international migration patterns in the 12 months to June 2022. Taken together, these were unprecedented. These include the end of lockdown restrictions in the UK, the first full period following transition from the EU, the war in Ukraine, the resettlement

of Afghans and the new visa route for Hong Kong British nationals, which have all contributed to the record levels of long-term immigration we have seen.”

According to the right-wing Social Market Foundation, these explanations were unconvincing. It suggested that “Immigration at one million a year could become normal for UK.”

Read about more on migration and how it is changing the UK population in the UK Housing Review 2023, due out in March and available from the CIH bookshop.



Economic benefits of migration

Writing in *The Independent*, Jonathan Portes argues that there are still labour shortages in some sectors that were dependent on EU workers, especially accommodation and hospitality. But work-related migration flows overall have not declined: for example, there has been a sharp increase in those coming to work under the new health and care visa, more than offsetting falls in EU migration.

“This readjustment, from EU to non-EU migrants is broadly what the new system was designed to achieve... immigration is about the only area where policy is contributing to higher economic growth.”

Portes concludes that: “...amid the general doom and gloom over the UK economy, the figures are good news. The end of free movement doesn’t mean the UK is closed to migrants; it’s just open in a different way. The long-term effects will be profound.”

Writing in *UnHerd*, David Goodhart also argues that

the latest figures show a healthy trend. Unlike in the era of EU free movement, he points out that almost all the total is covered by student, work, or refugee visas. And apart from the probable one-off spike in the controlled refugee inflow (unlike Channel boats) from Ukraine, Hong Kong, and Afghanistan, most of the migration will be temporary.

Meanwhile, the Confederation of British Industry (CBI) is calling for a relaxation of immigration rules to help address labour shortages and bolster growth. In his address to the CBI’s annual conference, the organisation’s director general Tony Danker said the country needed ‘economic migration’ and should introduce fixed-term visas as one means of filling the high number of current vacancies.

Need to know more about the economic effects of migration? Take a look at a new report for the Institute of Fiscal Studies, on inequality and immigration, which shows that it has very limited impact on earnings.

Changing the argument on migrants and refugees

The main sponsor of the Housing Rights website is Metropolitan Thames Valley Housing (MTVH). Georgie Manuel, MTVH’s public affairs executive, explains that this is only one aspect of their work to assist migrants:



MTVH was established in the 1950s to provide affordable homes to members of the Windrush generation. Through our long history of supporting migrants and refugees, we’ve supported many people to find a home and build their lives here. It remains an integral part of our purpose.

Both the Afghan and Ukrainian refugee crises – along with a hostile policy environment and the challenges facing the asylum application process – mean that services and support for refugees have never been more crucial. As organisations with social purpose at their core, beyond our fundamental focus on providing decent homes, housing associations are uniquely placed to provide wrap-around support that enables refugees and migrants to achieve what all those MTVH works with aspire to be – becoming valued, contributing members of their communities.

Here are just some of the ways MTVH has been contributing to this important work, and how others in the sector can do more.

MTVH was one of the first housing associations in the UK to commit to providing homes for Afghan refugees. Crucially, these families, and others fleeing to the UK, were given access to the wide range of support services we provide, helping people to access health services, benefits, legal advice, and employment opportunities.

Critical to our approach to supporting refugees, is going far beyond providing just a roof over someone’s head. As part of its community investment work, our Empowering Futures team works with refugees, like ML (name withheld for anonymity), to ensure they receive the support necessary to integrate effectively into their communities.

ML, who fled persecution in Iraq, had been living in temporary accommodation for five years before he secured a lifetime tenancy with MTVH. ML was referred to our Empowering Futures team who supported him to settle into his new home and local community through regular visits and a robust action plan.

The team supported ML to apply for the social security he was entitled to, set up his household direct debits, and apply for household support fund vouchers. They also helped ML to secure furniture and white goods for his new home.

Continued...

Our partnership approach with other great third sector organisations working to support people allowed us to refer ML to a refugee forum, so that he could receive ongoing support and make lasting community connections.

Along with helping individual residents and their families, MTVH has a dedicated Migration Foundation, the only fund devoted to tackling migrant destitution in the UK. For more than a decade, the Migration Foundation has worked to improve housing opportunities and access to justice for migrants, refugees, and asylum seekers, providing a vital gateway towards participation in society.

The foundation provides grant funding to a number of organisations dedicated to supporting refugees. Last year, over £500,000 was granted. This included £57,000 to Micro Rainbow, an organisation that supports LGBT+ refugees through secure housing, employment training and social inclusion activities. Partnering with organisations is an effective way for housing associations to support refugees, especially if they are unable to establish their own services directly.

MTVH also provides safe routes out of homelessness for migrants with no recourse to public funds. Re-Start Point is a first of its kind service for destitute migrants that provides safe, rent-free accommodation and other support services in Derby. In 2021, the



service helped 15 people move on to longer-term accommodation – including six who moved into MTVH properties in Derby.

Central to the services provided at Re-Start Point is a focus on the wellbeing of residents. This means people are encouraged to volunteer at local organisations, to socialise, and build peer support networks. Recognising that claiming asylum can be an exhausting process, colleagues like Akbar Babukarkhail, service manager at Re-Start Point, who has experience of seeking asylum in the UK himself, are on hand to provide emotional support.

Along with providing practical support and funding, MTVH has also been vocal in calling for a more humane approach to asylum seekers from

government. From encouraging the Home Office to reconsider its controversial policy to process asylum applications in Rwanda, to joining the Together with Refugees coalition that advocates for a more compassionate approach to refugees. Using our collective values-driven voices is another effective way the sector can provide support, and one we must not shy away from.

While not every social housing provider will have the resources to establish a facility like Re-Start Point, there are many ways that organisations can support asylum seekers. Whether it is through partner organisations, making existing services more accessible, or campaigning.

We are here to share our almost 70 years of

experience in supporting migrants and refugees with others who are looking to offer more in this much needed space. As, collectively, we can make a real difference.

*Like MTVH, CIH is also a member of Together With Refugees. Sabir Zazai, chair of Together With Refugees and chief executive of the Scottish Refugee Council has written about the highlights of the campaign's year in 2022 and what was achieved [here](#).*

## Help for Ukrainian refugees - a crisis avoided?

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



Families from Ukraine seek safety in Hungary (photo: UNHCR)

## Government announces extension to Homes for Ukraine scheme

In December, the government [announced](#) a £650 million support package for Ukrainians, including increased “thank you” payments for longer-term hosts. From the beginning of 2023, sponsors will receive an increased thank you payment of £500 a month for guests who have been in the country for over a year. Thank you payments will also be extended from 12 months to two years, so that guests not yet ready to move can stay in sponsorship for longer

if sponsors are willing to extend arrangements.

A per-person tariff of £10,500 is currently paid to support local authorities running the scheme. However, for Ukrainian arrivals after 1 January 2023, the council tariff will fall to £5,900 per person. Councils will continue to receive the previous amount for any Ukrainian already in the UK.

MPs had already warned that the temporary aid measures would need to be extended beyond the initial six-month period set by the government. The *Local Government Chronicle* identified six councils offering additional incentive payments of between £100 and £250 per month before the government announcement. For

example, Oxfordshire local authorities had already agreed to help hosts with increased household bills. *Public Finance* [reported](#) that their monthly support payments were raised from £350 to £550 from 1 December 2022.

Councils also hope to encourage more people to join the scheme. Oxfordshire council leaders said: “We’ve been asking guests and hosts who are coming up to this six-month point about their plans. We know and understand that personal circumstances have changed for some, but it is also the case that social and private housing supply in Oxfordshire remains very limited and expensive. That is why we want to support existing arrangements wherever possible – they give guests

the stability and security they need as they plan their next steps.”

*The Independent* [reports](#) that [Ukrainian Sponsorship Pathway \(USPUK\)](#), a charity set up to help support the scheme, is on a drive to find new hosts: “We are currently in touch with 4,000 Ukrainians [who are looking for sponsors in the UK] and expect this number to rise over the winter months,” trustee Heather Savory said.

In cases where sponsorships can no longer continue, councils in all parts of the UK will now receive help to house Ukrainians through a one-off pot of government funding worth £150 million, as well as a new £500 million local authority housing fund in England.

## For Ukrainians, risks of homelessness are on the increase

Reported homelessness among Ukrainians in England has reached almost 3,000 households, although there are fears that the real figure may be higher. Data on homelessness among Ukrainians housed under the Homes for Ukraine (HFU) or family schemes are provided [here](#). As of November 18, 2,985 households had been dealt with as homeless, more than half of them (1,720) under the HFU, mainly because hosting arrangements broke down.

An example of difficulties facing those who become homeless is that of a Ukrainian mum with a three-year-old child who came to London under the Family Scheme. Later, her relatives asked her to move out. Unfortunately, she had no money to rent by herself. Advisers helped her fill out a homeless application and she was offered two housing options that were three hours away from London. Her child goes to school in London, her family and friends are in London, but the council said she has no reason to stay in that area, so if there is no local accommodation, they can offer a place elsewhere. Also, the council said that if the client refused their offer, they would close her case.

Advisers report that the client is under stress all the time. She cannot move so far away from London alone with a three-year-old child. The child would have to change schools, and she will lose the opportunity to find a job since there will be no relatives or friends who will be willing to care for the child while she is at work.

Clive Betts MP, Chair of the Levelling Up, Housing and Communities Committee has [written to Levelling-Up Ministers](#) about concerns that a rising number of Ukrainian families may find themselves homeless as many sponsorships reach the six-month mark. Clive Betts said: "The government recently announced longer-term moves to prevent Ukrainians from becoming homeless, including increasing 'thank you' payments for long-term hosts, are a step in the right direction. However, we are concerned that here-and-now challenges mean significant numbers of Ukrainian households could find themselves homeless this Christmas."

Clive Betts raised these issues with the prime minister on December 20, you can see the discussion [here](#).

## Ukrainians struggle to rent privately in UK

A [survey of Ukrainians](#) by the ONS reveals the problems they are facing in trying to find private rented accommodation. Over 3,000 took part in the survey, and nearly half (45 per cent) experienced barriers to accessing the PRS; the most common barrier was not having a guarantor or references (59 per cent).

Most adults (56 per cent) reported working in the UK, which is a significant increase from 19 per cent in the last survey in June. Half of respondents experienced difficulties taking up work in the UK; the main difficulties were English language skills not meeting job requirements (56 per cent) and qualifications not being recognised or valid in the UK (33 per cent).

One in four respondents have changed address since June. Most respondents said that they could now afford to live without being hosted (34 per cent), while around one in six (16 per cent) said they had relationship difficulties with their sponsor.

Half of respondents said they thought that they would stay in the UK for another three years or more. In June 2022, this was reported by 38 per cent of respondents. Most respondents still live with a sponsor (59 per cent), compared with 17 per cent renting from a private landlord.

LGA chairman councillor James Jamieson [warned Public Finance](#) that people are going to need long-term support: "Councils will continue to do all they can to help those who are owed homelessness duties but need urgent solutions to pressing housing needs in the short and the long term across all the schemes that welcome new arrivals to the UK."

A British-Ukrainian couple who fled the war have decided to move back to Ukraine due to costs and conditions in the UK's housing market, [according to the BBC](#). Joe Place, a British 29-year-old PhD student and his wife Irina, a 34-year-old Ukrainian, left their home in Kyiv in February. Mrs Place had received a Ukraine Family Scheme visa and because the couple had this and employment in the UK, they could not then apply for the Homes for Ukraine scheme. Initially house-hopping between family and friends after arriving in the UK, Mr Place said they looked for a long-term place to live in Sheffield or Nottingham but were met with "terrible" housing conditions, high costs and rental requirements they could not meet. After struggling for seven months, the couple returned to Ukraine in September.

## Ukrainian refugees and access to social housing

CIH was asked if it is right that Ukrainian refugees can in theory access social housing in UK, but then find they do not qualify for a waiting list in a specific local authority due to it having a local connection requirement. In the example cited, an area has a hotel "full" of Ukrainian refugees who will only qualify for housing in a place which is "one of the most difficult local authority areas to get housed in," due to very limited supply. No neighbouring areas will accept them onto their waiting list until they already live there for

a period.

Sue Lukes, who contributes to the [CIH Housing Rights website](#), points out that there has been a successful case on this issue involving a refugee (Mr Gullu) and an Irish Traveller (Mr Ward), who applied to the London Borough of Hillingdon and were not allowed to register on the waiting list. It was found by the court of appeal that Hillingdon's ten-year residence requirement discriminated against Irish Travellers and refugees. The initial Gullu high court case is [here](#) and a fairly

comprehensive judgment on refugees and Irish Travellers was made when it went to the [court of appeal](#).

The court held that Hillingdon's policy unlawfully indirectly discriminated against both Irish Travellers and refugees. Hillingdon had failed to justify the policy and had given no consideration of the groups' circumstances. The Court held that the provision did disadvantage non-UK residents more than UK nationals and was indirectly discriminatory.

The discrimination is race discrimination because Ukrainians as a national group are much more likely to have arrived recently, and Irish Travellers as an ethnic group are obviously less likely to have been in one placed for the required time.

The decision reinforced the importance for housing providers to assess their policies against the impact that they may have upon different members of society. Ukrainian refugees are likely to be protected by the Gullu judgment.



Ukrainian refugees in Bulgaria (photo: UNHCR)

## We need to work together to end the exploitation of Ukraine refugees

By Harry Williams, policy and communications manager at Commonweal Housing



From Kharkiv to Kyiv, the exodus of Ukrainians has been a near daily and devastating feature of the war in Ukraine. The response of the world was immediate. Sheltering those fleeing Ukraine became the concern of European neighbours, and schemes to house refugees emerged fast. But in the tumult of this urgency, the reality on the ground can get lost, and the swiftness to act can sometimes leave dire, unintended, and exploitable consequences: human trafficking.

As a charity, we are committed to working with front-line experts to better understand social injustices, particularly where housing may play a role in the solution. Following the Russian invasion of Ukraine, we believed there was a need to understand this story; to help shine a light on the paths refugees

were taking, and the patterns of exploitation that might follow them. Commonweal funded research by [Stop The Traffik](#), a leading NGO combatting modern slavery, to help reveal the evolving migration and trafficking patterns emerging from Ukraine.

Stop The Traffik found there was potential for exploitation at every corner. Forced labour, domestic servitude, and sexual exploitation were some of the significant threats facing displaced people fleeing Ukraine.

What's more, the exploitation that this research and other reports helped to unearth showed the risks transcended borders, with social media now a major tool for traffickers to target vulnerable people, leading to [charities calling the Homes for Ukraine scheme 'Tinder for traffickers'](#).

Online platforms like Facebook, TikTok and Viber were being hijacked by traffickers targeting those searching for housing, safety, and solace.

Alongside this, domestic servitude - accommodation tied to performing a job for the hosts like cooking and cleaning - was apparent among displaced families, particularly among vulnerable and dependent elderly people.

The research further demonstrated a shift in trafficking trends: from labour to sex trafficking. However, labour trafficking remained high, with female-dominated sectors like cleaning and care at increased risk of exploitation, as well as agriculture, construction, and the service industry.

Many of those fleeing Ukraine may lack awareness on the issue of human trafficking and modern slavery. Alarming, the research found women are often unaware they were victims of such crimes.

To counter some of the trends emerging from the war in Ukraine, Stop The Traffik, with the help of Commonweal, promoted key recommendations to businesses, NGOs and policy-makers to help tackle exploitation and trafficking. We reached out to businesses to urge them to implement robust risk assessments, safeguarding and anti-slavery measures to help mitigate exploitation across the supply chain.

With traffickers exploiting refugees both online and offline, educating those fleeing the war on how to spot different types of trafficking was and still is a crucial measure that governments and NGOs alike must prioritise.

Meanwhile Stop The Traffik called on NGOs and local government to alert refugees to the exploitation on social media and the risks attached to finding accommodation or jobs through these channels. This is a [Europe-wide](#)

issue, but there is a renewed concern in the UK with the uncertainty about how long host families will support the Homes for Ukraine scheme, despite the announcement that "thank you" payments are to be increased. More than 100,000 Ukrainians arrived in the UK via Homes for Ukraine, but many hosts have indicated they cannot continue to house refugees indefinitely.

With the constraints of an unaffordable and oversubscribed private rented sector, as well as logistical issues such as not having a guarantor or references, Ukraine refugees face huge uncertainty over the coming months. This uncertainty may well again prove to be a breeding ground for trafficking and exploitation.

This is an issue that Commonweal is taking an expanding interest in. Whether it is research into human trafficking, campaigning for policy change, or bricks and mortar solutions to destitute migrants, we want to be willing partners. We encourage frontline organisations keen to tackle injustices emerging in this field to get in touch: [info@commonweal.org.uk](mailto:info@commonweal.org.uk).

To find out more about STOP THE TRAFFIK's research, [click here for the summary of findings for Businesses](#) and [click here for the summary of findings for NGOs](#).

## Lancashire Refugee Integration Team has a new Ukrainian worker

Rebecca Joy Novell explained on [LinkedIn](#) how her integration team has benefitted from recruiting a Ukrainian refugee.

In April, we interviewed Viktoriia, a woman fleeing Ukraine, for a position within our resettlement team, as she sat in a hostel somewhere between Poland and England. She was due to arrive in Lancashire through the Homes for Ukraine scheme within two weeks.

Employing people with lived experience is an essential element of what makes our team flourish, but the interview panel had to ask ourselves many questions about employing someone so fresh into the journey of forced migration. Could we support her welfare and wellbeing needs? Was it fair to expect her to integrate into a new country and a new job at the same time? We knew she had a good knowledge of UK law, but would she understand the intricacies of UK systems?

Fortunately, Viktoriia's immense passion, empathy and intelligence shone through so strongly in the interview that we offered her the post. And from day one she has elevated the work of our Ukraine team, bringing such an informed and considered perspective.

We saw the culmination of several weeks of her work in the "From Ukraine to UK" concert that she organized and held in Preston. This musical celebration was a chance for Ukrainian guests to share a part of their culture with their sponsors. It was entertaining, professional, and incredibly moving.

To arrive in a new country and be able to organize an event from top to bottom, following new finance, invoicing, booking and health and safety processes is phenomenal. From the beginning, our job as a team has only ever been to prioritize Viktoriia's wellbeing - then the high-performing, important work she does comes naturally to her.



Playing at the "From Ukraine to UK" concert.

## We should be proud of how Scotland has welcomed Ukrainian refugees - but challenges remain

Steven Lynch and Maisie Wilson told [The Scotsman](#) about their experiences with the Ukraine Advice Scotland (UAS) project set up by JustRight Scotland. UAS provides free advice on legal routes to Scotland for people displaced by the Russian invasion.

They say that the most pressing challenge faced by those applying to come to Scotland is the difficulty in getting information from the Home Office about key documents such as visas and Biometric Residency Permits. This leaves families in limbo as they are unable to find out when the final member of their family will receive their visa.

There has also been a distinct lack of support reported by hosts. They have received many messages from people willing and ready to host who have waited prolonged periods without being matched with Ukrainians.

The issue of suitable housing is likely to be the greatest future challenge. Commitments have been made to house refugees but there is already a lack of temporary accommodation as evidenced by local authorities in Glasgow and Edinburgh resorting to using cruise ships.

## Ukraine - will the crisis get worse before it gets better?

Writing in *Counterpunch*, Patrick Cockburn argues that the Ukraine crisis may become another ceaseless war like Syria or, more recently, Somalia and Yemen. If the war continues "we can expect another great exodus of refugees from Ukraine into the rest of Europe with no reason for them to return," he says. "Some 4.4 million Ukrainians applied for temporary protection in the EU in the first nine months of the year. Poland alone received 1.3 million. Migration fatigue is visible and is likely to grow. Resentment at the influx will benefit right-wing groups as did the Syrian influx in 2015-16."

"Modern day wars seldom terminate and consequently people in these war-ravaged countries, who see no end to the conflict, choose to leave the country and become refugees, most of them heading for central and western Europe."

"Refugees who are at first warmly accepted as victims of tyranny may outstay their welcome and become resented and even hated. This is what happened to the five million Syrians who fled to Turkey and one million to Lebanon after 2011."

## Contrasts between help for Ukrainians and help for other refugees

### What lessons do we learn from assisting Ukrainian refugees?

The *Financial Times* [argues that](#), in showing a warm welcome to Ukrainians while repelling migrants from further afield, the UK and other European countries have shown double standards. The FT points out that the UK has protected more people under its two Ukraine schemes in six months than it did under asylum and refugee resettlement routes between 2016 and 2021.

Ukrainians fleeing the war are not defined as refugees. Unlike asylum-seekers, they are not eligible for permanent residency, and it may be that few want it: 81 per cent of this year's arrivals are women, many with men back home they are desperate to return to.

What might be learnt from Homes for Ukraine? The FT argues that, despite its teething troubles, it feels like an innovative policy that has forged new links between two countries and eased the burden on the state – not least by letting Ukrainians seek work from the minute they arrive. “For once we took a pragmatic rather

than perfect attitude,” says Councillor Jamieson of the LGA. “This should be a blueprint for the future,” he thinks, not least because it overcame departmental silos in Whitehall. On refugee policy, Jamieson says, “different departments are all trying to do the right thing, but not necessarily the same thing”.

Accommodation is a central challenge. Where should we house refugees, and for how long? The more Ukrainians who find private rental accommodation, the more hosts can get back to their normal lives – or help others. Yet Iryna Marciuk, a lawyer who recently

hosted a young couple under Homes for Ukraine, says that they were only able to move out because she became the guarantor for their rental flat.

“Here in London, we see how difficult it is to find rental accommodation. If the government stepped in and acted as guarantor, I’m sure that would take a huge burden off everyone, including landlords who want to help,” added Marciuk. “Isn’t that a risk for the taxpayer?” the FT asks. “Yes, but government can calculate the risk,” she says briskly. “What do you do if they all end up on the street?”

## Can the housing and migration sectors work together to build on the success of Homes for Ukraine?

[Reset](#) is a charity formed in 2018 to grow the [community sponsorship](#) movement in the UK. So far, they have supported more than 300 community groups to welcome over 800 refugees. They want to build on what they have learned about community-led welcome and what that means for the future of refugee sponsorship in the UK. The thousands of people across the country who have opened their homes to Ukrainians could potentially be the starting point for a wider initiative to host refugees and asylum seekers. As part of a future sponsorship scheme, a permanent hosting element could

enable refugees to be welcomed in a planned and structured way.

The Homes for Ukraine and the Hong Kong British Nationals (Overseas) Welcome Programme have demonstrated that well-planned and effectively resourced schemes are embraced by the UK public. Meanwhile, the only safe route some refugees can access is the Global Resettlement Programme, and the partner programme Community Sponsorship, which, while successful, has limited placements.

Reset wants to encourage the government to learn from all these

programmes and create a single sponsorship scheme which enables refugees to come safely to the UK. They have produced a [discussion paper](#) (pdf) to find out from others what needs to be done to increase community led welcome.

In December, they hosted a roundtable discussion on housing options in a future sponsorship scheme, and a [summary](#) covers issues such as how long a refugee might expect to be ‘hosted’, how payments should be made, what move-on support would be required, and other details of a potential scheme.

Reset wants to understand how community-led welcome works best and how it can grow. They carry out advocacy to increase support for community-led welcome and to influence policies that can make the UK more welcoming to refugees.

Reset is partially funded by the UK Home Office and DLUHC, as well as other organisations. CIH is engaging with them to discuss how best to build on the experience of Homes for Ukraine to produce a wider UK hosting scheme.

### Afghan resettlement moves at snail’s pace

Just four Afghan refugees have been resettled in UK since the fall of Kabul under the second of two official routes, the Afghan citizens’ resettlement scheme (ACRS). It aimed to resettle 5,000 Afghans in the first year, and up to 20,000 over five years. *The Independent* [says](#) that while 6,314 refugees who are already in the UK have been granted indefinite leave to remain, only four people who fled Afghanistan after the Taliban takeover have been resettled. A [report](#) in *The Guardian* confirms that only five to eight staff are working on the ACRS, compared to 540 on the Ukraine scheme.

Charities have condemned ministers for “abandoning the Afghan people” and effectively closing any safe routes to the UK for those at risk abroad. Afghans who are at risk in Afghanistan, or in a third country, effectively have no safe route to the UK.

Mary Atkinson, campaigns officer at the Joint Council for the Welfare of Immigrants (JCWI), said the figures were “disgraceful” adding that “this failure is pushing many at-risk Afghans – not least those with links to the UK – into perilous journeys here”.

*The Guardian* [investigated](#) the plight of Afghan nationals who were promised resettlement to the UK nearly a year ago and are facing torture and death while they wait for a response.

### ‘Here to stay’: Colchester’s Hongkongers on making new lives in the UK

*The Guardian* [reports](#) from Colchester on Hongkongers who fled to the UK and are creating a new community in the Essex town. In a bustling cafe a group of women are busy serving up Hong Kong delicacies – milk tea, pineapple buns, noodles – to a steady stream of local customers. They’re not paid staff, but volunteers, honing their English skills and clocking up experience for their CVs – and they are here in this quiet Essex town, because each of them has made the drastic decision to quit their homeland of Hong Kong, and start a new life in the UK.

More than 130,000 Hongkongers made that leap in the first 18 months after the government opened a special visa scheme last January. The café project is run by Kitty Ng, who is also involved in other activities to help Hongkongers integrate in the local community, with the help of £30,000 of government funding. Language classes and cultural events are offered through an online Hong Kong Welcome Hub for Essex, which also includes jobs and volunteering opportunities.

“It’s very difficult for Hong Kong people to find jobs

here,” Ng says, citing her own experience. “I worked in a university for 15 years, I also studied in the UK: but when I came here, many people asked me, what’s your experience in the UK?”

*People from Hong Kong are able to get visas but there are no resettlement schemes as there are for Afghans and Ukrainians. The Housing Rights [What’s New page](#) has more information.*



Asylum - the continuing controversy of the use of hotels

More councils pursue injunctions against asylum hotels

The *Local Government Lawyer* reports on local authorities pursuing injunctions to prevent hotels in their area being used to house asylum seekers, blocking the government's efforts to find accommodation amid reports that its Manston processing centre is overcrowded.

East Riding of Yorkshire Council, Ipswich Council, and Stoke-on-Trent City Council all obtained temporary injunctions in October, following on from Great Yarmouth Borough Council, which secured an injunction a month earlier. Commenting on the situation in East Riding, local MP David Davis said the council is "doing exactly the right thing" by launching legal action. Davis said the hotel is in "entirely the



wrong location" and lacks appropriate amenities to support migrants. East Riding Councillor Margaret Corless said a policy that allows the Home Office to create a contract with a hotel without any official notification or consultation with local residents "is thoroughly unacceptable".

Ipswich Council initially had an injunction preventing the use of all hotels within the borough as a "hostel by accommodating asylum seekers." Stoke On Trent secured an injunction in October, the *BBC* reported, although the decision was overturned in November. Later in the same month, Ipswich BC and East Riding of Yorkshire Council also lost appeals to uphold their injunctions.

But in December a High Court judge blocked seafront hotels in Great Yarmouth from being used by contractor Serco as accommodation for asylum seekers - after the council had obtained a temporary injunction in November. The authority argued that seafront hotels were covered by a specific council policy and should not be used, as that constituted a change of use.

Speaking at the County Councils Network annual conference in November, chair of the LGA James Jamieson criticised the Home Office for failing to communicate with local leaders. "We can't

just have coach loads of asylum seekers turning up," he said. "It just doesn't work - we need a better system."

The *Independent* spoke to Abu, who had been housed in a hotel in Yorkshire for nearly a year, and said he was "living in a hell" waiting for news on his asylum application. Abu, who fled Sudan after the 2021 coup, said he felt depressed and angry. "You feel like you are useless. I started even questioning if I am a useful person? If I get refugee status, will they accept us, or will it continue like this?"

Cornerstone Barristers have a short guide to the problems in the use of hotels, and summarises these as the main issues:

Planning enforcement:

The use of hotels and hostels to accommodate asylum seekers may amount to a material change of use and a breach of planning control, requiring local planning authorities to consider whether enforcement action is required. Several local authorities have already acted by serving temporary stop notices on hotels or by seeking injunctions under section 187B of the Town and Country Planning Act 1990 to prevent certain uses. Mr Justice Holgate's high-profile decision in claims brought by Ipswich Borough Council and East Riding of Yorkshire Council recently considered and refused

applications to continue interim injunctions preventing such use of two hotels (see [2022] EWHC 2868 (KB)).

Housing licensing, management, and regulation:

Local housing authorities tasked with regulating housing standards in their area also face challenges when assessing whether the hotels and hostels used to house asylum seekers are houses in multiple occupation (HMOs), within the meaning of the Housing Act 2004, and if so whether they require a licence under Part 2 or 3 or are subject to other regulatory oversight. The long-term nature of many hotel stays heightens health and safety concerns and underlines the need for effective regulation.

Public law challenges:

Various councils have reportedly considered, or are considering, launching judicial review claims of Home Office decisions to house asylum seekers in particular locations. Similarly, residents have previously brought public law claims against the Secretary of State in relation to the housing of asylum seekers in temporary accommodation at military barracks.

Free Movement has an article looking at the whole issue of injunctions by councils and what it means for the future of the accommodation system for asylum seekers.

Refugee Council expresses alarm over hundreds of children being housed in hotels

An inspection of the use of hotels for housing unaccompanied asylum-seeking children shows that it fails to keep children safe and promote their wellbeing. Nearly 900 unaccompanied children under the age of 16 have been housed in hotels in the past year. Over 2,000 children aged 16 and 17 have also been placed in hotels, with an average stay of 16 days.

The Refugee Council calls for an immediate end to the use of hotels to accommodate children.

"... the government is clearly failing in its duty to safeguard children and it has no proper long-term plan for improving its operations and how it deals with unaccompanied children. We echo the report's recommendation that this practice needs to end. Every effort must be made by government to ensure all children are taken into the care of local authorities as a matter of urgency." Refugee Council

Diana Johnson MP raised the poor treatment of unaccompanied asylum-seeking children accommodated at the Stade Court Hotel in Hythe, and received this reply from the Home Office. The risks to

children at this hotel were raised with ministers by officials more than a year ago, as reported by *The Times*. Officials warned that putting unaccompanied children in the hotel risked exposing them to sex offenders. "Sex offenders could be operating in these hotels - the Home Office has no oversight. We've heard many times before how kids who are placed in inappropriate accommodation are groomed. And this is a seaside town."

Meanwhile a newly elected councillor told the *Brighton and Hove News* that 130 children had gone missing from local hotels. Labour councillor Bella Sankey, making her maiden speech, said it was shameful that "five classrooms of children have disappeared." Brighton and Hove City Council has taken four children into care, another councillor said, after their ages were wrongly assessed by the Home Office and they were placed in a hotel for adults.

The Local Government Association has a four-point action plan to avoid children being placed in hotels. It includes setting up a dedicated foster care scheme and encouraging hosts in the Homes for Ukraine scheme to provide accommodation for older children when their Ukrainian guests move on.

Appalling reality of healthcare inside asylum hotels

GPs and healthcare workers have told *The Independent* about a catalogue of problems asylum seekers face, from lack of maternity care to dentistry. Asylum seekers in hotels are being left without access to adequate healthcare, leaving torture injuries untreated, children suffering weight loss, and pregnant women without maternity services, doctors have warned. These include extreme cases such as children who had

multiple teeth pulled out due to lack of dental care, as well as adults suffering from PTSD and suicidal thoughts.

The Refugee Council branded the cases "appalling" and warned that "prolonged, agonising stays in hotel accommodation is increasingly damaging to people's health", while the British Medical Association warned there is a "growing body of evidence" on the impact of inadequate housing conditions.

More than 37,000 asylum seekers are being housed in hotels, the Home Office says, with 10,276 adults and children waiting more than three years for a decision on their claim.



## Asylum - latest news on detention centres

### The crisis at the Manston detention centre

The immigration and borders inspector, David Neal, [told MPs on October 26](#) that he was left “speechless” after visiting the migrant detention centre in Manston, Kent and seeing the overcrowding and staffing situation. But Suella Braverman [rejected](#) accusations from a senior Tory MP that she had allowed dangerously overcrowding. She also insisted that she “never ignored legal advice” on using hotels to house migrants. Ms Braverman has been accused of failing to sign off measures which could have eased pressure

at Manston, following reports of over 4,000 migrants being housed there, despite it being meant to hold just 1,600 when it was built.

Manston migrant centre is “like a zoo”, an asylum seeker [told the BBC](#). [Photos emerged](#) of migrants sleeping on the floor in a large tent. The *Daily Mirror* said that some had been sleeping in this way for weeks. Conditions at Manston triggered a “rapid reaction” visit from European torture monitors, [reports The Guardian](#). A seven-strong delegation from the Council of Europe’s Prevention of Torture and Inhuman or Degrading Treatment or Punishment Committee visited Manston in late November and later submitted its report to the home secretary.

### Home Office ignored warnings on diphtheria weeks before Manston outbreak

Manston failures led to migrants with suspected diphtheria being moved around Britain, [reported The Times](#). Dozens of migrants with suspected diphtheria were moved from Manston to hotels around the country. There were more than 70 suspected cases of diphtheria among those who have been moved. In 2020, there was just one confirmed diphtheria case in Britain.

[According to The Independent](#), the Home Office failed to act on a warning that asylum seekers in reception centres should be vaccinated against diphtheria, weeks before a man held at Manston died. A risk assessment issued by the European Centre for Disease Prevention and Control on 6 October said the illness was spreading and a “severe outcome” was possible for those in crowded facilities. But the mass use of antibiotics and vaccinations at Manston did not start until November.

### ‘It left a scar on me’: Locked up in the UK’s women-only immigration centre

A year after Derwentside detention centre opened in County Durham, a migrant woman told *Open Democracy* about the impact that being held there had on her. During her first four days at the centre, Jasmine (not her real name) rarely left her room, only occasionally going to the canteen to eat. “I was always crying, I felt trapped. When I opened my door, there were officers staring at me. When I opened the window, it would only open an inch. We were

under lock and key, being controlled.”

Jasmine found this lack of freedom particularly distressing, having previously been a victim of modern slavery – a fact that staff at the detention centre were aware of. When she was taken to Derwentside earlier this year, it was the fourth detention centre Jasmine had been held at in the 13 months she’d been in the UK.

Read the rest of Jasmine’s story [here](#).

### Increased use of immigration detention affects children’s welfare

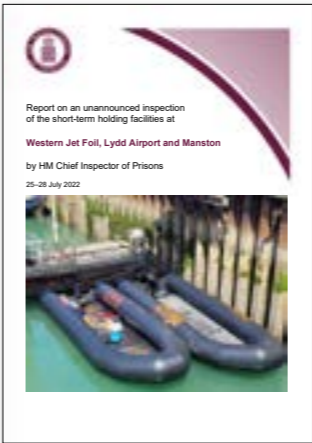
Writing from the London School of Economics, Ilona Pinter explores how children and families are being affected by the growing asylum backlog and the increasing use of immigration detention. She signals the sharp increase in children kept in detention centres (with or without their families), the poor quality of asylum accommodation and the length of time being taken to process claims, as all factors affecting children’s welfare.

*“Analysis shows that children and adult family members make up two-thirds of those receiving asylum support, therefore policy interventions... need to take account of these realities. The increasing reliance on immigration detention as well as unsafe, temporary accommodation, prolonged time spent barred from the labour market and living in deep poverty on asylum support all have negative consequences for children’s welfare.”*

### What are ‘short-term holding facilities’ like the Manston refugee camp?

*Free Movement* [answers some basic questions](#) on these facilities:

- what is a short-term holding facility?
- why are short-term holding facilities being used for asylum claimants?
- what is the law on short-term holding facilities?
- is it lawful to detain thousands of refugees for longer than 24 hours?



The [report on an unannounced inspection of the short-term holding facilities at Western Jet Foil, Lydd Airport and Manston](#) by HM Inspectorate of Prisons, July 2022

## More news and views on asylum issues



### Asylum support funding judged inadequate in court case - and then raised

In a case brought in the [Greater Manchester Law Centre](#), the amount of financial support given to asylum seekers during the cost of living crisis was successfully challenged. The case revealed that officials told ministers the current rate of £40.85 a week was no longer sufficient to meet basic needs. As a result, the judge ruled that “unless or until the secretary of state for the home department increases the rate of support she will be acting unlawfully.”

An estimated 58,148 asylum seekers in self-catering accommodation receive cash support for basic needs such as food and travel, calculated to be the minimum required for day-to-day

survival. Those in hotels receive only about £8 a week because meals are provided. The government is required to review the rate of support, to ensure that it meets subsistence needs. Officials recommended that the rate had to be increased to £45 a week but this advice was not implemented.

As a result of this successful action, the rates were raised just before Christmas. The new rates are:

- an interim main rate of £45 to all supported under sections 4 and 95 of the legislation (e.g. those in self-contained asylum accommodation)

- an interim rate of £9.10 for those in full board accommodation supported under section 95 (e.g. hotels)
- removal of the self-catering £35 rate and replaced by the interim £45 rate.

Payments will be processed and applied from January 2023 but will be backdated to December 21.

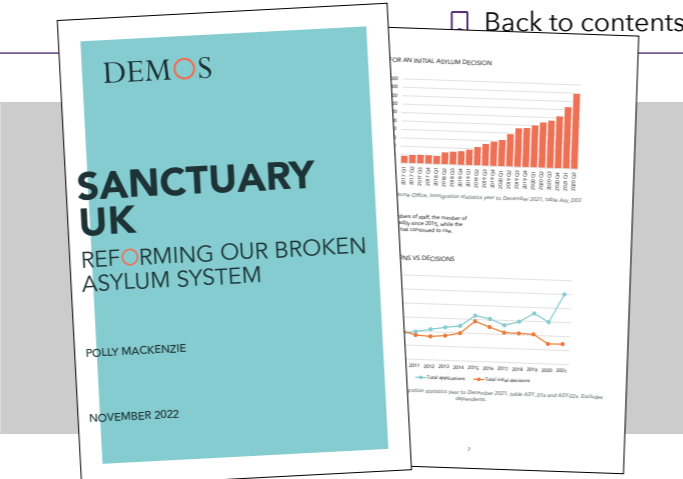
## Home Office research on why asylum seekers come to the UK

An official research report [has been made available](#) looking at what shapes migrant journeys to the UK. Some important findings are that:

- Social networks often play an important role in shaping migrant decision-making and movements, e.g. choice of destination.
- Welfare policies and labour market access have little impact on migrant decision making - no study reported a long-term correlation between labour market access and destination choice. Very few migrants have any experience of a welfare state such as exists in the UK and imagine that they will be able to work and support themselves upon arrival.
- Whether asylum claims are likely to be accepted or not appears to have little impact on an asylum seeker's choice of

destination, and it is not clear whether migrants have accurate information on this anyway. Social networks, shared languages and diaspora communities more likely motivate asylum seekers to reach certain destinations.

- For those living in the makeshift camps in France, life is often uncertain and precarious, with camp clearances and forced evictions that can lead to damage and confiscation of personal belongings and reported police brutality and abusive practices. There is often limited access to water and sanitation facilities, while many depend on local associations for food distributions. This may act as a factor driving onward movement out of France, a small portion of which is to the UK.



## New report on reforming our broken asylum system

A [new report](#) from the thinktank Demos argues that the Home Office should lose its responsibility for immigration, with a new arm's-length body named Sanctuary UK set up to overhaul the system and create a new more humane system, learning from the best of the recent innovations.

A new non-departmental public body should take on these functions, they argue, reporting jointly to the Ministry of Justice and the Department for Levelling Up, Housing and Communities. Starting from scratch would enable this new organisation to build the right culture from day one: a culture of compassion, confidence, competence - while retaining the necessary control we need to manage the impact of immigration. At the moment the focus on control overrides the compassion necessary for a humane approach, and ultimately undermines both competence and confidence in the system.

Author Polly Mackenzie identifies four basic tasks for a functional asylum system:

- Judge applications for refugee status on their merits
- Support those waiting for a decision
- Help people who are granted refugee status to settle and integrate into the United Kingdom
- Ensure those who are not granted refugee status leave the country.

The Home Office currently fails on all four, although the success of recent schemes such as those to accommodate Ukrainians shows that different approaches can be made to work.

Colin Yeo [finds much to agree with](#) in the report but argues against creating a new structure. He says: "The most severe problem is the [asylum] backlog and the time it takes for decisions to be made. That is not a reason to abolish the Home Office. It is a reason to abolish the backlog." He says that while the system for supporting claimants while their claims are processed is harsh, this would matter much less if claims were dealt with quickly.

## Asylum seekers, the right to work and the right to rent

More asylum seekers are now being given the right to work, because more are becoming eligible given the long waiting times for their claims to be processed. But this is raising questions about accommodation and other support they may still need or may need again if they lose a job. The Home Office may withdraw support from asylum seekers who are working (although there

may well be a long delay before they do so), or they may try to recover "overpayments" for support (if provided under section 95).

A problem arises in that asylum seekers have no automatic right to rent in the private sector, but they can be given it if they ask, although this may take some persistence. However, this may not solve the problem as landlords may be unwilling to let to asylum seekers.

ASAP (Asylum Seekers Support Project) is talking to the Home Office about enhancing exiting policies to cover the situation where someone has the right to work.



## Asylum seekers forced into homelessness

People who are already in the country and want to claim asylum are getting turned away from Lunar House in Croydon (where they must make their claims), since they don't have an arranged appointment, and are becoming street homeless. Many don't have working phones and have no idea the Asylum Intake Unit even exists. Advisers have to "sit on the phone with them" to the unit until the operator tells them they'll get a call back. After a few days, they are called back with an appointment time. At that point they can get into Lunar House and the asylum support system. Advisers have to find hostel places for them until accommodation is sorted.



## Asylum seekers living with friends, family or hosts who ask for asylum accommodation

The Home Office has published an [update](#) (pdf) to their Allocation of Accommodation policy to explain that if someone has been granted section 95 support but they are living with friends/family/community hosts (i.e. they are not in a Home Office hotel):

- They will start getting subsistence payments as soon as support is granted
- But they will *not* be dispersed, *unless* they call Migrant Help and ask for emergency accommodation
- This is likely to be hotel/hostel accommodation (although the policy is carefully worded to allow for other types of accommodation to be given and individual needs to be considered, etc.)

This practice is kept under review and has come about because of pressures on the accommodation system.

ASAP advises that:

- It is important to make people aware that if they are living in the community and apply for s95 accommodation, their only option for accommodation is essentially hotels. There is no waiting list for dispersal from the community (at least not at the moment).
- If you are aware of individuals who have been granted support some time ago and staying with friends, etc., they should now be getting subsistence payments. The Home Office is supposed to write to everyone to let them know about the above position, otherwise they should contact Migrant Help to ask for these payments to be put in place.

## Waiting times for asylum appeals get longer

The [tribunal quarterly statistics](#) for the period July to September 2022 show that waiting times for appeals have increased, but the number of new cases entering the tribunals continues to fall. The number of cases being decided has also increased.

The statistics show that the average time to clear all types of appeals in the First-tier Tribunal is 41 weeks. There is a 54 week waiting time for asylum

appeals. Waiting times were around six months for asylum appeals before the pandemic, so the increase is significant. But this is still incomparable to the current waiting times for asylum decisions in the Home Office, which have become a matter of years. You can read more about the Home Office's quarterly statistics and their effects [here](#).

## New network for local councillors who support migrants' rights

Sue Lukes, contributor to Housing Rights, is currently working with JCWI to encourage councillors to support migrant rights. The [Migrant Champions Network](#) is a new network of local councillors fighting for the rights of their migrant constituents, and of all migrants. Councils across the country are dealing with unprecedented challenges due to

shortcomings in national policy making on migration. The network helps councillors to support migrant constituents, including with housing issues, and works with councillors to challenge the system and campaign for change. For more information about the Migrant Champions Network, [visit the web page and get in touch](#).

## Good news to start 2023

On a positive note, Care4Calais offers us [ten inspiring stories](#) to begin 2023! Care4Calais supports migrants who arrive in "small boats" and is part of the legal challenge to the government on its scheme to deport asylum seekers to Rwanda.



Photo by [Maria Teneva](#) on [Unsplash](#)

## Helping people with "No recourse to public funds"

### Detailed report published on local authority help for people with "no recourse"

The NRPf Network has published its 2021/22 [NRPf Connect data report](#) providing data and caseload analysis at a national and regional basis. It shows the important work being done by local authorities to deliver essential "safety-net" support under social services legislation to people excluded from benefits and housing assistance. By the end of the 2021/22 financial year, 72 councils were providing 3,423 households with accommodation and financial support at a collective cost of £64 million per annum.

In 2021/22, individuals with a European Economic Area immigration status or nationality became the largest group by immigration status of all people being referred to social services for assistance. People with leave to remain with NRPf, or who have 'recourse' but are facing challenges renewing their leave, also comprise a large proportion of all referrals and supported households.

When it comes to addressing homelessness and destitution because of restrictions to benefits and housing, councils are now as likely to work with people who have a right to be in the UK as they are with people who are "in breach of immigration law."

In the absence of policy change, demand for assistance from people who are destitute or at risk of destitution continues and councils must organise service delivery as efficiently and effectively as possible to make best use of existing resources.

Following analysis of the data, the NRPf Network has made recommendations for local and central government which focus on the practical steps needed to improve case resolution and these supplement the wider call for change made in 2021.

A formal response from government to the data report will be provided and shared with members.

### A solicitor reflects on helping people with "no recourse"

*William Flack, a solicitor working with Morrison Spowart Solicitors in Catford, South East London, reflects on the cruelty involved in cases where migrant families are refused support under section 17 of the Children Act 1989.*

During the last ten years or so I have worked on several cases involving families with children with no recourse to public funds who had been unlawfully refused support by local authorities which they were entitled to under Section 17 of Children Act 1989. These cases often involved what can only be described as appalling behaviour on the part of social workers and the lawyers representing them, reflecting the government's "hostile environment" for people considered to be in the UK illegally.

Section 17 of the Children Act 1989 sets out a duty for councils to provide accommodation and/or financial support for destitute children and their families. As a result of many migrant families having no recourse to mainstream housing or benefits it was necessary for those who had nowhere to live and no income to apply for assistance under the Children Act. It then fell to social workers to assess whether the families were destitute and if so to provide them with support. This led to staff looking for ways

to find that the parents were falsely claiming to be destitute with a view to fraudulently obtaining resources from the council.

Staff carrying out assessments would frequently resort to very unpleasant tactics to discredit the parents and justify a refusal to assist them. These included:

- Refusing to believe their account of events on the basis that what they were saying was "inconceivable." That word was used a lot.
- Calling relatives and ex-partners and putting pressure on them to accommodate children without any proper assessment of whether it was in the children's best interests.
- Referring the applicants to their fraud teams so they were treated like criminal suspects.

*Continued...*

- Arranging for uniformed Border Force officers to sit in on interviews primarily to intimidate the parents and make them worry that they might be detained and deported at any minute.

An example is the case of [R \(CO & Anor\) v LB Lewisham Council 2017](#) where the applicant informed the council that she and her two children (aged 9 and 12) were sleeping in a hospital waiting area, but social workers refused to believe this and added that if it was true she was putting the children through this deliberately in order to obtain council accommodation.

I was never able to understand why the social workers did not refer families to advisers who could assist them in regularising their immigration status and/or obtaining recourse to public funds. I believe that this and even paying the necessary fees would have been a perfectly legal discharge of the council's duties, but it never happened in my experience. It seemed that the priority was to treat the families with hostility.

*"What was particularly distressing about these cases was the casual cruelty and indifference to the suffering of often very young children."*

What was particularly distressing about these cases was the casual cruelty and indifference to the suffering of often very young children shown by social workers who were supposed to have been trained to safeguard their wellbeing. This did not just involve denying them support they obviously needed but also shouting at parents or having them thrown out of council offices by security despite the distress caused to the children who were with them. Abusive behaviour also spread to the council's lawyers who would routinely make allegations of dishonesty and malpractice against those representing applicants. A newly qualified lawyer I knew was caused considerable

distress by being falsely accused of misleading the court.

I have worked with the charity [Project 17](#) on a number of these cases. Their compassion and determination in assisting destitute migrant families goes a long way to restoring the faith in human nature which I lost as a result of the behaviour of council staff.



## The EU Settlement Scheme - help for people with pre-settled status

### Independent Monitoring Authority successful in High Court challenge

The Independent Monitoring Authority (IMA) for the Citizens' Rights Agreements set up after Brexit has been [successful in a landmark High Court case](#) which will help provide clarity for millions of European citizens with pre-settled status (see [October's newsletter](#)).

The IMA challenged the Home Office's position that citizens with pre-settled status must make a second application to the EU Settlement Scheme (EUSS) or face losing their rights under Part 2 of the Withdrawal Agreement. It argued that it was unlawful for citizens to lose their rights if they failed to either apply for settled status, or in some

circumstances re-apply for pre-settled status before the expiry of their pre-settled status.

Currently all citizens with pre-settled status must apply for settled status after they have lived in the UK for five years. If they do not apply, they will lose their residence rights in the UK under the current system. This means they will also lose rights dependent on this, including the ability to work in the UK, receive healthcare and education and apply for housing and benefits.

In the judgment on 21 December, Lord Justice Lane ruled that a right of residence can only be lost in very specific circumstances which are

clearly defined in the EU Withdrawal and EEA EFTA Separation Agreements. A loss of rights for failure to upgrade from pre-settled to settled status was not one of those circumstances, and so by imposing a requirement to upgrade residence status the Home Office was acting unlawfully.

The judge also said that those granted pre-settled status are entitled to reside permanently in the UK once they have resided there for the required five-year period.

As a result of his findings, the judge has made a declaration that the EUSS in these respects, as it is currently operating, is unlawful.

The IMA understands that the Home Office is seeking permission to appeal the decision. While that process continues, no changes to the current design of the EUSS are expected and therefore holders of pre-settled status should continue to apply for settled status where they are eligible.



### Destitute EU nationals with pre-settled status can rely on EU Charter of Fundamental Rights to obtain universal credit

The [Child Poverty Action Group](#) has obtained a judgment from a three-judge panel of the Upper Tribunal which holds that an EU national with pre-settled status but no qualifying EU right to reside for the purposes of universal credit, is entitled to rely upon the EU Charter of Fundamental Rights even after the end of the Brexit "transition period" (ie after 31 December 2020).

The Upper Tribunal agreed with CPAG that where a refusal of universal credit would mean such a person was exposed to an actual and

current risk that they and their child could not live in the UK in dignified conditions, then the Secretary of State for Work and Pensions should award universal credit. An actual risk of not being able to live in the UK in dignified conditions was held to mean a risk of being without, even for a temporary period, sufficient resources to have adequate food, clothing, and accommodation (including heating for that accommodation).

Furthermore, the mere theoretical availability of section 17 Children Act

support did not mean such applications for universal credit could always be refused: what mattered was whether any Children Act support would actually and currently be provided at such a level to mitigate the risk. The claimant will need to show that they are unable to work. The Secretary of State has been granted permission to appeal against the Upper Tribunal decision.

This judgement may be of benefit for some claimants with pre-settled status who do not have a qualifying free movement right to reside and who

are at risk of destitution - but note it will depend on their facts on the case (which will need to include that they cannot work).

CPAG, who [brought the case](#), have produced a [note for welfare rights advisers](#) assisting pre-settled status holders without a qualifying right to reside. The note covers amongst other things, factors to be taken into account when considering the test for whether people are at risk of not having sufficient resources to meet their most basic needs.

## Migrants who suffer domestic abuse

On December 13, the Domestic Abuse Commissioner for England and Wales launched her second major report on migrant victims of domestic abuse, [Safety Before Status: The Solutions](#) (pdf).

Victims and survivors of domestic abuse with insecure immigration status are currently shut out of vital routes to safety and security. Without recourse to public funds (NRPf), too many are unable to access life-saving refuge, if they are forced to flee their homes. In 2020, the Home Office announced that it would fund a Support for Migrant Victims Pilot, to help inform future decisions about support for migrant victims of domestic abuse.

The new report was commissioned from the London School of Economics, in partnership with the Migration Observatory, to provide evidence on the number of migrant victims with no recourse to public funds in the UK, the costs of providing such support, and the benefits of doing so. The report outlines the Domestic Abuse Commissioner's recommendations for the future of support for migrant victims and survivors of domestic abuse.

### Safety Before Status: a survivor's story

*Here is Adriana's story, which was provided with support from Latin American Women's Rights Service (LAWRS). Please note that this story contains descriptions of domestic abuse which may be distressing or traumatising to some.*

After experiencing domestic abuse from her now ex-partner, Adriana, who is from Latin America, was left homeless and destitute because she had no access to public funds. She doesn't speak English and had nowhere to turn and nowhere to go. She was subjected to multiple forms of domestic violence consisting of coercive, sexual, and physical abuse as well as immigration abuse. Stories like Adriana's are all too familiar which is why the Domestic Abuse Commissioner is calling on the Government to put Safety Before Status.

Adriana arrived in the UK with her two children and her now ex-partner who is of EU citizenship more than 10 years ago. When they arrived the perpetrator, who was the children's father, used his knowledge of the immigration system against Adriana and did not apply for her residency card. Instead,

he applied for benefits as a single parent and falsely claimed Adriana had returned to her home country due to mental health issues.

A year after they arrived in the UK Adriana became pregnant with their third child. Six months into the pregnancy her then partner held her by her neck; got on top of her and punched her on one side of her face. At the time she was afraid to report what had happened to the police due to her irregular status and fear of losing her children. A couple of years later however, another incident occurred in which their eldest child sought help from the neighbours and called the police. The family was then referred to social services – the youngest child had been disabled because of the abuse. During their relationship Adriana suffered multiple forms of domestic violence consisting of coercive, sexual, and physical abuse.

In 2013, Adriana and the perpetrator no longer lived together but due to his financial difficulties he moved back into their home with his new partner. Later that year Adriana was forced out of her home and threatened with deportation by the perpetrator. On several accounts, she was subjected to extensive forms of blackmailing about her insecure immigration status if she

did not comply with his requests.

Adriana became homeless and was left destitute because of the abuse and because she had no access to public funds. She was left desperate at a crossroads and was coerced to return to the home under the perpetrator's conditions. The perpetrator would use their child contact to sexually harass Adriana and offer to visit her room which she shared with her children at night whilst his partner slept in the next room.

Adriana was repeatedly let down by the system in both seeking justice for the perpetrator's action and in resolving her immigration status. She reported her perpetrator to the police several times for sexual assault, excessive coerciveness and because he continued to blackmail her over legal status.

Adriana does not speak English and the police did not always provide an interpreter and as a result a report and no further action from the police was made. On more than one occasion, she was told her perpetrator would be arrested and he was not. She felt that the police did not take her case seriously.

Adriana faced many barriers as she tried to resolve the issues around her immigration status. Under EU law she was not eligible to apply to the EU Settlement

Scheme despite her three children having European citizenship. She was not the primary carer of her children and as she was never married and was not able to apply for an EEA residence card as a durable partner of an EEA national, she was not considered a family member of an EEA national.

At times the perpetrator would also not cooperate with her legal process in applying for the EU Settlement Scheme for their children. After a battle that lasted for many years, and with the support of LAWRS, Adriana finally managed to get indefinite leave to remain, but it has come at a great cost to her and her children.

The Domestic Abuse Commissioner is calling on the government to put Safety Before Status, by implementing key changes to the support and protection available to migrant survivors of domestic abuse like Adriana and her children. Read the Safety Before Status report [here](#).



## Latest research news

### What have we learned about migration from the Census?

The 2021 Census gives us a detailed, snapshot view of the population and how it has changed. Writing in *UK in a Changing Europe*, [Madeleine Sumption](#) and [Peter Walsh](#) look at what the new it tells us about migration, highlighting that EU migrants made a larger contribution to the growth in the migrant population in the 2010s than in previous decades, accounting for nearly half the growth in non-UK population.

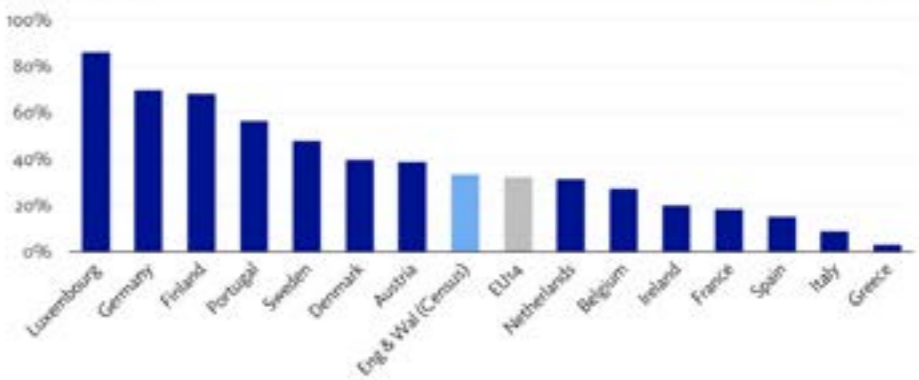
However, the Census figures capture the end of an era. Since the Census, the UK has granted surprisingly few visas to EU citizens. EU citizens received only 52,000

visas to live in the UK in year ending June 2022 (only five per cent of all visas granted). Many of those EU citizens were work permit recipients, who tend to stay only a few months or years.

Non-EU migration has also risen since the Census was conducted. This largely results from the visa schemes for Ukrainians and Hongkongers, as well as growing numbers of students, and skilled migrants, particularly in the NHS. So, by the time the next Census rolls around, we may well have returned to a more familiar past in which non-EU countries are the main driver of growth in the migrant population.

In European terms, we are not exceptional in the growth of the migrant population (as can be seen from the chart, which compares England and Wales with other European countries).

**Figure 1: England and Wales has seen average growth in its foreign-born population over the past decade**  
% growth in foreign-born population from 2011-2021, for the EU-14 and England & Wales.



Source: Migration Observatory analysis of Eurostat and ONS data

### Migration leads to minority ethnic people making up more than half the population in some cities

Leicester and Birmingham are the UK's first cities where most people are from black, Asian or minority ethnic (BAME) backgrounds, according to the [2021 Census](#). 59 per cent of people in Leicester are from minority ethnic backgrounds, compared with 51 per cent in Birmingham and 54 per cent in Luton, according to the data. Across England and Wales, 18 per cent of people are BAME. At 69.2 per cent, Newham is the London borough with the highest proportion of BAME citizens.

## Migrants have worse experiences in the private rented sector

Generation Rent published some of the horror stories told by private renters (see graphic). The stories show why reform is needed to protect migrants. If you want to help fight for housing equality, click [here](#).



## Climate change could force 1.2 billion to move by 2050. Is the world even remotely ready?

In a world beset by rising temperatures, devastating storms, and flash floods, climate migration and disaster displacement are quickly becoming the signal 21st century crisis. The vast majority of those worst affected are in the world's poorest and fastest warming countries. Yet, rather than step up to meet the challenges of climate dislocation, most

national governments, international agencies, private sector players and non-profits are burying their heads in the sand. Short-termism prevails over long-range forecasting, planning and preparation. This is dangerous, argues Robert Muggah, co-founder of the Igarapé Institute, in a [new analysis](#).



## New sources of guidance

### Advice for children, parents, and carers on the citizenship system

The Project for the Registration of Children as British Citizens (PRCBC) celebrated ten years of defending children's citizenship rights and launched a new information booklet for children, parents and carers who need support navigating the complexities of the citizenship system.

The booklet features illustrations by children's illustrator and former laureate, Chris Riddell; and a foreword from the poet and author, Benjamin Zephaniah. It is described in a [press release](#) and can be downloaded [here](#) (pdf).



Photo by Priscilla Du Preez on Unsplash

### Resource for challenging unlawful decisions

The [PAP project](#) helps frontline workers challenge potentially illegal government decisions, by providing e-learning, training, and detailed template "pre-action protocol" letters – called PAPs – plus supervision of each and every letter written under the scheme. On receiving a PAP, if the government does not reverse a decision, legal proceedings can be issued without further reference.

Solicitors Deighton Pierce Glynn (DPG) advise that they have heard about people being released from Manston into inadequate asylum support accommodation, phones being retained and some unaccompanied minors not having their age assessments / interim accommodation provided. DPG have drafted some new PAPs to try and deal with these issues which are here on the PAP website.

Any PAPs written under the scheme which do not resolve the issues can then be referred to any solicitor – not solely to DPG. The PAP project is also reactive and welcomes any new ideas for PAPs where recurrent issues are seen. New PAPs relating to Manston are:

#### To the Home Office

- Inadequate asylum support - Failure to provide adequate asylum support post-release from Manston
- Phone retention - Failure to return phone after seizure on arrival/ at Manston
- Unlawful detention - Ongoing detention at Manston

#### To a local authority

- Failure to conduct age assessment and provide accommodation

### Guidance on supporting migrants lacking mental capacity in relation to immigration matters

Migrants Organise is proud to co-publish with the NRPF network new guidance on [supporting migrants lacking mental capacity in relation to immigration matters](#). The guidance is aimed primarily at social services as support around immigration for individuals with NRPF is an essential element of any care plan. However, the guidance should be equally useful for any professionals working with migrants lacking mental capacity around immigration decisions.

It covers:

- A framework on assessing mental capacity in relation to immigration matters and what decisions that entails.
- Steps that can be taken to obtain authorisation from the Court of Protection for an independent third party to make immigration decisions on behalf of the individual.



Unlawful Home Office mobile phone seizure policy - briefing note

In March, the High Court ruled that the Home Office’s secret and blanket policy of seizing all mobile phones and extracting data from migrants arriving by small boat was unlawful. A further hearing was held in October in which the High Court strongly criticised the Home Office’s conduct of the litigation for breaches of the candour duty and misleading the Court.

As a result of this case, any person who arrived by small boat between April 2020 (and maybe earlier) and 23

November 2020 and had their phone seized pursuant to this policy is likely to be eligible for compensation and should be encouraged to seek legal advice if they wish to seek damages.

Gold Jennings Solicitors and Deighton Pierce Glynn have produced [a briefing note](#) that explains in detail what happened, the judgments and claiming compensation.

Guidance on health issues for Roma people

The Roma Support Group welcomed the government’s new publication, [Improving Roma health: a guide for health and care professionals](#), as “the first ever government-backed guide for health professionals.”



Other migration news

Delays with national insurance numbers for people transitioning to mainstream benefits

The Central England Law Centre claims “a small victory” on the issue of national insurance numbers (NINOs) and the delays caused for people transitioning to mainstream benefits because they don’t have one. They don’t have judgment yet, but the DWP have changed practice as a result of the work.

In a judicial review hearing at the High Court in Birmingham on 3 November, Central England Law Centre challenged the DWP policy relating to the allocation of NINOs to survivors of domestic violence who came to the

UK on a partner visa with a no recourse to public funds (NRPF) condition and who are now destitute because of relationship breakdown.

The government recognises this group as being at risk and has amended the immigration rules to give them a route to gain indefinite leave to remain (ILR) whilst at the same time creating the destitute domestic violence concession (DDVC), which allows access to mainstream benefits and housing support for three months whilst they apply for ILR. However, because the NINO allocation process is only started after a decision has been made on entitlement to universal credit (UC), many in this group face unreasonable delays in accessing benefits and are excluded from the UC advance payments scheme altogether, often leaving them destitute.

The client did not receive her first payment of UC

until six weeks after she had made her application and only then because the law centre had sent pre-action correspondence to the DWP. The law centre provided evidence that this issue affects many others, some of whom told of delays lasting much longer than six weeks and even as long as the three-month limit of the DDVC.

The argument centres on the client being allowed to join the NINO Alignment Scheme. This policy has been created for people being granted refugee or other protection-based statuses as well as some work visas and which ensures these groups receive a NINO printed on their Biometric Residence Permit (BRP) before it is sent to them at the conclusion of their immigration/ asylum application. This ensures that refugees and those other groups can smoothly transition onto mainstream benefits, housing, and other support without

risk of NINO-related delays. However, this scheme does not include survivors of domestic violence who have three months leave to remain under the DDVC. The argument was that this differential treatment between the two groups cannot be justified by the government and that this discrimination should be eliminated.

A judgement is awaited but already the DWP has responded by creating a new priority system for allocating NINOs to DV victims. So, irrespective of the outcome in this case, there should be fewer NINO-related delays for those granted leave under the DDVC, when they access benefits and other services.

For further details contact Michael Bates, head of public law, [Central England Law Centre](#), [michael.bates@centralenglandlc.org.uk](mailto:michael.bates@centralenglandlc.org.uk)



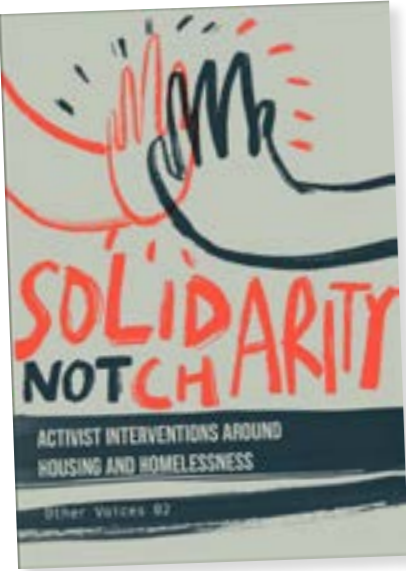
## “Other Voices” from the Public Interest Law Centre

PILC has a [new series of publications](#) giving space for voices that tend to be marginalised in mainstream legal, policy and human-rights discourses. The “Other Voices” series centres on the practices and analysis of frontline workers and activists, as well as people and communities who inhabit, as Denise Ferreira Da Silva writes, ‘that place where what should happen to nobody happens every day’.

She added “We don’t see this series as an exercise in ‘inclusion’ or ‘user voice’. Making the tent bigger is pointless if the rules of the game stay the same. We’d like these publications to upset the terms of

the ‘policy debate’ around migration and homelessness—its language, its horizons and the power relations expressed through its very silences”.

One of the new publications, [Solidarity not Charity](#), centres on action to tackle homelessness.



BBC, *We are England*, 2022

## “We are England” includes Roma people

Toby G, a Polish Roma man from Plymouth, features in an episode of *We are England* produced by the BBC. The episode shows the positive impact that Toby and his community project called “Street Factory” has on the confidence, mental health and cohesion of the local community.

The episode is available to watch on [BBC iPlayer](#).

## No published data to support minister’s claim about migrants saying they’re under 18

Immigration minister Robert Jenrick claimed in Parliament earlier this month that many adult men arriving at an asylum processing centre in Dover were claiming to be under 18. He told MPs: “At times, up to 20 per cent of the adult males who arrive at Western Jet Foil [a major asylum processing centre handling many small boat arrivals] claim to be under 18, when clearly the number is substantially less than that.”

[Full Fact](#) [say](#) they can’t currently verify this figure as the Home Office hasn’t published any data to back it up. They add: “Mr Jenrick’s comments are the latest example of the government referring to unpublished data on immigration. Last month we wrote about

the previous home secretary, Priti Patel, relying on unpublished data on the nationality of small boat arrivals.

“We’ve raised both claims with the Office for Statistics Regulation, and on 21 November its director general, Ed Humpherson, wrote to Matthew Rycroft, the permanent secretary for the Home Office, to highlight the importance of transparency of statistics. In the letter, Mr Humpherson wrote: Given the continued public interest in and use of immigration statistics, I urge the Home Office to review ways of working to ensure that the transparent release and use of Home Office data and statistics is the default in future.”

## Immigration officials target mosques, temples, and churches to advise people to return home

Home Office immigration enforcement officials are targeting places of worship to advise people with insecure status to return to their countries of origin, [according to The Independent](#). On three occasions, officials entered religious premises to take people direct to airports.

Specialist teams from the Home Office have carried out more than 400 “community engagement surgeries” at temples, mosques, gurdwaras and churches over the past three years – a fourfold rise since 2019. In at least three instances last year, officials carried out immigration enforcement visits at places of worship that resulted in taking people directly to an airport, according to figures obtained via a Freedom of Information (FOI) Act request.

Migrant groups and charities criticised the practice, calling for the hostile environment to be scrapped and claiming people were being “duped”.



Photo by [Rumman Amin](#) on [Unsplash](#)

## Change in homelessness regulations relating to victims of trafficking

In December, [new regulations on housing and homelessness in England](#) were made to cater for changes in the status granted to Confirmed victims of Human Trafficking or Slavery (“CVHTS”). From January 30 they will be granted only limited leave to remain, but the regulations ensure they are still eligible for housing and for homelessness assistance. A separate part of the order extends to Scotland and Northern Ireland, and consequent changes can be expected for Wales in due course.

## Immigration officials raided care home during the pandemic

The *New Statesman* [reveals](#) that care homes are frequently raided by immigration enforcement officials, and that this happened even in the pandemic.

A care worker who had lived in the UK for 13 years was told by the agency that employed her to come into work for some “training”, but when she arrived the police were waiting. She was handcuffed on the spot and taken into custody. She had a seven-year-old daughter waiting at home for her, who had just been diagnosed with diabetes. Since then, after lawyers successfully fought their case, she and her daughter have been granted indefinite leave to remain in the UK.

But the NS points out that such raids are ineffective as well as cruel. Of 3,000 raids carried out in London, only 132 people were deported from the UK. “Raids are not even effective when you measure them against the government’s own stated aims of removing people from the UK. They seem to be a needlessly cruel and traumatising way of sowing fear in racialised communities,” said the JCWI’s Nadia Hasan.

## Finally, can you pass the British Citizenship test?

Even royals find it tough to beat the ‘Life in the UK’ exam. *The Independent* has the questions in quiz form that Prince Harry struggled with: go on, test yourself!





## Do you have any comments on this newsletter?

send them to [policyandpractice@cih.org](mailto:policyandpractice@cih.org)

**Published by:** Chartered Institute of Housing, Suites 5 and 6,  
First Floor, Rowan House, Westwood Way, Coventry, CV4 8HS

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The newsletter is produced at CIH by John Perry with help from Sam Lister. We are grateful to all the contributors to this issue, named in each of the articles. Anyone interested in contributing can contact [john.perry@cih.org](mailto:john.perry@cih.org).

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