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Changes to homelessness regulations ‘take away hard-won rights’

The country’s housing crisis has been brought sharply into focus by the need to accommodate people fleeing Ukraine, Afghanistan, and Hong Kong. Some 10,000 Afghan evacuees are still in hotels, nine months after coming to the UK, and already numbers of Ukrainians are presenting as homeless after some sponsor arrangements have broken down.

In response, the government made time-limited changes to homelessness regulations that took effect on June 1st, to make it easier for homeless households to be kept in non-self-contained accommodation. The changes:

- Add an exemption to the definition of a bed and breakfast room (B&B) for ‘accommodation that is provided in a private dwelling’, to make clear that rooms in private homes, where facilities are shared, such as those under the Homes for Ukraine scheme, should not be automatically considered unsuitable. This makes it easier for local authorities to end their prevention or relief duty in a new sponsorship arrangement in a home with shared facilities.
- Allow accommodation classed as B&Bs to be used for homeless families in the affected groups for longer than six weeks, when there is no alternative available. This helps councils in high demand areas.
- Modify the requirement when placing households in the affected groups ‘out of area’, so that they must consider disruption to any caring responsibilities in relation to family ties, but not in relation to other factors such as employment and education. This will reduce the administrative burden on local authorities where pressures are the greatest.

The second and third changes apply to those who have arrived in the UK two years prior to the date of their homelessness application and have not had settled accommodation in the UK three years prior to their arrival. They expire on June 1st 2023.

DLUHC says it expects authorities only to make use of these flexibilities ‘when absolutely necessary’ and when there are no other options available. Local authorities must continue to exercise all other statutory duties as usual and assess each case individually.

Nevertheless, the changes caused considerable concern. Shelter criticised the loss of ‘hard-won rights’ (see below) and *Nearly Legal* [said](#): ‘The upshot is that Ukrainian, Afghan and Hong Kong refugees on the visa schemes who become homeless and apply to the local authority on or after 1 June 2022 can be left indefinitely in B&Bs (or at least for a year), or can be offered ‘suitable’ accommodation anywhere in the country, wherever they have been living (subject to caring responsibilities only).’



The government has ‘crossed a red line’

Shelter’s Deborah Garvie comments on the changes to homelessness regulations.

Few noticed when the government [laid regulations](#) in parliament that take away the hard-won rights of certain homeless households, particularly refugees. As far as we’re concerned, this removal of rights, without public consultation, has crossed a red line. It’s likely to lead to refugees being left in – or moved to – wholly unsuitable accommodation, which risks damaging their health and wellbeing. This includes many children who’ve already gone through the trauma of fleeing their home and then faced the stress of homelessness in the UK.

What rights are being removed?

Certain homeless individuals and families applying to the council for homelessness assistance from 1 June will no longer be entitled to two important protections:

Bed and breakfasts six-week rule:

[2003 regulations](#) require that homeless pregnant women and families with children under 18 shouldn’t be accommodated in B&B-style accommodation (i.e. accommodation from private providers with shared bathrooms and/or kitchens) and certainly for no more than six weeks.

Councils often [breach this](#) (over 40% of families in B&B have been there over six weeks), but the 2003 regulations allow those affected to challenge it. However, the amended regulations allow councils to accommodate some families with children in B&Bs for months on end. Homeless B&B accommodation means living in one, cramped room and sharing a toilet, bathroom, and/or kitchen with complete strangers. It’s not uncommon for families to have to share beds.

The impact on both adults and children of B&B accommodation, even for just a few weeks, is very [well documented](#). Younger children have no room to play, especially in winter, stunting their development; teenagers have no privacy or space to study, affecting confidence and grades; parents have to sit in the dark once children are in bed, straining relationships; and families

struggle to prepare or eat healthy meals.

Out-of-area offers:

The [law requires](#) councils to accommodate homeless households in their own area unless it isn’t ‘reasonably practicable’. [2012 regulations](#) make clear that accommodation can be unsuitable if it’s in a location that causes serious disruption to education or employment. Likewise, if it isn’t close enough to where the family was previously living, or to essential medical or support services they attend.

‘...councils don’t have to take into account serious disruption to education or employment when deciding where to accommodate.’

Again, councils often accommodate homeless households out-of-area. But the amended regulations allow them to accommodate some people in a completely different part of the country to where they’re settled, so councils don’t have to consider the serious disruption to education or employment when deciding where to accommodate.

Again, the impact of accommodating homeless families out of area is well-documented, with families making long commutes on a string of buses simply to keep children settled in school, or facing the isolation of moving to an unfamiliar area where they have no friends to support them.

Whose homelessness rights have been cut?

These cuts to rights will affect people who arrived in the UK within the past two years and are eligible for homelessness assistance. This includes refugees – such as people from Afghanistan, Ukraine, and Hong Kong who have been offered resettlement visas and who had been given immediate rights to homelessness assistance.

Now, as fast as they were given these rights, they have been restricted. The regulations are apparently temporary: they have effect for 12 months and will then be reviewed.

The new regulations exclude people who (for the past three years) have had a right to occupy accommodation in the UK for at least six months. So,

people returning to live in the UK after living abroad are unlikely to be affected – although they may be.

Some children who were airlifted from Afghanistan last summer have been [waiting for months](#) for a school place and will finally have started to settle down and make friends – the amended regulations mean they can be offered accommodation miles away and have to start all over again.

‘...a lack of suitable accommodation in some localities (which can be fixed by government) shouldn’t be a reason to remove the rights of homeless people.’

Why is the government doing this?

The government laid these regulations without making public any evidence for why they are necessary. It’s unclear if they’ve formally consulted with people likely to be affected: those with direct experience of being a homeless refugee.

This removal of rights appears to be an attempt to make it easier for councils to find accommodation for the hundreds of Afghan families still stuck in hotels. It may also be in response to the growing numbers of Ukrainian refugees applying for homelessness assistance because accommodation from family or hosts has broken down.

But a lack of suitable accommodation in some localities (which can be fixed by government) shouldn’t be a reason to remove the rights of homeless people.

It’s appalling and potentially discriminatory to set up a two-tier system that singles out refugees and strips away their rights. It suggests that it’s acceptable for children still processing the trauma of fleeing Kabul or Kyiv to stay in accommodation that’s not considered suitable for children from Kidderminster.

Shelter urged the government not to go ahead, but the changes took effect on June 1.

Helping Ukrainian refugees – latest developments

The housing rights website page on [Help for Ukrainian refugees](#) is updated several times 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).

Up to June 28, [around 98,000 visas](#) had been issued under the Homes for Ukraine (HFU) scheme, spread across the UK; 59,000 people had arrived here. Andy Hewitt provides a [heat map](#) showing the surprisingly wide distribution of hosts, across the UK. Here we look at some of the issues that are arising.

Government plans come under scrutiny

In May, the media were full of criticisms of the government schemes to take in Ukrainian refugees:

- Hundreds of Ukrainian refugees have been removed from ‘unsuitable’ housing sponsors, [reported The Observer](#). It said the government was ‘scrambling’ to rehouse Ukrainians granted visas under the Homes for Ukraine scheme because the people they were supposed to stay with had been

deemed ‘unsuitable’. Refugee charities have warned that with most of the refugees being women and children, and many matches made on social media, the scheme risked being targeted by predatory men.

- *The Independent* [claimed](#) there was ‘chaos’ as Ukrainian refugees were placed with unvetted hosts in unchecked homes, as councils waited for funding.

However, on June 29, when a House of Commons select committee questioned the refugees minister, Lord Harrington and his two officials gave assurances about the sponsoring arrangements. He also indicated that the government is still exploring ways of enabling those who arrived under the ‘family’ scheme to move to the HFU. He promised that officials would soon be contacting sponsor families to ask them to extend their sponsorship beyond six months.



Photo by Kevin Bückert on Unsplash

Barriers to contacting the Home Office and DLUHC to resolve urgent and complex cases

Although a public helpline exists at the Home Office for enquiries about visas, we are regularly told that staff can give only basic information and cannot comment on individual cases. Indeed, on complex matters, calls can result in confused or contradictory information being given. It is providing a low level of service.

We believe an additional direct line is needed for professional advisers in

specialist organisations like Settled to be able to contact the Home Office/ DLUHC, to discuss urgent and complex cases. This is needed if Ukrainians are to receive a quality service and effective solutions. Examples of the cases on which we are currently struggling to speak to relevant officials include a three-year-old child experiencing lengthy visa delays and a case involving a Ukrainian

couple who came to the UK under the HFU scheme and who need to regularise their new-born baby’s immigration status. There are precedents for such direct lines between government departments and non-governmental professionals, e.g. with the EU Settlement Scheme.

Hosts’ DBS process is too slow

DBS checks required under the HFU scheme are too slow, possibly even meaning that a host’s DBS check is not complete when a family arrives. This is a huge safeguarding issue. If a DBS check returns with concerns about the host once the Ukrainians have arrived, this can lead to termination of the placement and risk of homelessness.

Lack of knowledge among local councils of how to help new arrivals

While many local authorities are doing their best, Settled’s experience is that there is a wide variation in the support provided. Some local authorities appear to be unaware of the needs of Ukrainians and/or are not putting support measures in place.

While some guidance has been issued, it is insufficient and there does not appear to be any mechanism for ensuring that it is followed, so support is inconsistent. This in turn makes it difficult for Settled to give clear advice to Ukrainians about what they can expect.

Settled is asking for more detailed guidance for local authorities and a clearer follow-up mechanism.

Homelessness risk for Ukrainians continues

Homelessness is a significant risk. One way of helping is to allow Ukrainians to switch from the Ukraine Family Scheme to the HFU.

There are many hosts across the country available and willing to host Ukrainian families who are living in cramped conditions and struggling financially. Allowing them to switch from well-meaning but poorly resourced families to willing and able hosts would reduce the number of Ukrainians at risk of homelessness.

Financial support needed for Ukrainian Family Scheme

There is a discrepancy in the financial support available under the Ukraine Family Scheme and the HFU. Hosts under the HFU are entitled to £350 per month from the government while hosts under the Ukraine Family Scheme receive no financial support, risking homelessness for the families hosted. In

some cases, Ukrainians initially accepted as guests have no option but to turn to the local authority for emergency accommodation, having been made homeless. Settled believes it would be fairer if both schemes gave financial support to hosts: this is cheaper than providing local authority accommodation.

Settled’s urgent concerns about the UK schemes for Ukrainians

Settled, which supports European nationals in the UK, has some critical comments on the UK support schemes.



Settled’s Ukraine family advice service

Our service is provided in Ukrainian, English, and Russian and is free of charge. We can help with:

- Reuniting family members in the UK under the Ukrainian Family Scheme
- ‘Homes for Ukraine’ applications and complications
- Queries about the Ukraine Extension Scheme.

Our level 3 immigration advisers will be happy to assist with complex issues. Contact them at: Ukrainefamilyscheme@settled.org.uk Look [here](#) for answers to some frequently asked questions about help for Ukrainians.

Other news on refugees from Ukraine

- Anti-trafficking charities have launched a [new website](#) aimed at keeping Ukrainian refugees safe and stopping exploitation. The website is available in the Ukrainian, English, and Russian languages and is a ‘one-stop shop’ of useful websites, helplines, and other information – anything from where to get basic travel and housing advice to opening a bank account and understanding your rights as a worker.
- The Ukrainian conflict could be a tipping point for refugee protection argues the US-based Migration Policy Institute in a [wide-ranging article](#).
- At least 27 pieces of delegated legislation have been laid before Parliament as part of the legislative response to the Ukraine crisis. They are [described](#) by the Hansard Society.

Nationality and Borders Act starts to take effect

The Nationality and Borders Act 2022 became law on 28 April 2022, with the different provisions being phased in over time. The timetable is in section 87 of the Act. Some provisions came into force straight away on 28 April. On 28 June, commencement regulations brought into force around a third of the Act’s 82 substantive sections. Some of these, in particular those on removing asylum seekers to a ‘safe third country’, are being accompanied by changes to the Immigration Rules.

Jon Featonby at the Red Cross [commented](#), ‘Today is a sad day. Many aspects of the Nationality and Borders Act come into force, including those that treat refugees differently depending on how they entered the UK, criminalisation of people entering the UK to seek asylum, and measures that increase barriers to protection.’

Free Movement [gives an overview](#) of the changes, as well as [explaining](#) the new ‘temporary refugee permission to stay’, which applies to those who do not come to the UK directly from a place where their life or freedom was threatened and who do not present themselves without delay to the authorities.

The changes are summarised in the table: Group 1 refers to those who receive refugee status (because they arrived before June 28, or came after that date but meet this new test); Group 2 applies to those who will be given only temporary permission (because they arrived after that date and also fail the new test).

	Group 1	Group 2
Type of leave	Refugee status and Refugee permission to stay	Refugee status and Temporary refugee permission
Length of leave	5 years	30 months – can apply to extend within last 28 days
Route to permanent settlement	Can apply after 5 years	No automatic route – likely to be able to apply after 10 years
Family Reunion	Can sponsor partner and dependent children under 18. Plus adult children in exceptional circumstances.	Will only be granted if (i) the family cannot live elsewhere; (ii) to refuse an application would breach the UK’s obligations under Article 8 (right to family life) of the ECHR

The Nationality & Borders Act could have a serious impact on survivors and victims of trafficking

‘...these changes could hardly have been better drafted by traffickers and organised crime groups’.

The Scottish Refugee Council [argues](#) that the Act will reduce protections for trafficked people, both adults, and children, and push

trafficking survivors further to the margins of society. ‘We may see survivors be less able to produce evidence about their situations, which is likely to make the prosecution

rate of traffickers even lower than it is now,’ they say. The legislation will result in ‘less safety for survivors, more exploitation and

organised crime’. The SRC says that these changes ‘could hardly have been better drafted by traffickers and organised crime groups’.



The Rwanda asylum ‘deal’ goes ahead

Although not directly dependent on the new legislation, its passing coincided with the first attempt to deport asylum seekers to Rwanda, where they would be expected to apply for asylum but with no right to return to the UK. This ‘immoral’ Rwanda policy shames Britain, [archbishops](#) told *The Times* on the day the first flight was due to leave (before it was halted by legal action). ‘Whether or not the first deportation flight leaves Britain today for Rwanda, this policy should shame us as a nation,’ they said.

The government argued that those critical of the Rwanda deal have not put forward alternatives. However, such alternatives

exist, and *Channel 4 News* has an [explainer](#) of what they could be. Care4Calais, the charity assisting asylum seekers in Calais which has taken a lead in campaigning against the Rwanda deal, is [taking the government to court](#) in a case that will be heard soon.

The Home Office is planning a second flight to deport asylum seekers to Rwanda, which could take off before the courts have ruled on whether the scheme is lawful, [according to The Guardian](#). But it might also be affected by a rebellion by Tory politicians

‘...there are really serious but fixable issues with the United Kingdom’s asylum system and all the Rwanda deal is likely to do is make them worse’.

opposed to the scheme, [reports The Sun](#). ‘The Rwanda refugee deal is a distraction from the real issues in the asylum system’, [argues barrister Colin Yeo](#). ‘This is a monumental opportunity

cost’ he points out, ‘there are really serious but fixable issues with the United Kingdom’s asylum system and all the Rwanda deal is likely to do is make them worse’.



More on Rwanda

- A new briefing by the Migration Observatory. The [briefing](#) answers questions about the deal and examines the similar policies tried by Australia, Israel, and Denmark, and their outcomes.
- Concerns that asylum seekers already in Rwanda do not receive proper treatment. The Independent [describes](#) a Home Office report which says that asylum seekers wait years for decisions in Rwanda and that two-thirds are rejected. Asylum

seekers resettled in Rwanda under an EU scheme are said to be ‘abandoned to poverty’, according to *The Daily Telegraph*. Asylum seekers [said](#) that there is not enough food, housing, medical services, and other basic necessities.

- ‘Huge deficit’ in legal aid provision leaves asylum seekers at high risk of deportation to Rwanda. *The Justice Gap* [reports](#) that asylum seekers are being denied access to essential advice as a result of gaps in legal aid provision

throughout the country. A report from Refugee Action – [No access to justice: how legal advice deserts fail refugees, migrants, and our communities](#) – identifies so-called legal aid advice deserts outside London including cities to which people seeking asylum are ‘dispersed’ such as Plymouth, Stoke, and Hull. Swindon, a dispersal centre, has a provider with a legal aid contract but has not been able to recruit a caseworker at all. The ‘huge deficit’ leaves people

- with valid claims for asylum ‘at high risk of forced deportation to Rwanda’.
- Morale and trust among Home Office staff at ‘rock bottom’. Morale among Home Office staff is at ‘rock bottom’ after the department’s failed attempt to ship asylum seekers to Rwanda, [according to The Independent](#). Civil servants feel frustrated that they are being accused of ‘happily going along with’ the policy despite it being ‘purely ministerial led’, a member of staff said.

The sector responds: How Grand Union helps to find homes for Syrian refugee families

Emma Sheer, Customer Onboarding & Relocations Manager at Grand Union Housing Group, explains how they help.

Since January 2014 the UK has resettled over 20,000 Syrian refugees through the Syrian Vulnerable Persons Resettlement Scheme. As a housing provider, it's our duty to provide homes that people can call their own, where they can feel safe and put down roots. That's why we've been working with Central Bedfordshire Council (CBC) and the King's Arms Project, a not-for-profit organisation who provide housing and support for the homeless, to find new homes in Bedfordshire for refugee families fleeing conflict in their home country.

Since 2016, King's Arms Project has supported 84 people in 19 families, with 16 of these families moving into Grand Union properties. Aileen Evans, Grand Union's Chief Executive, and former CIH president, said: "Everyone deserves a safe place to call their home, and through this partnership we've been able to provide that to these families. I can't begin to imagine what some of these families have been through, so I'm proud that as an organisation we've been able to play our part."

Grand Union started working on rehousing the refugees back in 2017 when CBC approached us to support the project. While finding homes for the families is crucial, so is the support work provided by the King's Arms Project. Hannah Joy, Refugee & Migrant Services Manager there said: "Our role is to ensure the families moving to the region have everything they need to feel at home and to settle into the area. Our aim is to help empower people for independence and integration, we do this by helping people to access housing, finances, education, training, healthcare, and English classes.

Basel and his family (pictured below) live in a Grand Union home and it's made a massive difference to them.

He said: "Frankly, everything is fantastic. We feel safe and we feel very settled now. The house is perfect for our needs. It's new and clean, and it's perfect for my family.

"One thing I like is that our neighbours are really nice and we get on well. The area is nice, the people are kind and the area is quiet. We feel very comfortable here. We have started to make friends through my son's school, meeting other parents. We go to each other houses and see each other."

Another Grand Union customer, 27-year-old Dema, came to the UK in 2017 from Syria. Almost 10 years ago she lost her leg when a bomb hit her house and since then she's overcome enormous personal and physical challenges. After settling into her new home she set her sights on her dream - to run again. Now, after raising over £11,500 via a gofundme donations page, she's been able to achieve that dream by buying a specialist running prosthetic.

In a delighted post on her Instagram account, she said: "I'm so thankful for everyone who has been part of this journey. I want to thank everyone for all you have given me, of support, and believe in me. All the words of thanks can't describe my feelings."

You can read more about Dema's story [here](#).

There are so many other inspiring stories that show everyone's hard work, including by the families themselves, is paying off. Hannah Joy added: "We are very proud that one of the young women who we helped to resettle in the region in 2017 has learned English and is now working for us as part of our ESOL Team. We're also working with someone who is looking to start his own business. He dreams of setting up a food truck selling Syrian cuisine."



Key changes in 'right to rent' checks

Latest on the challenges to the right to rent scheme

As readers know, the Joint Council for the Welfare of Immigrants (JCWI) have been involved in challenging the government's right to rent scheme for several years. John Crowley of solicitors Leigh Day, who represents JCWI, gives an update.

The challenge has been based on evidence that the scheme gives rise to discrimination on nationality and race grounds, in breach of article 14 taken with article 8 of the European Convention of Human Rights (ECHR), because landlords tend to prefer those with 'traditionally British' sounding names or with certain kinds of ID documents when deciding which prospective tenant to take on. The evidence JCWI obtained reflected that the scheme makes it harder for those black and minority ethnic people who are lawfully entitled to rent, to access private accommodation.

The case was successful at the High Court with Spencer J finding that the scheme caused landlords to discriminate against potential tenants on grounds of nationality and ethnicity and, given this causal link, the government was responsible for the discrimination, notwithstanding that it was carried out by private landlords. It was said that the government's arguments did not come close to justifying the discrimination caused.

However, this decision was successfully appealed by the government at the Court of Appeal. Whilst the Court of Appeal upheld the finding that the scheme gave rise to discrimination, it found that this was justified and therefore not unlawful.

Undeterred, JCWI applied to the Supreme Court for permission to appeal this decision but permission was refused on the basis the application did not raise an arguable point of law.

Leigh Day was subsequently instructed by an individual (called 'XY') to apply to the European Court of Human Rights (ECtHR) to take the challenge to Strasbourg. XY, whose identity is protected, did not hold a British

passport and had a 'non-traditionally British' sounding name, but was nonetheless entitled to rent and had the means to do so. XY suffered homelessness on multiple occasions due to her inability to access private rental accommodation after being repeatedly overlooked by prospective landlords.

To our extreme disappointment, the ECtHR ruled the application was inadmissible on the ground that the applicant was not sufficiently affected by the Convention breaches to qualify as a victim for the purpose of Article 35, paragraph 3(b) of the ECHR.

The ECtHR does not give detailed reasoning in such determinations and therefore it is difficult to ascertain on what basis it found that XY was not sufficiently affected (particularly given her traumatic experiences).

However, one potential issue may be that, if taken in isolation, demonstrating that any specific individual has suffered discrimination as a result of the scheme is inherently difficult. Evidencing that a particular landlord's decision to refuse an individual's application to rent was discriminatory and caused by the scheme is a near impossible task.

Rather, it was hoped that the evidence of a general pattern of discrimination, alongside the case facts of a particular individual whose own experience clearly reflected the general pattern, would demonstrate a sufficiently serious issue for the ECtHR to consider. That was not to be, and unfortunately, admissibility decisions are not open to review. As things stand then, a scheme that has been found to cause discrimination is allowed to exist in our society.

The one silver lining is that, since the underlying legislation continues to have effect, it may be open to future applicants to bring fresh applications to challenge the right to rent. The fight continues and JCWI continues to [collect evidence](#) of problems with the scheme.



New guide to the right to rent

Theresa Harris and Dada Felja of [Law for Life](#) write about the new guide they have written to help people navigate the right to rent.

In April 2022, Law for Life published [A survival guide to starting a tenancy and right to rent checks](#). The guide is aimed at people who are most likely to experience discrimination and difficulty in the process of starting a tenancy and undergoing right to rent checks and is intended to help them understand the system, deal with problems, and recognise when they are being discriminated against.

Many people, particularly when they have expertise in a topic, assume that producing a guide for the public is a fairly straightforward task. Translating complex information into an easy-to-understand and 'human' guide which meets people's real needs, is surprisingly complex, but something we take pride in doing well at Law for Life. Often, as in this case, we identify the need for a guide through our community education work.

In late 2020 Law for Life delivered a programme on [housing rights for refugees](#), and during this we learned about the problems for refugees with the right to rent scheme. To help us understand more about what refugees were experiencing, we ran a survey in January 2021. We received 24 responses, of which 17 were from private renters and seven were from organisations helping people access accommodation. 62% of respondents stated that they or their clients were British, 34% had refugee status and 4% were EU nationals.

Although the sample was small, the survey showed:

- Clear evidence that the scheme disproportionately affected certain groups: people who speak limited English, people without a British passport, people on benefits or on low incomes, and students.
- Some groups of people, such as refugees, were likely to be more affected because they fell into more than one category.
- Evidence that the scheme was discriminatory towards certain groups.

We used this to produce public legal education materials created in partnership with Allen & Overy's Pro-Bono Team.

Groups advocating on behalf of EU nationals in the UK were concerned that whilst previously they had an unlimited right to rent, proved by showing their passport or national identity card, EU nationals would find it much harder to prove their status after the Brexit implementation period ended on 1 January 2021.

We decided to create a new guide, based on another survey, which told us that:

- Many people do not get as far as the right to rent checks because they struggle to find a landlord who will rent to tenants on benefits or without a deposit, or because they experience discrimination.
- Landlords do not always fully understand the rules themselves.
- There is confusion about what documents people with different immigration status need, including the situation with EU pre-settled and settled status.

[A survival guide to starting a tenancy and right to rent checks](#) is now available alongside our [other housing rights guides](#) that cover some of the most common issues facing private renters or people experiencing homelessness. It is also used in our housing rights community training and we are also producing a short video, covering most of the issues included in the guide, in Arabic, which will be available in September.

[A survival guide to starting a tenancy and right to rent checks](#) was created with funding from the Litigants in Person Support Service and with support from Allen & Overy.

More on right to rent

- A government survey of private landlords in England [published in May](#) found that 20% were unwilling to let to non-UK passport holders; 44% were unwilling to let to tenants relying on benefits.
- On June 7, the House of Lords [passed a motion of regret](#) on another 2.5 million people now being subject to digital-only right to work/rent checks, without assessing the impact on affected citizens, and without heeding clear warnings from earlier assessments.
- The Public Law Project is researching the recent roll out of the Home Office's digital system, which now requires almost all migrants to prove their right to rent and work using an online portal. 'We are concerned that this system may disadvantage groups already at risk of digital exclusion and so would like to hear from individuals, groups, or organisations affected,' they say. Please get in touch with [Mia Leslie at m.leslie@publiclawproject.org.uk](#) - 'we'd love to hear about your experiences'.

'No recourse to public funds' challenged again, post-pandemic

'No recourse to public funds' is found unlawful - again

Adam Hundt, partner at solicitors [Deighton Pierce Glynn](#), explains the significance of a recent court judgment.

Although 'no recourse to public funds' (NRPF) has been an element of the immigration system for some time, the policy of imposing the NRPF condition on grants of limited leave via the ten-year family route to settlement was introduced in 2012 as part of the 'hostile environment' programme. It has since led to thousands of children growing up in abject poverty because their non-British parents are denied the same state support that other low-income families can claim.

The policy has now been found to be unlawful five times:

- In 2014 it was declared unlawful because it was not authorised by the immigration rules and did not comply with the public sector equality duty. In response, immigration rule GEN1.11A was introduced, as well as the change of conditions application process, under which applicants could seek to have the NRPF condition lifted.
- In 2018, shortly before trial in another case, the Home Office conceded as part of the settlement that a public sector equality duty compliant review of the policy needed to be undertaken.
- In May 2020 the Divisional Court declared the policy unlawful because, in breach of Article 3 (prohibition on inhuman or degrading treatment) of the European Convention on Human Rights and the common law of humanity, it required people to become destitute before they could apply for recourse to public funds.
- In April 2021 the Divisional Court declared Immigration Rule GEN 1.11A and the associated guidance unlawful because it failed to comply with the duty under section 55 of the Borders, Citizenship & Immigration Act 2009 to safeguard and promote the welfare of children.
- And on 20 June 2022 in R (AB) v SSHD [2022] EWHC 1524, it was held that the guidance revised following the judgment of the Divisional Court contained in Family Policy Version 16.0 was unlawful, in failing to reflect the section 55 duty to safeguard and promote the welfare of children.

The Home Office changed the policy in response to the 2021 judgment, but the immigration rule was not changed until 20 June 2022. However, in a further challenge, our clients argued that the Home Office's



Photo by Dan Burton on Unsplash

decisions and amended guidance still failed to comply with the section 55 duty, in imposing a narrower and more restrictive approach that sanctioned unlawful decisions on individual cases to refuse recourse to public funds. In a judgment handed down on 20 June 2022, Mr. Justice Lane agreed with the claimants, saying:

'Where the application to lift the NRPF condition involves a child, the case law is clear that an examination of that child's position is necessary. It is here that the significance of paragraph 10 of Zoumbas becomes manifest. The caseworker needs, first, to consider what the effects on the child are likely to be of (here) maintaining the NRPF condition. That will generate an answer to the question of whether maintaining the condition would be in the best interests of the child. Although, as Mr. Holborn points out, in the present context the answer to that question is almost always likely to be "yes", in the sense that it would generally be in the best interests of the child for there to be access, if necessary, to public funds, what the caseworker needs to know is whether and, if so, to what extent, maintaining the condition would affect the welfare of the child.'

We will have to see how the Home Office approaches such applications, and experience suggests that further challenges may be necessary to ensure it is implemented lawfully, but for now what this means for applicants is that if they can show that having recourse to public funds will have a positive (or prevent a negative) impact on a child then it is difficult to see how the Home Office will be able to avoid granting recourse lawfully.

Those assisting applicants with change of conditions applications should therefore focus on getting evidence of the impact on the child, e.g. letters from teachers/support workers/social workers or other health or

childcare professionals. If gathering evidence of destitution will delay submission of the change of conditions application, then it may be in the applicant’s interests to submit it without that evidence, because following this judgment the child(ren)’s interests should be enough for the application to succeed.

A big thank you is due to Alex Goodman of [Landmark Chambers](#) and Ben Amunwa of the [36 Group](#), and to Caz, Alice, Tina, Rahath, Sonia, and many others at [The Unity Project](#) for their brilliant work on this and other cases that have contributed to it. The judgment can be accessed [here](#).

‘Saving lives must be the priority’

Ashleigh Simpson, Head of Policy and Communications for Crisis in Scotland, looks at the evidence about people living without access to public funds, north of the border.

‘Saving lives must be the priority – it is as simple as that.’ That was how SNP MP Stuart McDonald put it in a letter to the Home Office back at the start of the pandemic, calling for changes to allow people with no recourse to public funds to access housing support.

He said: ‘Instead of leaving local authorities navigating complex questions about what support can be provided to whom, and using what funding source, a faster and more comprehensive response would simply be to suspend rules prohibiting recourse to public funds and to make direct financial provisions for local authorities to work with those who have NRPF.’

As with so many other issues, the pandemic represented a game-changer for the way local authorities and their partners delivered services for people with NRPF, with emergency funding provided and many of the previous barriers to support removed. Yet, given the changes were brought on public health grounds, and with many of the covid-related changes being lifted, the future of how services are provided to people with NRPF remains unclear.

‘...a faster and more comprehensive response would simply be to suspend rules prohibiting recourse to public funds and to make direct financial provisions for local authorities to work with those who have NRPF.’

We’ve long known the human impact of the NRPF policy, which prohibits people from accessing the bulk of the mainstream welfare system. A [recent report](#) from Citizens Advice – based on research in England and Wales – found that 81% of people with NRPF are behind on at least one bill, compared to 20% of people in the wider population, while 60% of people with NRPF are behind on their rent, compared to 8% of adults in the general population.

The same research warned that 18% of people with NRPF have experienced homelessness or insecure housing, while 75% of people with NRPF have



experienced at least one negative impact, such as not being able to heat or light their home or afford clothing and footwear which is appropriate for the weather.

The report may be based on research from south of the border, but it’s clear that Scotland is not exempt from similar issues. A recent estimation from Fair Way Scotland suggests there are currently 1,000 people living in Scotland with NRPF who are at risk of homelessness.

However, the impact of the policy is not shared evenly – for example, we know people with insecure immigration status and NRPF are more likely to be from Black, Asian, or other minority ethnic communities that are impacted by significant health inequalities. There are also particular risks for single adult men who are not currently in receipt of local authority support, are at the highest risk of rough sleeping and destitution, and are likely to struggle to comply with current public health advice.

Meanwhile, women may be left at risk of domestic abuse, commercial sexual exploitation, and other forms of gender-based violence because of their insecure immigration status and lack of access to public funds.

So clearly the decision to allow local authorities to legally accommodate and support people with NRPF on public health grounds was a welcome one.

Earlier this year COSLA leaders agreed that local government should seek to use devolved powers as far as lawfully possible to provide support, including temporary emergency accommodation for destitute people with NRPF, who require assistance and are not typically eligible for other forms of support.

The guidance aimed to support local authorities during the Covid ‘recovery phase’. At the same time, the [Everyone Home](#) collective, made up of third sector organisations and academics, developed a route map for Scotland’s ambition to end destitution and protect human rights. Fair Way Scotland was then established to build a service response.

Unlocking the door: A roadmap for supporting non-UK nationals facing homelessness in England

In [a new report](#), Homeless Link and NACCOM (The No Accommodation Network) set out how homelessness services should be geared to the needs of non-UK nationals. Two years since ‘Everyone In’, frontline services – local authorities and charities – are frustrated at the limited options available to support non-UK nationals with undetermined or restricted eligibility. Research was conducted with local authorities, homelessness and immigration stakeholders, and people with lived experience of homelessness across England, specifically in Bedford, Haringey, and Manchester.

‘As we approach the 2024 target year to end rough sleeping, we need ambition and a new approach. It is clear that – for non-UK nationals with restricted eligibility – the status quo will not get us there. To achieve our goals, we cannot exclude any group from the umbrella of local homelessness support. We must



Yet while the pandemic brought an urgent change to the support available, questions remain over what will happen next, particularly in terms of funding, as Covid-related restrictions are lifted. Meanwhile, there is also growing concern from the sector over the impact of the Nationality and Borders Act, which could increase the number of people subject to NRPF and forced destitution.

apply lessons we’ve already learned on what works, treat immigration status as a support need, and – in partnership with the immigration advice sector – continue to push for national legislative reform.’

The report offers a roadmap for building inclusive homelessness systems, looking beyond statutory duties and operationalising anti-racist, trauma-informed, and person-centred principles for this group, built on partnership working.

The research shows that a minimum level of universally accessible accommodation is a game-changer for the successful resolution of immigration cases and homelessness. This is why it asks for additional investment from government in accommodation options for non-UK nationals, faster Home Office decisions on their cases, and a full review of all restrictions on public funds to mitigate their role in driving homelessness.

More on ‘no recourse to public funds’

- **BNO visa holders can apply for access to public funds if circumstances change.** Those with a British National (Overseas) (BNO) visa who successfully apply for a change of conditions will be able to apply for settlement through the BNO route after five years of living in the UK. Apply [online](#) if you already have leave granted based on your family or private life and your financial circumstances change. Read more on eligibility, the evidence required, and timeframes for assessing requests [here](#).
- **High Court rules that Lambeth made the wrong decision under ‘Everyone In’.** The London Borough of Lambeth was held to have made the wrong decision in May, in a case involving a 68-year-old woman from Guyana who was sleeping rough and had NRPF. [Rightsnet explains](#) that the decision was found to be faulty because Lambeth took no proper account of the government policy to include NRPF cases in ‘Everyone In’. The full judgment is [here](#). The court cited the precedent of the Ncube case, covered in the [April 2021 newsletter](#).

It's ten years since the 'hostile environment' began

Ten years ago on May 25, 2012, Theresa May – then the Home Secretary – declared her intention to ‘create here in Britain a really hostile environment for illegal migration’. *Open Democracy* [says](#) that ‘It triggered a major policy disaster, in the shape of the 2018 Windrush scandal. Yet despite government claims to the contrary, the hostility is not over.’ In the article, Bethan Lant, a frontline worker at the London-based charity Praxis, explains how it has affected the lives of women she has assisted.

The Independent also [talks to people](#) affected by the hostile environment. They include Glenda, who came to Britain as a baby in 1961 and was recently asked to ‘prove’ that she was a UK resident by the DWP, despite having been recognised as a victim of the Windrush scandal. You can see Glenda giving an interview [here](#).

The Guardian [reports](#) that frontline Home Office staff have warned of a ‘culture of fear’ where they are being put into dangerous situations, and may be asked to act illegally, on the tenth anniversary of the hostile environment. *The Guardian* also [uncovered](#) an unpublished Home Office research report on the history of immigration policy. It argues that the origins of the ‘deep-rooted racism of the Windrush scandal’ lie in the fact that ‘during the period 1950-1981, every single piece of immigration or citizenship legislation was designed at least in part to reduce the number of people with black or brown skin who were permitted to live and work in the UK’.

Kamila Shamsie, author of the novel *Home Fire*, who herself came to Britain on a visa for writers, [describes](#) how the hostile environment ‘baton’ passed from Theresa May to Priti Patel – and a decade of cruelty resulted. The full text of her lecture to Migrants Organise can be found [here](#).

Migrants’ experiences during the pandemic were made worse by Home Office policies

Benjamin Morgan, research and communications coordinator at the Public Interest Law Centre, discusses how migrants were affected by two key ‘hostile environment’ policies.

A [joint report](#) by the Public Interest Law Centre and JCWI, published in May, explores how government decision-making and policy exacerbated the impact of the Covid-19 pandemic on migrants. The report shows how the Home Office’s refusal to suspend hostile and punitive anti-migrant policies during the crisis exposed non-UK nationals to increased risk from COVID-19, as well as undermining wider public health efforts and introducing greater dysfunctionality into an already broken immigration system.

The report focuses on two key policy areas that relate to housing: no recourse to public funds and asylum accommodation.

No recourse to public funds

As the economy ground to a halt, many in the UK turned to state support to cover essential living costs. However, this option was not available to migrants subject to the no recourse to public funds (NRPF) regime, which was maintained throughout Covid-19 despite widespread calls for its suspension or abolition. Without access to vital state support, many migrants found themselves homeless or forced to remain in exploitative work or abusive situations to avoid destitution.

The government has pointed to the option for some migrants with NRPF to apply for the condition to be lifted from their leave to remain, and to the ‘Everyone In’

scheme, through which local authorities were directed to accommodate people during Covid-19 regardless of their immigration status. However, the new report shows that, in many cases, neither of these was a good option for migrants in need of support. ‘NRPF lift’ applications frequently take months to process and are not an option for undocumented migrants. Councils, meanwhile, were not given additional powers or funding through ‘Everyone in’, with the result that the policy was applied inconsistently across local authorities and many councils refused to provide accommodation to those without recourse to public funds.

Asylum accommodation

A concerning development in Home Office housing policy during the pandemic was the increasingly blurred line between housing and detention for migrants. PILC and JCWI’s report highlights how the repurposing of hotels as asylum accommodation was implemented without due care, planning or regard for the basic needs of asylum seekers. As a result, many were left isolated and unable to access community, legal or medical support. A combination of enforced isolation and inhumane conditions led many migrants and observers to liken living in hotel-based asylum accommodation to a state of detention.

The report shows how the Home Secretary persisted with this policy in the face of widespread criticism from civil society and the Independent Chief Inspector of Borders, who described the barracks as ‘decrepit’ and ‘unfit for human inhabitation.’ Evidence presented during a High Court challenge to the policy showed how significant political pressure had been exerted by ministers upon Home Office officials to house asylum seekers at the barracks, despite the risk of a Covid-19 outbreak being well known. In July 2021 the High Court declared that the Home Office had acted unlawfully in housing people in Napier barracks in Kent.

‘Worse still was the government’s repurposing of disused military barracks for the “warehousing” of asylum seekers arriving across the English Channel.’

More on the ‘hostile environment’

- **Reporting conditions affect migrants’ lives in Manchester.** The hostile environment requires many migrants to ‘sign in’ regularly, in person. A report from the Greater Manchester Immigration Aid Unit, [Living in Constant Fear](#), shows that the system is doing invisible harm to children and young people. The authors spoke to people who have experienced reporting – before the pandemic, during the pandemic, and some still reporting now – and all spoke of the terror it caused.
- **Immigration officers placed in 25 local authorities by Home Office.** The Home Office has placed immigration officers in child social services and dozens of other local authority departments, in an arrangement that has raised concerns about the ability of the most vulnerable to seek support, *The Guardian* [reveals](#). Local authorities that placed immigration officers in children’s services included Enfield, Sutton, Thurrock, Slough, and Barnet.
- **Local residents oppose immigration raids** – again. Action by local residents has become a feature of raids in Glasgow, but now local people have protected migrants from being detained in both [Edinburgh](#) and [Lewisham](#). In a [statement](#) on the first anniversary of the failed immigration raid in Kenmure Street, Glasgow, Positive Action in Housing points out that the first such successful action took place 17 years ago (also in Glasgow).



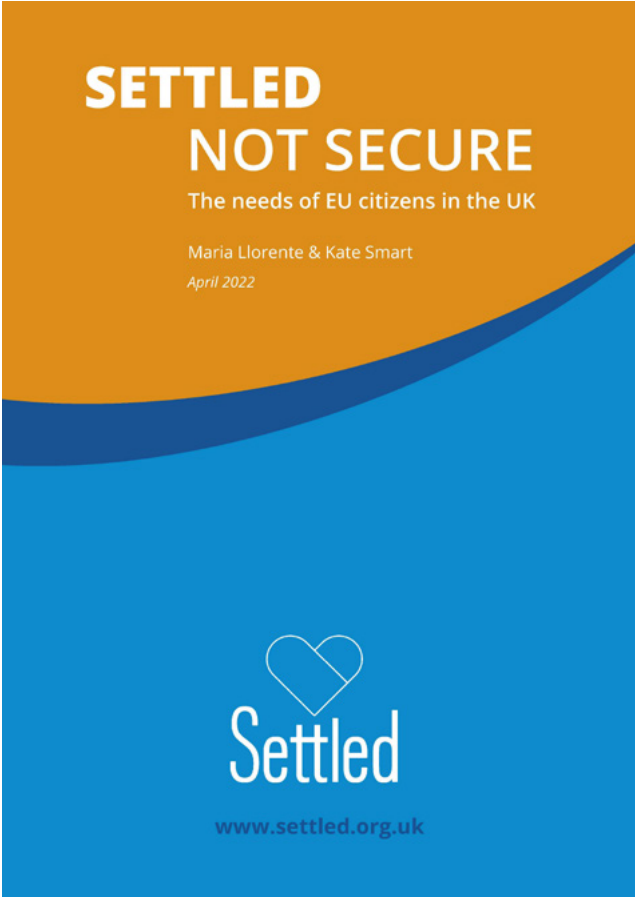
The raid on Kenmure Street (PAIH)

The EU Settlement Scheme - problems continue

The EU Settlement Scheme (EUSS) is ‘unfinished business’, according to a report, [Settled Not Secure](#), on the needs of EU citizens living in the UK. The survey shows that despite more than five million EU citizens securing either settled or pre-settled status under the scheme, there remain widespread anxieties about how secure their rights are in the UK.

[Settled](#), who published the report, say that:

- The top 3 concerns of EU citizens responding to our survey were bringing family members to the UK, being allowed back in at the UK border after traveling abroad, and proving one’s immigration status
- It is a common worry that the EUSS system might not work when needed, or that EU citizens will be discriminated against due to a lack of understanding of how the scheme works among employers, landlords, banks, government departments, and other service providers
- EU citizens feel uncomfortable about having to prove their status repeatedly and at every stage for years to come and worry that everyday matters will become more difficult
- They worry about bringing family members to the UK in the future, particularly elderly parents, and worry about financial implications and access to services
- There is fear that the transition from the temporary pre-settled status to the preferable settled status will disadvantage those who cannot prove sufficient continuous residence or meet other requirements
- There are high levels of anxiety about substantial issues that EU citizens feel are outside their control. They need reassurance but also practical assistance and improvements in policy.



More news on the EU Settlement Scheme

- **New adviser toolkit on worker/self-employed status for EEA nationals.** The EU Rights and Brexit Hub has a new adviser [toolkit](#) on how to establish worker/self-employed status for EEA nationals. This will be relevant for those supporting EEA nationals with pre-settled status or a certificate of application to access welfare benefits such as universal credit in the UK.
- **New EEA factsheet for local authorities in Scotland.** COSLA and the NRPF Network have produced [new guidance](#) for councils in Scotland who are working with or advising EEA nationals who are destitute or at risk of homelessness.

Asylum - latest news on accommodation and other issues

Asylum seekers in hotels

Scotland's Positive Action in Housing, based in Glasgow, recently included this description of asylum seekers’ life in hotels in its email to supporters. The newsletter has previously covered the deaths in Glasgow hotels.

Publicly, there is an almost blanket silence from hotel asylum seekers, most of whom refuse to come forward to highlight their experiences. Having spoken with many of those inside hotels across Scotland, it is clear that people are fearful of speaking out or complaining about treatment by staff employed in the hotels or by the Home Office accommodation contractor, Mears. Asylum seekers fear being singled out and targeted by the Home Office and its sub-contractors.

One of the asylum seekers who is living in a hotel somewhere in Scotland described it as ‘a regime’. He and others have tried to remain positive and to not think, for fear it leads to self-harm, suicide attempts, or plain outrage at the system they are being held under. His use of the word ‘regime’ is interesting because many asylum seekers fled unjust regimes, and now find themselves inside another. He said that he feels as if he ‘ran from one regime in my country, but I’m living under another regime called Mears’.

‘They know what I spend my £8 a week on, they are paid by the Home Office to accommodate us, they can walk into our rooms anytime. We cannot cook or clean for ourselves. They smile at us when they are engaging in inane talk about the weather or a staff member’s birthday celebrations. But as soon as we ask real questions, about our asylum case, and when we will get an interview, the staff become cold. I guess it’s because we are asking about the truth of the matter. And they don’t want to talk about that. Or about how much money they get for keeping us here. I listen to the small talk about their happy lives and smile, but inside my heart was breaking.

‘So we stay quiet because we know everything gets reported back to the Home Office. If we complain, we are accused of “causing trouble” or “being violent”. Just for asking a question that is on the minds of every single asylum seeker here: “When will my case be heard?”. I tried helping by assisting with interpreting for the other asylum seekers. I thought they could see I was human. And I thought I could help the others in here. But after many months, when I asked the question that was on my mind, when will my case be heard, I was treated with coldness as if I had committed a crime. So I retreat inside myself. Keep busy. Whatever you do, don’t think.’

It’s a testament to their strength of character, and their resolve to endure this long delay, that they have stayed so calm. Mears claims it is doing everything in its power to eliminate hotel usage, but in reality, we are seeing the use of hotels on an industrial scale. Hundreds of millions are being spent on hotel use when that money could be used to build homes.

By November 2021, 21,500 asylum seekers were being accommodated in 181 hotels, more than double the figures in May 2021. The Independent Chief Inspector of Borders and Immigration made an inspection of the use of hotels, and his [report](#) made seven recommendations. These have been [accepted](#) by the Home Office, including one to develop a plan to end the use of hotels.



More on asylum accommodation

- **Helena Kennedy leads an independent inquiry into asylum accommodation in Scotland.** On June 26, Asylum Inquiry Scotland was launched by Baroness Helena Kennedy QC. The inquiry, commissioned by Refugees for Justice, a refugee-led organisation, will focus on the handling of asylum accommodation and support in Glasgow during Covid-19. An initial [report](#) was published on June 27, looking specifically at the serious problems that arose in hotel accommodation.
- **Conditions at Napier Barracks improve but bedrooms are still grim, inspectors find.** Conditions at the notorious accommodation centre in Kent have improved, the Independent Chief Inspector of Borders and Immigration [reports](#). His team had ‘observed conditions at Napier Barracks that should have been in place over a year ago’. After their first visit in February/March 2021, they made an [emergency report](#). A re-inspection took place in March 2022: the main improvement from last time is the guarantee that people will spend no more than 90 days in the camp, described as ‘central to the improved atmosphere on the site’. There have also been some physical improvements. Residents now praise the food and the ‘kind’ staff.
- **‘Guantánamo-on-Ouse’ plans to place 1,500 asylum seekers in Yorkshire village.** A new asylum reception centre in a rural area is now planned for a Yorkshire village, *The Guardian* [reports](#). Described as ‘Guantánamo-on-Ouse’, it would occupy a former RAF base in a village that currently has only around 500 inhabitants. *The BBC* [reports](#) that, at a meeting in May, Home Office officials were booed by villagers opposing plans to use a former military base.
- **‘Unsafe’ accommodation threatens asylum seekers’ health.** Asylum seekers’ accommodation is unsafe due to inadequate healthcare, while poor living conditions are exacerbating or creating mental and physical health problems, according to [a new report](#) by Doctors of the World. It details the barriers to medical care and medication for asylum seekers in initial accommodation across the UK. Evidence shows that a failure to meet basic human standards in hotels and former military barracks such as Napier in Folkestone has exacerbated depression, anxiety, post-traumatic stress disorder, and other mental health concerns among asylum seekers.
- **Dozens of vulnerable asylum seekers have died in Home Office housing.** Data obtained by *The Observer* [show](#) that at least 107 deaths of asylum seekers occurred in Home Office housing between April 2016 and May 2022, far more than officially admitted. Eighty-two have died since January 2020.
- **Home Office launches consultation to improve arrangements for asylum accommodation dispersal.** All regions of England, Scotland, and Wales will be expected to take a share of asylum seekers under a new system of ‘full dispersal,’ the government has [told councils](#). The Home Office hopes the move will allow it to reduce the number of asylum seekers living in the likes of hotels by moving them to ‘less expensive and more suitable dispersed accommodation’. ‘The full dispersal model will reduce and end the use of hotels by allowing the Home Office to procure dispersal properties within the private rental sector in all local authority areas across England, Scotland, and Wales rather than the minority of local authorities that currently participate,’ the government said. The consultation closed on July 1st. A document showing the survey questions can be viewed [here](#).



Sleeping area at Napier barracks

More asylum news

- **Home Secretary Priti Patel ‘overrode legal advice’ in asylum cases, adding to record costs.** Priti Patel has repeatedly overridden Home Office legal advice on immigration and asylum cases, adding to record costs for the taxpayer, *The Independent* [reveals](#). The department spent £35.2m on legal bills for lost cases and paid out a further £9.3m to people wrongly held in immigration detention in 2020-21.
- **Age assessments of young asylum seekers.** The government is [recruiting up to 40 social workers](#) to join a new body managing age assessments of young asylum seekers. The National Age Assessment Board (NAAB) will oversee a new system for age assessments established by the Nationality and Borders Act 2022, review local authority assessments, and carry out its own in some situations.
- **BID’s Briefing on Electronic Monitoring.** The Home Office has [announced](#) that they are implementing new GPS technology for the electronic monitoring of people on immigration bail.
- **Nine in ten people refused asylum in 2020 free to remain in the UK.** *The Guardian* [reveals](#) Home Office figures showing that 3,632 applicants were turned down two years ago, of whom only 314 were returned to their home countries. That means up to 91% of those refused asylum in the UK were free to remain in the UK, compared with 81% in 2019 and 38% in 2013. The figures also show a dramatic drop in the numbers of refusals and returns.
- **Latest asylum statistics reveal more approvals but longer delays.** The Migration Observatory has a [briefing](#) on the latest statistics, which shows that the proportion of asylum seekers receiving a positive decision on their application reached 75% in the year ending March 2022. Data also show that the UK’s asylum backlog has continued to grow, reaching almost 110,000 people by March. *The Independent* [points out](#) that the number of applicants awaiting decisions on asylum has risen 300% in four years, despite pledges to speed-up decision-making. More than 73,000 people have been waiting for longer than six months.

Other news

Afghan resettlement schemes restart and launch

On June 13, the government announced a revised and extended Afghan Citizens Resettlement Scheme. Eligible individuals will be prioritised for the scheme through one of three referral pathways:

- Pathway 1 is for those covered by the original evacuation arrangements, some of whom were unable to leave Afghanistan at the time.
- Pathway 2 is the UN refugee agency's route to resettle people they choose who live in camps.
- Pathway 3 is a new route for specific groups of people

who are under threat.

The scheme will help up to 20,000 people. There are details on [gov.uk](https://www.gov.uk) and a useful [summary](#) from *Free Movement*.

The Times [reports](#) that only two out of more than 3,000 applications for sanctuary submitted by Afghans who worked with British forces or the government during the war have been processed by the Ministry of Defence since April. There has been a 'ballooning' backlog of 23,000 applications to the Afghan relocations and assistance policy (ARAP) since October last year, with only one in four, or 23 per cent, having been processed.

Windrush compensation scheme – problems continue

A Windrush claimant, Gloria Fletcher, aged 62, is still waiting for a payout after her 'complex' case was abandoned. *The Independent* [says](#) that on inquiring about progress she was told her case had been 'archived' and awaited a new investigator. Ms. Fletcher was one of the Windrush citizens invited to Westminster when the compensation scheme was announced in 2019. Her case was one of the first exposed in the Windrush scandal and was also mentioned in

the Windrush Lessons Learned review.

The Metro [features](#) an interview with Charlene White, who shares her anguish over her aunt's deportation in the Windrush scandal.

The Greater Manchester Immigration Aid Unit [reports](#) that it now has extra funding with which to help people who are seeking compensation. They need to apply under the [Windrush Legal Initiative](#).

Vagrancy Act: repealed and revived?

The 1824 Vagrancy Act is repealed by the Police, Crime, Sentencing and Courts Act 2022 (s.81) but it does not come into force until the government issues commencement regulations. The outdated act made rough sleeping a criminal offence. The government has [consulted](#) on replacement legislation but its proposals continue to focus on criminalisation and seek to give police new powers 'to help communities feel safer by outlawing begging'. According to [Crisis](#), one in three rough sleepers have 'begged at some point during the last 12 months. To criminalise begging is to criminalise homelessness by the back door.'

Punishing the symptoms rather than addressing the causes of homelessness in this way will have negative effects on rough sleeping and begging people, including Roma, the Roma Support Group points out. There are concerns that the new measures continue to leave people on the streets open to abuse and will push many away from accessing vital support.

Crisis has launched a petition demanding the government drop these proposals, which can be signed [here](#).

Additional news and articles of interest

- **Mayor launches Migrant Londoners Hub.** The [new hub](#) makes a wide range of advice and guidance available to migrants in London.
- **Support for refugees and other migrants in East of England.** Support by local authorities for Syrian and Afghan refugees, and others, are described in [the regional report from the LGA](#) (pdf – see pages 4-5)
- **Citizenship and naturalisation for migrants in the UK.** A new [briefing](#) from the Migration Observatory looks at citizenship and naturalisation among migrants in the UK. It provides data on how many migrants become UK citizens and how this varies for different migrant groups, as well as the factors that affect naturalisation.
- **Migrant care workers came to help the UK: now they're trapped in debt bondage.** *The Observer* [highlights](#) the poor conditions suffered by workers in social care who have been lured into taking on impossible levels of debt. Many have to pay thousands in illegal fees to recruitment agencies.
- **Report condemns Life in the UK test as a 'random selection of obscure facts'** – a Lords committee has [concluded](#). Most migrants have to sit the Life in the UK test when applying for settlement or citizenship. The 24-question, multiple-choice exam is designed to ensure that 'people who are committing to become British citizens have knowledge of our values, history, and culture' but even the Home Secretary has described it as a [pub quiz](#). The Home Office plans an 'in-depth review' of the test.
- **Rough sleeping.** The House of Commons Library has a [new briefing](#) on rough sleeping in England.
- **Immigration reporting.** The government [has changed its policy on immigration reporting](#) after campaigning and legal challenges. People will no longer be required to report in-person unless in exceptional circumstances.
- **Sixty years ago, the first Commonwealth Immigrants Act came into effect.** Colin Yeo [gives us a history lesson](#).





Do you have any comments on this newsletter?

send them to policyandpractice@cih.org

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