

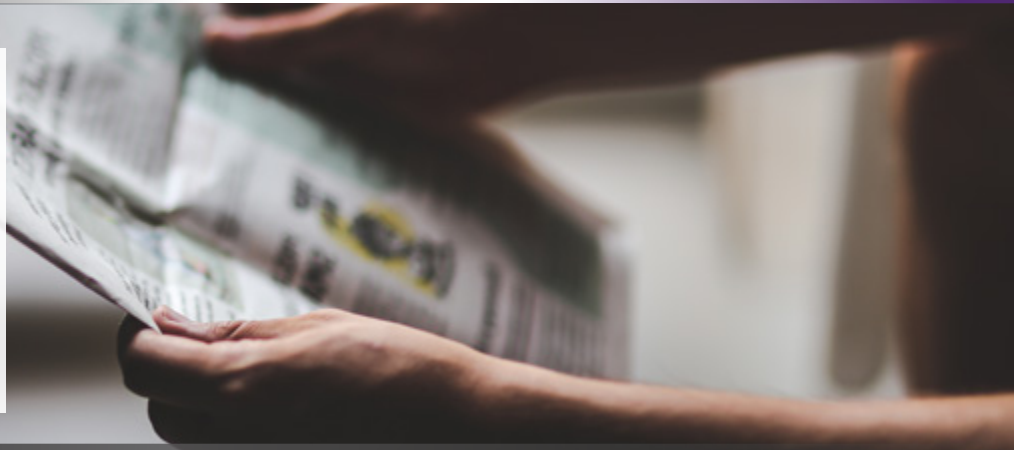


Housing rights

Your quarterly newsletter from the housing rights website

October 2018

The [housing rights website](#) gets over 10,000 visits every month. This newsletter, from [the Chartered Institute of Housing](#) and [BME National](#), will keep you up to date with developments around the housing rights of people with different kinds of immigration status. Please feel free to share this newsletter with anyone interested.



Brexit: deal or no deal?

As the date for leaving the EU, 29 March 2019, gets nearer, there is increased interest in what Brexit will mean for housing, what future immigration policy post-Brexit might look like, and - if the worst happens and there is a 'no deal' exit from the EU - how would this affect EU nationals' status and their eligibility for housing and benefits?

What Brexit means for housing

CIH has published a [member briefing](#) on what Brexit means for housing, housing demand and immigration. There is also a [member webinar](#). Inside Housing magazine have produced a [podcast](#) on the effect on housing of a no-deal Brexit, which is free to listen to.

What will post-Brexit migration policy look like?

The government has published a report from the [Migration Advisory Committee](#) (MAC) setting out its recommended post-Brexit immigration policy. The report, and the government's response, have disappointed many commentators. MAC proposed, and the government seems to have accepted, that future EU migration should be concentrated on "highly skilled" migrants. There should be no preferential treatment for EU migrants, the MAC says. The problem is that the door seems to be closing on EU migrants needed by many sectors of UK business that may well be highly skilled, such as construction workers, care and farm workers, but are poorly paid. Currently most definitions of "highly skilled" include high minimum salary rates. Already, industry groups have criticised the planned policy.





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What will a no-deal Brexit mean for EU nationals in the UK?

The government said in June that 'EU citizens living in the UK, along with their family members, will be able to stay and continue their lives, with the same access to work, study, benefits and public services that they enjoy now.' If the immigration rules relating to European nationals stay as they are now, then of course their eligibility for housing, homelessness help and benefits would be unchanged. But without a deal as to the future arrangements, entitlements could be changed relatively quickly through changes to the regulations. Until any rule changes are known, EU nationals who have not established their 'settled status' before 29 March next year could be unclear about their entitlements. Presumably, a 'no deal' would have to lead to early guidance on how those with settled status, those without it, and those arriving after March next year will be affected and what the differences in their entitlements will be.

There is one problem about this. While the UK has made guarantees about the future status of EU nationals already here, a 'no deal' scenario would put at risk the status of the more than one million British nationals living elsewhere in the EU. Individual EU countries would presumably have to make their own decisions about granting them the equivalent of the 'settled status' they have been offered in the UK. If this failed to happen, Britain might take retaliatory action. As the [Free Movement blog](#) says:

'In other words, EU nationals in the UK really would become bargaining chips. So the disaster scenario is one where, deliberately or simply through lack of preparation, UK nationals in the EEA are thrown into limbo, while travel becomes much harder; and the UK retaliates, placing a question mark over the status of some or all of the 3.4 million EEA nationals currently resident.'

However, while possible, this does seem unlikely, and a 'sticking plaster' solution will probably be found if the worst comes to the worst.

More on Brexit

Applying for settled status as an EU national

The Home Office 'settlement scheme' for EU nationals and their families has been [published](#). The scheme opens fully in March 2019 and does not yet apply to citizens of Norway, Iceland, Liechtenstein and Switzerland. Getting settled status or pre-settled status under the EU Settlement Scheme means a person can continue to live and work in the UK after 31 December 2020, and potentially apply for British citizenship (a route open to many long-term EU nationals already, of course, as explained [here](#)). Pilots in specific areas and workplaces are underway.

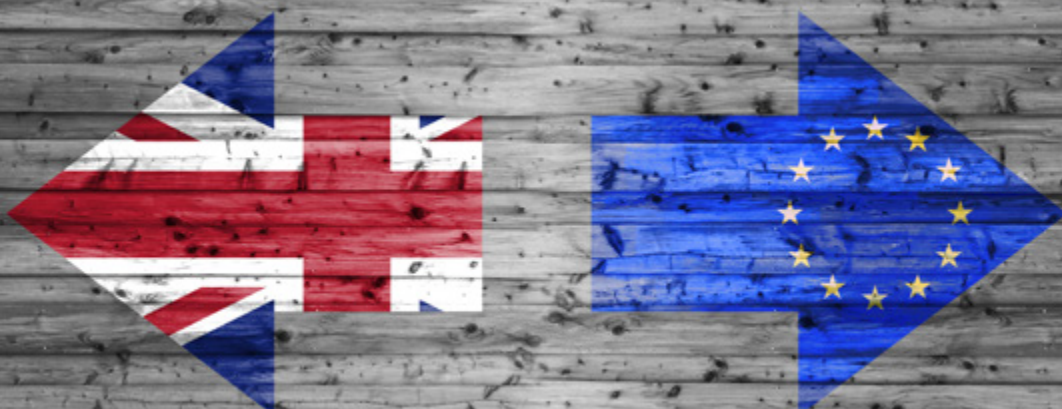
Some people will face difficulties in applying for settled status, and may miss out. The NRPF has produced a [briefing for local authorities](#) (pdf) on the groups most likely to be affected and how to help them.

Advice for European Londoners

The Mayor of London has [a new web page](#) giving advice to Londoners on Brexit, which will be updated with new guidance as it is produced.

How Brexit affects Roma communities

Roma groups from around the UK have explained to parliamentarians their worries about Brexit and how it might affect them. The discussions are summarised [here](#) (pdf) and [this article](#) summaries the fears felt by many Roma people about achieving settled status.





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Windrush victims: Evidence on 'lessons learned'

In August the government announced an inquiry into the 'lessons learned' from the Windrush scandal, in which people who came from Caribbean countries and have lived in the UK for many years found they lost their jobs, homes and benefits. Led by independent adviser Wendy Williams, it put out a call for evidence to be submitted by October 19.

CIH has made a submission to the inquiry, focussing on the problems suffered by Windrush Britons because of the 'right to rent' scheme. Many of them became homeless when they couldn't produce the necessary paperwork to demonstrate their 'right to rent'. CIH says that it warned the government as long as five years ago that right to rent checks would affect 'the housing options of legal migrants and existing UK citizens who might be mistaken for migrants'. Throughout the preparations for right to rent, the pilot scheme and its roll-out across England, we repeated our arguments and pointed to evidence to back them up. Warnings were consistently ignored by government.

The government also rejected evidence of discrimination taking place by landlords. It has never properly monitored the effectiveness of the right to rent either in terms of whether checks are being correctly made, or whether it has any significant impact on tackling 'illegal' immigration in relation to the economic and social costs of the scheme.

CIH therefore calls for any review of the 'hostile' (or 'compliant') environment to include reviewing the future of right to rent. It urges the government to terminate the scheme because of the ample evidence of its unintended consequences and the very limited evidence of its utility in reducing 'illegal' immigration.

CIH's submission to the review is available [here](#). An independent [submission](#) by immigration lawyer Colin Yeo covers wider issues about the hostile environment.

The housing rights website gives guidance on Windrush cases. Look at the [what's new page](#) for links to the pages that can assist with the different issues raised.



Concerns about new asylum accommodation contracts

Local authorities and groups working with asylum seekers are very concerned about the uncertainties surrounding the new accommodation contracts that will house asylum seekers in dispersal areas such as the North of England and Scotland. A Westminster Hall Debate in parliament on the asylum accommodation contracts was secured by Alex Cunningham, MP for Stockton North, and responded to by the Minister for Immigration. The transcript is [here](#), and the video of the debate is [here](#).

Ahead of the debate, Asylum Matters put together a [list of resources](#). In addition to their joint briefing with the Scottish Refugee Council, briefings were also produced by The Equality and Human Rights Committee, Freedom from Torture (both are on the Asylum Matters [website](#)), Doctors of the World and the House of Commons Library ([here](#)).

The Chair of the Home Affairs Committee has written to the Home Secretary about the forthcoming asylum accommodation contracts in a [letter](#) asking numerous pointed questions about how they will work.

Asylum Matters wants to build a fuller picture of concerns with how the contracts are designed and practical considerations about how they may be delivered and monitored. If you have views or information to share, please contact [Katie McSherry](#).

A [CIH blog](#) explained the background to recent problems with asylum accommodation contracts, especially those in Scotland.



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ARHAG aims to be the 'go to' organisation for migrants and refugees

A guest article from William Rickett,
Communications & Engagement Officer at ARHAG



Arhag Housing Association, the main sponsor of the housing rights website, is paving the way in supporting migrants and refugees in the UK. The specialist BME housing association with in excess of 900 homes in 15 London Boroughs is undergoing a huge transformation, tearing up the traditional housing model and placing a range of support services at the heart of its offering.

Arhag aims to become the 'go to' organisation for migrants and refugees in the capital and has begun putting steps in place to do this. A new office in East London caters for Arhag and a number of other specialist organisations, as well as offering a community space. Everyone who enters the building will be able to access a vast range of services, from housing advice, benefits support, employment and digital training, right through to healthcare and specialist counselling.

Arhag already delivers a number of projects to benefit migrants and refugees, including its award winning 'RISE into Employment' programme which sees participants attend five weeks of unique employment training and five weeks of one-to-one support and work placement.



Participants taking part have gone on to become teaching assistants, pharmacists, security operatives, and finance assistants.

Arhag has also begun pulling together with partners to deliver wider projects. Partnered with Olmec, Migrants Rights Network, Iranian Kurdish Women's Rights Organisation (IKWRO), and Doctors of the World, they received £1 million in funding from the Department for Digital, Culture, Media and Sport via the income generated by taxing tampons. This funding has seen the BME Women's project put together a multitude of activities taking place across a number of cities in the UK specifically for BME women and girls over the age of 16. They offer employment and digital support, counselling, free healthcare advice and support, legal advice, and a free advice line.

The free national benefits and housing advice line is available to all BME women or girls in the UK who require help or advice with a housing and or benefit issue, such as universal credit, maximising benefits, support dealing with overpayments, and maximising benefits through grants and other options.

The advice line is open on **Tuesdays between 10am and 3pm** and can be reached at **0800 3890 405**.



'Right to rent' faces a legal challenge

Two legal challenges to the right to rent scheme, under which landlords in England must check the immigration status of potential tenants, will be heard in the High Court on 18 and 19 December. A judicial review by the Joint Council for the Welfare of Immigrants and Residential Landlords Association has been joined with a separate challenge brought by Camden Community Law Centre. Derek Bernardi writes in [Inside Housing](#) about the case of an individual wrongly refused her right to rent.



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Other news

Victims of domestic abuse increasingly denied right to stay in UK

A freedom of information request by [The Guardian](#) revealed that the refusal rate for applications under the domestic violence rule rose from 12% in 2012 to 30% in 2016, the last year for which full-year data was available. The figures show that 1,325 people were refused out of a total of 5,820 applications made between 2012 and 2016. Remember that the housing rights website has specific pages on domestic abuse for [England and Wales](#) and for [Scotland](#).

The 'Surinder Singh' immigration route

The 'Surinder Singh route' has become well known as a way for British citizens to be reunited with their family members and is noted on the housing rights website page for [British and Irish citizens](#). The [Free Movement blog](#) has an article explaining how it enables people to use EU free movement laws to bring relatives to the UK.

New statement of changes to the Immigration Rules

A new statement was laid on 10 October and is described in the [Free Movement blog](#).

Contributors

The newsletter is edited by John Perry from CIH. This issue was put together with help from Katie McSherry of Asylum Matters, William Rickett from ARHAG, Sam Lister (CIH) and Sue Lukes (consultant and main website contributor).

NRPF guidance on housing and benefits

The tool to help migrants with housing and benefits, produced by the No Recourse to Public Funds network has been [updated](#). It links across to the [housing rights website](#) to provide detailed guidance.

Claiming asylum in the UK

Do you need to know the basics about how people can make an asylum claim? The [Free Movement blog](#) has a guide to the steps involved.

Refugee children to be granted 'Calais leave'


This is a new form of permission to remain in the UK for children resettled from the Calais refugee camp last year who would not otherwise qualify for asylum. Changes to the website will be made soon and the [consolidated regulations](#) (pdf) relating to allocations and homelessness available on the website will be updated on November 1st.

Immigration rules have doubled in length since 2010

Ever thought that the rules seem to get longer and more complicated by the day? This is because they do - as a story in [The Guardian](#) shows. According to their analysis, Home Office officials have made more than 5,700 changes to the immigration rules in the last eight years: or an average of two changes per day since then.

House of Commons library publications

The House of Commons library has published a new version of its [briefing paper on the right to rent](#). It has also published a new briefing on [immigration detention](#).



Do you have any
comments on this
newsletter?

Send them to policyandpractice@cih.org

Published by: Chartered Institute of Housing, Octavia House, Westwood Way, Coventry CV4 8JP

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