



Housing rights

Your quarterly newsletter from the housing rights website Spring 2024

ur spring 2024 newsletter has news of a government bid to limit refugees' access to social housing, and the steps being taken to challenge the proposals.

It also gives the latest news on the growing problem or refugees resorting to sleeping rough after they are forced to leave asylum accommodation. This is "a moment of significant crisis" according to the Refugee Council.

Rwanda, tackling the "small boats" crisis and cutting the backlog of asylum cases all appear regularly in news headlines. We provide a summary. We also report the latest news on refugees fleeing from world conflicts.

The newsletter has some good news: government proposals to exempt new asylum accommodation have been withdrawn. We explain what happened.

We take our regular look at the state of the asylum system - the alternative measures the government is using to house asylum seekers and progress in making less use of hotels.

Local government could play a bigger role in supporting migrants, especially asylum seekers. We summarise recent proposals and guidance.

We give the latest news on the EU Settlement Scheme, changes in the help available for migrants fleeing domestic abuse and the latest on family reunion.

We wrap up with the usual miscellany of other news items.

Our thanks to our sponsors and all the contributors to this issue. If anyone is interested in contributing to future issues, please email john.perry@cih.org. And, as ever, a special thanks to our main sponsor Metropolitan Thames Valley and to Innisfree.

As always, we encourage you to share this edition with anyone you know who works in this area. And if you haven't already, please click here to subscribe and receive the newsletter direct to your email inbox each quarter.

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the Housing rights team



New obstacles faced by refugees who need social housing

he government published a consultation on reforms to social housing allocations in January, open for responses until March. The reforms are a complete retreat from the coalition government's Localism Act 2011, with central government now proposing to take away many of the freedoms which it gave and to return to a much more centrally controlled system of social housing allocations (in England and potentially with effects in Wales).

If implemented, the changes will further restrict access to social housing, focussing on migrants along with certain other groups. The two main migrant groups to be excluded would be:

- Migrants who have achieved settlement (typically after five years residence) but are not yet resident for at least ten years
- Refugees who are currently entitled to social housing as soon as they are recognised as refugees.

Very few migrants in the five to ten year residence period actually need or currently get social housing, so the main affected group will be refugees. However, refugees who arrive via resettlement routes (from Ukraine, Afghanistan, etc.) are unaffected.

CIH's response to the consultation said:

"Extending the length of time to qualify for social housing to ten years will discriminate against non-UK nationals that have the right to remain and receive public funds but will now be ineligible for social housing. Many refugees have fled traumatic circumstances and experienced further suffering en route to seeking safety. They are likely to experience further hardship and poverty and have significant challenges in finding decent housing they can access in the private rented sector."

Nearly legal pointed out that the proposals:

"Appear to be aimed at stopping refugees from becoming entitled to an allocation under Part 6. Leaving aside all moral objections to such a policy, it is, in its own terms, stupid. The current Part 6 (allocation of social housing) categories mirror those applicable to Part 7 (homelessness support). So, unless you change the Part 7 conditions as well, all that will happen is that your Part 7 costs will increase."

"It takes a special kind of person who, faced with the multifaceted horrors of our dysfunctional housing system, decides that what is really needed is to make it harder for some people to access social housing." (Nearly Legal) CIH pointed out that local authorities will have to make illogical distinctions. For example, if an accepted refugee from Afghanistan who has fled the Taliban needs accommodation, why should it matter if they originally arrived via a resettlement route or claimed asylum on arrival at the UK border?

Clive Betts MP, chair of the Commons' levelling up, housing and communities committee, has written to the government about the proposals. Saying that the change will push people into homelessness, he asks if the government has conducted an impact assessment of the proposed UK connection test. He also asks how the test will account for people seeking social housing across two or more local housing authorities' boundaries.

"The basic facts are that there is not enough social housing available and that more homes for social rent need to be built. There are understandable concerns that the Government's proposed introduction of new qualification tests risks pushing people into homelessness. I hope the Minister will be able to respond to the Committee's questions on the expected impact of the six tests."

The letter also presses DLUHC to set out when it expects to respond to its consultation and whether legislation will be brought forward.

The Immigration Law Practitioners' Association response looks in detail at the complexities that will arise from the applying the new connection test. It also points out that:

"... under the Illegal Migration Act 2023, individuals who have arrived in the UK irregularly, and whose protection and human rights claims are deemed inadmissible, will not [normally] be granted refugee status or humanitarian protection... Therefore, all impacted individuals are held in perpetual limbo, and with the introduction of this test, regardless of whether they have a meritorious protection claim, they will be locked out of access to social housing."

CIH asked the government to bear in mind that a "tenyear rule" restricting access to housing waiting lists was found to be discriminatory in a case that went to the Court of Appeal in 2019: R (TW) and R (Gullu) v London Borough of Hillingdon. Clearly a new ten-year rule is likely to be viewed by the courts in a similar light and may well be found to be discriminatory against refugees who are in a similar position to Mr Gullu's.

CIH has published a What you need to know guide about the consultation, free to download for CIH members.



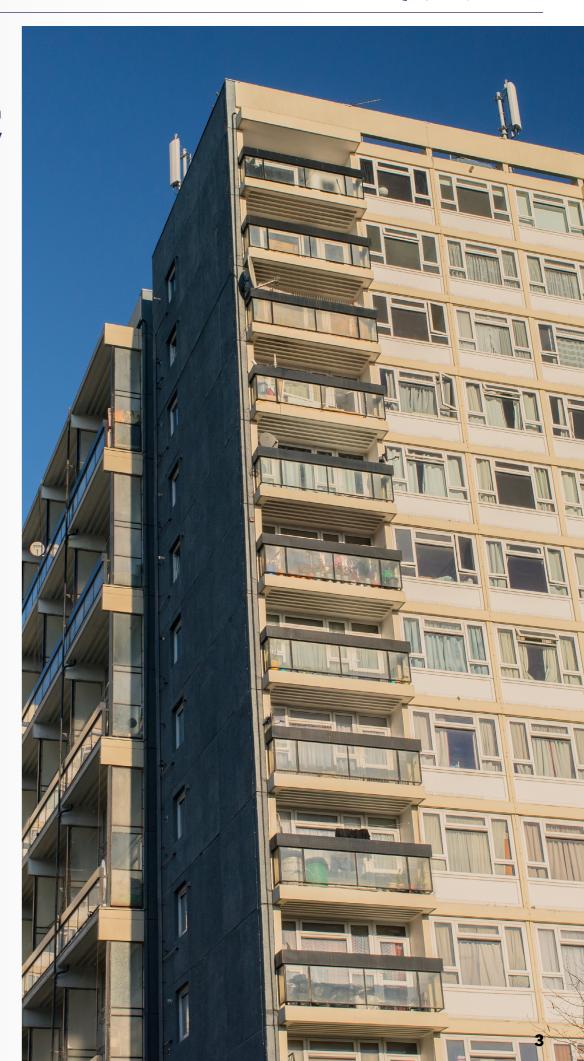
Hounslow case emphasises how residence requirements can be discriminatory

Coincidentally, a recent case concerning Hounslow's policy of requiring housing applicants to have five years' residence in the borough has led to the council having to amend its policy, reports Local Government Lawyer.

The claimant, who was unable to go onto Hounslow's housing waiting list, argued that the policy amounted to unlawful discrimination against those fleeing certain types of violence, and refugees.

Settling the claim, Hounslow accepted that it unlawfully indirectly discriminated against the claimant on grounds of race, as a refugee and as a victim of gender-based non-domestic violence.

In addition to reviewing the residence criterion within six months, the council has agreed to disapply the criterion in relation to applicants who are refugees and/or have fled non-domestic gender-based violence. The judgment can be found here.







Refugees sleeping on the streets - problems worsen

There is plentiful evidence from different sources that more refugees are becoming homeless.



4,389

The number of people sleeping rough in London surged to a new record high in the months ahead of Christmas, driven by a surge in foreign rough sleepers, reports *The Big Issue*. A total of 4,389 people were spotted on the English capital's streets from October to December last year, according to the Combined Homelessness and Information Network (CHAIN).



223%

Councils across England have seen a surge in rough sleeping after the Home Office began clearing a backlog of cases, which has led to more people being required to leave asylum accommodation, according to the Local Government Chronicle. The report found there was a 223 per cent increase in street homelessness for refugees leaving asylum accommodation between June and September. For example, from April to the middle of January, 343 people presented as homeless to Salford City Council due to the end of asylum support, more than double the number for the whole of 2022-23.



239%

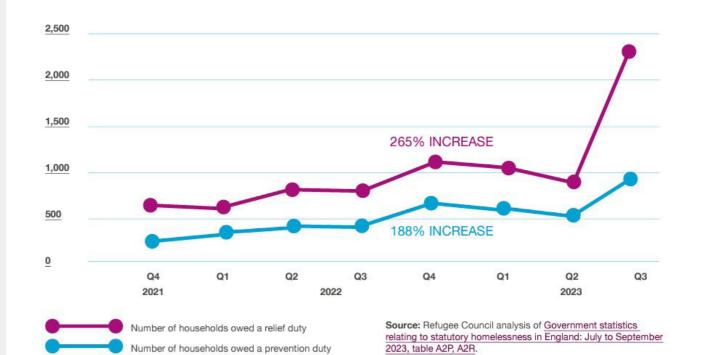
A new report from the Refugee Council found a 239 per cent increase in households requiring homelessness support from local authorities after being evicted from asylum support accommodation in the two years to September 2023. There has been a 265 per cent increase in the number of households owed a relief duty and a 188 per cent increase in households owed a prevention duty. The report finds that 3,290 refugee households, many with children, were facing homelessness in the third quarter of 2023.



234%

New data from London Councils confirm that hundreds of refugees were sleeping rough in the capital after leaving Home Office hotels. Some 311 refugees were forced to sleep rough after such evictions in January 2024. An increase of 234 per cent compared to September 2023, when a survey found 93 refugees sleeping on London's streets.

Number of households owed prevention and relief duties in England after being required to leave Home Office asylum support accommodation in the two years ending September 2023



The Refugee Council says that the rise in homelessness among newly granted refugees is unprecedented and represents "a moment of significant crisis." Its report, Keys to the City 2024: Ending refugee homelessness in London, has a number of recommendations such as helping refugees fund the deposits needed to get private sector accommodation and a nine-month grace period on the benefit cap for newly recognised refugees.

Various charities asked the government to double the number of days that newly recognised refugees are given to find a home before being evicted from asylum hotels.

On a related issue, CIH, Crisis and 35 other organisations are calling on the government to reconsider proposals to criminalise homeless people through the Criminal Justice Bill.







Rwanda, small boats, and migration statistics

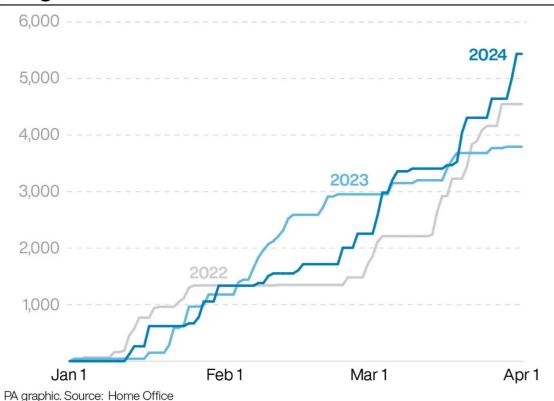
"Small boat" arrivals reach record levels

hile government continues to say it is tackling the problem of "small boats," numbers keep growing.

More than 5,000 people crossed the Channel in small boats in the first three months of 2024, a significant increase on the previous year (see chart). The BBC reported that 800 people arrived in the UK on small boats over the Easter weekend.

Despite the increase, a Number 10 spokesperson said Mr Sunak remains confident that he will meet his pledge to "stop the boats", which he had made one of his priorities for last year.

Cumulative arrivals of people crossing the English Channel in small boats



In openDemocracy, Lucy Mayblin offers what Zoe Gardner calls

"the best, clearest article on the history of irregular migrant crossings between France and the UK, explaining how we got here and why it isn't working."

Threat of deportation to Rwanda is no deterrent to "small boats"

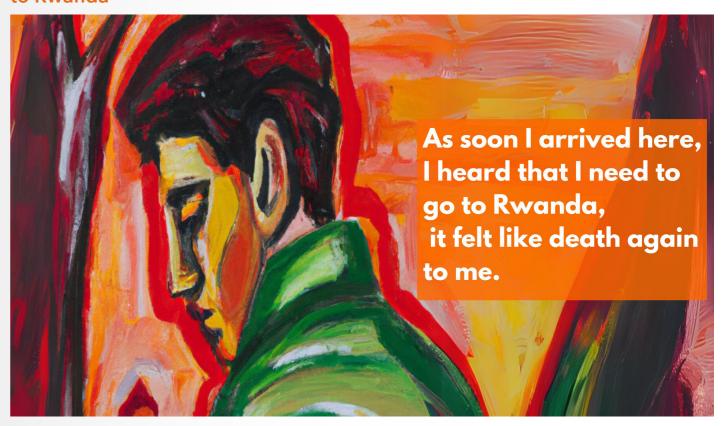
The Safety of Rwanda (Asylum and Immigration) Bill has passed another stage in its passage through parliament after votes in both houses, but it is not expected to be finalised until mid-April. If carried through, the true cost of the Rwanda plan could be as high as £3.9 billion, according to the IPPR.

However, it may have little effect. A University of Sheffield researcher, writing in The Conversation, says:

"I've spent time with refugees in French coastal camps and they told me the government's Rwanda plan is not putting them off coming to the UK."

The Financial Times also commented that the UK lacks detention capacity for the promised crackdown on immigration. Britain has only about 700 detention spaces but many more will be needed under the prime minister's plans.

People are already under threat of removal or "voluntary departure" to Rwanda



Despite the Rwanda Bill's slow progress, dozens of migrants in Britain's asylum system have received notification from the Home Office warning them of possible compulsory removal to a "safe third country" such as Rwanda, according to the Financial Times.

JCWI recounts the story of Ali (not his real name), who may be sent to Rwanda.

"I am from Kurdistan Province, Iran. A year and a half ago, I fled Iran. I had a terrible journey. Smugglers intimidated me. In Italy, I was kidnapped and harassed.

"I left Iran because I converted to Christianity from Islam. Based on Iranian law, people who convert from Islam to other religions can face the death sentence, and that's why I was forced to leave the country. I was trapped by smugglers. Unaware of my destiny. I finally arrived in Britain on the 30 May 2022. The reason I came to England was because I thought I would be safe here.

"But only a day after I arrived, I was moved to a deportation centre. After a few days, I received a letter, telling me I would be sent from the UK to Rwanda. When I received that letter, I felt like I had lost my life once again."

URGENT RWANDA NOTICE

We have received reports that the Home Office are calling people to offer 'voluntary departure' to Rwanda.
You DO NOT have to say yes.

If you get a call, we recommend to:

- 1. NOT respond until you have legal advice
- 2. Ask the Home Office to send the offer to you in writing
- 3. Find legal representation

Find legal advice and representation:

- https://portal.oisc.gov.uk/s/adviser-finder
- https://www.gov.uk/government/publications/directory-of-legal-aid-provider



THE JOINT COUNCIL for THE WELFARE OF IMMIGRANTS

migrants organise



The Home Office has also updated its guidance on

voluntary returns, now re-named voluntary departures, which includes the possibility of sending those who agree to a "safe third country". Although not explicitly named in the guidance, the intention is clearly to try to get people to agree to go to Rwanda.

Migrants Organise, JCWI and Right to Remain have issued an <u>urgent notice</u> for those threatened with or offered a "departure" to Rwanda (see image).

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More on Rwanda

- The High Court in Ireland (shamefully) judged the UK itself not to be a safe country for asylum seekers, partly because of the Rwanda deportation threat.
- A damning government assessment was published that highlighted the prevalence of poverty and malnutrition in Rwanda. More than half of the population 56.5 per cent live on less than \$1.90 a day and poverty reduction has "stagnated" since 2014.
- Asylum accommodation in Rwanda will "not go to asylum seekers" says openDemocracy. It claims that "beautiful flats" said by former home secretary Suella Braverman to be earmarked for asylum seekers have already been sold. Last year, Braverman praised the homes as "really beautiful" and said she wanted to hire the designer for her own house. But an undercover reporter was told by the developer that asylum seekers would not be housed there.
- Rishi Sunak has rejected a plan to stop "Afghan heroes" who supported British troops from being deported to Rwanda. MPs overturned amendments to the Rwanda Bill by the House of Lords, including one that would have exempted anyone who supported British armed forces in an "exposed or meaningful manner" from being deported.

Rishi Sunak's bid to clear the asylum backlog backfires, say lawyers

The Financial Times says that the prime minister's rush to clear a backlog of asylum claims has driven some applicants into the hands of criminals, pushed others towards destitution and is creating a fresh pile-up in the courts. The prime minister claimed on January 1 that he had met his 2023 pledge to deal with more than 92,000 cases.

But within this number, predating June 2022, are 35,119 people stripped from the backlog who were neither rejected nor accepted as refugees. Instead, the Home Office withdrew most of these applications for alleged non-compliance with rules or disappearance. This has led to people being cast into limbo, evicted from supported accommodation, and losing financial support.

In other instances, those whose cases have been rejected or withdrawn have ended up homeless, vulnerable to exploitation and trafficking.

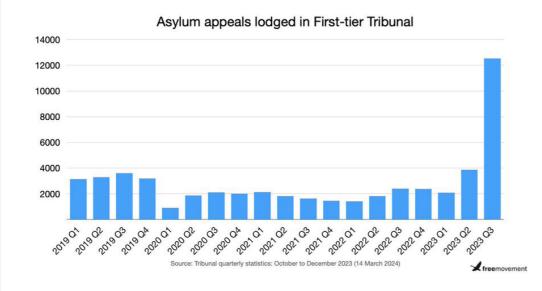
"There are a great many such cases going through the courts locally at present," said Lucie Rees Sudbury of Clive Rees & Associates, a law firm in Swansea.

The Institute for Public Policy Research said in February that new asylum laws have introduced a "perma-backlog" of up to 55,000 people who cannot have their claims processed and risk being left indefinitely in taxpayer-funded temporary accommodation.

Marley Morris, associate director for migration at IPPR, said:

"Chaos in the Home Office has led to tens of thousands of asylum seekers stuck in a perma-backlog, unable to get on with their lives and costing the taxpayer millions. This was an entirely predictable outcome of the Illegal Migration Act. The only way to escape this situation is for the Home Office to start processing claims."

Home Office figures at the end of February showed that the number of asylum applications awaiting a decision in the last three months of 2023 fell by 28 per cent year-on-year, to 95,252. This sharp fall was driven by 24,000 so-called "withdrawn applications", or almost 65 per cent of the total for the whole of last year. The number of withdrawals was more than four times the 2022 figure with the vast majority defined as "implicit", meaning the Home Office decided the application was no longer valid.



Tribunal quarterly stats were **published in March**, and showed a sharp predicted increase in asylum appeals (see chart from above *Free Movement*).

How a Labour government might change immigration policy

There is more speculation on how immigration policy might change under a new government.

- Colin Yeo says that Labour is firmly committed to ending the threat of deportations to Rwanda, but what else might it do if it forms the next government? He considers the immigration acts and rules that currently apply (giving a useful summary list), and argues that many reforms can be achieved by rule changes; only a few will need new legislation.
- In a second article, Colin Yeo discusses reform of the asylum system.
- Sunder Katwala argues in Labour List that while Labour leads in opinion polls on the immigration issue it faces huge challenges when it comes to power.

But how and why has immigration reached record levels? *The BBC* looks at the figures and what lies behind them, including the policy choices that have been made.



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Latest on refugees fleeing Ukraine and other world crises

Public Accounts Committee assesses Homes for Ukraine

arch saw publication of a report by the Public Accounts Committee (PAC) which raises concerns that the risk of homelessness among Ukrainians in the UK is likely to increase. The government does not have a full and accurate picture of homelessness within the Homes for Ukraine (HFU) scheme, which is hampering planning.

The PAC calls on government to set out what action it will take to increase the number of local authorities that regularly provide homelessness data returns and secure an adequate supply of sponsors for the scheme in the future in a cost-effective way.

The Chartered Institute of Housing submitted evidence to the PAC, but the ccommittee did not (as hoped) look at the wider and longer-term implications of the hosting scheme and the possibility of continuing it on a long-term basis to house different groups of refugees or asylum seekers.

Data on homelessness among those housed under the HFU or family schemes are provided here. As of February 29, 9,330 households had been dealt with as homeless, two-thirds of them (6,230) because hosting arrangements under the HFU broke down or ended.

Call for Ukrainestyle visa scheme for Palestinians in Gaza with family in UK

A letter signed by almost 60 charities, law firms and organisations will be sent to the home secretary calling for the creation of a Ukraine-style visa scheme for Palestinians trapped in Gaza who have family in the UK.

The letter, signed by the Refugee Council, Care4Calais and the Helen Bamber Foundation, says "existing immigration routes are insufficient and not working" and describes how a Gaza family scheme would "enable Palestinians in Gaza to reunite with their immediate and extended family members in the UK".

A petition on this can be signed here.



More on Ukraine

- In February, the BBC reported on the closure of the Ukraine family scheme, which allowed Ukrainians to come to the UK if they had family members here. More information on the scheme, and on other schemes that remain open, can be found on the housing rights website page on Ukraine.
- The government has issued information on how Ukrainians can extend their stay. There is separate guidance for the different schemes:
 - Ukraine extension scheme
 - ▶ Homes for Ukraine scheme
- There is new information about what to do if someone needs to end their hosting arrangements for any reason.
- Also there is new research on exploitation and trafficking risks for people who have arrived in the UK through the Ukrainian schemes, and a new report on the UK Seasonal Worker Scheme.
- A podcast by Politico describes how the small town of Marple hosted numbers of Ukrainian refugees, and how successful it was.



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Government withdraws proposals to exempt new asylum accommodation from licensing schemes

n February, a judicial review challenge to the lawfulness of draft HMO (houses in multiple occupation) regulations which would remove protection from asylum seeker accommodation was cancelled before it began. Just before the trial was due to start the court and claimants were informed that the Home Office had decided to withdraw the draft regulations.

The controversial regulations, which had already partly made their way through parliament, would have suspended the fire safety and other standards in HMOs procured by Home Office contractors to house asylum seekers, putting vulnerable people at great risk. The Chartered Institute of Housing provided one of the expert witnesses who gave written evidence for the judicial review. The CIH evidence revealed that, when HMO licensing was originally introduced, the then ministers had promised that asylum accommodation would never be excluded from the scheme.

The proposal sparked widespread criticism. In May 2023 an open letter coordinated by CIH, the Refugee and Migrant Forum of Essex and London (RAMFEL) and the Joint Council for the Welfare of Immigrants (JCWI) urged the Home Secretary and Secretary for State to abandon the plans. The letter amassed 137 signatories, including Crisis, Shelter, the Refugee Council and Amnesty International.

At the time of issuing the letter, Gavin Smart, CIH chief executive said:

"The licensing scheme for houses that are multioccupied are designed to keep people safe, especially safe from fire. They need to apply to everyone, including people seeking sanctuary in the UK. That's why we're calling on the government to drop its proposal to exempt asylum accommodation from the HMO licencing arrangements."

The regulations were not withdrawn by government and continued to make their way through parliament. It took a group of eight asylum seekers, represented by Duncan Lewis solicitors, to bring forward a legal challenge to the regulations.

Nick Beales, head of campaigning at RAMFEL expanded on the evidence given commenting:

"It is worrying that the government states in its explanatory memorandum that part of the rationale for this proposed change is that subcontractors 'have raised concerns that regulation is posing a barrier' to acquiring properties. It would appear that subcontractors have directly lobbied the government to introduce a piece of legislation that enables them to provide housing of a lower standard, and thereby increase their profits."

Following the withdrawal of the case, Jeremy Bloom, lead solicitor on the claimants' legal team from Duncan Lewis, said:

"The Claimants have achieved something amazing today: the government's last-minute withdrawal of Regulations that would have reduced protections for asylum-seekers housed by the Home Office is a spectacular u-turn. The Claimants now have the enduring protection that they will not be placed in accommodation which does not meet licensing standards, which are so vital to fire-safety and to prevent overcrowding."

Mary Atkinson at JCWI added:

"We celebrate the fact that this government has bowed to pressure over their obscene proposals, which would have left some of the most marginalised people in our society at risk in unsafe housing.

"Everyone deserves a home that is decent and safe - instead of treating people seeking sanctuary as second-class citizens, the government must act to quickly and fairly process asylum claims, and make sure local authorities are properly resourced to provide safe housing for all who need it."

A Home Office spokesperson said:

"Our success maximising the use of existing sites and delivering alternative accommodation means it is no longer necessary [our emphasis] to pursue the removal of licensing requirements for Houses in Multiple Occupation."

Right to Remain published a briefing on the implications of the decision to drop the changes.

Michael Gove's argument against the changes is revealed

As part of the court case, the Home Office was obliged to release correspondence between the two secretaries of state, in which Michael Gove argued against the changes planned by the home secretary. This is what he said:

"Landlords of larger HMOs - and in some areas, smaller HMOs - must be licensed and properties must meet standards. This is for safety reasons, for example there is a significantly higher risk of fire in HMOs. Home Office officials have suggested



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Hotels, military bases, and barges

Hotels still used to accommodate asylum seekers

he Home Office announced last month that 100 hotels had been closed with a reduction of 20,000 asylum seekers in hotel accommodation since the end of September 2023. It promised to close 50 more hotels by the end of April.

Despite the closures, the number of asylum seekers accommodated since the end of September 2023 has not fallen, suggesting that more people are being squeezed into fewer hotels. The Home Office had previously announced a room maximisation policy requiring more people to share rooms.

Announcing the latest figures, the home secretary, James Cleverly, said:

"We promised to end the use of asylum hotels and house asylum seekers at more appropriate, cheaper accommodation; we are doing that at a rapid pace." But the shadow minister, Stephen Kinnock, said Cleverly's announcement was "...celebrating failure. So-called 'asylum hotels' didn't exist before the Tories lost control of the asylum backlog, and Rishi Sunak promised to end them by the end of 2023," he said. "Yet here we are with around 250 still in use come mid-April."

Government's asylum accommodation plans to cost more than hotels

The National Audit Office's Investigation into Asylum Accommodation, published in March, found that the Home Office expects its Large Sites Accommodation Programme to cost £1.2 billion, approximately £46 million more than using hotels.

By the end of March 2024, the Home Office expects to have spent at least £230 million developing four large sites comprising the Bibby Stockholm barge, two former RAF bases at Scampton and Wethersfield and former student accommodation in Huddersfield.

Almost 900 people were housed at the Bibby Stockholm barge and Wethersfield. However, it was expected that the sites would accommodate around 1,875 people by January 2024.

The Home Office expects to move people into Scampton and Wethersfield by May 2024 (although moves to Scampton, now limited to 800 places, may be further delayed).

The report revealed that the Home Office expects to develop a 10-year strategy by spring 2024 which will consider the type and amount of accommodation it wants to have, how it will work with partners in local authorities and options for funding.

The Financial Times notes that the UK spent a quarter of its aid budget on hosting asylum seekers in 2023 (an issue covered in depth in earlier newsletters). The use of the overseas aid budget in this way is "wreaking havoc" with the Foreign, Commonwealth and Development Office's development partnerships, according to the Independent Commission for Aid Impact (ICAI), which oversees international aid.

Byline Times said that Britannia Hotels, the hotel chain voted UK's "worst", made over £150 million in the last decade from housing asylum seekers in harmful conditions.

Home Office under pressure to disclose if asylum seeker housing profit cap has been triggered

PoliticsHome says that the Home Office is under pressure to be more transparent about whether the three private companies housing asylum seekers have triggered a profit cap intended to curb the amount private businesses can make from government contracts.

A number of charities have submitted Freedom of Information requests on the issue, and MPs have put forward multiple parliamentary questions. But the Home Office has repeatedly refused to confirm whether the profit cap has ever been triggered.

Planning law cases involving asylum accommodation

Cases where local councils have challenged hotels and army barracks, etc being used as asylum accommodation have been covered extensively in past newsletters. Here, Local Government Lawyer has a useful summary of how the cases have turned out.

The BBC says that the local council has dropped its objections to use of the RAF Scampton barracks. At the same time *The Guardian* reported that Scampton is contaminated with ground gases and unexploded ordnance, according to government documents.

Following a visit to the Bibby Stockholm barge, the Home Affairs Committee sent a lengthy letter to the Home Office, raising a number of questions around the conditions which asylum seekers face. The committee received only a very peremptory reply.

Updated guidance on who can be sent to the Bibby Stockholm and other sites

In March, the Home Office updated its Allocation of asylum accommodation guidance so that a list of people who were previously excluded from the Bibby Stockholm, Napier and the other ex-Ministry of Defence sites and from having to share a bedroom, can now be sent to these places.

Free Movement points out that the euphemism being used for these sites is "alternative non-detained accommodation options" (Free Movement prefers quasi-detention). This is version 11 of the guidance, the previous one was version 10. Here is a side-by-side comparison of the two versions. Essentially, more people in the groups of people such as torture victims who were deemed to be at risk if moved to these sites, are now likely to be sent there.

Example of asylum seeker threatened with a move to the Bibby Stockholm

An asylum seeker in a hotel in Horley was given a few days' notice to move to the Bibby Stockholm.

He suffers with anxiety and depression and is scared that he would self-harm if he was on the barge. He has said he would rather live in a park than move there.

He previously shared a room in his hotel until an ambulance came to see him after an episode of poor mental health, and suggested he should have his own room, which the hotel gave him. However, it is unclear if the Home Office assessed his vulnerability.

He is trying to contact his GP and his previous therapy provider to ask for supporting letters, though he is unsure if can get these quickly enough. He is awaiting further therapy.

He describes being fearful of being on boats and on the water, he has claustrophobia and says his anxiety would be heightened, and he would feel like he is drowning. However, it is difficult to provide evidence of this in advance of a move.

According to openDemocracy, hundreds of asylum seekers were evicted from a hotel they had lived in for two years with just a week's notice – and many were not told where they were going. A letter from Home Office subcontractor Clearsprings Ready Homes told everyone in the east London hotel that it would "no longer be available" from 26 January. The notice promised a "smooth" transfer to "suitable alternative" accommodation but several days passed before occupants were told where they would be moved to, even though many had children in schools or other connections to the area.

Asylum seekers at a Walthamstow hotel run by Clearsprings had a similar experience.

UK has "no strategy" for housing asylum seekers, says borders' chief inspector

Outgoing chief inspector David Neal told the Financial Times that ministers in successive Conservative administrations had obstructed the oversight role of the inspectorate and presided over a system that created a tragic "waste of human capital".

"There is no asylum accommodation strategy" at the Home Office, which had led to major problems of inadequate facilities across the asylum and immigration detention estate,"

said Neal before stepping down next month.

"They don't identify the lessons, they don't learn the lessons," said Neal. "The Home Office doesn't want to change."

Neal accused the government of stifling the inspectorate's work, including its reports, redacting parts on national security grounds and "obstructing" access to contracts between government and companies that run services at sites. Thirteen reports, that Neal has submitted to the Home Office since April last year, have yet to be made public.

"There are lots of things that are not going well within the system. It's a really toxic area. That's probably why they want to have control of the release of all reports," he said.



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More news on problems faced by asylum seekers

No new scheme to broaden the right to work for people seeking asylum

ollowing media reports of a new scheme to give people seeking asylum the right to work, the Lift the Ban Coalition would like to clarify the facts about labour market access for people in the asylum system.

The rules are the same as those in place since 2010: people seeking asylum may only apply for work if they have been waiting for a decision for more than 12 months. Once they have been granted permission to work, they are only allowed to apply for jobs that are on the government's shortage occupation list. Two things have changed.

- The government has increased the number of jobs on the shortage occupation list, a change that is not specific to people seeking asylum but relevant for immigration as a whole.
- The government's failure to make timely decisions on asylum applications meant larger numbers of people waiting for more than a year on their claims and therefore becoming eligible to apply for permission to work.

People seeking asylum still face huge obstacles finding employment, especially because they are restricted to jobs on the shortage occupation list.



High court rules on responsibility for accommodating asylum seekers with care needs

The NRPF Network reports on the case of R (TMX) v London Borough of Croydon & Anor [2024] EWHC 129 where the High Court found that Croydon Council acted unlawfully by failing to provide accommodation to a person seeking asylum with care and support needs.

NRPF Network says that the case settles the question of whether the Home Office or councils will be responsible for providing accommodation to a person seeking asylum who is assessed under the Care Act 2014 as having "accommodation-related" care and support needs. Councils, specifically adult social care, will need to be clear about the implications of this case when

assessing need and providing care and support to people who are seeking asylum. This includes arranging and funding accommodation where this is needed, and maintaining oversight of care and support that is delivered to people with no recourse to public funds.

Providing accommodation and financial support can have a significant impact on social care budgets whilst central government funding for delivering this support continues to be lacking.

TV Edwards, the solicitors concerned, also discussed the case.

"False Adulthood" report condemns Home Office methods for assessing children's ages

The Refugee Council, Humans for Rights Network and Helen Bamber Foundation have published a new report Forced Adulthood: The Home Office's incorrect determination of age and how this leaves child refugees at risk looking at the harm caused to children by Home Office failures. The report contains quotes from children in the asylum system who have been directly affected by the Home Office's errors.

Mental health of asylum seekers and refugees in the UK

In February, the Mental Health Foundation published evidence on the circumstances which asylum seekers and refugees in the UK can face, and how these can harm their mental health and even lead to suicidal actions.

Asylum seekers and refugees are at particular risk of mental health problems. These may develop because of their experiences in their countries of origin, during their journeys, or after they arrive in the UK. The report explains why they are at risk and what we can do to protect their mental health in the UK.

How a night shelter for asylum seekers was set up in Leeds

Keith Mollison of the West Yorkshire Destitute Asylum Seeker Network (WYDAN) describes this volunteer-run project.

The plight of homeless destitute asylum seekers is an issue in many areas across the UK. With the backlog of unprocessed claims and appeals many asylum seekers are left in a limbo of poverty and homelessness which puts an added strain on local homeless services.

In November 2022, WYDAN opened an emergency night shelter in a disused church in east Leeds for destitute male asylum seekers. Previously WYDAN had operated a roaming shelter in the city.

This roaming Shelter provided warm, safe, and welcoming accommodation (5pm to 9am) with meals for destitute asylum seekers during the winter months (October to April). The hosts (churches, synagogues, and Islamic social centres) provided the space and the volunteers to run the shelter for a week or two each time. This included arranging evening meals and breakfasts, while WYDAN provided the beds and the organisational support of a project manager. The roaming shelter accommodated ten male guests, most of whom had got "lost" in the asylum process and were not in direct receipt of public funds. The shelter was funded by local donations and grant-giving bodies.

In 2021, following the Covid pandemic, dormitory accommodation was no longer feasible. So, the search began for a permanent home. In early 2022, the Methodist Church offered to rent WYDAN a redundant

church as a permanent shelter. A successful bid to the Department of Levelling Up, Housing and Communities Transformation Fund allowed the installation of ten sleeping pods and a shower room in time for its opening in November 2022. A second successful bid in 2023 to the Night Shelter Transformation Fund Round 2, is funding the upgrading of the pods to single rooms with central heating, smoke/fire alarms and replaced windows.

The running of the current permanent shelter is similar to that of the roaming shelter. It is volunteer led, with a rota (drawn from over 100 volunteers) supporting the guests, including the cooking of evening meals. These volunteers are supervised by the project manager and a small group of lead volunteers.

The shelter only takes guests referred by agencies, mainly the Red Cross and Positive Action for Refugees and Asylum Seekers, who are providing them with caseworker support and can vouch for their suitability for the shelter.

During its first winter, 2022/23, the shelter provided 1,020 guest/nights of accommodation. This number has already been surpassed this winter with 1,070 guest/nights by mid-February.

For further information, contact shelter@wydan.org.uk.



Experiences of migrant children arriving and living in England

A survey by the Office for National Statistics looking at the experiences of migrant children found that poor and unstable accommodation was a factor particularly affecting them.

Participants expressed feeling a lack of choice over their accommodation, describing staying in temporary hotel accommodation for much longer periods than expected and having to move to new accommodation or cities across the UK at short notice.

They also described experiencing long waiting periods for decisions to be made about their futures in the UK, which caused stress and worry.



Local councils could play a bigger role in supporting asylum seekers

Asylum and refugee systems need radical devolution

ew "local integration partnerships" would help meet the needs of refugee, asylum-seeking and longstanding communities, says the former chief executive of Brent LBC and member of the Commission on the Integration of Refugees, Carolyn Downs.

The commission released its **final report and recommendations**, having undertaken the most significant and detailed exploration of the UK asylum system in a generation. Downs **told** the *Local Government Chronicle* that she took a particular interest in the evidence gathered from eight local hearings across the country, and the experience of local authorities and communities.

"As a result one of the key recommendations that all 22 commissioners agreed on - one that underpins many of the other 15 - is a call for the radical devolution of asylum and refugee systems to local level, built on the idea of 'local integration partnerships' where all resources for asylum and resettlement are controlled and invested by devolved governments, regional and local authorities, and communities." Carolyn Downs

Local integration partnerships would empower local authorities, their partners, and local people to meet the needs of their refugee, asylum-seeking and long-standing communities. Local authorities would provide local leadership and coordinate a partnership of relevant stakeholders including the NHS and other institutions, civil society, faith groups, and diaspora and other community groups, for the delivery of services. Funds currently committed to asylum accommodation and refugee integration would be invested for local control and allocation.

National government would play a coordinating role, including setting overall numbers and putting in place strong governance. This would mean restoring the role of a UK refugee minister and creating an independent reviewer of refugee affairs responsible for reviewing and auditing the system against its agreed goals.

How councils can help with asylum policy

The constant flux of government asylum policy makes work exceedingly difficult for local authorities. Melissa Weihmayer argues that the government should instead treat councils as equal partners who can help support asylum seekers in ways the Home Office cannot. She gives examples - particularly from London - of councils collaborating to help asylum seekers, including via "City of Sanctuary" measures.

Councillors can also be a very effective route for addressing housing-related problems in a quick way that doesn't cost anything, according to this Law for Life podcast by housing rights contributor Sue Lukes. It shows how to get the most out of your interactions with councillors.

A new toolkit for local authorities, developed through the 'Asylum Design Lab' project from the GLA, British Future and REAP, showcases some of the innovative approaches that councils are taking to support people seeking asylum.



Latest news on the EU Settlement Scheme

Ongoing problems with EU settlement scheme affect millions

egal reform charity JUSTICE published a report in March looking at the ongoing problems with the EU settlement scheme (EUSS). The report commends the scheme in many respects. However, it argues that the government is not properly facilitating the rights of all those EEA nationals who are entitled to them under the Withdrawal Agreement.

Issues include backlogs and delays, decision-making that lacks clarity and consistency, with injustices hard or impossible to remedy following the removal of administrative review and the fact that invalidity decisions cannot be appealed.

The report makes 16 recommendations to strengthen the scheme.

Many people are at risk because of how late applications to the EUSS are considered

A woman, 22, faces being deported despite living in the UK all her life and having a UK birth certificate. Many more people face serious problems because of the Home Office's approach to late EUSS applications, reported *Sky News*.

Luke Piper, head of immigration at the Work Rights Centre charity, is concerned that the rise in invalid applications will create a whole new cohort of vulnerable people who might be exploited because they don't have settled status.

"We're going to have a long-standing population of people who are undocumented in the UK and they will become more and more entrenched into their being undocumented, not able to work, not able to rent and being exposed to potential exploitation," (Work Rights Centre)

Sussex Bylines looks at the problems with the EUSS and how it has left many people "settled but unsettled."

The Right to Remain toolkit has advice on dealing with these cases.

Supreme court rules government must support EU migrants at risk

In February, the Supreme Court upheld a Court of Appeal ruling that the DWP wrongly refused universal credit to a domestic abuse survivor who had recently fled her home with her young child. The decision means that EU citizens with pre-settled status and no other qualifying right to reside cannot lawfully be refused universal credit if without it they would be at risk of being unable to live in dignified conditions.

Child Poverty Action Group, which represented the mother and daughter, says the DWP has already identified over 2,900 other universal credit claims made by EU citizens where the Court's findings in this case might apply, due to the claimants being unable to meet their basic needs of accommodation (including adequate heating, food, clothing, and hygiene needs). However, so far only a small number of these people have been paid any benefit. Following the Supreme Court's refusal, the DWP will need to urgently revisit those other cases.

The case is Secretary of State for Work and Pensions v AT [2023] EWCA Civ 1307.







"No recourse" and migrant destitution

High Court to determine whether the hostile environment is targeting the wrong people

AMFEL reports that the High Court has granted permission to bring a judicial review challenging the government's mistreatment of hundreds of thousands of people with valid immigration status called "3C leave".

3C leave is automatically granted to people who are applying to renew and extend visas, and ensures that all existing rights, including the right to work, are protected whilst the application is processed. However, the government does not give people on 3C leave proof of their immigration status. As the government now takes at least a year to process even straightforward visa renewals, this means people spend this entire period with no proof of their status, rights, and entitlements.

A court will now finally consider whether the government's conduct is unlawful. *Inside Housing* also covered the story.

New guide on tackling destitution

Right to Remain has a new toolkit on tackling destitution, which takes account of recent legislation. The housing rights website pages on destitution will also be updated in due course.

Easy way of checking for eligibility for public funds

The Home Office Recourse to Public Funds (RTPF) Checker has now been integrated with NRPF Connect. A council using NRPF Connect can now instantly "look up" a person's digital immigration status to find out whether they can access public funds (benefits and local authority housing assistance). This should help councils ensure that people can access public funds more quickly.

When a family or adult with care needs has no recourse to public funds, the council will need to consider whether it has a duty to provide accommodation and financial support and record this on NRPF Connect in the usual way.

How to make a change of conditions application and remove the 'no recourse to public funds' restriction

Free Movement has a detailed briefing on how to make a change of conditions application and remove the 'no recourse to public funds' restriction. With permission, it has been saved as a pdf, accessible from the housing rights website here.



News on help for migrants fleeing domestic abuse and on family reunion

Changes to migrant survivor support scheme don't go far enough

In February the government made significant changes to a scheme that supports migrant victims and survivors of domestic abuse who have no recourse to public funds.

The Destitution Domestic Violence Concession (DDVC) became the Migrant Victim Domestic Abuse Concession (MVDAC) and expanded to entitle partners of people on student and temporary work visas who experience domestic abuse to three months of support.

However, unlike those on spousal visas, this new cohort will not have access to Domestic Violence Indefinite Leave to Remain (DVILR). Without this clear route to settlement at the end of the scheme, the support accessed via public funds will cease after three months. This will leave migrant survivors once more facing homelessness and destitution. It may also prompt immigration enforcement action, which could result in deportation, separation from their children or further abuse in their country of origin.

Nicole Jacobs, the domestic abuse commissioner for England and Wales and author of the report Safety Before Status: The Solutions, said,

"Whilst I am pleased to see the expansion of this scheme to a wider cohort, the MVDAC scheme doesn't even scratch the surface of what is truly needed to support migrant victims and survivors of domestic abuse.

"The time-limited support of the MVDAC, and its separation from the DVILR provides no clear pathway for migrant survivors to regularise their status. The DDVC was never meant to be a standalone scheme but rather a measure to ensure migrant survivors could access support in the short term while regularising their status through the DVILR. We know that these schemes work best when they work together."

Women's groups widely condemned the change because the newly included group of dependent partners of workers /students /graduates are not eligible to apply for indefinite leave as a victim of domestic abuse. This leaves them with no route to further leave or settlement after the end of the three months' concession leave.

Free Movement explains the changes and how to apply. The new policy guidance that Home Office caseworkers will use to decide applications can be found here and the new application form here.

Rights of Women has a free information guide (pdf).

Changes to domestic abuse immigration rules for pre-settled status holders

Government has published changes to the immigration rules relating to victims of domestic abuse that affect people with pre-settled status under the EU Settlement Scheme (EUSS).

The change came into effect on 4 April 2024. The change to the immigration rules can be found here.

The change expands the scope of the immediate settlement provisions in Appendix Victim of Domestic Abuse (VDA) to include a spouse, civil partner, or unmarried partner with pre-settled status under the EUSS and their dependent children.

They will also be included within the scope of the Migrant Victims of Domestic Abuse Concession (MVDAC) so that they can obtain leave outside the rules with access to public funds, pending the outcome of an application for indefinite leave under Appendix VDA.

Getting advice and support from Rights of Women

For immigration advice relating to women with presettled status, call the EU Settlement Scheme advice line on 020 7118 0267. Full details here.

Rights of Women will soon publicise free online training for professionals dealing with domestic abuse as well as an information guide on this change.

Rights of Women is also gathering evidence relating to the operation of the new immigration rules for victims of domestic abuse as well as the new concession and this change. They will use information they obtain to campaign for improvements. Please tell them about any problems your clients experience under the new rules by posting on the google group Women's Migration and Asylum Network (WoMAN) if you are a member, or emailing nicole@row.org.uk.

Updated immigration caseworker quidance

Immigration staff guidance for considering applications from people who have been victims of domestic violence has been revised and updated.



Family reunion and homelessness

Mohammad Hamayun from the British Red Cross, who manages their Family Reunion Integration Service, explains work they do in helping families who are threatened with homelessness.

The Family Reunion Integration Service (FRIS) has been supporting families who come to the UK via the refugee family reunion visas. Our support starts with travel assistance including buying tickets, helping with exit processes and all logistics of travel.

Another part of the service is post-arrival integration support. This includes helping newly arrived families to integrate e.g. helping them complete homelessness applications, access welfare benefits, health, education, etc.

One of the key challenges is homelessness when the family arrives. Clients have recourse to public funds and are eligible for homelessness support. Most of them have small children and are therefore in "priority need," so the local authority has a statutory duty to provide suitable accommodation. However, families are often not offered accommodation immediately, and we make a homeless application for them.

Here are some examples of cases we deal with.

Council A: Assessment and accommodation were delayed

The client was homeless/sofa-surfing with friends. He sponsored his wife and two children to live with him on family reunion visas. The Red Cross helped the client notify the council over two weeks in advance and made follow-up calls and emails but did not receive any advice. In one instance when the Red Cross called the

council, they asked why the client did not arrange their own accommodation. The family presented themselves at council offices on the day of arrival, received no support and stayed with friends for two nights. When the arrangement ended, the council questioned this and still refused support.

Red Cross's team managed to get them emergency accommodation for one night, but otherwise they slept at the airport until they eventually received temporary accommodation a week after they arrived.

Council B: Delayed help for a family of five

The client was living in a private rented flat but was threatened with homelessness due to breaching his tenancy agreement which stated that no more than two people could live in the flat. He had sponsored his wife and three children to join him. Red Cross notified the council of his predicament, but the council advised that this was not an emergency and they would not provide accommodation. The family stayed at the flat, with two children forced to sleep on the floor, after the landlord extended their letting by two weeks, after which a section 8 notice was to be served. A pre-action protocol letter was issued on the same day and the council responded the following day advising they would offer a housing appointment in two weeks, but nothing more.

Council C: Resort to out-of-hours placements

The client was reunited with his wife and two children in October, but he had lost his private rented accommodation and was staying with friends by the time his family arrived. Red Cross notified the council ahead of his arrival and called them ahead of the children being in the UK and therefore being homeless. The family were refused entry to one of the council offices when they arrived, they were not contacted by the council and for five nights they had to call out-of-hours staff to be booked into last-minute accommodation, usually not until the evening. On two occasions because the family were so concerned about where they would stay, they presented themselves at a police station. The council became uncontactable or maintained that they could not assist any further. Eventually after the children were street homeless or reliant on out-of-hours accommodation for five days, and after engagement with housing solicitors, the family received temporary accommodation in a hotel.

Council D: Provided with section 188 interim accommodation

The client was lodging with friends in the area for over ten years. He sponsored his wife and two children to live with him on family reunion visas. Approximately one week before the family's arrival, Red Cross supported him with a homeless referral via the council's online referral platform. The client was asked for supporting documents several days later, and Red Cross helped provide them. On the day of the family's arrival, they presented themselves at the council building and at 5.30pm they received temporary accommodation outside the area.

New fund could provide vital lifeline to help people with NRPF to flee their abusers

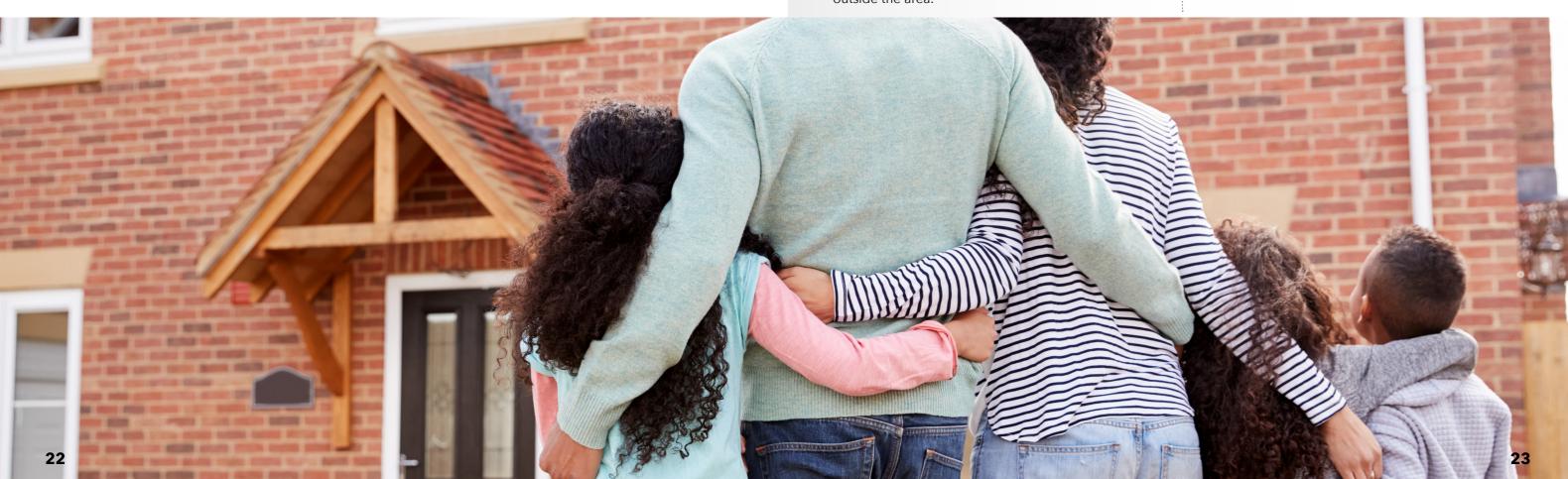
The NRPF Network advises that a new fund has been introduced to provide people experiencing domestic abuse with one-off payments to assist them to flee from their abuser and to help secure a stable, independent future. The two payments are funded by the Home Office and are administered by Women's Aid. Both payments are available to people with no recourse to public funds who are experiencing domestic abuse.

Income thresholds for bring family to the UK increase, despite opposition

From April 11, British workers will have to be earning at least £29,000 annually to bring dependents from overseas to the UK on a family visa - a hefty rise from the existing £18,600 minimum salary needed. The threshold is due to jump further, to £34,500 before finally reaching £38,700 in 2025.

One of those affected writes in The Standard:

"I love my partner but the UK's cruel new wage threshold threatens our life together."







Other migration news

Victims of Windrush scandal die while awaiting compensation

t least 53 people have died while waiting to be compensated over the Windrush scandal, the government has admitted.

The Windrush compensation scheme was set up in 2019 after it emerged that the Home Office had wrongfully denied British citizens, mostly from the Caribbean, access to work, healthcare, and benefits. Some were threatened with deportation despite having the right to live in the UK.

The government promised to right the wrongs of what had happened, but the scheme has been repeatedly criticised for being too slow to compensate victims. As the scheme's fifth anniversary approaches, official figures show that dozens of those due to be compensated – including ten in the past six months – have died while awaiting a payout.

National civil rights organisation calls on home secretary to commit to Windrush recommendations

Permission has been given for a judicial review challenge to the decision by the Home Office to drop three key recommendations from the Windrush Lessons Learned Review, which investigated the Windrush scandal.

Mrs Justice Thornton's decision also allowed Black Equity Organisation (BEO), represented by Public Law Project, and Unison to intervene in the proceedings, supporting the claimant Mr Trevor Donald, a recognised Windrush scandal survivor. The judge said that both organisations had "relevant knowledge to assist the Court."

BEO commissioned an expert report which sets out the historical legislative mistreatment of the Windrush generation and concludes that dropping key recommendations from the review is a manifestation of the institutional racism that continues to pervade Home Office culture and decision-making.

Home Office exposed for giving "dodgy" employers freedom to exploit overseas staff

The former Chief Inspector of Borders and Immigration has published a damning report exposing serious issues with the Home Office's handling of care worker visas. It reveals a litany of failures that have allowed exploitation, including by companies that do not legitimately operate in the care sector. The Home Office responded, highlighting what it perceives to be inaccuracies in the report.

The Work Rights Centre has an FAQ Guide to resisting exploitation in the care sector.

The Big Issue also tells a story of a domestic worker who was abused and left in limbo.

Training on migrant homelessness for case workers in London

With support from the Mayor of London and in partnership with Praxis, Homeless Link's flexible training programme aims to help frontline workers in London understand the needs and rights of non-UK nationals experiencing homelessness.

They aim to show the tools available, the opportunities, and the challenges when helping those with limited eligibility. This training is free for frontline workers in London's homelessness and migrant sectors, immigration solicitors, and local authorities.

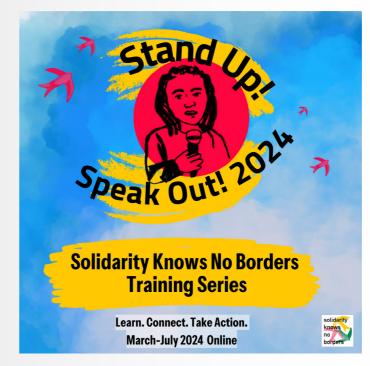
For enquiries about this programme, email hannah.opie@homelesslink.org.uk.

Stand Up! Speak Out! Seminar series 2024

Last year Migrants Organise trained over 1,000 people on different aspects of the hostile environment policy and how to resist them. Between March and June this year, they have over 20 seminars that will be delivered by incredible organisations and groups in the sector on various topics including: asylum support, NHS overseas charging, HO domestic abuse concession, Care Act vs NASS, anti-raids, climate and migrants justice, and many more.

The seminars are free and will be delivered online. The series helps people in public authorities (social workers, NHS staff, housing workers, etc.) understand the hostile environment and how to better assist and advocate for migrants and asylum seekers.

A YouTube channel for recorded sessions can be accessed here.



UNHCR, the UN refugee agency, would like to hear from you

UNHCR is conducting a snapshot review into the experiences of newly recognised refugees as they move on from asylum support. By speaking with a small group of refugees going through the move-on period, UNHCR are seeking to understand their experiences during this time, including as they try to open a bank account, access universal credit, find housing and pursue educational and employment opportunities.

UNHCR would like to hear from organisations helping refugees going through this process as to what should be change. They have a **short questionnaire** to capture your observations and learnings. If you would like to respond, please do so by Friday 19 April 2024, after which the questionnaire will close.

Do you need a lawyer?

In response to the recent sharp increase in appeals being lodged against Home Office decisions, and the dire lack of immigration advice and representation, Migrants Organise has created a new information flyer.

The flyer contains links to a list of all legal aid providers in England and Wales, to the OISC website, as well as to a guide and template precedent to request adjournment based on lack of representation, prepared by Jennifer Blair from No5 Chambers. It also has links to Right to Remain and Asylum Guides.

The power of refugee befriending

HostNation operates in London, Manchester, and Tyne & Wear, and is a small charity with just one mission - to find friends for asylum seekers and refugees. In Campbell Tickell's *CT Brief*, Harriet Paterson gave examples of its work.





Do you have any comments on this newsletter?

send them to policyandpractice@cih.org

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