



Housing rights

Your quarterly newsletter from the housing rights website

July 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.

Changes to the Immigration Rules

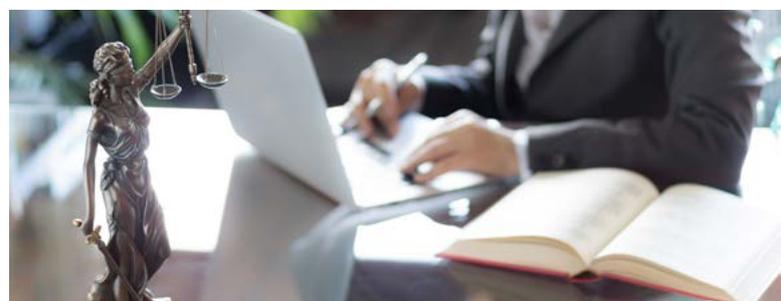
Changes to the rules take effect on July 6th. Many of the changes are welcome. For example:

- » Afghans who came on the schemes to protect those at risk after British withdrawal (because they had worked for the British forces) now have proper arrangements for them and their family members to apply for indefinite leave to remain free of charge.
- » A new form of leave is created for "Dubs children" (unaccompanied refugee children who have been brought from mainland Europe) who do not qualify for refugee status or humanitarian protection): they get five years' leave with the right to study and work and no conditions as to recourse to public funds. After that they can apply for indefinite leave. Any dependants (e.g. younger siblings) will get leave in line.
- » New rules for people who had indefinite leave to remain and left the UK. If they have been out of the UK for less than two years they can simply return and resume their residence. If away for longer they will have to apply for leave to enter or remain but it will be granted if they can show that they have strong ties to the UK and intend to make the UK their permanent home. This will benefit "Windrush" migrants who may have become stranded outside the UK, among others.

- » A range of rule changes affecting students, people coming on Tier 1 visas, people applying for indefinite leave to remain who have spent some time out of the UK etc., most of which have been described as positive by immigration lawyers.

As a result of one of these changes, the eligibility regulations for housing in England and Scotland have also been amended. They now include a new class of eligible persons (G for allocation and H for homelessness) who are these "Dubs children" covered by the amended Immigration Rules. They do need to be habitually resident. This is unlikely to present a problem since, as unaccompanied children, on arrival they will be looked after by Social Services or relatives who may be able to do so. The amended eligibility regulations, however, will ensure that they are eligible for housing and homelessness assistance should they need it later.

On the website you will find that links to the English and Scottish regulations now take you to new, consolidated versions. Regulations for Wales have yet to be updated by the Welsh Government.





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Croatia - special rules cease to apply from July 1st

July marks the fifth anniversary of Croatia's entry to the EU so the special rules that applied to Croatians have come to an end. This means that Croatian workers can now enter the UK like other EU workers, under "free movement" rules. The pages on the website relating to European workers, family members, etc. now apply to Croatian nationals too.

Changes to EEA regulations

The EEA regulations are also amended, coming into force on 24th July 2018. Most changes are to put CJEU judgments into effect, some are to allow modernisation of practices, some are clarifications. They include

- » A right to reside for non EU citizens as family members where the EU citizen arrived as an EU citizen but subsequently acquired British nationality
- » Self employed people to keep their right to reside as self employed once they are no longer working as such, on similar terms to employed people
- » In future family permits may be issued in electronic form

Right to rent challenged in court

The Joint Council for the Welfare of Immigrants has been [granted permission](#) for a judicial review of the right to rent scheme. JCWI's Chai Patel said the scheme 'incentivises landlords to act in racist ways' and amounts to 'systemic discrimination'. The Residential Landlords Association is also involved with the case in a bid to rescue its members from the 'impossible position of acting as untrained Border Police'. CIH has been a consistent critic of right to rent since it was first put forward in 2012.

The government's short guide to the right to rent was [updated](#) on June 29th.

The 'Windrush generation'

The plight of the 'Windrush generation' has continued to be in the news. The Home Affairs Select Committee [recently criticised](#) the government's 'hostile environment' policies, including right to rent, pointing out how many more groups could be affected them, such as vulnerable EU nationals resident here. And CIH showed in [the Guardian](#) how social landlords could minimise the effects of the hostile environment.

On June 29th the government [updated its guidance](#) on the Windrush scheme to assist Commonwealth citizens and others who have lived in the UK for a long time.

First council "migrant champion"

LB Islington has appointed the first "migrant champion councillor" in the UK. She may be familiar to readers of this newsletter, and "Cllr Lukes will work to ensure that all Islington's communities benefit from the energy, creativity and resilience that migrants can bring to the borough. She will work to help migrants to connect with local services, ensure they are considered in council policy and that migrant voices are heard". Sue can be contacted at sue.lukes@islington.gov.uk

Migrants left homeless on release from detention centres

The charity Bail for Immigration Detainees (BID) says that the Home Office are no longer looking for accommodation for those released from detention, meaning that some have to stay in detention and others are simply being put out on the streets. According to a response to a Freedom of Information request by BID, accommodation was provided in only 24 cases in the first five months of 2018 – compared to 2,800 last year. BID's [report](#) gives all the details.





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Domestic abuse legislation promised

The government has [consulted](#) on proposals for a Domestic Abuse Bill and a package of practical action to address the needs of victims. It will be reviewing eligibility for the [Destitute Domestic Violence Concession](#), and asked the question what else could be done to protect domestic abuse victims with no recourse to public funds. NRPF's [response](#) highlights the need for legal aid to be available and immediate support to be funded so people with no recourse to public funds can stay safe while they work out their long-term options.

Meanwhile the Chartered Institute of Housing is urging housing organisations to [make a stand](#) against domestic violence, and over 150 have so far done so.



Supporting destitute migrants who will be granted leave to remain costs councils £63 million

The NRPF network [shows](#) that councils are spending unnecessary amounts of money to support destitute people who would not need such support if they were granted leave to remain more quickly.

New project to defend the rights of homeless European migrants

Following on from [the successful legal challenge](#) against the Home Office's policy of criminalising EEA nationals for rough sleeping, the [Public Interest Law Unit](#) is launching a new project, funded by the Oak Foundation, to defend the rights of EEA homeless migrants.

A success story - Syrian refugee resettlement

The Free Movement blog offers [some rare good news](#) – how Syrian refugees have resettled in the UK and in some cases started new businesses.

Council criticised for failure to provide accommodation to child refugees

In a court case, the judge [criticised](#) Brent council for its approach to accommodating a young refugee, when it tried to force him to live with his uncle in inappropriate accommodation.





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A migrant's journey: from Zero to Hero?

John Delahunty from [Innisfree](#) looks at some migrant stories

Did you see the [amazing footage](#) a few weeks ago of Malian migrant, Mamoudou Gassama, scaling the outside of a Parisian apartment block to save a toddler who was dangling from a balcony? He was praised by the Mayor of Paris as an "example for all citizens" and then thanked by President Emmanuel Macron at the Elysee Palace and told he would be made a naturalised French citizen.

What a positive story. What a hero.



But in reports of the story, Mamoudou was described variously as a Malian migrant, an undocumented migrant and an illegal immigrant.

Still a hero? David Lammy MP's Twitter reaction to the story put his finger on the dilemma facing those of us who are trying to change the negative narrative.

David Lammy

[@DavidLammy](#)

This is a wonderful story but I don't think that "migrants" should have to behave like superheroes before they are treated like human beings. Being a human being should be the only prerequisite to being treated like a human being. And that applies in the UK just as much as France <https://t.co/bCK8EDYaKV>

<https://twitter.com/DavidLammy/status/1001113379006795776>

The story came hard on the Doc Marten heels of the news from Sheffield of Magid Magid becoming Lord Mayor, the youngest in the City's history at age 28, having arrived with his family from Somalia aged five and unable to speak English.



But again, news clips of the warm reaction to this ebullient character on the streets of Sheffield still carried a familiar undercurrent:

Magid: Hi, I'm the new Lord Mayor!

Member of Public: So, where are you from?

Magid: Sheffield!

Member of the Public: No, but where are you REALLY from?

And then I picked up on another migrant's story - this time in sport.

Did you hear it? Fred's got a new job in Manchester, starting in the summer. This would be the £52m, potential Manchester Utd hero, Frederico Rodrigues de Paulo Santos, from Brazil.

My unscientific review of media reports about Fred didn't reveal any descriptions of him as an economic migrant. Maybe that fits in with the statistics that 55% of international footballers play (live and work) in another country, 50% of best actor Oscar nominees since 2000



were migrants too, as were one third of Nobel prize nominees since 1901.

But let's keep telling the stories of the ordinary as well as the extraordinary. I've been inspired by the work of the [Migration Museum](#) which invites us to tell All Our Stories.

And I tell the story of an ordinary migrant woman, who's been in the UK for 67 years now, having left her home because of the social injustice she faced because of her beliefs.

That would be my own mother.



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Brexit latest - when will we know what the UK's future immigration policy will be?

At the moment, the UK is obliged to follow "free movement" rules which give workers and other categories of EU citizen the right to move across the EU and also to have access to benefits. Both main parties are committed to ending free movement, although it is still unclear whether some aspects of it will have to be retained, depending on the UK's future trading relationship with the EU. Free movement will in any case continue until 2021.

The government is expected to produce a white paper on future immigration policy in September. Until then, any discussion is speculative. However, the government has indicated that it may look to focus policy on attracting high-skilled migrants, as it does for migrants coming from outside the EU, imposing income thresholds that deny entry to those with lower skills. For example, according to [IPPR](#), 87% of social care

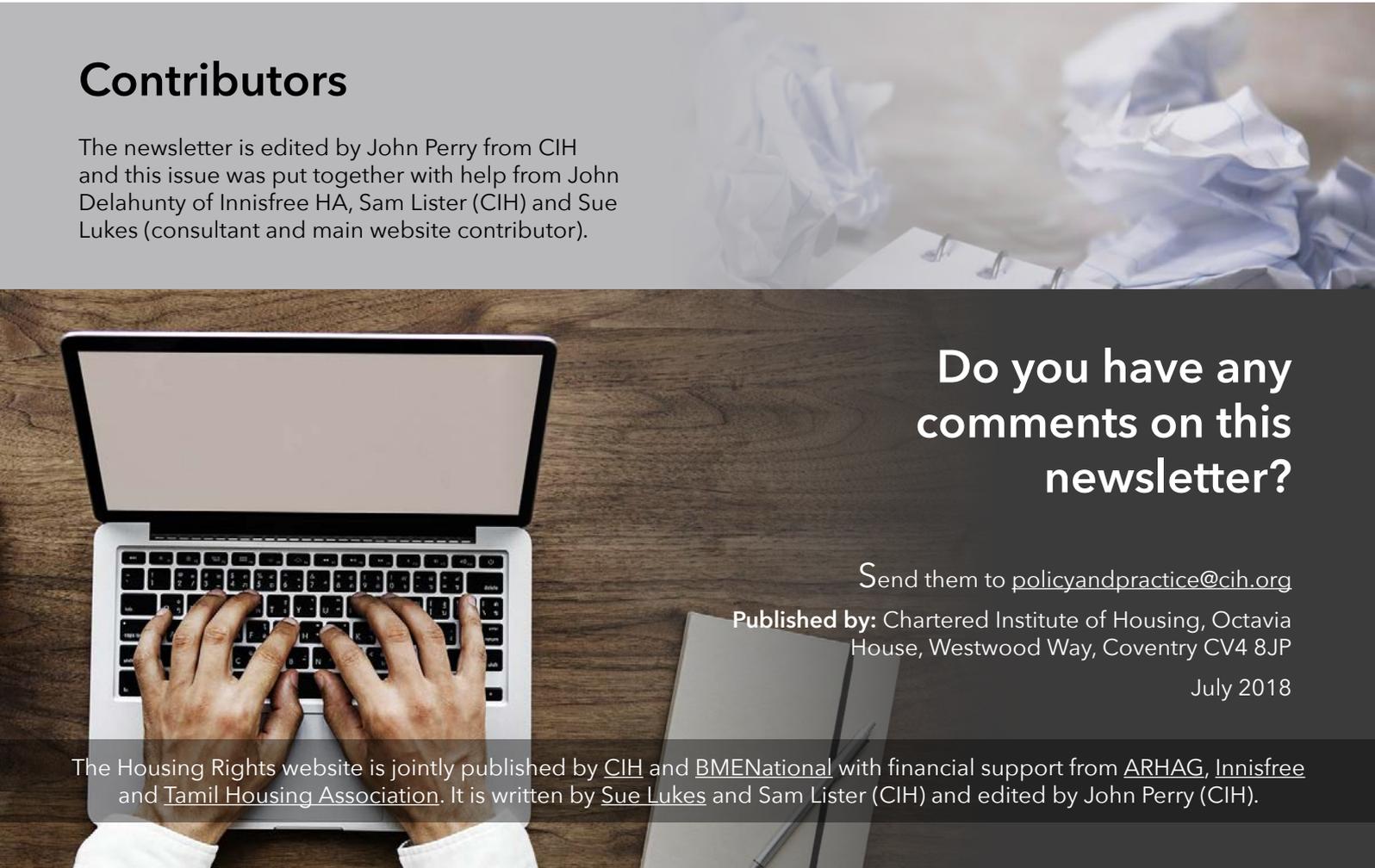
workers would not meet current income thresholds. There is likely therefore to be considerable debate about shaping immigration policy to meet the needs of different sectors, including building workers and social care. Business has [called for](#) the government to recognise Britain's dependence on EU workers and to publish its policy urgently.

In the meantime, you can read how EU nationals can apply for 'settled status' in the UK on the [Free Movement](#) blog. Local authorities believe they need [extra resources](#) to help EU nationals prove their status. The Migration Observatory reports on which groups of EU citizens [will have the most difficulty](#) proving their settled status - among these are very long-term residents, those without digital skills and those who incorrectly believe they are ineligible. Groups such as the up to 200,000 Roma people living in the UK [may have particular difficulties](#). And here are some of the [barriers EU nationals face](#) if they decide to apply for full UK citizenship.

Keep in touch with the [Brexit page](#) of the website for updates on EU nationals' rights.

Contributors

The newsletter is edited by John Perry from CIH and this issue was put together with help from John Delahunty of Innisfree HA, Sam Lister (CIH) and Sue Lukes (consultant and main website contributor).



Do you have any comments on this newsletter?

Send them to policyandpractice@cih.org

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