



Housing rights

Your quarterly newsletter from the housing rights website

October 2021

Responding to a crisis - helping people from Afghanistan

The emergency in Afghanistan in August prompted many housing organisations to make offers to help people who had to be evacuated. This issue gives the latest news on benefits and accommodation, where evacuees are now and the promises the government is making.

Here are this month's topics:

- [Responding to a crisis - helping people evacuated from Afghanistan](#)
- [The EU Settlement Scheme - where do people stand now?](#)
- ["No recourse" and other rules depriving people of their rights](#)
- [Government's Nationality & Borders Bill](#)
- [Asylum accommodation - problems continue](#)
- [Hong Kong: welcoming British National \(Overseas\) status holders](#)
- [Other news](#)

Remember that the [Housing rights](#) website is your key source of guidance on housing and benefits for people with different kinds of immigration status. Popular pages at the moment are the [Brexit news page](#) and those dealing with the rights of EU nationals, all recently updated.

This newsletter from the Chartered Institute of Housing and BMENational keeps you up-to-date with new developments. Please feel free to share it with anyone interested. Click [here](#) if you would like to subscribe.

Responding to a crisis - helping people evacuated from Afghanistan

'Three men were lined up and shot right in front of the kids' [said an Afghan official](#) who managed to escape from the Taliban and told his story to *Open Democracy*. Many readers of the newsletter will already be helping people like this who have left Afghanistan or are trying to do so - and there is guidance below and links to find out more. In an article for the newsletter, David Bookbinder relates how Afghan nationals are already being helped in Glasgow.

For the moment though there is a crisis of people being stuck in hotels. *The Guardian* says that some [have even asked to go home](#) rather than face further delays in getting permanent accommodation. *The*

Times reports that the government has lost track of how many are in hotels and where they are, and that the military has been called in to help, although the government [denied this](#) when speaking to Forces net. Salford Council received [a Home Office apology](#) after 100 Afghan refugees were placed in a hotel in the city without the council being told. Many refugees have been left without vital supplies like toothpaste and nappies, [according to The Independent](#).

The government has two schemes for Afghan evacuees. The [ARAP Scheme](#) was launched in April and supports former locally employed staff who are assessed to be under serious threat. In September, the government announced the [Afghan Citizens Resettlement Scheme](#) (ACRS). The ACRS is intended to take up to 5,000 people in the first year, up to a total of 20,000 over the coming years. According to the [BBC](#), the UK had evacuated 17,000 people by mid-September.



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Of those, 15,000 were taken out after 15 August. The Home Office said 8,000 of those were ARAP claimants. Just over 1,000 people have also been resettled in the UK since 2013 under a previous scheme called the Ex-Gratia Policy (now subsumed within ARAP).

Housing and benefits entitlements

Anyone who has recently arrived through the ARAP or ACRS schemes will be granted Indefinite Leave to Remain (ILR). ILR will allow Afghan nationals full rights and entitlements. The exception is some initial arrivals under the ACRS who were granted six months leave outside the rules ahead of the new rules which allowed applicants to be granted ILR.

Benefit regulations have been changed so that anyone (regardless of their nationality) who is evacuated to the UK because of the crisis is exempt from the habitual residence test (HRT) if they claim benefits. An [explanatory memorandum](#) states that Afghan nationals can receive universal credit or housing benefit from the date of their arrival in the UK. New DWP guidance for [universal credit](#) and [a new housing benefit circular](#) explain how the changes work.

Housing and homelessness regulations have also been changed to exempt evacuees from the HRT when approaching local authorities in England and Scotland for housing and homelessness assistance (see this [explanatory memorandum](#)). Regulations relating to Wales are yet to be published. The English codes of guidance for [homelessness](#) and [allocations](#) have been updated.

The housing rights website's [What's New page](#) has all the latest information. Our page on advising refugees in England and Wales has [a new section](#) on advising Afghan nationals who travel to the UK under the resettlement schemes and there is [a similar update](#) for Scotland.

Financial help for local authorities assisting Afghan nationals

The government promises councils a complete package of financial help and details are given on our [What's New page](#). Councils can also bid for a share of a £20m flexible funding in 2021/22 to help offset their extra costs. Additionally, the Afghan Housing Costs Fund will expand from £5m to £17m, and run for a further two years, to help local authorities provide housing.

Under the scheme:

- Accommodation will be found and furnished appropriately including white goods. Households will cover rental costs themselves using universal credit or other income, but funding is available for LAs to help meet additional housing costs where there are shortfalls.
- All families will have access to a caseworker to help them access mainstream services.
- School places will be provided and nursery places for 2-4 year-olds facilitated. Further education will be available for 16-19 year-olds.
- Arrivals will receive weekly cash and rent support up to the day before the first UC payment is due, to maintain continuity of support.

The Home Office says it will match families to the placements offered by LAs, taking account of the size of the family and the accommodation offered, and of any special needs.

In Scotland, COSLA has emailed LAs with links to this information and a number are taking part in the scheme.

Many councils are looking to acquire private rented property to house Afghan nationals. Islington Council plans to [buy back](#) homes sold under right to buy. Inside Housing has [an excellent summary](#) by Lucie Heath of government programmes and how councils and housing associations are responding so far.

Welcoming Afghan refugees - business as usual for Glasgow

David Bookbinder, Director of the Glasgow and West of Scotland Forum of Housing Associations, explains how Glasgow is responding to the crisis in Afghanistan.

Whilst the Afghan situation made the headlines for obvious reasons in August, what it meant for Glasgow was speeding up a process which had already begun around June. Relatively quietly and without fuss, around 60 Afghan households had already been housed here through the early summer.

Glasgow and other councils have been in regular contact with the Home Office for over a year over the Afghanistan situation, and until everything changed in August, the expectation had been for a steady programme of resettling refugees over a two-to-three-year period. This will now happen more quickly and at a much greater scale, but Glasgow will manage as it has done in the past.



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As always, thoughts are with people and their families experiencing the trauma of their physical and emotional journey, with a difficult enough process added to by the need to be put up in Covid-19 quarantine hotels before moving on to holding hotels, mostly in England.

Throw in the journey to Scotland, and you can see why councils, housing associations and others want to work in partnership to try to see that resettlement goes as smoothly as possible once people arrive – ideally going straight into a home that the city council's Refugee Team has prepared for occupation.

I'm not sure how things work elsewhere, but in Glasgow, where there's no council housing, housing associations make a short-term lease of a property to the council, who then manage the property while it is unoccupied and during the first few months of the refugee household's life there. UK government funding can cover the rent the council pays to the association, part of which will cover the period during which it is inevitably vacant ahead of matching someone to it and making the home ready.

Eligibility for benefit is not at issue, but sorting out claims with DWP is taking longer than is ideal. Rent is covered up to the point where someone's benefits/employment and wider support/integration needs have been sorted, usually within around 4-5 months, and then the tenancy can be 'flipped' back to become a mainstream tenancy with the housing association.

The fact that we're used to doing this in Glasgow isn't to underplay the challenges. In the lead-up to the new year in April, Glasgow was asking associations to make 60% of their lets available to homeless households. That puts a real squeeze on other lets, most obviously to people on the housing list, whose circumstances have already been exacerbated by Covid delays. The refugee situation is a further squeeze, albeit clearly an urgent priority.

An ongoing challenge is how to manage expectations in terms of where people might want to live. On the one hand there'll be parts of the city which have proved popular and where a reasonable concentration of refugees can make for greater mutual support as well as easier targeting of council and voluntary sector integration resources.

On the other hand, ideally new resettlement initiatives would be a chance to support moves into other parts of the city which can then, in turn, become just as popular.

And you can arguably say the same of Scotland as a whole. Glasgow prides itself in welcoming people

who have been through so much, but it's always encouraging if we also see other council areas making a proportionate contribution.

If we can all work effectively together on this, we're putting in place the minimum people need to restart a life and – hopefully before too long – to be able to thrive and feel genuinely at home here.

What about Afghan asylum seekers who aren't part of official schemes?

Outside the official schemes, there will be no special treatment for Afghan asylum seekers. *Free Movement* reported the Home Office as saying that it 'will not accept asylum claims at our Embassies, High Commissions or VACs overseas or otherwise'.

The position of Afghan asylum seekers already in the UK or who arrive undocumented is also very different from those coming here officially. As the crisis broke, *The Independent* reported that 13 asylum seekers from Afghanistan had been returned to the country in the past year and 400 had been refused asylum. Until recently Afghan asylum seekers whose applications were refused were still being returned, but *policy changed* on October 6, in a move described by *Free Movement* as seeming to be 'a step forward' in allowing more scope for people to justify their asylum claims. However, *The Independent* warned that the policy still says that deporting asylum seekers back to Afghanistan presents 'no real risk of harm'.

Other news on helping Afghans and the position of those already in the UK

- MHCLG (now DLUHC) issued [new allocations guidance](#) as well as [a new homeless code](#) on September 16 2021, to cover the changes relating to Afghan nationals in England. The pages on gov.uk now list both the current and all previous versions of the codes.
- Scotland's First Minister [wrote to Boris Johnson](#) on August 26 promising help from Scotland but urging him to give details of the UK government's plans.
- In Wales, Afghan refugees who arrive with almost nothing are [being helped](#) by the Welsh Afghan community.
- Nasrine Malik says in *The Guardian* that Britain's warm welcome to Afghans [will soon become cold comfort](#) as they find they have to get to grips with the UK immigration system.



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- The Joint Council for the Welfare of Immigrants (JCWI) and other organisations [called on the government](#) to make a range of reforms in response to the Afghanistan crisis, including that no Afghan already in the UK should be evicted from asylum accommodation or put into detention.
- According to *The Guardian*, Afghan people already in the UK are [having their immigration procedures blocked](#) because of the ongoing crisis. A 26-year-old Afghan man who arrived in the UK at the age of 14 after fleeing persecution has been 'left in limbo' as his claim to move from humanitarian protection to full refugee status is held up 'pending a policy update'. He is challenging the blockage.
- A boy from Afghanistan, housed temporarily in a Sheffield hotel with his family, died tragically in August when he [fell from a window](#).
- The Open Rights Group complained that a [fake website set up by the Home Office](#) called [Migrants on the Move](#) could put Afghan migrants at risk.
- In an interesting precedent, the *Daily Telegraph* [said](#) the government was willing to accept people from Afghanistan into the UK without a passport.

1. Anyone who has been granted **settled status** has full access to benefits on a par with British Citizens.
2. People with **pre-settled status** - are not able to use this to satisfy the right to reside requirement because the benefit regulations exclude pre-settled status as a qualifying right to reside. Therefore, claimants need to have a free movement right to reside (such as being an EEA worker, or family member of an EEA worker). Although the exclusion of pre-settled status was held to be unlawful in the Court of Appeal (*Fratila*) the DWP's appeal to the Supreme Court means the Court's Order to quash the relevant regulations has been stayed.

As covered in the [July newsletter](#), the Supreme Court hearing was adjourned to await the judgment of the Court of Justice of the EU (C-709/20 CG v Dept for Communities NI) and this [judgment](#) was given on 15 July. In brief, the judgment held that the exclusion of pre-settled status was not unlawful discrimination, but that national benefit authorities are required, before refusing a claim to a benefit such as universal credit, to check whether this would risk violating key rights (including to live in dignified conditions and to family life) contained in the Charter of Fundamental Rights of the EU. Applying this judgment is complex, but may be possible for claimants who are destitute or at risk of destitution.

The advice therefore remains that claimants with pre-settled status should evidence their free movement rights wherever possible, but if they have none they should claim benefits such as universal credit and challenge any refusals, requesting that appeals be stayed pending the judgment from the Supreme Court (still awaiting a new hearing date). For detailed advice and updates on these legal challenges see the [CPAG test case](#) page.

3. People who have **not yet been granted leave under Appendix EU but applied to the EUSS before 30 June 2021, and whose application (or appeal against a refusal) is pending, and who had a free movement right to reside on 31 December 2020** - are protected by The Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020 No 1209, and can continue to use their free movement rights to access benefits. Note the right to reside they had on 31 December 2020 may have been the same as, or different from, their current right to reside that

The EU Settlement Scheme - where do people stand now?

Now that the deadline for the EU Settlement Scheme (EUSS) has passed, there is more clarity about the rights of European nationals according to whether or not they have applied to the scheme and have clarified their status. Rebecca Walker summarises the latest position on housing and benefits. More news and views on the position of European nationals is given overleaf.

The EU Settlement Scheme and access to benefits

Rebecca Walker, freelance writer and trainer on welfare rights and lead author of the [Benefits for Migrants Handbook](#) (CPAG) summarises access to benefits that require a right to reside, such as universal credit.

There are six scenarios for those who have obtained or applied for leave under the EU Settlement Scheme.



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will enable them to access benefits (e.g. an EEA jobseeker on 31 December 2020 who is now an EEA worker can access universal credit now).

- 4. People who did not apply to the EUSS by 30 June 2021 but were already in receipt of benefits before 1 July 2021** - DWP policy is to continue benefit payments on an extra-statutory basis. The Home Office have been working with the DWP to send out a series of letters to those identified as in this group to advise them to apply to the EUSS. The letters sent in September advise that records show the person needs to apply to the EUSS, and that if they fail to do, and do not have another 'valid immigration status', benefit payments will stop a month after the date on the letter. This will initially be a suspension of benefits, followed by a further letter and then, if entitlement is not shown, termination. Once a valid application to the EUSS has been made the policy explained below applies (ie. benefits can continue while the person continues to have a qualifying free movement right to reside).
- 5. People who apply to the EUSS after 30 June 2021 and were not claiming benefits by then** - the Home Office [announced](#) that the rights of late applicants are 'protected' pending the outcome of their application (and of any appeal). Subsequent Home Office [guidance](#) (p.30) confirms that those who submit a late application to the EUSS are able to access benefit from the point their application is validated and identity has been verified, and housing benefit [guidance](#) states this should be accepted once the claimant has received an EUSS certificate of application (para 12). This belatedly complies with the Withdrawal Agreement which requires the citizens' rights of those who apply to the EUSS late (with 'reasonable grounds') to be protected, as well as those who applied in time. The Home Office guidance states that if someone 'is expected to be granted pre-settled status' they will be able to access benefits if they have a qualifying free movement right to reside to access benefits.
- 6. For those who have not applied to the EUSS and were not receiving benefits before 1 July 2021**, they will not be eligible to claim most benefits until they make a late application to the EUSS as above.

More news on the rights of Europeans nationals

The *Fratila* case mentioned by Rebecca Walker and reported in previous newsletters has received many comments. Charlotte O'Brien [writing](#) for the EU Rights and Brexit Hub said that the European Court (the

CJEU) has protected the UK's 'fundamental right to discriminate', and that as a result EU nationals have been left to 'hang out to dry'.

In July, *The Guardian* [reported the case](#) of a Spanish woman who has lived in England for 44 years and has lost her job in a care home because she is unable to prove she has the right to work in the UK. She arrived here as an 11-month-old baby. The Good Law Project, [launching a petition](#) on the issue, said that government has failed to communicate effectively to employers. And the threat of five years in prison, including for employers who make an honest mistake, encourages them to be 'better safe than sorry.' 'Is it any surprise some employers are taking the easy way out and sacking EU citizens?' they ask.

Also in July, a new temporary concession was added to the EUSS Caseworker Guidance. Under this concession, a joining family member of a relevant sponsor may be in the UK as a visitor, so long as their visitor leave expires on or before 30 December 2021. They may have entered the UK from 1 January to 31 June 2021 with six months' leave as a visitor, or they may have arrived after 30 June but with visitor leave of less than six months. It also includes those who make a late application if they are still visitors when they apply and there are reasonable grounds for missing the deadline.

In August, the organisation Bail for Immigration Detainees [wrote to the Home Office](#) protesting that European citizens who have applied for settled status are being detained and threatened with deportation, a development that contradicts assurances from ministers and appears to contravene the Brexit withdrawal agreement. They gave an example of an EU citizen who had been detained in an immigration removal centre but secured their release on bail after a judge accepted that they could not be removed because they had made an EUSS application. The Home Office still contested their release and offered no apology afterwards.

Also in August, the Home Office [announced](#) that EU citizens and their families who apply late to the EU Settlement Scheme will have their day-to-day rights protected while that application is considered (see Rebecca Walker's article above). *Free Movement* [ran the rule](#) over the 'U-turn'.

In September, *The Independent* [said](#) that figures show that hundreds of thousands of EU nationals and their family members are still waiting for an outcome on their settled status outcomes ten weeks after the scheme was due to end.



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Home Office asked to clarify the rights of EU citizens applying late to the EU Settlement Scheme

The Independent Monitoring Authority for the Citizens' Rights Agreements (IMA) is highlighting that European citizens who have applied late to the EUSS must have their rights upheld by public bodies in the UK. Under the agreements, citizens from the 27 EU Member States as well as the three EEA EFTA countries have their rights to live in the UK protected so they can work, study and raise their families as they did before Brexit.

The IMA has welcomed the [Home Office announcement of 6 August](#) which acknowledged that late applicants to the EUSS would have their rights protected while they await the outcome of their applications. However, the IMA is calling on the Home Office to take further steps to clarify the situation for citizens by rectifying any legislation or guidance.

While the agreements can be relied on directly, there is a real risk that late applicants and public bodies alike will not know about these rights. On August 27, [the IMA expressed concerns about awareness of the Home Office announcement among public bodies and citizens](#). Those concerns still exist and the IMA also encourages all public bodies and relevant people, including government departments, councils, landlords, universities, employers, to recognise and drive awareness of the rights of citizens with pending and late applications and communicate clearly the ways in which people can show they have these rights.

EU Settlement Scheme - Paper Applications

Late applications to the EUSS should be submitted online. However, it is possible to use a paper application form if someone has difficulty applying, or does not hold a valid passport or national identity card and wishes to rely on alternative evidence of identity and nationality. People also need to apply using a paper application form where they rely on certain 'derivative rights' to reside in the UK. Paper forms are no longer available to download. Instead, to obtain one of these forms, people should [contact the EU Settlement Resolution Centre](#).

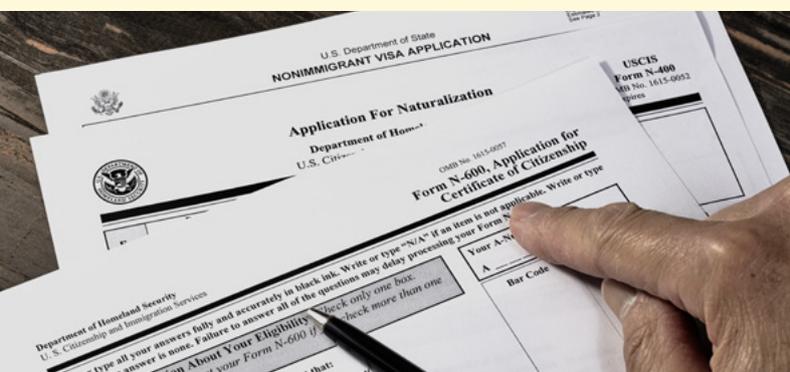
"No recourse" and other rules depriving people of their rights

Over two million foreign nationals are excluded from social housing and benefits

The CIH's John Perry summarises the evidence on total numbers excluded from housing and benefits because of their immigration status. This is taken from the UK Housing Review Autumn Briefing Paper, out on October 21.

After the June 30 deadline for EU nationals to apply for settled status in the UK, another tranche of the population is now prevented from renting accommodation, getting homelessness help or receiving benefits. EU citizens who have not applied to the EU settlement scheme (EUSS), together with those who have arrived since the deadline, are affected. How many failed to apply is unknown but a leaked Whitehall report estimated that 130,000 EU benefit recipients had still to apply in June. In addition, around two million people who hold pre-settled status will need to reapply later, in order to confirm their residency rights and some, inevitably, will fail to do so or be rejected.

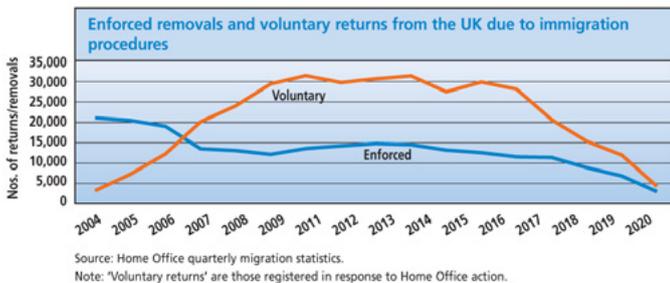
The EU citizens affected join the huge number of UK residents already ineligible for social housing, homelessness help or benefits because of Home Office 'hostile environment' policies. According to ministers, the purpose of the hostile environment, including 'right to rent' checks by landlords on prospective tenants, is to 'stop migrants using public services to which they are not entitled, reduce the pull factors which encourage people to come to the UK and make it easier to remove people who should not be here'. However, the National Audit Office has criticised the Home Office for failing to measure the intended effects. As the chart overleaf shows, since measures such as 'right to rent' began in early 2016 the numbers of enforced removals have fallen, while voluntary returns have continued to fall, suggesting that in this important respect the hostile environment is failing.





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Those affected fall into two main groups. The first is the estimated 1.4 million people living in the UK legitimately but with 'no recourse to public funds' (NRPF), meaning that they can rent privately but get no help if (for example) they become unemployed. They have been particularly affected during the pandemic, as the JCWI [have pointed out](#).

The second and even more vulnerable group is what the Migration Observatory [estimates](#) to be between 800,000 and 1.2 million people who have no legal status at all. This 'undocumented' part of the population has no formal access to housing or benefits; some 200,000 of them are children, many of whom were born in the UK. Although the characteristics of the undocumented population are of course not known in detail, a JCWI survey suggests that most have lived in the UK for more than five years and half for longer than a decade, the majority having entered legally when they first arrived (see Zoe Gardner's article in the July newsletter). Many lost their status through circumstances beyond their control (e.g. marital breakdown, mental health issues). A large proportion could rectify their status if they were able to prove their entitlement and pay the very high fees required.

JCWI argues for a new, simplified route to regularisation based on five years' residence, immediate entitlement to citizenship for those born in the UK and a visa system which does not automatically reject people who make delayed applications.

Praxis responds to CIH Scotland's call for the end of No Recourse to Public Funds

Pascale Robinson at Praxis responds to CIH Scotland's recent [call to end the 'no recourse' rule](#).

No Recourse to Public Funds (NRPF) is a UK government policy which prevents more than two million people from accessing the welfare system and most forms of government support when they're in need. It traps individuals and entire families into cycles of poverty, pushes people into homelessness and leaves children hungry. It targets migrant communities who are mostly communities of colour and further

reinforces existing structural inequalities and patriarchal structures, disproportionately impacting single mothers, children of colour and people with disabilities. It deprives domestic abuse survivors of access to life-saving support.

It is possible, in some cases, to have the NRPF condition lifted from a visa, but the path to do so is complex and confusing, requiring expert advice and support.

The policy pushes migrant communities to the margins and deprives people of support even when in extreme poverty and crisis. The No Recourse to Public Funds Action Group argues that being forced to live in unsafe conditions disregards people's dignity as human beings - which is why the group collectively chose to name its campaign 'Living with Dignity'.

People with NRPF are often pushed into destitution or inadequate housing because they cannot afford private rents and are ineligible for social housing. Local authorities have a duty to support families where a child's health is at risk, or adults with special care needs if they face destitution. However, support is inconsistent from one council to another and can be inadequate. Some local authorities wrongly deny support to people with NRPF or provide poor-standard accommodation.

As the NRPF Action Group explains, *'If you are a poor family in this country, social services and family support workers are supposed to have your back, even if you have immigration issues. They have powers, but many of them do not use these powers, they do not follow policies that exist.'*

'We get turned away from help, are told we will be accommodated in another city where we have no family, friends or connections to support us, entire families get housed in rooms no bigger than a toilet. And if we protest, they say we have to take what they give us.'

'We are threatened to be deported, or have our children taken away. Today a lot of families are complaining about the issues they face, they should have had social services supporting them. Why is it not the case?'

Poor housing conditions impact individuals and families' health and wellbeing in many ways: children do not have space and quiet to study, families live in houses without decent cooking or hygiene facilities, and people share rooms with strangers. In addition, people with special needs may be forced to live in homes that are not equipped for their needs, preventing them from being autonomous and living with dignity.



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The NRPF Action Group 'is a group of migrants fighting for equality, justice and fairness for all. But above all, we are human beings. We come together to tackle inequality created by the No Recourse to Public Funds rule. We have lived experience of this policy, this is why we campaign against it. It opposes human dignity.

'We want to support other people affected by this rule and stop the ill-treatment of migrants. We want to change the laws and the political system to a human rights-based system.'

Praxis started facilitated the campaigning group after providing support and welcome to migrant communities for over 35 years. Every year we help around 2,000 people through immigration advice, housing and peer support groups. We support people facing those challenges, but we also want to fix the underlying causes.

Ideally we wouldn't exist, because everyone would have a right to support, a safety net when they're in need, regardless of their immigration status. Hostile immigration policies, inadequate local services, and negative representations of migrants in public discourse can wreak havoc on people's lives. We want that to change, which is why campaigning and advocacy is an essential part of our work.

However, we're also trialling approaches to make sure everyone has a home as soon as possible. The NRPF housing project was a partnership between Commonweal Housing and Praxis Community Projects to seek solutions to the problems of destitute women and children with uncertain immigration status, particularly trying to see if section 17 funding could provide income to offer free bedspaces for destitute single women. Without access to safe housing, it is incredibly difficult for migrant destitute women with NRPF to engage meaningfully with the extremely complicated immigration system to regularise their status. Yet unless they navigate the system, they remain trapped in unstable accommodation or the streets.

The families received decent, secure homes where children felt safe, and the immigration advice allowed them to 'take stock' of their immigration case and change its trajectory and outlook for the better. The holistic support underpinned this and achieved other positive outcomes. Sadly, the project could only help a small proportion of people. Meanwhile, a myriad of barriers continue to prevent this group from seeking advice or disclosing homelessness and violent situations to mainstream services. These include, but are not limited to previous traumatic experiences, lack of interpreters, lack of understanding and information about the welfare and immigration systems, a justifiable

fear of detention, as well as of being separated from their children.

We hope you'll also [join in the campaign](#) so everyone can have somewhere to call home.

Contact Pascale Robinson at Pascale.Robinson@praxis.org.uk to find out more.

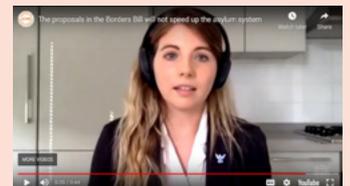
NRPF Network publishes new report on the caseloads being supported

The [2020-2021 NRPF Connect data report](#) is the first of the network's annual reports providing a caseload analysis from 68 participating local authorities. In a year shaped by the pandemic, local authorities continued to deliver essential 'safety-net' support under social services legislation to people excluded from benefits and mainstream housing assistance, with a 30% increase in households supported over the year.

In light of caseload trends, the NRPF Network has made recommendations to help improve service delivery, save money and reduce the need for 'safety net' assistance in the first place. A [briefing note](#) has also been prepared.

Government's Nationality & Borders Bill

The Nationality and Borders Bill is at committee stage. The Public Bill Committee considered evidence on September 21 & 23 and is scheduled to report by Thursday November 4. Migrants Organise has [a video](#) that tells you the three key things you need to know about the bill. JCWI's Zoe Gardner, who contributed to the July newsletter, answered questions from MPs during the committee stage. Here's her [answer](#) to the question, 'why can't asylum seekers simply stay in France?' You can see more of her brilliant responses in video clips [here](#).



In [evidence](#) to the House of Commons committee examining the bill, the Refugee Council's Lisa Doyle expressed their opposition. Putting it in the context of Afghanistan, she showed how the new rules would be a fundamental departure from accepted norms of refugee protection:

'It just seems incomprehensible that you would treat someone differently based on their mode of arrival, not because of their protection needs. You could



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have this perverse situation where you have next-door neighbours from Afghanistan, one finding their way fortunately onto a formal resettlement route, the other one being forced to take the decision to make a dangerous journey.

'[They would] then reach the UK shores, and get a different level of protection, and a different level of rights than their next-door neighbour, even though they would be fleeing the same persecution.'

According to a report prepared for Freedom from Torture, the bill 'breaches international and domestic law'. The two-tier asylum system that the government plans to introduce means that those arriving by 'irregular means' such as boats will be granted fewer rights, the barristers told *The Guardian*, which would be inconsistent with the refugee convention and human rights law. 'The basis for the attack on irregular arrival is that refugees should use safe legal routes. But there are no such safe legal routes. There is no such thing as a refugee visa', they said.

The UNHCR (the United Nations Refugee Agency) has published its 72-page [Observations](#) on the Nationality and Borders Bill. UNHCR states definitively that the bill does not comply with legal obligations under the Refugee Convention, and that nothing in international law obliges anyone to make an asylum claim in the first safe country they come to, as the bill would require.



'Show your heart' for a more compassionate approach to refugees

Together with Refugees, which CIH supports, has this message about the new Bill.

The UK government is proposing a new law on how we treat refugees. If passed it would be a hammer blow to people fleeing war and persecution. It would deny refugees the chance to seek sanctuary in the UK,

criminalise many of those who try, isolate refugees in harmful out-of-town institutions, and undermine 70 years of international co-operation under the UN refugee convention. As well as being inhumane, it will be expensive, unworkable and undermine our international standing.

Together With Refugees is calling for a more compassionate approach to refugees. We are a coalition of over 300 local and national organisations representing people with lived experience of the asylum system and individuals from all walks of life.

We've chosen an orange heart as the symbol of a more compassionate approach to refugees. It uses the colours of a lifebelt representing hope, and was developed in consultation with refugee organisations.

Please join our call for a kinder, fairer and more effective approach to refugees - so they can seek safety in the UK, rebuild their lives and make a valuable contribution to their communities.

1) Join the coalition

Be part of a shared movement for change. Become a member of the coalition along with the Chartered Institute of Housing. Visit the [Get Involved](#) section of TogetherWithRefugees.org.uk to find out how to join. It's really quite straightforward.

2) Organise a local Show Your Heart event in the coming months

Organise a local event to send a loud and clear message to the government that the public want the UK to offer protection to people forced to flee their homes - and reject the cruel approach of the Bill. You can organise a [Show Your Heart](#) event to demonstrate that people in your community want a more compassionate approach to refugees.

See if you can get community members to pledge support for refugees or write messages to the government on orange hearts, and display these in a big orange heart at a local landmark. For inspiration and to find out more look at our [campaign pack on our website](#).

3) Ask your local MP for a meeting to discuss the Borders Bill

Write to your MP to raise your deep concerns about the bill and request a meeting. You can use the [guidance and template letter \(page 18\) in the campaign pack here](#).





Housing rights

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Asylum accommodation – problems continue

Barracks accommodation is still in the news – and still in use

Our July newsletter had an article on the legal challenge to use of the Napier barracks by Clare Jennings, Olivia Halse and Kathryn Gooding of Matthew Gold and Co, who represented two of the claimants. Here is more news on this ongoing issue.

On July 22, the government gave its [official response](#) to the Independent Chief Inspector of Borders and Immigration's report on the use of barracks accommodation. It says that the 'wellbeing of asylum seekers is taken extremely seriously' and that it is 'working closely with the provider' to secure improvements at the Napier barracks.

On August 11, *The Independent* [reported](#) that a new outbreak of Covid-19 infection had occurred at Napier barracks. Around 100 residents in four blocks received a letter from Clearsprings Ready Homes, the firm contracted by the Home Office to manage the camp, telling them to self-isolate after three individuals tested positive.

In September, charities made [a fresh call](#) for use of the barracks to cease. Amnesty International UK's Refugee and Migrant Rights director, said: 'Over the past year, the squalid detention-like conditions at Napier Barracks have spread Covid-19, renewed or exacerbated psychological traumas and generally punished people for doing no more than exercise their right to seek asylum in the UK.'

Asylum seekers denied essential living needs during pandemic, finds High Court

Free Movement [reports](#) the case of *JM v Secretary of State for the Home Department* [2021] EWHC 2514, where the High Court held that the government failed to cater for asylum seekers' essential living needs during the pandemic. The court found that JM, who was housed in a hotel during the pandemic with no cash support, was deprived of the means to communicate with friends and family. By not providing him with support 'in cash or kind' under [section 95](#) of the Immigration and Asylum Act 1999, the Home Office acted unlawfully in failing to have regard to his essential living needs.

North-South divide in support for asylum seekers

An [investigation](#) by *Byline* revealed details of the north-south divide of where people seeking asylum are housed. In the north-east of England, there are 1.6 people who have sought asylum per 1,000 of the resident population, and 0.7 resettled refugees per 1,000 of the resident population. This compares to the 0.1 people seeking asylum and 0.2 resettled refugees per 1,000 resident population in the south-east.

The second-highest population of hosted asylum seekers is in the north-west, which also hosts 1.4 people seeking asylum per 1,000 resident population. The third-largest population of people seeking asylum is Yorkshire and the Humber (1.1 per 1,000 resident population) followed by the West Midlands (one per 1,000).

London has 0.7 people seeking asylum per 1,000 resident population. Both the east of England and the south-west have the lowest, with 0.2 people seeking asylum per 1,000 resident population. Across the four nations, Scotland has 0.7 per 1,000 (and 0.7 resettled refugees per 1,000 resident population); Wales has 0.9; and Northern Ireland has 0.4.

More asylum accommodation issues

One weekend in July, the MP for Hove, Peter Kyle received a phone call. He [told](#) the *Brighton & Hove News* that he learnt that the Home Office had hired a hotel in Hove and that in two hours' time 60 unaccompanied child refugees were being placed there. 'Almost no questions I had were answered because the Home Office simply didn't know the answers – they were in a shambolic panic', he said.

In contrast to this story, the BBC [reported](#) on how asylum seekers have made a home in Halifax. Misbah Almisbahi fled the conflict in Yemen in 2019, leaving his family behind and travelling alone. He said it was hard until he realised he had to reach out. 'At the beginning you see people making distance, but as soon as you make the first word people change. It's about who's taking the first step', he said.

Evictions from support accommodation of destitute asylum seekers whose cases have been rejected, have now resumed after the pandemic. ASAP, the Asylum Appeals Support Project, provide free [legal advice and representation](#) to asylum seekers at the Asylum Support Tribunal and run an [advice line](#) for advice agencies.



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Asylum backlog hits more than 70,000 despite fall in numbers applying

The Migration Observatory [commented in August](#) on new data from the Home Office showing that over 70,000 people were waiting for a decision on their initial asylum application at the end of June 2021—up 73% over the past two years despite a decline in the number of applicants.

At 70,905, the asylum backlog was more than nine times higher than it was a decade previously, at the end of June 2011. The backlog included 3,064 citizens of Afghanistan. This was despite the fact that UK asylum applications fell to 37,325 in the year ending June 2021, a 9% decrease from the previous year. Latest asylum statistics are summarised in a House of Commons Library [research briefing](#).

The Refugee Council's new report, [Living in limbo: a decade of delays in the UK asylum system](#), looks at the rise in the number of people waiting for long periods for asylum decisions and how it affects them. It makes recommendations about how to reduce the numbers.

Polly Toynbee in *The Guardian* [commented](#) on the Home Office's total caseload of 125,000 (which includes cases subject to removal action), asking 'Is Priti Patel the only person in Britain who doesn't want to let asylum seekers work?' Previously, it was [reported](#) that the Home Secretary is the one holding out against this vital reform. The right of asylum seekers to work has again been pursued in the courts. *Free Movement reports* on a recent judgment in which the High Court declared that Home Office policy on this issue failed to comply with the statutory duty to promote every child's best interests.

Hong Kong: welcoming British National (Overseas) status holders

A new migrant group is struggling to access private housing

Ewa Jamróz, who leads the Hong Kong UK Welcome Programme for Migration Yorkshire, explains some of the problems facing new arrivals.

In response to political developments in Hong Kong, the UK government created a new visa route for people with British National (Overseas) or BN(O) status, allowing them to come to the UK and make new lives here. The [BN\(O\) visa](#) opened on 31 January 2021. By the end of June, it had attracted over [64,000 applications](#).

Prior to the visa launch, Hongkongers could come to the UK and be granted Leave Outside the Immigration Rules (LOTR) at the border, given in the form of a passport stamp, which allowed them to work and rent in the UK for six months. During this time they could apply for a BN(O) visa.

In April 2021, the UK government announced a [national welcome and integration package](#) for BN(O) status holders from Hong Kong, including regional welcome hubs run by Strategic Migration Partnerships. Migration Yorkshire is one of these, [co-ordinating](#) the welcome programme for new arrivals settling in the Yorkshire and Humber region.

We have spoken to several Hongkongers settling in cities such as Leeds and Sheffield, to find out more about their experiences and understand their support needs. While some have opted for buying properties outright, many are not able to do so and have to look for somewhere to rent.

We are told that finding privately rented accommodation if someone does not have a UK-based job or a guarantor has been very difficult. Many have been asked to pay 12 months' rent in advance, while others have not been able to rent at all due to confusion amongst letting agents and landlords about their legal status, when landlords have to check their 'right to rent'.

These problems were first raised by the organisation 'Hongkongers in Britain' in their [briefing](#) on the housing situation of BN(O)s back in December 2020. They create further barriers for new arrivals: when accessing other services – for example, providing proof of address when opening bank accounts and applying for school places – they have no stable address to give.

In May, the government [wrote](#) to landlords and letting agents about the status of BN(O) visa holders, encouraging them to help ensure access to housing. But the message doesn't seem to have been received by many landlords, as people continue to face problems – locally in Yorkshire and Humber but also in other parts of the UK. This was [highlighted](#) by *The Guardian* in August.

The [All-Party Parliamentary Group on Hong Kong](#) has now [called on the government](#) to come up with practical measures to ensure equal access to housing. One of the ways that it could be improved is by updating the [landlord's right to rent guidance](#) with a separate section on the rights of this group. This could include examples of documents that individuals might be presenting: some Hongkongers have biometric cards while others are given a digital status only, like EU nationals.



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To address the situation in the meantime, Migration Yorkshire put together a [FAQ document for employers and landlords on rights of BN\(O\) visa holders](#). While this might have some positive impact on individual landlords and estate agents in the region, more must be done to ensure that the rights of Hongkongers across the UK are understood and upheld, if a group we want to integrate into our communities is going to be made welcome.

Other news

News on modern slavery

In our July newsletter, Sam Parker from Crisis wrote about modern slavery and homelessness. Here are some recent news items on this tragic issue.

- In August, *The Times* [reported](#) on the case of car wash workers paid as little as £10 a week for six-day working weeks of up to 11 hours a day. Their accommodation was infested with rats and insects, yet their bosses insisted on deducting rent, travel and electricity costs from their weekly pay packets.
- In October, *The Voice* [described](#) the experiences of a group of Caribbean workers who say they were treated 'like slaves' on British farms. The three workers, who are all from Barbados, claim they were promised a 'chance of a lifetime' but were used as 'slave labour' on strawberry farms in Scotland and Norwich. The workers allege they were forced to work long hours for far less pay than they were promised and were given poor and dirty accommodation which they were also charged for. The lengthy investigation includes video interviews with the workers.
- Thousands of victims of trafficking who have been left to languish in the immigration system for years should be granted leave to remain, the high court has said in a landmark ruling. *The Guardian* [said](#) that the court's October 12 ruling ordered that this group of trafficking victims who have asked for leave to remain in the UK be granted it en masse. This will apply to thousands of recognised victims of trafficking. If the Home Office decides to appeal it must lodge an application seeking permission to do so by October 19.

Windrush Compensation Scheme - end date removed

The Home Office [announced](#) in July that the Windrush Compensation Scheme no longer has a set 'end date'. A new package of support is being launched to help people to make a claim on behalf of a deceased relative. The application form has also been amended to make it easier to complete. [Updated guidance](#) for caseworkers confirms that they should only ask applicants to provide the minimum information required to pay the maximum amount of compensation. By the end of August 2021, £30.5 million of compensation had been paid to 837 people.



On August 9, *The Independent* [reported](#) that Sanjay McLean, 41, who has been in the UK for nearly 30 years and is believed to have the right to British citizenship under the Windrush scheme was facing deportation to Jamaica within two days. He had moved to Britain aged 12 to join his father who first came to the country in the 1950s. *Yahoo* then [reported](#) that an injunction had successfully prevented him from being put on the flight, which left with only seven people on board. The Home Office made an agreement with the Jamaican high commission last November to not remove people who came to Britain under the age of 12. Two of those threatened with deportation on the flight, which was to have taken 50 people, were said to have attempted suicide beforehand.

United Legal Access offers free support for those making compensation claims. Contact them [here](#).

More than 100 councils and charities vow to boycott Home Office policy to deport rough sleepers

Numbers of councils and charities vowing not to help the Home Office deport rough sleepers have grown, [according to](#) *The Independent*, as a result of a campaign called 'Support don't Deport'. Nine local



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authorities were [named](#) by *Inside Housing* as making this commitment – the GLA, Southwark, Islington, Hackney, Haringey, Greenwich, Lewisham and Lambeth boroughs, and Bristol Council. In practice, however, many more are known to have made the same promise.

In our July newsletter, Jean Demars of the Public Interest Law Centre explained how they continue to challenge the new rule. If you or someone you know is affected by the rule, or if you believe the local authority in which you live or work is planning to co-operate with the rough sleeping rule, please contact office@pilc.org.uk

You can also support active campaigns opposing the rough sleeping rule by the [Union Coalition](#) (or contact jack.jeffery.unite@gmail.com) and by [Homeless Link](#).

Domestic Abuse Act comes into force

The Domestic Abuse Act received royal assent on 29 April 2021 and many of its provisions are now in force. There are six main changes relating to housing. They are explained in [a briefing](#) from the Public Interest Law Centre.

New report from JRF shows how immigration policy worsens housing inequality

Welfare and immigration policies are contributing to 'sharply unequal access' to affordable housing among Black, Asian and minority ethnic communities, [research](#) from the Joseph Rowntree Foundation has highlighted. Nearly four in ten BAME workers whose characteristics mean that they are likely to be subject to No Recourse to Public Funds (NRPF) spend more than a third of their income on housing, compared to just over one in ten white workers. The government's right to rent requirement 'enables and encourages landlords to discriminate' against people that they judge could be 'foreign'. Immigration policy, discriminatory rental

legislation and social welfare policy are among the drivers of unequal housing outcomes for BAME communities, the report argues.

Migrants on ten-year routes to settlement in the UK

A new [briefing](#) from the Migration Observatory looks at the problems faced by around 170,000 people, admitted to the UK on human rights grounds, who will have to wait ten years before they achieve settled status.

Finally, what should be the future of the Home Office?

Writing in the *New Statesman*, Jonn Elledge claims that the department has become 'a dystopian combination of cruelty and incompetence'. Elledge cites several examples of cruel decisions, all from the last few months. He argues that the department should be abolished, and quotes [a former government adviser](#) as agreeing with him.

Meanwhile in *The Big Issue*, Benedict Cumberbatch [says](#) 'We created the migrant crisis'. He went on to say:

"People say it's not our problem, but it really is. We created it. And also, part of being a global citizen means it should be our humanitarian problem anyway. It's not good enough to think, 'let's hope they die on the way'. And that's really the logic of what people are saying."

Contributors

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

Do you have any comments on this newsletter?

Send them to policyandpractice@cih.org

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