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Your quarterly newsletter from the housing rights website

July 2020

The [housing rights website](#) is your key source of guidance on the housing rights of people with different kinds of immigration status. 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.

This issue starts with two important articles by Geeta Nanda and Liz Davies, and as well as lots of news items you will also see an article from Your Homes Newcastle about keeping links with migrant families during lockdown.

The coronavirus epidemic has led to many changes in rights to housing and benefits. Go to our [coronavirus page](#) for the latest news. For information on Brexit and housing rights, go to the [Brexit page](#). And go to the [What's New page](#) for other news.

If you have any comments on the website or newsletter, do contact us (policyandpractice@cih.org).

“Through supporting people to better understand their rights, the housing rights website means migrant communities are one step closer to a fairer deal on housing.”

Geeta Nanda, Chief Executive, Metropolitan Thames Valley



Metropolitan
Thames Valley

For migrants, knowing your housing rights has never been more important!

Geeta Nanda, Chief Executive of Metropolitan Thames Valley, explains why they are sponsoring the housing rights website.



Geeta Nanda, MTVH

We have all felt the impact of the coronavirus pandemic on our everyday lives. As businesses and families have adapted to lockdown, the essential role a safe and

comfortable home plays in people's ability to "live well" has been thrown into the spotlight.

For migrant and refugee communities, the crisis has magnified existing inequalities in access to healthcare, safe housing and economic security. As the number of migrants facing destitution and hardship has risen, the vital need for tailored support has become ever more apparent.

At Metropolitan Thames Valley Housing, we have been working hard to meet the changing needs of the communities we serve in response to the coronavirus. Access to professional advice has been key for many people in these unprecedented times, and I am delighted that that we are able to support the Chartered Institute of Housing's [housing rights](#) website. Through supporting people to better understand their rights, the website means migrant communities are one step closer to a fairer deal on housing.



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As new arrivals are forced to navigate unfamiliar systems in their search for a new home, the value of reliable and transparent information cannot be underestimated. The CIH housing rights website is also a vital resource for housing professionals to draw upon as they respond to changes in policy and practice beyond the European Union.

As an organisation founded to provide homes for the Windrush generation, supporting migrants through times of change and uncertainty has been central to our work from the beginning. As one of just six housing associations in the UK established to specifically house migrants at the time, we have a long history of recognising the valuable contribution of migration to UK society.

This commitment to inclusion continues to drive our work today. Through our Migration Foundation, we are working to alleviate migrant destitution through partnerships with organisations supporting access to justice, practical housing offers and community integration. We believe that these priorities are critical in making migration work - not just for migrants, but for communities too.

The government's recent acceptance of the independent review into the Windrush scandal presents a timely reminder of the work there is still to do to support migrants. Through our partnership with the Chartered Institute of Housing, we hope to enable more migrants to access the support they deserve. Not just through this crisis, but into the future too.

Metropolitan Thames Valley is now supporting the housing rights website, joining our current sponsors - Innisfree and Tamil Housing Associations.

Rough sleepers - how do we help those who don't have access to public funds?

Liz Davies, barrister at Garden Court Chambers and contributor to the housing rights website, explains the latest government direction to English local councils

As part of its campaign to get "Everyone In", on March 26 the Westminster government instructed all English housing authorities to accommodate rough sleepers, and those at risk of sleeping rough. They were to provide accommodation regardless of whether the person had a priority need or was eligible for homelessness assistance. The issue now is how

to continue to accommodate people who are not eligible for homelessness assistance under Part 7 of the Housing Act 1996 and cannot claim benefits (because they have no recourse to public funds (NRPF) or do not have a relevant right to reside under EU law).

The government's guidance is in two more letters, on May 28 ([Moving onto the next phase of accommodating rough sleepers](#)) and June 24 ([Funding support for those in emergency accommodation and EEA rough sleepers](#)). They also announced £105 million to help local authorities: £85 million is new money, £20 million had previously been committed. It is to support moves into the private rented sector, help individuals to reconnect with friends or family and provide interim accommodation.

Rough sleepers who *are* eligible for housing and benefits should stay in emergency accommodation while the local authority finds longer-term solutions.

What is available for those *not* eligible for homeless assistance? First, the June 24 letter says that the government has temporarily suspended its derogation from EU law to allow local authorities to provide non-statutory homelessness services, such as hostels, to European (EEA) nationals who are rough sleepers and not eligible for homelessness assistance (having previously done so in September 2019 in Greater London, Luton, Bedford and Milton Keynes). EEA nationals who are jobseekers, family members of jobseekers, or exercising their initial right to reside for three months are still not eligible for normal homelessness assistance. However, this allows local authorities to provide them with other services, such as hostels. Support is for a maximum of three months, with conditions requiring that the individual engages with support workers and looks for work.





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EEA nationals who do not have any right to reside are not entitled to these services, although they may be able to access charitable support. The suspension of the derogation does not allow those EEA nationals to claim benefits and so the costs will be borne by local authorities.

Second, the May 28 letter says: "Local authorities must use their judgment in assessing what support they may lawfully give to each person on an individual basis, considering that person's specific circumstances and support needs. You will already be used to making such judgements on accommodating individuals who might otherwise be ineligible, during extreme weather for example, where there is a risk to life." This suggests that rough sleepers who are not eligible for homelessness assistance and have no other support available could still be accommodated under human rights obligations where the public health crisis means their lives are at risk.

A House of Commons Select Committee report, [Protecting rough sleepers and renters](#), recommends the government to use the crisis to end rough sleeping in England, including supporting councils so that people who are NRPF do not end up back on the streets. Local authorities are arguing for all rough sleepers who are accommodated to be able to claim benefits, regardless of their immigration status, so that the cost of accommodation can be paid through the benefit system. They are joined by homelessness campaigns. Crisis has published [draft legislation](#) which would require local authorities to provide temporary accommodation for another year, regardless of priority need or eligibility, and would suspend NRPF and the right to reside tests.

So far, though, the only concessions are those in the two letters sent in May and June.

More on this story...

- In his [letter of May 28](#), government minister Luke Hall asked councils to devise their plans by June 11 and confirmed there would be £433 million of government support over the lifetime of the parliament. This is intended to support 6,000 rough sleepers into permanent accommodation in the long term, with 3,300 being assisted in the next 12 months.
- There is [separate funding](#) of £105 million for interim solutions before long-term ones come on stream. In a [Guardian article](#), Louise Casey explains the background.

- How do rough sleepers with coronavirus get treatment? – in East London, Médecins Sans Frontières [provide the only treatment centre](#).
- Once hotels close, homeless migrants may be offered 'voluntary repatriation', [said minister Luke Hall](#) on May 12. *The Guardian* reports that hotels housing rough sleepers are [returning to business](#) and *The Independent* says that rough sleepers [are already being forced back onto the streets](#). Manchester City Council [is calling for charitable donations](#) to help house 240 rough sleepers who were in hotel accommodation until the end of June.
- Campaigners [said in mid-June](#) that thousands of homeless people with NRPF may end up back on the streets because of lack of clarity from ministers. Without suspension of NRPF rules, they later warned that the government scheme would be a [sticking plaster](#). Migrant Rights [wrote to Robert Jenrick MP](#) to express concern that not enough was being done to protect migrants who are at risk of homelessness.
- The [NRPF Network](#) says:
Councils have worked extremely hard over the last few months to provide over 14,000 people with emergency accommodation to implement the Government's 'bring everyone in' strategy to protect homeless people. The focus is now on planning 'step-down' pathways and finding long-term solutions to prevent people from returning to rough sleeping. However, councils are acutely aware that, without significant immigration policy change and funding to provide ongoing support, it will be extremely challenging to achieve positive outcomes for people with no recourse to public funds. We have updated our resources and are running a short training session to help councils with this.





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How well has the government handled the pandemic?

While the national debate continues about the government's effectiveness in handling the pandemic, there have been some specific roundups looking at issues of concern to migrants.

The Free Movement blog calls the Home Office response [dismal](#). It accuses it of "chaotic communications, failure to protect migrant lives, failure to protect families and questionable legal competence." Adrian Berry of the Immigration Law Practitioners' Association and lawyer Colin Yeo put their arguments to the Home Affairs Committee in April, pointing out the conditions still endured by asylum seekers and the uncertainty for many working migrants who lose their jobs (more on these below).

Dr Durga Sivasathiaselalan, an NHS GP and a clinic coordinator at Doctors of the World UK, [said of the hostile environment](#): "cruel at the best of times - during a pandemic, it is dangerous." She added that the Home Secretary has a "continued preference for hardline immigration policies over a pragmatic, public health-led approach." She went on:

Although the Health Department has taken steps to exempt Covid-19 testing and treatment from the charging regulations, medical groups and charities supporting refugees and migrants warn this exemption is too narrow and amounts to an exemption on paper only as it does not cover pre-existing conditions, making it meaningless for those most likely to need hospital care with Covid-19. The British Medical Association, Royal College of Physicians and Faculty of Public Health have called on the home secretary to drop the policy in favour of simple, clear rules that make the UK health system truly "available for all" during the pandemic. Yet the home secretary remains steadfast.

Many of the criticisms levelled against the Home Office can also be applied to the Department for Work and Pensions, which also creates a hostile environment for already marginalised people while operating a "culture of disbelief". The Work and Pensions Committee [released a report](#) on the DWP's response to coronavirus, saying that while it should be commended for a swift reaction, the increased demand has further exposed flaws in the system - from the five-week wait for universal credit to the problems around legacy benefits.

Free Movement sets out [a timeline](#), starting on February 17, of all the changes made in the immigration rules up to the end of May.

Breaking down the barriers to integration under lockdown

Your Homes Newcastle (YHN), the arm's length management organisation providing housing and support services to over 26,000 residents in Newcastle upon Tyne, explains how they are helping migrant residents during lockdown.

Supporting asylum seekers and refugees to adapt to life in a new community requires time, trust and companionship throughout many simple acts of everyday life. But how do you do that while social distancing and adapting to a new world of homeworking without warning?

A specialist YHN team provides support to people who arrive in the UK as refugees from countries such as Syria, Iraq and the Sudan on the United Nations High Commissioner for Refugees' vulnerable persons resettlement schemes.

The team has been providing resettlement and move-on services for many years and uses tried and tested techniques to deal with the practicalities of settling people into a new home and community while working towards goals linked to independence, confidence and the ability to move forward with life once support is withdrawn.

Central to this is developing the relationship between the customer and their support worker, which with the onset of the coronavirus pandemic proved to be a challenge as phone calls have replaced the meetings and visits that have always been the foundations of support work.

Language barriers are common in this field of work. While interpreting services help overcome these, the loss of face-to-face interaction has been acutely felt by workers, who really value personal interactions and non-verbal communication with customers to convey empathy, understanding and warmth when developing these new relationships.

Technology provided a relatively smooth transition to homeworking for staff but the challenges have been greater for some customers. YHN provides these customers with a smartphone as an essential tool for integration, but confidence and ability to use technology varies. Added to this, apps and online resources, which could in theory combat social isolation and provide alternative routes to education and essential services, are usually in English with limited accessibility in alternative languages.

As with the wider pandemic though, the situation is evolving and staff have found ways to overcome the



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barriers. YHN sourced translated materials to support integration work, while using phone calls and doorstep visits to continue to support families.

Referrals to a local refugee service that offers a befriending service have helped combat social isolation while a local student-led project is developing an accessible digital education, arts and community offer, as always showing the value of partnership working in the sector.

Jen Vinton, Customer Services Director at Your Homes Newcastle said: "Since the introduction of social distancing we have seen fantastic and creative examples of how to work around the barriers of social distancing right across the housing sector.

"It has been a fast moving situation since day one and we encourage our staff to make use of resources like the housing rights website to keep up to speed with good practice and this has been invaluable as the coronavirus pandemic and its impact has unfolded."



Jen Vinton, YHN's Customer Services Director and Mo Rahman from the YHN Support and Progression team. The photo was taken before social distancing!

More on the 'hostile environment' and the right to rent

The pandemic, the ongoing Windrush scandal and debate on the government's Immigration Bill have kept up the pressure on the government to ease its "hostile environment".

In a [report published on June 17](#), the National Audit Office says that the Home Office is "currently unable to assess" whether hostile environment measures "have any meaningful impact on the likelihood that an individual will leave the UK voluntarily". Many of its 250 performance metrics "track individual activities rather than assess the overall impact... the Department admits it is very difficult to attribute successful outputs directly to Immigration Enforcement's work".

As the NAO notes, voluntary returns have actually "reduced, from an average of 1,200 a month in 2015 to approximately 460 a month in 2019." The Home Office is "unable to measure whether these activities have the desired effect of encouraging people to leave voluntarily."

The lawyer Colin Yeo commented that "...one would imagine that it's high time for the Home Office to have a think about what it is trying to achieve with this policy, but it still doesn't seem to care whether the hostile environment works or not."

Lawyers at [Garden Court](#) also called for the hostile environment to be abolished. COVID-19 has exposed much of the inhumanity in the system, they said. But they added that:

The Home Office's decision not to scrap right to rent, work or study checks in favour of temporary policy adjustments is deliberate. When business returns to usual, employers, landlords and universities will be expected to revert to the extant procedures. That is despite the fact that there are substantial concerns that the hostile environment is discriminatory.

Theresa May's former chief of staff Nick Timothy [defends the hostile environment policy](#) in Politico, despite the Windrush scandal:

This is sometimes used as an attack on Theresa May or the Tories for deliberately bringing this about. I don't think this is right or fair for a couple of reasons. The hostile environment policy is so called because rather than trying to locate, arrest and deport your way out of the problem of illegal immigration, really what we need to do is make the country harder to live in if you're here illegally ... I continue to think this is a sensible policy. The problem was this was applied mistakenly to people who didn't have documents to prove that they were in the country legally ... I was never warned about the existence of this cohort of people who couldn't prove that they were legally British.



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Meanwhile, the Equality and Human Rights Commission [launched an investigation](#) into whether the Home Office broke equalities laws with its hostile environment policy.

Chai Patel of the Joint Council for the Welfare of Immigrants (JCWI), reporting on the court case on the right to rent, [said that](#) the Home Office is effectively arguing that racism is justified by the needs of the hostile environment.

An article in the *Metro* on the hostile environment argues that the Home Office are [the only ones who benefit](#) from people staying undocumented in the UK. It says that "the Home Office so often seems geared towards the goal of kicking people off the ladder, like some sort of blood sport in which nobody wins."

- The Young Historians Project [explain their work](#) supporting young historians of African and Caribbean heritage in Britain, as well as shining a light on overlooked historical figures and moments, including the Black Liberation Front.
- We Belong [explain the barriers](#) that young migrants face including extortionate fees to maintain their status, and the need to scrap the hostile environment.
- Deputy Mayor of London for Social Integration, Debbie Weekes-Bernard, [speaks about](#) the path forward to justice and the urgent need for change.

In *The Guardian*, Stephen Thompson explains why he wrote the Windrush-based drama which tells his brother's story, *Sitting in Limbo* (note that *The Guardian* has a [specific page](#) with all its stories on the scandal).

On June 23, the Home Secretary [announced](#) that she would act on all 30 recommendations from the Windrush review.

Windrush Day celebrated on June 22

To mark Windrush Day, the author of the independent review into how Windrush victims were treated, Wendy Williams, [warned that](#) there could be a repeat of the scandal:

Given the experiences that the Windrush generation have had, given the care and attention that was taken over the review and that went into the recommendations that I made, I think now is the opportunity for the Home Office to make good on its stated commitment to learn the lessons from Windrush and I think everybody is looking to them to demonstrate that they have done that.

Lawyer Jacqueline McKenzie, who represents 200 victims of the scandal, [argues that](#) systemic racism is at the root of the problem. "I think they are treating people with contempt," she says.

Two years on, the Mayor of London and the JCWI [brought together](#) experts, campaigners and community groups to talk about the ongoing campaign for justice. And here are some other JCWI resources to mark Windrush Day:

- Campaigner Patrick Vernon OBE [urges](#) the speeding up of the compensation payments and implementation of the reviews recommendations.
- In [a wide-ranging panel discussion](#), Arike Oke of the Black Cultural Archives, Jacqueline McKenzie of the Centre for Migration Advice and Research and Pastor Clive Foster of Nottingham Pilgrim Church speak of the need to recognise the Windrush scandal for what it is - systemic racism.

Asylum support during the pandemic

Asylum seekers, especially in Glasgow, are being placed in hotels during the pandemic. *The Ferret* [warned in April](#) that their lives were being "put at risk" by this decision. This proved sadly prescient: a vulnerable Sudanese asylum seeker, Adnan Olbeh, stabbed six people including a police officer at a Glasgow hotel on June 26 before being shot dead by police. Only [the previous day](#), *The Ferret* reported that a row had broken out in Glasgow between Mears Group, responsible for housing asylum seekers, and refugee charities and campaigners, over the accuracy of information the company provided to politicians regarding its treatment of vulnerable people during the coronavirus crisis.

Then in response to an urgent question at Westminster after the incident, the minister [refused to commit to an inquiry](#) about the care arrangements. Positive Action in Housing [has written in detail to the Home Secretary](#) about the case, saying that Mears may have flouted lockdown restrictions.

Waging Peace, a UK-based group which campaigns against human rights abuses in Sudan, offered [a message of solidarity](#) both to the families of the victims and to the Sudanese community in Glasgow.



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Other examples of poor accommodation during the pandemic have surfaced. *Al Jazeera* [reported](#) that asylum seekers fear for their safety in cramped temporary housing in places such as Wolverhampton. The Home Office was [ordered by the High Court](#) to pay for a hotel for a family in unsafe accommodation in East London. *The Independent* said that [pregnant and disabled people](#) were among hundreds of asylum seekers placed in hotels for months during lockdown.

“£5 a day is not enough”

Asylum seekers are surviving on [“scandalously low”](#) financial support during the pandemic. Refugee Action’s Stephen Hale said [in The Times](#) that allowances of £37.75 per week were totally inadequate. Asylum seekers “have been left out of the national response of increased support to those in need, with no money to buy hygiene products, no money to buy data to do homework or, worse still, no money to buy three meals a day.”



Home secretary Priti Patel claimed that policies on asylum during the lockdown were working, and that the department was “absolutely” making sure people were supported. When asked by the Home Affairs Select Committee whether she would consider increasing asylum support rates by £20 a week, in line with universal credit, she said she had seen no evidence that asylum seekers were struggling to meet their basic needs with the current rates.

But many other problems have also emerged:

- The Home Office is [facing a legal challenge](#) over its failure to support new asylum seekers during the crisis.
- It was [accused](#) of prioritising its “tough” immigration practices over public health, after confirming it will continue to require asylum seekers to submit claims in person.

- Charities are calling on the government to reverse its decision to end the ban on asylum seeker evictions during the crisis after *Inside Housing* [revealed](#) the government had begun evicting hundreds of refugees from Home Office accommodation.

Then on June 8, the government finally announced an increase in asylum support rates – of just 26p per day. [A letter from 250 organisations](#) to the Home Secretary protested against her decision.

“Everyone Out?” – Joint briefing by NACCOM and Asylum Matters on potential asylum evictions

With concern that we face a “cliff edge” where thousands of people could be made homeless from asylum accommodation without recourse to public funds, NACCOM and Asylum Matters have produced [a joint briefing](#), sent to local authorities, on preventing evictions into homelessness from asylum accommodation during COVID-19 and beyond.

More news on asylum support

- The Helen Bamber Foundation [have published a new study](#) showing that people claiming asylum do not necessarily relay their story the first time they have chance to do so. The key message is that people cannot be expected to tell their full story to the first person they have met in a first or single appointment, in a relationship that has no context or opportunity for trust-building, when it involves recounting traumatic experiences.
- A new Asylum Accommodation & Support Factsheet for Strategic Migration Partnerships is available from the East of England SMP. Follow [this link](#) and click on the “Asylum” tab.
- Migrant Help are committed to keeping stakeholders informed about the transition to the AIRE (Advice, Issue Reporting and Eligibility) contract to support asylum seekers in the UK. Read their [latest newsletter](#) about the progress they are making.
- Free Movement [reports](#) that the High Court has granted permission for a judicial review challenge to the rules on when asylum seekers are allowed to work. People waiting over a year for an initial decision can apply for permission to get a job, but only for roles that are on the Shortage Occupation List. The claimant had previously managed to convince the Home Office to consider allowing her to work in a non-shortage role. But the department’s answer



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was "no": officials decided that she "had not raised any exceptional circumstances to justify discretion being granted in her favour".

- Who is a refugee? - and other questions about refugees and asylum seekers, can be answered by looking at Free Movement's [asylum hub](#).

How many people do we grant asylum or protection to?

The UK offered protection - in the form of asylum, humanitarian protection, alternative forms of leave and resettlement - to 20,339 people in the year ending March 2020, 17% higher than the previous year and similar to levels seen in 2003.

The Vulnerable Person Resettlement Scheme (VPRS) accounted for over three-quarters (4,030) of those resettled in the UK in year ending March 2020. 19,768 refugees have been resettled since the government announced the target of resettling 20,000 refugees under the scheme.

There were 35,099 asylum applications (main applicants only) in the UK in the year ending March 2020, 11% more than the previous year. In the year ending March 2020, 54% of initial decisions on asylum applications were grants of asylum, humanitarian protection or alternative forms of leave (such as discretionary leave or UASC leave). This was the highest initial decision grant rate on record.

You can view the ONS statistics [here](#) and the Home Office statistics [here](#).

Britain's new immigration system moves slowly forward

On June 30, MPs were debating the Immigration Bill which provides the framework for the new immigration policy due to begin in 2021. JCWI gave [a guide](#) to what they want to see. This includes:

- an end to the NRPF rule which bars 1.4m migrants from the social safety net
- guarantees on EU nationals' rights after Brexit
- a time limit on detention
- an end to the Hostile Environment
- protecting families' lives together by guaranteeing refugee rights to family reunion, and protecting EEA nationals from cruel spouse visa rules

They have a briefing for MPs [here](#). Needless to say, at this stage few changes are being made.

The bill paves the way for a new points-based system after Brexit. The Migration Observatory has a [briefing](#) on what this means. The observatory also [comments](#) on what it means to lock out many key workers. It says, too, that post-Covid migration flows [may well be very different](#). *The Independent* asks [if the NHS and social care will survive](#) without foreign staff. More widely, JCWI says that, recovering from this crisis, we need [bold, ambitious changes](#) in policies towards migrants.

The *New Statesman* thinks that after the epidemic, the Immigration Bill [looks like an even worse idea](#). Priti Patel told the BBC in February that "We will no longer have the routes for cheap, low-skilled labour, that obviously has dominated immigration and our labour market for far too long in this country." But the crisis has shown how the UK relies on the very labour that Patel identified as "cheap" and "low-skilled" - the work of carers and ancillary hospital staff, cleaners, food processing and seasonal agricultural workers, delivery drivers, construction workers, and many others. Labour has warned that the bill "risks the NHS not being able to fill the desperately needed roles for trained nurses and care home workers at the very moment when we rely on the NHS most".

The *New Statesman* says that drawing on public sympathy towards such workers is a gift to the opposition. Indeed, YouGov polling for JCWI suggests 54 per cent of people would support looser immigration controls for workers who could fill "essential" roles during the pandemic. The article says the system is likely to damage the country economically. For this reason it's likely that it will have to be far more liberal than is currently claimed.





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More fundamentally, however, the *New Statesman* argues that describing certain people as “essential” to helping the UK through the crisis evokes the same dehumanising picture of deserving and undeserving migrants, described by Maya Goodfellow in her book [Hostile Environment: How Immigrants Became Scapegoats](#). When we judge people solely by the economic or professional utility they can offer to the “native” population, it silently encourages negative sentiment towards certain migrants. It is from such thinking that policy disasters such as the Windrush scandal emerge.

More on the effects of “NRPF” and other restrictions on claiming benefits

When Shabana Aslam’s husband, Irfan, was made redundant from his marketing job last month as a result of the coronavirus lockdown, the loss of the main household income left her wondering how the family would eat. The *Financial Times* [reports](#) that the decision by Mr Aslam’s employer not to put him on to the job retention scheme meant the family’s income fell to Ms Aslam’s £1,300 monthly pay as a teaching assistant. But rent alone comes to £1,400 a month and the couple are barred from claiming state benefits.

Metro reported that a man who survived coronavirus [is now getting into debt](#) because his visa conditions stipulate he cannot claim benefits. Clement, who first immigrated to the UK in 2006, was so ill in March that he thought he might not survive. He is now calling on the government to suspend the NRPF condition. Before the virus began circulating, he was working as a self-employed music teacher while his wife was a self-employed cake decorator. Work for both has now dried up.

The Home Office has never publicly acknowledged how many people the benefits ban covers, but the Children’s Society has [estimated](#) it covers one million adults from outside the European Economic Area and 143,000 children. Moreover, an unknown number of the one million EEA citizens with “pre-settled status” under the EU settlement scheme are also barred from receiving any public money if they cannot prove they are “habitually resident” in the UK.

At the end of May, under questioning from MPs, the prime minister [appeared to be unaware](#) about NRPF and its effects, promising to review the policy. MPs have [urged the government](#) to suspend rules that

cause destitution. Migrants’ Rights and a number of other bodies have [written to the prime minister](#) to remind him that he said that he said everyone “.. should have support of one kind or another.” Conservative councillor David Renard, Leader of Swindon Council, called during the BBC *Today* programme [for the suspension of NRPF](#).

Although the government is still refusing to suspend NRPF and similar rules, the High Court has branded NRPF [unlawful](#) in certain cases. Judgment has been handed down after an 8-year-old British boy – supported by his migrant mother – won a ruling that the policy denying families like his access to the social security safety net is unlawful. On May 7 the High Court indicated that NRPF breaches European and common law. The Home Office had to [soften its policy](#) after the High Court extended the grounds on which it must grant recourse to public funds. This will make it easier for migrants with family visas to claim benefits if necessary.

The Institute for Community Research and Development at the University of Wolverhampton, together with ASIRT, Migrants’ Rights Network, Project 17 and Public Interest Law Centre, is being funded by the Paul Hamlyn Foundation to carry out [a rapid evidence research project](#) into support for people with NRPF during the Covid-19 pandemic. They aim to understand the impact of NRPF, the response of authorities and areas of good practice which can safeguard people’s welfare. They want to find out from council officers how local authorities have responded. What are the challenges and difficulties, and what are the emerging areas of good practice? [Click here](#) to access the survey.





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The EU Settlement Scheme is still open

Tens of thousands of people are waiting months for an EU Settlement Scheme decision, according to [Free Movement](#). Why? Statistics show that at least 36,000 applications had faced delays of over three months by October 2019. These are only a snapshot of the Home Office caseload on a particular day and do not indicate a total number of delayed cases. Around 40% of pending cases in June 2019 "could not be resolved until the applicant submitted further evidence." Another potential source of delay relates to those with pending prosecutions or ongoing police investigations.

Long delays in acquiring settled status could lead to a range of problems, including people being wrongly refused employment or tenancies.

Free Movement also [reports](#) on a High Court blow for EU citizens with pre-settled status trying to claim universal credit. The High Court rejected an argument that the regulations making it difficult for Europeans with pre-settled status to access public funds are discriminatory on the ground of nationality. The case is *Fratila and Tanase v SSWP* [2020] EWHC 998 (Admin).

Mr Justice Swift found that although the Social Security (Income-related Benefits) (Updating and Amendment) (EU Exit) Regulations 2019 do not constitute direct discrimination, they do amount to indirect discrimination. But he held that this discrimination was justified, and thus not unlawful.

"We have no idea how we are going to survive financially" [said one European national](#) living here whose access to universal credit is blocked during the pandemic.

More than 3.3 million EU and European Economic Area citizens have been granted the right to remain in the UK after Brexit, [the Home Office said in June](#), but just 57% of those have gained full "settled status" so far.

More on the EU Settlement Scheme

- "Brexit: What you need to know as an EU citizen living in the UK" – is an [updated leaflet](#) from the EU delegation to the UK, available in 23 languages. Two further booklets have been produced and are awaiting approval, focussing on senior citizens and third-country nationals who are family members of EU nationals. There is also a Facebook page called [European Union in the UK](#). It has videos on the rights of EU citizens and family members in the UK and short videos about Brexit called [EU citizens ask the immigration lawyer](#).
- Immigration rules changes have widened access to the EU settlement scheme to [victims of domestic violence or abuse](#). If a family member's relationship with an EEA citizen breaks down permanently as a result of domestic violence or abuse, this, coupled with their own continuous residence in the UK, will be recognised as part of their application.
- There is [new guidance](#) for local authorities and health and social care trusts to make sure looked-after children and care leavers apply to the EU Settlement Scheme.





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I'm a Romany Gypsy - why is racism against us still acceptable?

Grace Claire O'Neill is a photographer who campaigns for Gypsy, Romany and Traveller rights and representation. In 2005, the *Sun* launched a [now-infamous campaign](#) titled "Stamp on the camps", which ran for several weeks. Grace [told The Guardian](#) that it was so bad that there were families in her community who were scared to send their children to school for fear of attacks. "Fifteen years on, it sometimes feels that we haven't progressed at all." In April, Channel 4 ran the episode of *Dispatches*, "The Truth About Traveller

Crime". It was laden with harmful stereotypes and, in the words of the charity Friends, Families and Travellers, was "dehumanising, unbalanced and unfair". It is now [under review](#) by Ofcom.

Grace says "My dad always told me: 'Not everyone is going to like you,' but I'd welcome a world where my ethnicity wasn't one of the reasons why."

Mihai Calin Bica of the Roma Support Group, argues in an [article in The Independent](#) that from "coronavirus to the hostile environment, the chronically overlooked Roma community has been completely abandoned."

The Roma Support Group has a [new report](#) on the barriers which Roma people face in getting access to the EU Settlement Scheme.



A painting by Aslam Hibbah for the Gypsy, Roma and Traveller History Month children's art competition



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Other news

- Do you have clients who need **free school meals?** – use [this useful leaflet](#) from Hackney Migrant Centre.
- Section 17 of the **Children Act 1989** imposes a general duty on local authorities to safeguard and promote the welfare of “children in need” in their area. Here is [a briefing on the duty](#) from Free Movement.
- **Birmingham University** has published a report on [Forced migration, SGBV and COVID-19](#), presenting findings from a project led by the University’s Institute for Research into Superdiversity (IRiS) in partnership with Refugee Women Connect.
- **Doctors of the World** has launched a report, [An unsafe distance](#), on the impact of the COVID-19 pandemic on excluded people in England. Researchers looked at the pandemic’s effect on a wide range of groups including refugees, people seeking asylum, undocumented migrants, people experiencing homelessness and Gypsy, Roma and Traveller communities. They made [recommendations](#) for the NHS, health services and community and voluntary sector organisations, central and local government.

- **Stop press! – the latest changes in allocations and homelessness regulations** give eligibility for housing help to two new categories of people: people who are “stateless” and certain family members of people in Northern Ireland. You can see the details, and an explanatory note, [here](#). The amendments finally include stateless people as eligible. This was a gap for some time, since they had leave with recourse to public funds, could claim benefits but were not eligible for a housing allocation or for homelessness help. The new rules come into force on August 24.

Finally, some personal stories...

- **“My Encounter with the UK’s Nightmarish Immigration System”**: Zing Tsjeng [explains in Vice](#) how she got indefinite leave to remain and how it affects others who have more problems than she did.
- **Bethan Lant from Praxis** has a sad story about a client in her [Life in the Hostile Environment blog](#).
- **Shula Marks** [explains in Huffington Post](#) how hosting [refugees at home](#) has been a benefit to all.
- And... **a message of hope and strength** in the form of a [Roma song](#) put together by Ando Glaso, whilst following social distancing guidance.

Contributors

The newsletter is edited by John Perry from CIH. This issue was put together with help from Geeta Nanda and Dominic Briant from Metropolitan Thames Valley, Liz Davies from Garden Court, Emily Potts and colleagues at Your Homes Newcastle and several other people who helped with individual news items.

Do you have any comments on this newsletter?

Send them to policyandpractice@cih.org

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