



Homeless Link

# Facing up to homelessness among non-UK nationals

The challenge and opportunity  
since 'Everyone In'

**Policy Briefing**  
**January 2022**



# Summary

Following the directive from Minister Luke Hall on 26 March 2020, local authorities paused eligibility assessments for statutory homelessness assistance and attempted a universal accommodation-led homelessness response to COVID-19.<sup>1,2</sup>

Non-UK nationals with restricted eligibility for public funds made up a significant proportion of those brought in under the 'Everyone In' scheme, which was especially important given that this group faced some of the worst consequences of the pandemic.<sup>3,4,5</sup> Indeed, research shows that the scale of non-UK national homelessness had been increasing prior to COVID and the group has been disproportionately represented in rough sleeping figures for a number of years, with EU nationals particularly prominent.<sup>6,7,8</sup>

## 'Destitution by design'

Without a statutory safety net, non-UK nationals with restricted eligibility are more vulnerable to homelessness and destitution.<sup>9,10</sup> However, other barriers related to gatekeeping by support services, misunderstandings by frontline staff and fear of negative repercussions in terms of immigration enforcement often compound statutory barriers.<sup>11,12</sup> While overcoming these barriers often depends on access to good quality, independent immigration advice, currently capacity for immigration advice falls far short of need in England.<sup>13</sup>

Confused Government messaging from summer 2020 onward underlined the fact that the legal frameworks fundamentally remained the same throughout Everyone In. Inconsistencies soon emerged in local authority approaches and long-term solutions were not forthcoming from Government. Shelter found that in early 2021, more than three-quarters of those initially accommodated remained in emergency provision and almost a quarter of those non-UK nationals ineligible for homelessness assistance.<sup>14</sup>

1. MHCLG. Letter from Minister Luke Hall to local authorities. 26 March 2020. London: MHCLG.
2. Boobis, S. and Albanese, F. 2020. The impact of COVID-19 on people facing homelessness and service provision across Great Britain. London: Crisis
3. Whitehead, Christine. 2021. Homelessness and rough sleeping in the time of COVID-19. London: LSE
4. Citizens Advice. Dec 2020. No Recourse to Public Funds: data and developments. London: Citizen's Advice.
5. Gardner, Z. 2021. Migrants with No Recourse to Public Funds' Experiences During the COVID-19 Pandemic. JCWI.
6. MHCLG. 2021. Rough sleeping snapshot in England: autumn 2020. London: MHCLG.
7. GLA. 2021. CHAIN Annual Bulletin Greater London 2020/21. London: GLA
8. Boobis, S., Jacob, R., and Sanders, B. 2019. A Home For All: Understanding Migrant Homelessness in Great Britain. London: Crisis
9. Christian Dustmann and Tommaso Frattini, 2014. The Fiscal Effects of Immigration to the UK. *Economic Journal*, Vol.124, Issue 580, pages F593–F643.
10. Boobis, S., Jacob, R., and Sanders, B. 2019. A Home For All: Understanding Migrant Homelessness in Great Britain. London: Crisis
11. JCWI. 2021. The hostile environment explained. London: JCWI
12. Stewart, S., and Sanders, C. (forthcoming). Cultivated Invisibility and Migrants' Experiences of Homelessness During the COVID-19 Pandemic. *The Sociological Review*.
13. Jo Wilding Maureen Mguni Travis Van Isacker, 2021. A Huge Gulf: Demand and Supply for Immigration Legal Advice in London. London: Justice Together
14. Deborah Garvie, Hannah Rich, Charlie Berry and Robert Brown. 2021. Everyone in: Where are they now? London: Shelter

## The case for inclusive local homelessness systems

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Despite these limitations, Everyone In prompted the emergence of new approaches which signpost the way towards a more inclusive system and deserve further examination. Homelessness organisations welcomed being able to support people for what was, in many cases, the first time and reported impressive progress in helping people to regularise their status, start work and move on from homelessness for good.<sup>15,16</sup>

Ending rough sleeping demands a coordinated local authority-led approach, supported by immigration advice providers, the voluntary and faith sectors, health and others, to bring non-UK nationals under the umbrella of mainstream provision for the long-term. There are a range of measures for homelessness commissioners to consider to improve their provision to otherwise excluded non-UK nationals. Key amongst these are:

- 1. Deliver inclusive services, supported by staff training, quality language interpreting and collaboration with community groups;**
- 2. Address data gaps**
- 3. Work to unlock accommodation solutions**
- 4. Commission and embed independent immigration advice**
- 5. Commission targeted EU national employment support**
- 6. Develop transparent policies on data-sharing with the Home Office**
- 7. Advocate for policy change at national level**

Of course, sustainable solutions to non-UK national homelessness cannot be found at the local level alone. Homelessness and local government sectors must continue to advocate for reform and leadership from the Department for Levelling Up, Housing and Communities (DLUHC) and the Home Office to address the incoherence between commitments to end rough sleeping and restrictive policies motivated by immigration control and to work towards manageable long-term solutions.

This briefing provides an overview of homelessness among non-UK nationals in England. Across the following sections, it makes a case for inclusion in the mainstream homelessness system and draws out priority areas for the attention of local government and homelessness organisations:

1. Everyone In: turning point or temporary blip?
2. Imperfect labels: understanding the scale of the challenge
3. 'Destitution by design': how immigration policy drives homelessness
4. The case for inclusive local homelessness systems
5. A real plan to end rough sleeping: recommendations for national government

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15. Stewart, S., and Sanders, C. (forthcoming). Cultivated Invisibility and Migrants' Experiences of Homelessness During the COVID-19 Pandemic. *The Sociological Review*.

16. Grassian T & Boobis S. 2021. Working together: the homelessness sector's path beyond COVID. London: Homeless Link; Trent Grassian and Sophie Boobis. 2021. Homelessness Provision for the Future: Best practice from the homelessness sector during the COVID-19 pandemic. Homeless Link.

17. In this briefing, we focus on single adults with restricted eligibility for benefits and homelessness assistance. While much of the discussion is relevant to them, we do not focus on people with pending asylum claims, who are entitled to some limited destitution support from the Home Office, or on children and adults to whom local authorities have duties under the Care Act 2014 or Children Act 1989.

# Introduction

Everyone In represented the first time that England had attempted a local authority-led universal homelessness response. The results were remarkable – saving lives, connecting people with life-changing support and, in many cases, bringing previously hidden non-UK nationals to the attention of local systems.<sup>18,19,20,21,22</sup>

Non-UK nationals with restricted eligibility – including No Recourse to Public Funds (NRPF) – faced some of the worst consequences of the pandemic, and were particularly at risk of losing employment, being forced to leave precarious housing and being unable to afford to self-isolate or shield.<sup>23,24</sup> This is in addition to the increasing levels of non-UK national homelessness and the disproportionate representation of EU nationals in particular among rough sleeping populations already seen in the preceding years.<sup>25,26</sup>

However, confused Government messaging from summer 2020 onward underlined the fact that nothing had fundamentally changed. The legal frameworks that restrict non-UK nationals' use of statutory funds remained the same and inconsistencies soon emerged in local authority approaches.

Despite this, many local authorities and services continued to embrace the opportunity, working intensively alongside immigration advisors to support individuals with the stable base of safe accommodation for the first time. Everyone In prompted the emergence of new approaches which signpost the way towards a more equitable system.

Now, we have an opportunity to harness what we have learned. We must ensure rough sleeping and homelessness services see beyond immigration status to offer person-centred provision up to the limits of the law.

Of course, achieving this goal also requires decisive action at the national level. Local authorities and individuals have been left between a rock and a hard place, struggling with restrictive policies and an immigration system that both drive homelessness and prevent its resolution. Together, homelessness and local government sectors must continue to advocate for reform and leadership from the Department for Levelling Up, Housing and Communities (DLUHC) and the Home Office to address this incoherence and to work towards manageable long-term solutions.

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18. Boobis, S. and Albanese, F. 2020. The impact of COVID-19 on people facing homelessness and service provision across Great Britain. London: Crisis;

19. Stewart, S., and Sanders, C. (forthcoming). Cultivated Invisibility and Migrants' Experiences of Homelessness During the COVID-19 Pandemic. *The Sociological Review*.

20. Whitehead, Christine. 2021. Homelessness and rough sleeping in the time of COVID-19. London: LSE

21. NAO. 2021. Investigation into the Housing of Rough Sleepers during the COVID-19 Pandemic. National Audit Office (NAO) Report.

22. Coombs, J. and Gray, T. 2020. Lessons learnt from councils' response to rough sleeping during the COVID-19 pandemic. Local Government Association.

23. Citizens Advice. Dec 2020. No Recourse to Public Funds: data and developments. London: Citizen's Advice.

24. Gardner, Z. 2021. Migrants with No Recourse to Public Funds' Experiences During the COVID-19 Pandemic. JCWI.

25. Bramley, G., Morris, M., Mort, L., Netto, G., Rankin, L., Sosenko, F. and Webb, J. (2021) The scale, causes and impacts of homelessness among EEA citizens. Heriot-Watt University and IPPR.

26. Boobis, S., Jacob, R., and Sanders, B. 2019. A Home For All: Understanding Migrant Homelessness in Great Britain. London: Crisis

### **Box 1: A note on entitlements, powers and ‘public funds’**

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Not all non-UK nationals are excluded from ‘public funds’, or are excluded in the same way, and assumptions made by frontline services can often wrongfully prevent people accessing their entitlements. For example, those with entitlement to public funds include: people with EUSS settled status, refugee status and indefinite leave to remain, as well as those with discretionary leave to remain granted to an Unaccompanied Asylum Seeking Child, recognised survivors of modern day slavery, or under the destitution domestic violence concession. Different rules also apply to EU nationals with a pending EUSS application or with pre-settled status, which mean they may be able to access benefits.<sup>27</sup>

It is also important to note the fluidity of many of these categories; they frequently change and can be difficult to discern, even for the individuals they affect.

#### ***What is NRPF?***

People have ‘no recourse to public funds’ (NRPF) if they are ‘subject to immigration control’, i.e. they have irregular status (don’t have leave to remain but need it) or they have leave to remain with an NRPF condition attached.<sup>28,29</sup> They are excluded from access to public funds such as homelessness assistance, social housing and some benefits, including:

- Universal Credit;
- Housing Benefit;
- Income-based jobseekers’ allowance.<sup>30</sup>

However they may still be able to access, among other things:

- Contribution-based Jobseeker’s Allowance;
- Contribution-based Employment and Support Allowance;
- Housing provided by a housing association;
- NHS services (though primary care is universal, some restrictions apply to secondary care);<sup>31</sup>
- Education.

### ***What does this mean for local authority homelessness support?***

There is a clear legal duty for local authorities to support people, regardless of their immigration status, under some conditions. In others, there are limited powers that a local authority can use to accommodate and support people, which many have availed of during the pandemic.

People with the NRPf condition can still receive accommodation and financial support from a local authority when duties are engaged under the Children Act 1989 (Section 17 applies if children are facing destitution) or the Care Act 2014 (for adults with care needs to prevent a breach of their human rights).<sup>32</sup>

For single adults who are otherwise ineligible, the *Ncube v Brighton and Hove City Council* ruling found that local councils have legal powers to provide accommodation during a public health emergency. The High Court ruled that councils could use powers under section 138 of the Local Government Act 1972 (which creates a power to take action to avert, alleviate, or eradicate the effects of an emergency or disaster) and Section 2B of the NHS Act 2006 (which gives councils a power to provide assistance and services to improve the health of their population) to find accommodation for people otherwise ineligible.<sup>33</sup>

Others have noted that section 18 of the Care Act 2014, section 6 of the Human Rights Act 1998 and section 1 of the Localism Act 2011 offer possible legal bases for the provision of local authority support to otherwise-ineligible single adults during a public health emergency.<sup>34</sup>

The consistent Government position has been that local authorities can use their general powers of competence under the Localism Act 2011, as they do via the Severe Weather Emergency Protocol (SWEP) to accommodate people regardless of eligibility for a limited period of time.<sup>35</sup> However, following the emergence of the Omicron variant, a ministerial letter to local authorities highlighted Government's expectations that councils consider in full the discretionary powers noted above to accommodate non-UK nationals. Though they suggest that case-by-case assessments should still take place, they clarified their view that "the circumstances are such as to enable you to exercise public health and emergency powers to provide accommodation" on a short-term basis.<sup>36</sup>

27. For more information, see: The 3 Million. 2021. *Settled vs Pre-Settled Status*. Available at: <https://www.the3million.org.uk/presetled-vs-settled>
28. Turn2us. 2021. *Nationals of non-European Economic Area (EEA) countries - What is a Person Subject to Immigration Control?* London: Turn2us
29. Section 115 of the Immigration and Asylum Act 1999.
30. For more information, see: NRPf Network. *Benefits that are public funds*. London: Islington Council. Available at: <https://www.nrpfnetwork.org.uk/information-and-resources/rights-and-entitlements/benefits-and-housing-public-funds/benefits/benefits-that-are-public-funds>
31. For more information, see: Doctors of the World UK. 2018. *Healthcare entitlement and charging in England – updated 2018*. London: DOTW UK.
32. NRPf Network. 2021. *Guidance for councils*. London: Islington Council. Available at: <https://www.nrpfnetwork.org.uk/information-and-resources/guidance-for-councils>
33. Shelter. 2020. *High Court rules councils can lawfully accommodate street homeless people with 'No Recourse to Public Funds' – will the government now provide proper guidance?* London: Shelter.
34. Dickson, E., Jolly, A, Morgan, B, Qureshi, F, Sojka, B & Stamp, D. 2020. *Local Authority Responses to people with NRPf during the pandemic*. ICRD, University of Wolverhampton.
35. HCLG Committee. 2021. *Protecting the homeless and the private rented sector: MHCLG's response to Covid-19 Sixth Report of Session 2019–21*. London: House of Commons
36. DLUHC. *Letter from Eddie Hughes MP to All Local Authority Chief Executives, 20 December 2021*. London: DLUHC.

# 1. Everyone In: turning point or temporary blip?

Following the directive from Minister Luke Hall on 26 March 2020, local authorities paused eligibility assessments for statutory homelessness assistance.<sup>37,38,39</sup> However later Government statements in May and June introduced confusion, stating that support should only be provided where “there is a risk to life”. Many months later, with the launch of the Protect and Vaccinate Programme in December 2021 Government went significantly further, highlighting their expectation that discretionary powers would be used to accommodate non-UK nationals, at least in the short-term (see Box 1).

As a result of uncertainty on the Government position and concerns about affordability, from May 2020 many local authorities began denying support to people with restricted eligibility and evicting those already accommodated.<sup>40,41</sup> Research at the time found that confusion, ‘gatekeeping’ and information gaps were widespread.<sup>41</sup> At the same time, other councils continued to provide accommodation and were empowered to do so by *Ncube v Brighton and Hove*.<sup>43,44,45</sup> The national suspension of the EU derogation in June 2020 was welcomed, though its 12-week limit was deemed insufficient to adequately support individuals to move on sustainably.<sup>46</sup>

In January 2021, Government estimated that 37,500 people had been brought in and a significant proportion of these were likely to have been non-UK nationals who were ineligible for homelessness assistance. The National Audit Office estimated that people with NRPF accounted for about half (about 2,000) of the people in Everyone In accommodation in London in September 2020.<sup>47</sup> Around the same time, our members reported that the proportions of those housed in hotel accommodation with restricted eligibility ranged from 25% to 70% in some areas.<sup>48</sup>

## 1.1 Unprecedented progress with a neglected group

This provision was especially important given that people with restricted eligibility faced some of the worst consequences of the pandemic. Citizens Advice reported a 91% year-on-year increase in NRPF issues in 2020 and a winter survey of 310 non-UK nationals found that 44% of surveyed hospitality and cleaning workers lost their jobs, all of whom were subject to NRPF.<sup>49,50</sup>

37. MHCLG. Letter from Minister Luke Hall to local authorities. 26 March 2020. London: MHCLG.

38. Boobis, S. and Albanese, F. 2020. The impact of COVID-19 on people facing homelessness and service provision across Great Britain. London: Crisis

39. Whitehead, Christine. 2021. Homelessness and rough sleeping in the time of COVID-19. London: LSE

40. NAO. 2021. Investigation into the Housing of Rough Sleepers during the COVID-19 Pandemic. National Audit Office (NAO) Report.

41. HCLG Committee. 2021. Protecting the homeless and the private rented sector: MHCLG’s response to Covid-19 Sixth Report of Session 2019–21. London: House of Commons

42. Dickson, E., Jolly, A, Morgan, B, Qureshi, F, Sojka, B & Stamp, D. 2020. Local Authority Responses to people with NRPF during the pandemic. ICRD, University of Wolverhampton.

43. Shelter. 2020. High Court rules councils can lawfully accommodate street homeless people with ‘No Recourse to Public Funds’ – will the government now provide proper guidance? London: Shelter.

44. Whitehead, Christine. 2021. Homelessness and rough sleeping in the time of COVID-19.; The Kerslake Commission on Homelessness and Rough Sleeping. 2021. When We Work

Together – learning the lessons. Interim Report; Boobis, S. and Albanese, F. 2020. The impact of COVID-19 on people facing homelessness and service provision across Great Britain. London: Crisis

45. Early findings from ‘Homelessness during the COVID-19 pandemic: homeless migrants in a global crisis’ (Principal Investigator: Dr Simon Stewart), a project funded by the ESRC/UKRI in response to COVID-19. Grant Ref: ES/V011081/1; Local Government Committee. 2021. Protecting rough sleepers and renters

46. Boobis, S. and Albanese, F. 2020. The impact of COVID-19 on people facing homelessness and service provision across Great Britain. London: Crisis

47. NAO 2021. Investigation into the Housing of Rough Sleepers during the COVID-19 Pandemic. National Audit Office (NAO) Report.

48. Homeless Link 2020. Member Survey. Data available on request.

49. Citizens Advice. Dec 2020. No Recourse to Public Funds: data and developments. London: Citizen’s Advice.

50. Gardner, Z. 2021. Migrants with No Recourse to Public Funds’ Experiences During the COVID-19 Pandemic. JCWI.

Homelessness organisations and local authorities welcomed being able to support people for what was, in many cases, the first time.<sup>51,52</sup> Whether coming from long-term rough sleeping or newly homeless, many people's ability to move on independently depended on access to support, immigration advice and a safe place to stay. Research from King's College London with people in London hotels found that despite individuals' low expectations, they had been able to stabilise drug and alcohol problems and take stock of their lives while in accommodation.<sup>53</sup>

By finally bringing people under the umbrella of mainstream provision, albeit for an uncertain and variable period, local authorities learned about previously 'hidden' individuals and connected them with support options. In particular, Homeless Link members reported success with helping many EU nationals to enter into employment, repatriate or move on via applications to the EU Settlement Scheme (EUSS).<sup>53</sup>

## **Box 2: Shifting sands for EU nationals: the EU Settlement Scheme**

EEA nationals who arrived in the UK prior to 1 January 2021 could regularise their status in the country by applying for settled or pre-settled status through the EU Settlement Scheme (EUSS).

Homelessness organisations reported that Everyone In allowed them to support many more people with complex EUSS applications that they would otherwise have been able to, enabling many EU nationals to access benefits and secure their future in the UK.<sup>54</sup> However, evidence also suggests that many people experiencing homelessness faced barriers to applying by the 30 June 2021 deadline. Research commissioned by Crisis with EU citizens facing homelessness in Britain showed that in the three to six months before the deadline, around a quarter of those surveyed had not yet obtained status.<sup>55</sup> Often difficulties arose around trust and availability of necessary documents, such as ID or evidence of five years' residence in order to access full settled status.<sup>56</sup> Though the deadline for applications has passed, the Home Office has stated it will accept late applications when there are reasonable grounds for delay, including homelessness.<sup>57</sup>

For many of those who have made successful applications, complexity and barriers remain. Unlike those with settled status, people with pre-settled status must demonstrate that they have a qualifying right to reside, often gained through employment, to access benefits.<sup>58</sup> In practice, this means that many EEA nationals who face barriers to employment, such as homelessness, substance misuse or mental health issues, are left with few options and a long wait for settled status. This is especially important when we consider recent research showing the prevalence of ill health, substance misuse and informal or exploitative working as drivers of EEA national homelessness.<sup>59</sup>

51. Stewart, S., and Sanders, C. (forthcoming). Cultivated Invisibility and Migrants' Experiences of Homelessness During the COVID-19 Pandemic. *The Sociological Review*.

52. Grassian T & Boobis S. 2021. Working together: the homelessness sector's path beyond COVID. London: Homeless Link; Trent Grassian and Sophie Boobis. 2021. Homelessness Provision for the Future: Best practice from the homelessness sector during the COVID-19 pandemic. Homeless Link.

53. Neale, J et al. 2020. Experiences of Being Housed in a London Hotel as Part of the 'Everyone In' Initiative. Part 1: Life in the Hotel. London: King's College London.

54. Grassian T & Boobis S. 2021. Working together: the homelessness sector's path beyond COVID. London: Homeless Link

55. Grassian T & Boobis S. 2021. Working together: the

homelessness sector's path beyond COVID. London: Homeless Link

56. Crisis. 2021. Home for All: Why are EU citizens more likely to experience homelessness? London: Crisis

57. Greater Manchester Immigration Aid Unit. 2021. Who the EU Settlement Scheme left behind in the North West of England. Manchester: GMIAU.

58. Homeless Link. 2021. Working with EEA nationals after 30th June 2021: Briefing for homelessness services. London: Homeless Link

59. Shelter. 2021. Universal credit: Immigration and residence conditions. London: Shelter

60. Bramley, G., Morris, M., Mort, L., Netto, G., Rankin, L., Sosenko, F. and Webb, J. (2021) The scale, causes and impacts of homelessness among EEA citizens. Heriot-Watt University and IPPR.



## 1.2 The limits of Everyone In

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**“It must be terrifying... Being him. ‘Cause he knows. He knows...  
He’s got a calendar in his room with the date on.”**

*Support worker to EU national client facing eviction from COVID hotel.<sup>60</sup>*

While there is clearly much to be celebrated, the longer-term outcomes of Everyone In – for both individuals and services - remain less clear. A Homeless Link sector survey found that while the lifting of eligibility restrictions was seen as one of the most positive measures taken, the removal of these measures was also one of the greatest areas of concern.<sup>62</sup>

Research from Shelter indicates that many councils continue to maintain an emergency footing in order to prevent returning people to the streets, but were struggling to effectively move on people with restricted eligibility.<sup>63</sup> In early 2021, Shelter found that more than three-quarters (est. 29,000) of those initially accommodated by councils remained in emergency provision and almost a quarter of those were ineligible for homelessness assistance. This proportion had risen from 10% in March 2020, suggesting that those with immigration-based restrictions were more likely to remain in emergency provision facing uncertain futures.

The harm this uncertainty has on individuals, as well as the particular distress caused by unresolved immigration issues, has been well-evidenced.<sup>64,65</sup> King’s College London researchers followed up with a cohort of 13 individuals nine months after leaving their initial hotel accommodation, five of whom were non-UK nationals with complex immigration issues.<sup>66</sup> They found that overall participants’ physical and mental health had declined, which many directly attributed to their housing situation, stress, diet, uncertain immigration status and social isolation. Those with immigration issues appeared to be faring worst and those still living in an Everyone In hotel seemed to particularly suffer with isolation and loneliness.

Thus while it is clear that much has been learned and achieved during Everyone In and beyond, especially by those councils that committed to finding longer-term solutions, developments since have demonstrated clearly how immigration-based restrictions continue to disrupt effective homelessness responses. In addition, both the restrictive legislative framework and the absence of clear guidance placed local authorities in a financially precarious and legally confused position. They were left to operate based on humanitarian principles and under differing interpretations of their applicable powers. While some councils continue to utilise powers triggered by the ongoing pandemic to accommodate non-UK nationals with restricted eligibility, others have returned entirely to the undesirable status quo.

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61. Stewart, S., and Sanders, C. (forthcoming). Cultivated Invisibility and Migrants’ Experiences of Homelessness During the COVID-19 Pandemic. *The Sociological Review*.

62. Grassian T & Boobis S. 2021. Working together: the homelessness sector’s path beyond COVID. London: Homeless Link

63. Deborah Garvie, Hannah Rich, Charlie Berry and Robert Brown. 2021. Everyone in: Where are they now? London: Shelter

64. Neale, J and Parkin, S. 2021. Experiences of being housed in a London hotel as part of the ‘Everyone In’ initiative. Part

3: Life, nine months after leaving the hotel. London: King’s College London.

65. Stewart, S., and Sanders, C. (forthcoming). Cultivated Invisibility and Migrants’ Experiences of Homelessness During the COVID-19 Pandemic. *The Sociological Review*.

66. Neale, J and Parkin, S. 2021. Experiences of being housed in a London hotel as part of the ‘Everyone In’ initiative. Part 3: Life, nine months after leaving the hotel. London: King’s College London.

## 2. Imperfect labels: understanding the scale of the challenge

It is not known how many people are currently living in England without a social safety net because of their immigration status and any figures are likely to be underestimates due to the prevalence of hidden homelessness among this group.<sup>67</sup>

The Housing, Communities and Local Government Committee has emphasised the importance of understanding the scale of homelessness among this group, as well as the urgent need for Government to begin to collect reliable data on the number of people with NRPF.<sup>68</sup>

An attempt by RAMP to estimate the number of people with NRPF accommodated during Everyone In also demonstrated the gaps in local authority data.<sup>69</sup> Using Freedom of Information requests, it established that many local authorities found it extremely difficult to provide precise figures, with some stating that their systems did not enable them to capture whether someone had NRPF and others highlighting how current systems failed to capture the complexity of the various possible immigration statuses that people held.

### **Box 3 : Key categories of people facing immigration-based restrictions**

**People with leave to remain who have a NRPF condition attached.** Most non-EEA nationals who have been in the UK for less than five years will have NRPF conditions on their visas, so this group includes people working, studying, or joining family in the UK with a wide variety of circumstances.

Individuals in this group who are facing destitution can apply to have the NRPF condition lifted. Following the COVID-19 lockdown, 5,665 such requests were made in April-June 2020, up 572% from 843 the previous quarter.<sup>70</sup>

**People with no current regularised status,** often because of prohibitive application fees, barriers to accessing advice, and the complexity of the immigration system. This group could include people who have had their asylum claims refused, whose visas have expired or people who have entered the UK outside of regular routes. The terms ‘irregular’, ‘undocumented’ or ‘illegal’ migrants are sometimes used to describe this group. It is likely that we will see increasing numbers falling into this category, given the end of the Brexit transition period and plans set out in the Government’s New Plan for Immigration.

**EEA nationals with pre-settled status (PSS) and their families, if they do not meet certain conditions.** People with pre-settled status must meet eligibility criteria to qualify for homelessness assistance or Universal Credit. Frequently, eligibility depends on the person’s employment status, though that is not the only qualifying criteria.<sup>71</sup>

**People who have outstanding applications for leave.** People who are waiting for Home Office decision on their visa applications. This does not apply to people with pending applications to the EUSS, who the Government has confirmed will have their entitlements protected until a decision is made.<sup>72</sup>

## 2.1 What is known: the scale of non-UK national homelessness

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Research from Crisis in 2019 found that the scale of non-UK national homelessness had been increasing prior to COVID, with people restricted eligibility a particular concern to services.<sup>73</sup> Statutory homelessness statistics exclude those without eligibility for homelessness assistance, but in 2018 Shelter estimated that approximately 300,000 individuals were experiencing ‘hidden’ forms of homelessness, such as sofa surfing, squatting and precarious or exploitative accommodation.<sup>74</sup>

Research from Crisis on EU nationals estimated that 22,000 EU national households experienced homelessness in 2019.<sup>75</sup> Despite making up just five percent of the UK population, EU citizens made up around nine per cent of those experiencing some of the worst forms of homelessness and around 15% of people rough sleeping.

Estimates of rough sleeping numbers help to illustrate nationality trends. Non-UK nationals have been disproportionately represented in rough sleeping figures for a number of years, with EU nationals particularly prominent. The 2020 national rough sleeping count found that almost a quarter of people found sleeping rough on a single night in autumn were non-UK nationals.<sup>76</sup> 472 people (18% of the total) were EU nationals and 128 (5% of the total) were from outside the EU and the UK. This was down both in terms of numbers and proportions from preceding years, when almost a third of people counted were non-UK nationals (1,201 in 2018 and 1,088 in 2019). In London, the latest CHAIN figures show that approximately half of people found sleeping rough are non-UK nationals. This is consistent with the previous year, though there has been a significant decrease in those from Central and Eastern European countries, down to 22% from 30% in 2019/20.<sup>77</sup>

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67. Boobis, S., Jacob, R., and Sanders, B. (2019) *A Home For All: Understanding Migrant Homelessness in Great Britain*. London: Crisis

68. HCLG Committee. 2021. *Protecting the homeless and the private rented sector: MHCLG’s response to Covid-19 Sixth Report of Session 2019–21*. London: House of Commons

69. RAMP. 2021. *Assessing the support given to people with No Recourse to Public Funds through the “Everyone In” initiative*. London: RAMP

70. Home Office. 2020. *Data on No Recourse to Public Funds (NRPF): Applications to change conditions of leave. Ad-hoc management information release 30 July 2020*. London: Home Office.

71. Shelter. 2021. *People with EU pre-settled status eligibility for homeless assistance*. London: Shelter

72. Home Office. 2021. *Temporary protection for more applicants to the Settlement Scheme*. London: Home Office

73. Boobis, S., Jacob, R., and Sanders, B. 2019. *A Home For All: Understanding Migrant Homelessness in Great Britain*. London: Crisis

74. Shelter. 2018. *320,000 people in Britain are now homeless, as numbers keep rising*. Press Release. London: Shelter.

75. Crisis. 2021. *Home for All: Why are EU citizens more likely to experience homelessness?* London: Crisis

76. MHCLG. 2021. *Rough sleeping snapshot in England: autumn 2020*. London: MHCLG.

77. GLA. 2021. *CHAIN Annual Bulletin Greater London 2020/21*. London: GLA

# 3. 'Destitution by design': how immigration policy drives homelessness

**"NRPF not only causes homelessness,  
but it also stops people accessing the support they need to escape it."**

*Geo, Nico, Kas, J.A., IunA, Sarah (NACCOM Community Researchers)<sup>78</sup>*

## 3.1 Drivers of non-UK national homelessness

Most migrants – including those with NRPF – are net contributors to the UK economy and do not rely on statutory support or benefits.<sup>79</sup> However, without a statutory safety net and with greater likelihood of facing discrimination and other structural barriers, evidence is clear that they are more vulnerable to homelessness and destitution.<sup>80</sup> Restrictive policies have only increased over recent years, with additional categories of people now subject to the NRPF condition and plans to remove entitlements to support from people seeking asylum who arrive independently.<sup>81</sup>

In part due to the complexity of the restrictions they face, when non-UK nationals seek support, they often face gatekeeping, administrative barriers and misunderstandings. They are more likely to be without identification documents and are frequently uncertain of their own immigration status, rights and entitlements.<sup>82,83</sup> Crisis research noted in particular that lack of understanding of entitlements for different groups among Jobcentre Plus staff led to people being excluded in error from the benefits system.<sup>84</sup> Without an offer of financial support, many are driven into exploitative working and living situations to make ends meet.<sup>85</sup>

Unsurprisingly, access to housing was another key barrier to support and this was strongly linked to an inability to access Housing Benefit.<sup>86</sup> The 'Right to Rent' policy, which prevents undocumented migrants from privately renting and requires landlords to carry out checks, also creates barriers to housing. While intended to target only people the government considers to be living in the country illegally, the Joint Council for the Welfare of Immigrants has shown that 42% of landlords surveyed were 'less likely to rent to people who do not have a British passport' for fear of facing criminal charges.<sup>87</sup>

78. NACCOM Community Researchers. 2021. Experiences of homelessness support for people with No Recourse to Public Funds. London: Homeless Link.

79. Christian Dustmann and Tommaso Frattini, 2014. The Fiscal Effects of Immigration to the UK. *Economic Journal*, Vol.124, Issue 580, pages F593–F643.

80. Boobis, S., Jacob, R., and Sanders, B. 2019. *A Home For All: Understanding Migrant Homelessness in Great Britain*. London: Crisis

81. Refugee Council. 2021. The impact of the New Plan for Immigration Proposals on asylum - June 2021. London: Refugee Council

82. Stewart, S., and Sanders, C. (forthcoming). Cultivated Invisibility and Migrants' Experiences of Homelessness During the COVID-19 Pandemic. *The Sociological Review*.

83. Boobis, S., Jacob, R., and Sanders, B. 2019. *A Home For All: Understanding Migrant Homelessness in Great Britain*. London: Crisis

84. Boobis, S., Jacob, R., and Sanders, B. 2019. *A Home For All: Understanding Migrant Homelessness in Great Britain*. London: Crisis

85. Boobis, S., Jacob, R., and Sanders, B. 2019. *A Home For All: Understanding Migrant Homelessness in Great Britain*. London: Crisis

86. Boobis, S., Jacob, R., and Sanders, B. 2019. *A Home For All: Understanding Migrant Homelessness in Great Britain*. London: Crisis

87. JCWI. 2015. House of Commons Third Reading Briefing Immigration Bill 2015: Right to Rent. London: JCWI.

## 3.2 Delays, advice gaps and inefficiencies: navigating the immigration system

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Since the Windrush scandal, Brexit and Everyone In, many homelessness organisations have improved their understanding of the difficulties of navigating the immigration system and the various ways people can fall out of 'regular' status.<sup>88</sup>

Office of the Immigration Services Commissioner (OISC)-regulated advice is an essential part of the homelessness system in order to enable people to move on positively, while avoiding decisions with lasting negative consequences. Often, unlocking move-on options by resolving a person's status or allowing them to make the difficult decision to leave the UK depends on access to good quality, independent immigration advice. Homelessness services also frequently rely on immigration advisors to determine whether an individual has eligibility restrictions or the potential to change them.<sup>89</sup>

The value of professional advice is materially visible in the results of applications for the lifting of NRPF conditions, which unlocks access to benefits and saves councils money. Research found that 90% of people surveyed who attempted to have their status changed unassisted were unsuccessful. Of these, 95% were subsequently successful upon receiving help.<sup>90</sup>

Unfortunately, access to advice is extremely limited and capacity falls far short of need in England. Research estimates the total capacity for casework in London at no more than 4,000-4,500 pieces per year, compared with demand in the hundreds of thousands.<sup>91</sup> It highlights the particular need for longer-term casework capacity, rather than one-off advice sessions frequently available on a drop-in basis. The dramatic cuts to Legal Aid in the past decade have been instrumental to the reduced capacity in the system and are a noted factor driving non-UK national homelessness.<sup>92</sup>

However, even once advice is accessed and applications are made, long delays in Home Office decision-making – sometimes taking years - or responses to Subject Access Requests - at times taking months - mean that people are left in limbo and local authorities continue to fund provision.<sup>93</sup> According to NRPF Network's social services data from 68 councils, the average number of days of local authority support was 911 for single adults and 589 days for family households.<sup>94</sup> Over three quarters of family households and over half of single adults eventually received leave to remain or a change in immigration status that allows access to public funds, demonstrating the burden that slow Home Office decision-making is having on councils, even where there is a legitimate claim to statutory support.

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88. Hutton, C. & Micklethwaite R. 2021. Improving services for homeless migrants: Summary of Lessons. London: Praxis and The Connection at St Martin in the Fields.

89. Whitehead, C., Rotolo, M. 2021. Support for homeless non-UK nationals with no access to public funds during COVID-19 – A Rapid Evidence Review. London School of Economics

90. Woolley, A. 2019. Access Denied: The cost of the 'no recourse to public funds' policy. London: The Immigration Law Practitioners' Association (ILPA)

91. Jo Wilding Maureen Mguni Travis Van Isacker, 2021. A Huge Gulf: Demand and Supply for Immigration Legal Advice in London. London: Justice Together

92. Boobis, S., Jacob, R., and Sanders, B. 2019. A Home For All: Understanding Migrant Homelessness in Great Britain. London: Crisis

93. Boobis, S., Jacob, R., and Sanders, B. 2019. A Home For All: Understanding Migrant Homelessness in Great Britain. London: Crisis

94. NRPF Network. 2021. NRPF Connect data report 2020-21. London: NRPF Network

### 3.3 Data-sharing, trust and immigration control

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Lack of trust in authorities and fear of negative repercussions in terms of immigration enforcement - even for those without a specific reason to fear them - are a well-documented barrier to non-UK nationals accessing the support they need.<sup>95,96</sup>

These concerns are in part driven by wider 'hostile environment' policies that, through gatekeeping and surveillance across banking, private renting and NHS secondary care, seek to make life more difficult for irregular migrants.

The homelessness sector has learned this lesson from experience. In 2017, Home Office guidance designated rough sleeping as an abuse of EU free movement rights. The High Court ruled the designation unlawful later that year, but not before some EU nationals had been detained and deported. At the time, outreach services worked with enforcement officials and shared service data to identify individuals.<sup>97</sup> The impacts of this collaboration on client trust clearly signalled the dangers of mixing support-led homelessness objectives with those of immigration control.

Other Home Office initiatives have attempted to bring enforcement into homelessness settings in a way that risks the perceived integrity of services and muddles client support objectives. These include the introduction of embedded Home Office staff in local authority assessments - still ongoing in a small number of areas - and the recent rough sleeping Immigration Rules, which call for local authority referrals of non-engaging non-UK nationals under certain circumstances.<sup>98,99</sup> The lack of uptake and controversies surrounding the Rough Sleeping Support Service (RSSS) also demonstrate the uneasy and uncertain relationship between the sector and the Home Office.<sup>100,101</sup>

Finding better and more efficient ways of working with the Home Office is crucial to advancing clients' immigration cases as quickly as possible and protecting their interests. However, in order to preserve trust and integrity of purpose, it is just as important that local authorities and homelessness services develop clear, transparent policies to govern when, how and to what extent they share clients' information and importantly, find a way to communicate these to frontline staff and clients.

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95. JCWI. 2021. The hostile environment explained. London: JCWI

96. Stewart, S., and Sanders, C. (forthcoming). Cultivated Invisibility and Migrants' Experiences of Homelessness During the COVID-19 Pandemic. *The Sociological Review*.

97. St Mungo's. 2019. A review into St Mungo's approach to working with Home Office enforcement teams 2010 to December 2017. London: St Mungo's

98. Homeless Link. 2021. Rough Sleeping Immigration Rules: risks and mitigations for local homelessness systems. London: Homeless Link.

99. GLA. 2021. New Immigration Rules on Rough Sleeping: GLA's Position and CHAIN. London: GLA.

100. Public Interest Law Centre. 2019. Briefing on Rough Sleeping Support Service - Sept 2019. London: PILC

101. Liberty. 2019. Liberty and Rights Groups Urge Councils Not to Report Homeless People to Immigration Enforcement. London: Liberty.

## 4. The case for inclusive local homelessness systems

**“We need to be treated like the whole people that we are, not just seen as ‘immigrants’. The result is that we don’t feel we can seek support when we need it.”**

*Geo, Nico, Kas, J.A., lunA and Sarah<sup>102</sup>*

Ending rough sleeping demands a coordinated local authority-led approach, supported by immigration advice providers, the voluntary and faith sectors, health and others, to bring non-UK nationals under the umbrella of mainstream provision for the long-term.

Unlocking sustainable accommodation options is clearly crucial to this, but there are also a range of measures for homelessness commissioners to consider to improve their provision to otherwise excluded non-UK nationals. Below we present an overview of just some of the suggested areas for attention, which will be explored further in later publications from this project.

### 4.1 Looking beyond status: ‘No recourse’ not ‘no options’

#### 4.1.1 Training needs

“I mean, I was given these two clients and told I had to try and sort out their settled status and this and this and this. You may as well have been talking in a foreign language, ‘cause it didn’t mean anything to me.” - Homelessness support worker<sup>103</sup>

Concerns about gatekeeping and poor practice by local authority homelessness services are widely documented and highlight an urgent training need. This is especially important given that clients themselves are often unaware of their own rights and entitlements.<sup>104</sup> Refusals of support, the provision of inappropriate advice or poor quality referrals are often driven by knowledge gaps about the options available and a lack of legal literacy, particularly around the interplay between immigration policy and housing law.

#### 4.1.2 Addressing language barriers

Language barriers are another key challenge facing services trying to offer accessible and effective provision for non-UK nationals. Targeted recruitment of staff with relevant language skills and increased access to quality interpreters are therefore crucial aspects of person-centred support for this group that should be considered when commissioning services.<sup>105,106</sup> The University of Portsmouth notes in particular the value of interpreters to progressing complex cases where individuals can often struggle to understand their situation.<sup>107</sup>

102. NACCOM Community Researchers. 2021. Experiences of homelessness support for people with No Recourse to Public Funds. London: Homeless Link.

103. Stewart, S., and Sanders, C. (forthcoming). Cultivated Invisibility and Migrants’ Experiences of Homelessness During the COVID-19 Pandemic. *The Sociological Review*.

104. Stewart, S., and Sanders, C. (forthcoming). Cultivated Invisibility and Migrants’ Experiences of Homelessness During the COVID-19 Pandemic. *The Sociological Review*.

105. Hutton, C. & Micklethwaite R. 2021. Improving services for homeless migrants: Summary of Lessons. London: Praxis and The Connection at St Martin

106. Early findings from ‘Homelessness during the COVID-19 pandemic: homeless migrants in a global crisis’ (Principal Investigator: Dr Simon Stewart), a project funded by the ESRC/UKRI in response to COVID-19. Grant Ref: ES/V011081/1.

107. Early findings from ‘Homelessness during the COVID-19 pandemic: homeless migrants in a global crisis’ (Principal Investigator: Dr Simon Stewart), a project funded by the ESRC/UKRI in response to COVID-19. Grant Ref: ES/V011081/1.

### 4.1.3 Convening and working strategically with community actors

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With low trust in services and a statutory homelessness system that historically has offered few options for those outside its duties, local authorities will need to work closely with community groups, faith groups, peer support groups, education providers and other organisations linked into local non-UK national communities in order to prevent homelessness and identify those in need of support. This is crucial to alleviating concerns around trust, to tackling 'hidden' forms of homelessness and to ensuring local actors are working together with shared aims, particularly where statutory provision is limited by law.<sup>108</sup>

### 4.2 Addressing data gaps and understanding local need

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In the context of significant gaps in national statistics around the number of people living in the UK with immigration-based eligibility restrictions, improved data collection at the local level is even more important. It would enable councils to better understand their populations' needs and identify opportunities to intervene, encourage improved staff knowledge and support our understanding of the impact of national policies at the local level.

### 4.3 Unlocking accommodation solutions

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There is convincing evidence emerging that investment in a minimum standard of universal emergency accommodation that is embedded with local support services, is an effective means of reducing rough sleeping and generating savings for local budgets over the long-term. Unlike previous cold weather measures, where people were typically brought into temporary shelters overnight for the worst period of cold weather, Everyone In delivered more intensive, longer-term interventions and therefore appears to have delivered greater results.<sup>109,110</sup>

We have already learned these lessons from a range of pre-existing housing models targeted at excluded non-UK nationals.<sup>111,112,113</sup> Greater Manchester's A Bed Every Night (ABEN) service was introduced in November 2018 and provides low barrier access to emergency accommodation, combined with support, and help to access move-on accommodation. The programme is 'NRPf-neutral', with a number of beds always dedicated to client who are not otherwise eligible for statutory support.

An independent evaluation of ABEN in 2021 found that it was effective in preventing and reducing rough sleeping. Rough sleeping numbers in Greater Manchester are down 57% since 2017, with most of the reduction pre-pandemic and attributable to the ABEN service.<sup>114</sup> A cost benefit analysis of ABEN's first phase suggested potential savings to the health and social care system (of £1.59 for every £1 spent), GM Combined Authority (£1.35 for every £1 spent), and local authorities (£1.02 for every £1 spent).<sup>115</sup> These cross-sector benefits are particularly important given that ABEN is jointly funded across health and social care, the Police and Crime Commissioner along with GMCA and the Mayor's Charity, among others.

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108. Hutton, C. & Micklethwaite R. 2021. Improving services for homeless migrants: Summary of Lessons. London: Praxis and The Connection at St Martin

109. Boobis S & Albanese F. 2020. The impact of COVID-19 on people facing homelessness and service provision across Great Britain. Crisis

110. Whitehead C. 2021. Homelessness and rough sleeping in the time of COVID-19. London: LSE

111. Catterall, P. 2020. Housing Toolkit. London: NACCOM.

112. Ceri Hutton, Sue Lukes and Heather Petch. 2019. Housing destitute migrants: Lessons from a pilot project 2015 – 2018.

London: Commonweal Housing & Praxis Community Projects.

113. Ceri Hutton and Sue Lukes. 2015. Models of accommodation and support for migrants with no recourse to public funds (NRPf). Housing Justice, Praxis and NACCOM.

114. Watts B. et al. 2021. Greater Manchester's A Bed Every Night programme: An independent evaluation. Edinburgh: Heriot Watt University.

115. Bromley R & Briggs C. 2019. Greater Manchester Joint Commissioning Board Report: Investment in Homeless Healthcare and 'A Bed Every Night'. Manchester: Greater Manchester Health and Social Care Partnership.



Greater Manchester's ability to raise funds via the Mayor's Charity to support ABEN's NRPF beds has been crucial to its feasibility and success. Elsewhere, other long-running approaches taken or supported by local authorities have also seen some extremely positive results:

- funding faith and voluntary sector organisations who can offer support alongside shelter accommodation or hosting schemes;
- leveraging local authority influence to facilitate leasing of housing association units at peppercorn rent or cross-subsidised models;
- supporting grant applications by local voluntary sector organisations and;
- convening local organisations to work together, identify assets and find solutions.<sup>116,117,118,119</sup>

## 4.4 Embedding independent immigration advice

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Independent immigration advice is a crucial part of every local multi-agency homelessness response. Indeed, this has been recently acknowledged by DLUHC in guidance for the Rough Sleeping Initiative (RSI) 2022-25, which makes clear that local authorities should consider using RSI funds to commission "immigration and legal services to support regularisation of status".

Investing in quality immigration advice can produce savings for local and national government by enabling people to enter employment and reducing dependence on local funds. Evidence from a Lewisham Law Centre partnership with Lewisham Council identified significant savings to the local authority as people given advice moved onto public funds. Following investment of approximately £60,000 to contract a solicitor and a paralegal, work done with 68 referrals from the Lewisham NRPF team over nine months resulted in potential savings to the council of £32,060.19 per month or £384,722.28 per year.<sup>120</sup>

### 4.4.1 Enhancing advice capacity in homelessness settings

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Many local authorities and services are currently exploring and developing different models of immigration advice in homelessness settings. These include:

- Appointing specialist navigator roles;
- Appointing specialist triage roles;
- Seconding OISC-registered advisors as a way to both improve local links, client access and immigration literacy among wider staff and;
- Training to achieve OISC accreditation for existing staff.<sup>121</sup>

Initiatives intended to improve the efficiency of referral pathways have also been useful. These include:

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116. Stapley, A. 2019. Funding Toolkit. NACCOM  
117. Catterall, P. 2020. Housing Toolkit. NACCOM.  
118. Ceri Hutton and Sue Lukes. 2015. Models of accommodation and support for migrants with no recourse to public funds (NRPF). Housing Justice, Praxis and NACCOM.  
119. See Appendix 2 in Homeless Link. 2017. Migrant Destitution Toolkit: Good practice case studies from the housing association sector. London: Homeless Link

120. The calculation is based on council estimates of the average cost of an NRPF household at £21,000 per year.  
121. See, for example: GLA. 2021. Immigration Advice for Rough Sleepers Fund. London: GLA.

- The provision of second tier advice via the phone, where workers access advice from a specialist on individual cases;
- Training among homelessness staff to improve legal literacy and referral quality and;
- Cross-sector networking to improve pathways.<sup>122,123</sup>

Recent research also emphasises the need for early intervention immigration advice to prevent homelessness.<sup>124</sup> Currently, people tend to access advice as a result of a crisis, when earlier help might serve to lessen the complexity of cases. This highlights the need for collaborative immigration advice outreach and in-reach models, embedded in community settings and existing services, as a crucial facet of any homelessness prevention strategy.

## 4.5 Targeted employment support

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Recent research by Crisis found that challenges related to employment are a key contributory factor to homelessness among EU nationals.<sup>125</sup> The research highlighted a problem with informal and sometimes exploitative work, which frequently provides insufficient pay, formal qualifications or documentation to enable an individual to live independently, move into the formal economy or prove their employment to claim benefits. This is especially important for people with pre-settled status, whose entitlements to benefits are often linked to their employment status.

Targeted and intensive employment support should include training, coaching, English language classes, volunteering or employer brokerage and work closely alongside substance misuse and mental health services, where needed.<sup>126</sup> According to the Centre for Homelessness Impact, informal approaches to language learning and flexible, bespoke and intensive casework is key to successful employment outcomes.<sup>127</sup>

122. Wilding J et al. .2021. A Huge Gulf: Demand and Supply for Immigration Legal Advice in London. London: Justice Together.

123. Hutton, C. & Micklethwaite R. 2021. Improving services for homeless migrants: Summary of Lessons. London: Praxis and The Connection at St Martin

124. Hutton, C. & Micklethwaite R. 2021. Improving services for homeless migrants: Summary of Lessons. London: Praxis and The Connection at St Martin

125. Bramley, G., Morris, M., Mort, L., Netto,G., Rankin,L., Sosenko,

F. and Webb, J. 2021. The scale, causes and impacts of homelessness among EEA citizens. Heriot-Watt University and IPPR.

126. Bramley, G., Morris, M., Mort, L., Netto,G., Rankin,L., Sosenko, F. and Webb, J. 2021. The scale, causes and impacts of homelessness among EEA citizens. Heriot-Watt University and IPPR.

127. Gray, T. 2020. Employment and homelessness in the context of the new economy following Covid-19. London: Centre for Homelessness Impact

## 4.6 Governance of data-sharing and client confidentiality

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Concerns shared across homelessness and migrant services, local authorities and non-UK nationals facing homelessness highlight the need for person-centred policies that govern data-sharing between homelessness services, immigration advisors, commissioners and the Home Office. These are needed to ensure that services do not share potentially sensitive information that could lead to immigration enforcement activity or negatively affect the outcome of an immigration case. Not confronting and clarifying good practice in this space risks driving people away from support, especially those who already struggle to engage with services.

Homeless Link guidance is clear that informed consent should be gained before any personal information is shared with the Home Office and that given the complex nature of immigration system, this is likely to require the support of an independent immigration advisor.<sup>128</sup> To be fully informed, consent must be gained from an individual with capacity, through a conversation in understandable language, after sharing accurate information about possible advantages and risks.

There are also specific considerations to take into account for councils and services working with OISC-regulated providers, as their professional regulations strongly restrict the sharing of personal client information with external parties.<sup>129</sup>

As long as there are public funds restricted by immigration status, there is likely to be an administrative need for some kind of information channel between statutory services, local authorities and the Home Office to establish individuals' circumstances. However, this should be done with the individual's desired outcome at the fore, with informed consent and in a controlled and minimal way. Where organisational policies are developed, they must be communicated in an accessible way to frontline staff and clients.

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128. Homeless Link. 2020. Supporting people with no recourse to public funds (NRPF): Guidance for homelessness services. Interim Update. London: Homeless Link

129. Office of the Immigration Services Commissioner (OISC). 2016. OISC Code of Standards 2016 - Confidentiality & keeping the client informed. London: OISC

## 5. A real plan to end rough sleeping: recommendations for national government

**“Everyone just climbs into their bunker and stays there.  
There is not a lot of problem solving.”**

*Baroness Louise Casey on government decision-making with regard to NRPF homelessness.<sup>130</sup>*

Two things seem clear: sustainable solutions to non-UK national homelessness cannot be found at the local level alone and Government commitments to end rough sleeping are undermined by restrictive policies motivated by immigration control. It is thus crucial that local authorities and homelessness organisations can advocate for these imbalances to be addressed in order to end rough sleeping for all.

The recently improved clarity provided by Government on local authorities' ability to use discretionary powers to accommodate during the ongoing pandemic is an extremely positive step (see Box 1). Taken alongside the focus within DLUHC's Rough Sleeping Initiative 2022-25, with its focus on prevention and much-improved emphasis on commissioning for non-UK nationals with restricted eligibility, is an extremely positive step. We hope that local authorities will seize the opportunity to invest in quality, independent immigration advice and prevention work with non-UK national communities, among other targeted initiatives.

However, the consistent accommodation-led solutions needed cannot be achieved on the scale required without a clear Government commitment, accompanied by funding and necessary reforms.

We must ensure that the homelessness and local government sectors continue to make the case to Government to learn from Everyone In; to prioritise public health and support-led measures that can end rough sleeping for good. Suggested measures include:

- Immediately issue clear guidance to local authorities that they should use their legal powers under the Local Government Act 1972 and NHS Act 2006 to accommodate people otherwise ineligible for support during the ongoing pandemic and ensure that they are funded to do so.
- Extend eligibility for benefits to all EEA nationals with pre-settled status and reduce the evidence requirements for converting to settled status.
- No longer apply NRPF conditions to individuals granted leave to remain on family or private life grounds when the person has a dependent child, or is unable to work due to an illness, disability or caring responsibilities.
- Review all immigration-based restrictions on public funds to ensure that local authorities have powers to provide emergency accommodation in order to prevent destitution.
- Ensure that homelessness funding provides for the long-term provision of quality independent immigration advice targeted at non-UK nationals without established status, or whose status is to be determined. This should aim to specifically address needs for increased capacity to handle EUSS applications and long-term and complex immigration casework.
- Fund a bespoke package of housing and employment support for EU nationals who are experiencing or at risk of rough sleeping.
- Reinstate legal aid for immigration matters.

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130. Comments to the HCLG Committee as part of their Inquiry into Government's actions to support the homeless and private rented sector during the COVID-19 pandemic, 2021.



*This briefing has been produced as part of the project: 'Finding local solutions to non-UK national homelessness: Supporting people with restricted eligibility', delivered by Homeless Link in partnership with the No Accommodation Network (NACCOM) with funding from Lloyds Bank Foundation for England and Wales.*

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**Homeless Link**

### **About Us**

Homeless Link is the national membership charity for frontline homelessness services. We work to improve services through research, guidance and learning, and campaign for policy change that will ensure everyone has a place to call home and the support they need to keep it.

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