

Working with refugees and people seeking asylum

Guidance for homelessness services

PRODUCED BY

The National Practice Development Team

ACKNOWLEDGEMENTS

With thanks to Refugee Action

PUBLISHED

September 2021

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Introduction

This guidance is for services working with adults without dependents seeking asylum and refugees who are homeless or at risk of becoming homeless. It is intended for homelessness organisations providing support, advice or accommodation services and may also be useful for local authority (LA) homelessness services. It is intended for services that are not specialist in supporting people seeking asylum and refugees.

The guidance provides a brief overview of the processes involved prior to, and following, a decision on refugee status. It highlights key entitlements, common issues and actions that can be taken to support people to become settled and reduce their risk of homelessness and destitution.

Once a person seeking asylum has been awarded refugee status they have the same entitlements to welfare benefits as UK nationals¹. However, the transition to refugee can be problematic and there is a high risk of homelessness and destitution. Homelessness agencies engaging effectively and early with people seeking asylum can play a vital role in helping them prepare for the decision and have realistic expectations of their options once a decision is made.

Although there is a lot that services can do, you should always avoid giving advice on immigration matters to individuals. There are strict rules on who can give immigration advice under the 1999 Immigration and Asylum Act. All providers of immigration advice must be registered with, and are regulated by, the Office of the Immigration Services Commissioner (OISC). Providing unregulated immigration advice, even with the best intentions, is a criminal offence and can harm an immigration case, even after they have been granted status.

Who is an asylum seeker and who is a refugee?

An **asylum seeker** is someone who has made a claim for asylum in the UK to the Home Office under the 1951 Refugee Convention (due to risk of persecution in their country of origin due to race, religion, nationality, membership of a particular social group or political opinion) but has not yet had their application determined. Their status and limited entitlements are further explained below but they generally do not have rights to work, apply for benefits or housing. If someone receives a negative decision on their application, there are some rights of appeal. There is stigma attached to the term asylum seeker so using 'people seeking asylum' is considered more helpful where possible.

A **refugee** is a person who has made a claim for asylum under the 1951 Refugee Convention and, as a result of meeting the strict criteria for risk in their country of origin (risk of persecution due to race, religion, nationality, membership of a particular social group or political opinion) has been awarded refugee status in the UK by the Home Office. Refugees have the right to work in the UK and to access welfare benefits. The status is currently time-limited to 5 years and refugees must apply for 'indefinite leave to remain' before this initial period of leave ends in order to stay on in the UK².

Where someone does not qualify for refugee status but has been deemed to have other human rights-based claim or protection needs, they may instead be granted 'humanitarian protection' or 'discretionary leave to remain'. In this guidance, the terms 'refugee' and 'refugee status' are used to

¹The Home Office can sometimes award discretionary leave with 'no recourse to public funds' so entitlement is limited. This status can be challenged but must be challenged by an advisor that is accredited to at least Level 2 by the Office of Immigration Services Commissioner (OISC).

² Some people, namely older 'legacy' cases which pre-date 2007 may be awarded indefinite leave to remain at the time of the initial decision.

³ This can include people who are 'stateless', those found to be at risk of inhumane or degrading treatment in their country of origin, survivors of modern slavery, or for reasons related to medical needs or the right to a private and family life.

refer to all three categories. The three categories generally carry the same entitlements to welfare benefits and the right to work. However, in some cases discretionary leave may be awarded with no recourse to public funds⁴.

At the time of writing, the Home Office has confirmed it is working on the details of a new **Afghan Citizens' Resettlement Scheme (ACRS)**⁵. This scheme will provide protection for Afghan citizens identified as most at risk, such as women and girls. The government has committed to take around 5,000 people in the first year and 20,000 over the coming years. This scheme is separate from the Afghan Relocations and Assistance Policy (ARAP)⁶ which is for Afghans who have supported British efforts in Afghanistan to enable them to settle in the UK.

Supporting people seeking asylum

In almost all cases people seeking asylum do not have permission to work, claim welfare benefits or apply for housing (including the private rented sector) but they will in most cases receive support from the Home Office. Being knowledgeable about the entitlements, process and likely timescales can help services support people prior to a decision being made by the Home Office. The main way services working with people seeking asylum can help is in preparing them for the process following a positive decision (as well as negative decisions⁷).

Understanding Home Office support

People seeking asylum with a claim in process should have a Home Office 'case worker' with whom they must remain in contact until status is granted. The case worker should be able to provide information and signposting to support services although in practice this doesn't always happen.

Most people seeking asylum receive accommodation and financial support from the Home Office under Section 95 of the Immigration and Asylum Act 19998 (previously known as "NASS" support as it used to be administered by the National Asylum Support Service). This support is available to people who have proven to the Home Office that they are destitute or will become so very soon. People are usually dispersed away from London and the south-east to Home Office accommodation elsewhere in the UK and can be moved more than once. As a result, people might not know anyone or have access to community groups where they live and can become isolated especially if their English is limited. As it can sometimes take several weeks for a decision to be made on the provision of Section 95 support, 'Section 98' support is a short term form of temporary support that can also be used. Home Office data shows a high proportion of people seeking asylum were supported under Section 98 in the year ending June 20219.

Section 95 financial support is minimal and is loaded weekly on to a debit card (known as an ASPEN card)¹⁰. Some people seeking asylum are refused Section 95 support and become destitute as a result. If the Home Office decides to refuse an application for support, there are organisations that can support with an appeal (see the Resources section). Others will not be in Home Office accommodation because

⁵ https://www.gov.uk/guidance/afghan-citizens-resettlement-scheme

⁴ See note 1 above.

⁶ https://homeofficemedia.blog.gov.uk/2021/08/16/factsheet-uk-support-to-resettle-afghan-nationals/

Negative decisions are not covered in any detail in this guidance - refer instead to separate guidance on supporting clients with no recourse to public funds: www.homeless.org.uk/our-work/resources/supporting-people-with-no-recourse-to-public-funds.

⁸ www.legislation.gov.uk/ukpga/1999/33/contents

⁹ https://www.gov.uk/government/statistics/immigration-statistics-year-ending-june-2021/how-many-people-do-we-grant-asylum-or-protection-to

¹⁰ As at October 2020, asylum support is currently set at £39.63 per week, in addition to £8 per week to cover clothing, travel and non-prescription medication. See: https://www.gov.uk/asylum-support/what-youll-get

they have found alternative housing, such as staying with friends or family in order to remain in an area where they have a support network. In these cases, people seeking asylum may be able to access 'subsistence only' financial support from the Home Office.

The **timescale** for the Home Office to process an asylum claim varies, but a decision can be taken as rapidly as six weeks (although this is unusual). If and when refugee status is granted, Section 95 support is removed, and people are issued with a 28-day notice period to leave asylum accommodation and they are expected to find their own accommodation, seek and find work and/or claim benefits. Where negative asylum decisions are issued, Section 95 support is also removed and there is an expectation that the person will return to their home country.

COVID-19 changes to notice periods

Be aware that COVID-19 has affected the notice periods for withdrawal of support following Home Office decisions and evictions from asylum accommodation. At the time of writing, people with positive decisions (refugee status) are again receiving 28 day move-on letters. Cessations of support and evictions of people with a negative decision have also been suspended for much of the period of the pandemic but it is understood these have resumed¹¹.

How services can help people seeking asylum

There are common misconceptions among people seeking asylum about the availability and cost of housing and a lack of awareness about councils' eligibility criteria for housing. As a result, on receiving status some new refugees travel to London or other cities in order to be nearer their networks and expect to find housing there¹². There is a high risk therefore that they might end up sleeping rough or sofa surfing if the local authority does not have a duty to accommodate them due to not having a local connection¹³ and due to difficulties securing affordable private rented accommodation. There can also be delays in accessing welfare benefits and housing support and a lack of available information about where to go for help, so supporting people seeking asylum as early as possible by providing information and helping them prepare for actions they will need to take following their Home Office decision can be vitally important in preventing homelessness and destitution.

Services can **help people to make informed decisions** for the future once their status is granted by explaining:

- Housing options, including the private rented sector.
- Regional rent variations, local LHA caps and the Shared Accommodation Rate, if relevant.
- The process for applying as homeless to LA's including the local connection rules.
- The process for claiming benefits.
- The 28-day notice period from Home Office support and the urgency of making housing and benefit applications.
- The potential for delays in benefits and housing, and possible contingency measures.
- Support services the client can access for support with housing, welfare or other support needs such as language classes, community groups, employment, wellbeing and mental health. It is a

^{11 &}lt;a href="https://www.refugeecouncil.org.uk/latest/news/changes-to-home-office-asylum-resettlement-policy-and-practice-in-response-to-covid-19">https://www.refugeecouncil.org.uk/latest/news/changes-to-home-office-asylum-resettlement-policy-and-practice-in-response-to-covid-19 /

¹² People seeking asylum will usually only be accommodated in London by the Home Office if they are receiving medical treatment that cannot be delivered anywhere else or if their children are undergoing education.

¹³ See later sections on making a homelessness application and see Refugee Council's guidance www.refugeecouncil.org.uk/homelessnessapplications

good idea to keep a list of local organisations providing such support services to migrant communities.

There are a number of guides that can be useful. The Home Office has produced a welcome guide for new refugees, which covers education, job, health, housing and welfare entitlements and many of the charities listed in the Resources section have done similar¹⁴. Many of these resources, although intended for new refugees, could be helpful in supporting people seeking asylum to prepare for the future.

Negative decision/refused asylum claims

This guidance is not intended to cover situations where asylum claims are refused but in general terms it may be helpful to know that where the Home Office refuses a claim for asylum the decision letter will set out the reasons. There may be rights of appeal against the Home Office decision. This is a specialist area for advice and help and the individual should be discussing this with their legal advisor. A 'certified refusal' means that there is no automatic right to appeal although there may be options to apply for a Judicial Review. Once someone is termed 'Appeal Rights Exhausted' (ARE) it means they stop being an asylum seeker because their asylum claim has failed. The Home Office will expect the individual to leave the UK.

Following a negative decision, Section 95 asylum support will be withdrawn (after a 'grace period') and people will need to leave their asylum accommodation. There may be some grounds to appeal against termination of support. In limited circumstances where asylum support is terminated, short term **Section 4 support** (under the Immigration and Asylum Act 1999) may be granted whilst or until the person can return to their country. Some refused asylum seekers voluntarily return home, others are forcibly returned. For some, it is not safe or practical to return until conditions in their country change.

Supporting new refugees

Being knowledgeable about the determination process and how Home Office asylum support is withdrawn can be vitally important in helping to prevent homelessness and destitution.

The decision

The decision to award refugee status is communicated in a 'determination of asylum claim' letter from the Home Office. The decision letter will be accompanied by or be followed shortly (within 5-7 days) by, an Immigration Status Document which includes a blue/red Biometric Residence Permit (BRP) photo card¹⁵. The individual's national insurance number (NINO) will be on the reverse of this card. If these arrive separately, the decision letter should confirm the client's National Insurance number (NINO) however it is common for this to be delayed. This is the individual's official identity and immigration document. If this is not received the individual should contact their Home Office case worker¹⁶.

Section 95 support from the Home Office will normally stop 28 days after the BRP has been sent¹⁷. There will be a letter giving 28 days' notice to end the client's Home Office accommodation and

¹⁴ https://www.gov.uk/government/publications/welcome-a-guide-for-new-refugees

¹⁵ Further information and example of a biometric residence permit: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/833393/Welcome_a_gui_de_for_new_refugees_- English.pdf

¹⁶ There should be telephone number on the decision letter or alternatively the general enquiry line is 0300 123 2235.

¹⁷ See earlier note about COVID-19 and changes to notice periods and also https://www.refugeecouncil.org.uk/latest/news/changes-to-home-office-asylum-resettlement-policy-and-practice-in-response-to-covid-19/

financial support. Support agencies should note that **Section 95 support should not end until individuals have their Immigration Status Document.** If this document has not been produced and Section 95 accommodation is ending, support should be sought to request an extension. In some cases the 28 day notice period can be enforced even if receipt of the decision letter is delayed or the letter is lost and advocacy may be needed^{18.} Asylum seekers should be supported to keep in regular contact with their solicitors in case documents are sent there.

There are frequently problems with information sharing and signposting from Home Office case workers, so that when people receive refugee status they are not always aware of their entitlements, the process for finding housing and support, and who can help them. There can be misconceptions about the availability of social housing and a lack of awareness about LA eligibility criteria for housing for example, which can significantly increase risks of homelessness and destitution. Helping people make informed choices at these early stages can be vital.

There are a number of guides available which provide resources for individuals and for services, many of which are available in other languages. These include the Home Office welcome guide for new refugees¹⁹.

Immediate post decision checklist

Once a positive decision has been received, it is a matter of urgency for services to support refugees (where it applies) to:

- Chase the application for a National Insurance number, if not received already;
- Apply for Universal Credit and look for work through Jobcentre Plus (JCP);
- Support them to open a bank account if they do not already have one;
- Seek accommodation look for private rented housing or make a homelessness application to the council or other accommodation such as a hosting scheme;
- Make contingency plans in case there is a delay in getting benefits or finding housing (e.g. staying with friends or family, or getting subsistence support from food banks or charities);
- Connect them with local organisations for support with other needs such as language classes, community groups, employment, well-being and mental health. It is a good idea to keep a list of local organisations providing such support to migrant communities.

Where status is awarded **without recourse to public funds** (NRPF), it may be possible to challenge this restriction. Legal advice about this should come from a registered and qualified immigration practitioner, as giving unregulated immigration advice is a criminal offence. Also see Homeless Link's guidance on supporting people with No Recourse to Public Funds²⁰.

Interim support

Refugees often become homeless and/or destitute when the Home Office notice period ends, because 28 days is not long enough to find housing, work or establish a Universal Credit claim.

¹⁸ In some cases refugees (in particular families) have been given more time to move out. In this case this has to be negotiated with the contracted provider of Section 95 accommodation.

¹⁹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/833393/Welcome_a_gui_de_for_new_refugees - English.pdf

²⁰ www.homeless.org.uk/our-work/resources/supporting-people-with-no-recourse-to-public-funds

It is common for new refugees to want to, or take steps to, move from the area they have been accommodated by the Home Office (known as dispersal areas) to cities where they have friends, family or community groups, or consider they may have work opportunities etc, which can further increase risks of homelessness and destitution.

Support agencies can help by focusing initially on interim means of support whilst more long-term solutions are being found. Some options for immediate interim help to avoid destitution could include:

- Advocate (or find someone to advocate) with the Home Office case worker or the housing provider (of the asylum accommodation) to extend the notice period for eviction to avoid homelessness. In some cases refugees have been able to stay in the accommodation as private rented tenants, although this seems more likely for families than individuals.
- Accessing local welfare assistance schemes or discretionary JCP benefit payments while a claim is pending²¹. (See section on welfare benefits for more information)
- Making an immediate homelessness application to the council (see below).
- Supporting the client to consider asking friends and family for support where this might be an option.
- Accessing hosting schemes run by charities, churches or community groups²². There are a number
 of schemes including ones run by the charity Refugees at Home and Housing Justice where
 charities recruit and train hosts who will offer a room in their homes to refugees either for short or
 longer term periods. Some similar schemes operate at a more local level.
- Advising and assisting with accessing food banks²³.
- Advising and assisting with accessing day centres with basic facilities (food, showers, laundry)²⁴.
- Advising and assisting with accessing night shelters²⁵.
- Advising on nearest British Red Cross Destitution Centre, who provide refugees (and their families) with emergency food parcels, cash, bus fares and toiletries, on a weekly basis up to the point where refugees are in receipt of their first welfare payments²⁶.
- Applying to charities or community groups for grants and/or temporary accommodation.
- Accessing specialist advice and general support services (language classes, wellbeing support, etc) through local migrant support charities.

Housing

Refugees have the same housing entitlements as UK nationals so they can seek social or privately rented accommodation and apply as homeless to a LA under the Homeless Reduction Act.

As with supporting asylum seekers before a decision is reached, services can help new refugees to make informed decisions by explaining their housing options as early as possible, including giving information about the cost of rents (in particular regional variations and London rents), social housing allocation criteria, the process and timescale for claiming welfare benefits, and the use of reconnection policies that some homelessness agencies and LA's use, should they travel to another area. They can

²¹ See later references to this. Local Welfare Assistance replaced Crisis Loans. Each LA has a different type of scheme. Many do not give emergency loans in cash or have eligibility criteria including local connection that may put refugees at a disadvantage. Search the local council website for details.

²² See www.naccom.org.uk for a list of hosting schemes, night shelters and accommodation projects that work with both refugees and refused asylum seekers or www.regugeesathome.org

²³ The Trussell Trust maintains a map of food banks in the UK: www.trusselltrust.org/get-help/find-a-foodbank

²⁴ Search for local homelessness services by postcode or type at www.homeless.org.uk/search-homelessness-services

²⁵ As above

²⁶https://www.redcross.org.uk/get-help/get-help-as-a-refugee/contact-your-local-refugee-service

also help in preparing people to understand the responsibilities of being a tenant – the various outgoings they might have to cover and bills they will receive for gas, electricity, water, council tax and arranging and paying for internet connectivity.

Services can support refugees to make homelessness applications and help them decide which LA to apply to. It may also be possible to support people to attend appointments or arranging for someone else to do this and arranging translation if needed (the local authority should be able to arrange for an interpreter to assist but use of friends or voluntary agencies can speed up the process). Preparing and supplying a letter laying out how the applicant fulfils the necessary criteria and specifying what support they need can significantly speed up the process and decrease the chances of being turned away. Refugee Council has produced comprehensive guidance on making homelessness applications for refugees. It includes template letters, checklists to run through, information on health-related issues, how to appeal decisions and how best to present evidence²⁷.

Approaching a LA Housing Options service and The Homelessness Reduction Act

Refugees are eligible to apply for help from a local council if they are homeless or soon to be homeless. The part of the council they need to make contact with is usually known as the Housing Options Service or the Homelessness Service (or sometimes referred to as the Housing Department). In areas where there are two tiers of local government (e.g. at borough and county level) this will be the lower tier; the district or borough council.

Most councils will require an online application process to be followed (particularly in the early post COVID-19 period). The process may also involve having a face to face appointment (often several) although again due to COVID-19, many councils operate a telephone service instead. The service must be accessible to those who do not speak English through the use of interpretation and translation services. There is a very useful comprehensive guide produced by Refugee Council that informs refugees and their advisors on making homelessness applications²⁸.

The duties of LA's to respond and help people, particularly single people, who are homeless or facing homelessness, has been strengthened under the Homeless Reduction Act (HRA) but this does not mean that everyone will be provided with accommodation. However, advice should always be provided as a minimum. Assessments must take place along with a personal housing plan produced and shared with the applicant. A person does not have to have a local connection with the area to apply as homeless (although it could affect the help that can be offered and it will be worth considering the issue of local connection prior to making an application – see below).

In summary the main duties of LA's to assist refugees are:

- Where a refugee is threatened with homelessness when applying to the LA: as a minimum
 (irrespective of local connection or 'priority need') the LA must take steps to prevent their
 homelessness which could include giving advice and assistance to help secure a PRS tenancy (or
 offering a rent deposit directly or via referral to another agency). This is called the prevention duty.
- Where a refugee is actually homeless when applying to the LA: it is only where they also have an apparent 'priority need' that the council will be under a duty to provide interim accommodation (again irrespective of local connection). This is called duty to provide interim accommodation. This could include providing hotel or hostel type accommodation. Priority need usually means having dependent children, or a household member who is pregnant, or being 'vulnerable' through

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²⁷ www.refugeecouncil.org.uk/homelessnessapplications

²⁸ See note 10 above

poor health or disability. It is important to note that being a refugee does not automatically qualify someone as vulnerable however the Homelessness Code of Guidance²⁹ does advise LA's to consider that someone *may* be vulnerable as a result of having "experienced persecution or trauma in their country of origin or severe hardship in their efforts to reach the UK."

- Where a homeless refugee does not have an apparent priority need, the LA duty is limited to a relief duty which is similar the prevention duty: the LA must take steps to relieve their homelessness including helping them to secure accommodation (this is where there can be much divergence across LAs of what this entails). Such steps might involve offering a PRS tenancy, or providing assistance with a rent deposit to help the applicant obtain accommodation in the private rented sector.
- Where, following enquiries, the council does find someone has a priority need they will then have a main housing duty. This is a duty to ensure that suitable accommodation is provided for the applicant and anyone that might reasonably be expected to reside with the applicant for a settled period of time. The main housing duty cannot be owed until the relief duty has come to an end. This does not mean the council will offer a social housing tenancy (although some will), it could be private rented tenancy.

Local connection and the HRA

The issue of local connection to the council area can be an important factor to understand and discuss with the person before they make a homelessness application. If an LA determines that an applicant is eligible and homeless they will also decide if an applicant has a **local connection**. There are rules to help them assess this. A person might have a local connection if one of the following applies:

- It is the LA area of their most recent asylum support accommodation. Living in Home Office
 accommodation under Section 95³⁰ creates a local connection with that LA, regardless of length of
 time, unless they are dispersed to Scotland. If the client has been dispersed to more than one
 location, local connection applies to the most recent LA³¹. Stays in accommodation/reception
 centres do not count
- If a person has not been in Section 95 accommodation or has been living elsewhere: they have lived (by choice) in the LA area for 6 months out of the past 12 months or 3 years out of the past 5 years (it does not matter what type of accommodation but some level of evidence will be needed to establish the period of residency).
- They have close relatives living in the LA area.
- They work in the LA area or have an offer of employment there.
- They have a 'special reason' why they need to live in that LA area (which might include the need to be near special medical or support services which are available only in a particular district).

If the LA decides the person does *not* meet the criteria for having a local connection, it can decide if a connection exists with another council area (using the same test) and if this is the case, they can 'refer' the duty on to that council which will be expected to offer assistance. A LA cannot refer an applicant to a LA area where they are at risk of violence or threatened violence, nor can someone be referred to another area just because their connection is stronger there. If the individual has no connection with any area then the first council that has been approached must treat them as if they have a connection to them.

²⁹https://www.gov.uk/guidance/homelessness-code-of-guidance-for-local-authorities

³⁰ Section 95, Immigration and Asylum Act 1999 https://www.legislation.gov.uk/ukpga/1999/33/section/95

³¹ For further details see: www.housing-rights.info/03_2_Refugees.html

Making informed choices before an application is made

The process of being referred from one LA to another can often be problematic and result in delays, so if it is clear that someone has a connection to one LA it is usually best to apply to that council directly.

Some people can have a local connection with more than one area (say by having close family in one area but being accommodated by the Home Office in another) and it can be really useful to help the individual determine which council to apply to beforehand so they apply to the council where they would prefer to live.

Remember – councils have duties to help even if there is no local connection. If refugees do decide to move away from where they were accommodated by the Home Office because they have no family/friends there, to an area where they do have some ties (albeit not enough to meet the definition of local connection) it will still be worthwhile for them to apply as homeless. They will still be entitled to some help and advice from the LA (the prevention or relief duty as a minimum which could include help finding PRS accommodation).

Social housing & supported accommodation options

Part of the assistance offered by LA's following a homelessness application could include advising on, and helping with, applying for council or housing association accommodation (referred to as council housing, social housing or affordable housing). Alternatively, individuals could apply for social housing directly without going through the homelessness application. Social housing offers long term settled accommodation at below market rent levels so is much more affordable than private rented accommodation.

In most areas of the country demand for social housing, even single person accommodation, far outstrips supply. LA's usually operate housing waiting lists or housing registers which they use to allocate social housing (either their own or housing associations/registered providers) let through nomination arrangements. Applicants will usually have to meet certain local criteria in order to get on the list (there might be other rules about how long someone might have to have lived in the area for example). Eligible applicants are also usually assessed and ranked by way of a points system (or similar) to reflect level of need and in some cases, how long they have been waiting. Once registered many LA's operate 'choice-based lettings' schemes where applicants need to regularly view available properties and place bids or express interest in being considered for them. It can be very difficult to access a tenancy this way and if the individual has support needs this may not always be appropriate.

Some housing providers and charities offer supported housing (including single rooms in properties with some shared facilities, or self-contained flats) where accommodation is offered with additional support for residents with additional needs like mental health. There may be some provision specifically for refugees. These units of accommodation may be allocated to people who are referred from the LA so it's important to stay connected with the LA and ask about all local accommodation schemes. In some cases charities and housing providers with specialist accommodation may take direct referrals from people without them needing to apply through the LA.

Services can help by making sure that refugees are registered on the council housing list wherever they meet the local criteria, ensuring their needs have been properly assessed and checking for any other specialist supported accommodation where applications directly to the provider are possible.

Private rented accommodation

Finding accommodation in the private rented sector is likely to be the most accessible option for refugees without dependants, and this could be sourced either by the individual making a direct

approach to local landlords and letting agents, or with the involvement of the LA as part of the homelessness application process. Sometimes the LA will have connections with private landlords, may be able to provide deposits and upfront payments, or may work with partner organisations who provide this service meaning referrals to other organisations can take place. A useful resource is Crisis' Help to Rent Database³² which contains information on help to rent schemes at regional, county, LA or town/city level.

However, the cost of private rented accommodation is a major concern and the financial help available through **Local Housing Allowance** rates is not always sufficient to cover the rent. Services can support refugees to research the cost of rented accommodation locally and in areas they would like to move to³³. This will help manage expectations in advance and allows them to ask necessary questions. Inform refugees that as part of their Universal Credit application they need to apply for housing costs too.

The maximum amount of support that private sector tenants can receive towards their housing costs is called the Local Housing Allowance (LHA)³⁴. Areas of the country have different LHA rates for different types of accommodation such as single rooms, one bedroom flats and larger family homes. There is an online facility for checking the relevant LHA rates by LA area or postcode³⁵. For people aged 34 years or below the LHA rate is based on a room in a shared property (the Shared Accommodation Rate or SAR). In some areas, this can make it extremely difficult to find suitable and affordable accommodation. There are some important exceptions from SAR for those aged 25-34; including where someone is over 25 and has previously been living in a hostel (meaning they can claim a higher LHA rate based on a self-contained flat)³⁶. For single people aged 35 and over LHA rate is based on accommodation that has one bedroom with self-contained facilities.

As mentioned earlier, the LA should provide assistance in **finding private rented sector accommodation**. This may include a giving a list of local agents or landlords that will take people on a low income or on Universal Credit, use of a phone or internet and in some cases a bond to cover the deposit. They may also refer to a private rented scheme operated by a voluntary sector organisation³⁷.

Where the LA or local organisation cannot help with upfront costs then applying to the DWP for an **Integration Loan** (see below) may be an option. These are available to people granted refugee status or humanitarian protection and can be used for rent deposits as well as for items or activities that support integration into employment or education. Refugees should receive details of the loans with their decision letter³⁸.

Some LA's offer help with deposits or rent in advance through schemes usually known as 'local welfare assistance schemes' (previously run by DWP and known as Crisis Loans), but this varies between areas and in many places these have stopped all together.

Refugee Council also run a service to help find affordable and sustainable privately rented accommodation for refugees who are not considered to be in priority need³⁹.

³² Crisis Help to Rent Database: https://www.crisis.org.uk/ending-homelessness/resources-for-practitioners/prs-database/

³³ There are a number of websites that allow basic rental price searches such as: www.zoopla.co.uk

³⁴ LA's also have some discretionary funds to top up shortfalls not covered by LHA in limited circumstances - called 'Discretionary Housing Payments' (DHP) https://www.gov.uk/government/publications/claiming-discretionary-housing-payments

³⁵ https://lha-direct.voa.gov.uk/search.aspx

³⁶ Full information about the Shared Accommodation Rate and the exclusions can be found here: https://england.shelter.org.uk/housing_advice/benefits/benefits_for_under_35s_in_shared_housing

³⁷ www.crisis.org.uk/find-pr-scheme.php

³⁸ Forms and guidance can be found here: www.gov.uk/refugee-integration-loan

³⁹ https://www.refugeecouncil.org.uk/get-support/services/private-rented-scheme/

The 'Right to Rent' and discrimination⁴⁰

The Immigration Act 2014 introduced the 'Right to Rent' requirements, which places a duty on all UK landlords to check the immigration status of every potential tenant. Under this policy, 'undocumented', or 'irregular migrants' or people who cannot prove they have a legal right to reside in the UK, are prevented from renting property.

Anyone who has indefinite leave to remain or settled status in the UK has an *unlimited* right to rent. Any adult in the UK with permission to stay in the UK for limited period has a *limited* right to rent. This means that their right to rent will expire at the same time as their permission to stay. Refugees have a limited right to rent when they are first granted refugee status, and an unlimited right to rent if they have subsequently been granted indefinite leave to remain.

Therefore, it is legal for refugees to rent in the UK however they may need to produce documentation to prove this. Since 30th March 2020, 'Right to rent' and 'right to work' checks have been adapted so that landlords and employers can carry them out during COVID-19. The temporary changes mean the Home Office will not require landlords and employers to see original documents and will allow checks to be undertaken over video calls. Prospective renters and workers can now submit scanned documents, rather than originals, to show they have a right to rent or work.

It is important to be aware that under these policies refugees and other migrants may face **discrimination** when legitimately applying for private rented housing. This discrimination can take various forms such as:

- Refusing to rent to people without British passports;
- Increasing administration fees to cover 'right to rent checks' or potential fines;
- Increasing the rent for people because they are not British;
- Only responding to enquiries on properties to people who look or sound British;
- Only asking for documents when prospective tenants do not look or sound British.

If you see a client suffering unlawful discrimination by a landlord or lettings agent, seek legal advice to make a discrimination claim for compensation in the courts. Any legal action should only be taken following the consent of the client involved.

Housing checklist

In summary, homelessness and support services can:

- Support refugees to apply to LA's for homelessness assistance.
- Support refugees to apply to LA's/housing providers for social housing.
- Support refugees to access the private rented sector.
- Support clients with refugee status or humanitarian protection to apply for an integration loan to use as rent deposit or for household items where this might be necessary.
- Translate information on people's housing options into relevant languages (written and verbal) and advocate and translate for people with other services.
- Manage clients' expectations by explaining the eligibility criteria for council housing; the impact
 of the Shared Accommodation Rate; local caps on Local Housing Allowance; and the type of
 private rented accommodation available locally.

⁴⁰ For more information on the Right to Rent, including a full guide for tenants and landlords, see the Joint Council for Welfare of Immigrants (JCWI) website.

- Explain the consequences of refusing housing offers where there is a limited offer policy in place.
- Be proactive in 'myth busting', for example to address the perception that rough sleeping in urban areas is a shortcut to social housing, or that social housing is easily available in London.
- Offer pre-tenancy training to people seeking asylum and refugees e.g. on bills, budgeting, tenants' rights and responsibilities.
- Make contingency plans with the client, for example referring into spare room, hosting or night shelter schemes, as well as extensions to Home Office accommodation.

Welfare benefits

Once refugee status has been granted, people of working age should apply for Universal Credit (UC) immediately as Home Office financial support ends within 28 days. UC is administered by the DWP which operates online and through a network of Job Centres (also referred to as Job Centre Plus or JCP's).

The initial application for UC is usually completed online and is a laborious process requiring applicants to set up online accounts to manage their UC claim on an ongoing basis. They will need their Biometric Residence Permit (BRP) and national insurance number (their national insurance number should be included on the reverse of the card) and a Home Office issued form or letter summarising support if they have received asylum support payments. If the client is waiting for their BRP or asylum support letter, they should still start their UC straight away. Where a national insurance number has been applied for but not yet received, this should not delay the claim⁴¹ however in practice it can extend the process.

A DWP helpline is available for people who have additional needs and/or do not have online access⁴². Alternative arrangements can be made to submit UC claims over the phone where the client does not have access to the internet. The DWP provide an online guide specifically for refugees on applying for UC⁴³.

Claimants usually need to attend an appointment at their local Jobcentre Plus with a job coach as part of the claim process. They will also need to sign a 'claimant commitment' and will be made aware of the conditions attached to UC around looking for, and preparing themselves for, work.

UC payments comprise of payments for day to day living costs and also housing costs (if the claimant has accommodation for which they must pay rent at the time of the claim). Applications for housing costs may need to be completed later once housing has been found.

UC is usually paid into a claimant's bank account so sometimes help and support is needed to assist with explaining and opening an account. There are some alternative arrangements that can be put in place if someone does not have a bank, building society or credit union account or is unable to open one. This used to involve a post office card account but this arrangement is ending and the only option will be the payments exception service whereby someone can be send a voucher to exchange at a paypoint⁴⁴. UC takes at least 5 or 6 weeks before it is paid.

⁴¹Social Security Administration Act 1992 Section 1 https://www.legislation.gov.uk/ukpga/1992/5/contents/enacted

⁴² The DWP UC telephone helpline is 0800 328 5644 https://www.gov.uk/universal-credit/contact-universal-credit

⁴³ There is an Online DWP guide on claiming benefits/UC for refugees:

https://www.gov.uk/government/publications/claiming-universal-credit-and-other-benefits-if-you-are-a-refugee/refugee-guide-urgent-things-you-need-to-do

⁴⁴ https://www.gov.uk/payment-exception-service

Some people will be entitled to an **advance payment** until the first payment is received. This is a loan which will be paid back from UC payments over time.⁴⁵

Exemption from the Habitual Residence Test

The Habitual Residence Test is a test for all individuals, including returning British nationals, who have recently arrived in the country and who make a claim for certain benefits including UC, or when seeking housing assistance from a local authority. The individual must satisfy the decision-making authorities that, firstly, they have a right to reside and, secondly, that they are habitually resident in the Common Travel Area and can be treated as such. **People granted refugee status are exempt from the Habitual Residence Test**. The full exempt categories include: worker for the purposes of EC law; those granted refugee status, humanitarian protection, or discretionary leave to remain; those granted exceptional leave to remain or indefinite leave to remain granted exceptionally outside the immigration rules. Those individuals in the exempt categories are required to provide evidence of a right to reside but will satisfy the habitual residence condition.

Welfare benefits checklist

Homelessness and support agencies can:

- Support clients to apply for UC and attend appointments at JCP.
- Help to arrange interpreters.
- Arrange for a support worker or other advocate to support the client at JCP, particularly around issues such as using a temporary NINO and exemption from the Habitual Residence Test.
- Ensure the client takes/supplies relevant documentation to start their claim or takes it to JCP once received (BRP, NINO letter, NASS35 or Section 4 letter).
- Support the client to open a bank, building society or credit union account (the Immigration Status Document is photographic proof of identity). Many refugees struggle to provide necessary Proof of Address to open accounts, as they do not often have utility bills in their name⁴⁶.
- Ensure the client understands the conditionality of their benefit and support them to meet these e.g. job searches, updating CVs, attending work placements or courses.

Employment

Refugees have the same right to work as UK nationals and do not need a work permit. Homelessness and support agencies can:

- Signpost to the National Academic Recognition Information Centre (NARIC) for help getting the British equivalents of qualifications⁴⁷.
- Signpost to ESOL courses (English Speakers of Other Languages). Information may be available through JCP, local colleges and adult education centres.
- Provide, or signpost to, information about employment rights, the National Minimum Wage, paying tax, National Insurance and in-work benefits⁴⁸.

⁴⁵ Information on advances under Universal Credit can be found here: www.citizensadvice.org.uk/benefits/universal-credit/apply/get-advance-payment

⁴⁶ A Biometric Residence Permit is a valid form of ID, and refugees can ask the Job Centre for a letter as proof of their address. For guidance on opening bank accounts please see the Citizen's Advice Bureau guidance: www.citizensadvice.org.uk/debt-and-money/banking/getting-a-bank-account

⁴⁷ www.naric.org.uk

⁴⁸ www.gov.uk is a good place to start.

- Support refugees with writing CVs, job searches and interview preparation.
- Provide access and support to computers and the internet, including support to set up an email address.

Integration Loans may also be helpful in relation to costs or activities to help with finding employment, for example covering training or education costs⁴⁹.

Other forms of support

Refugees come from a range of backgrounds and will have varying levels of English language skills, education and employment histories. They are also highly likely to have experienced severe trauma in their countries of origin and may have been re-traumatised by difficult experiences in the UK. Many can have health issues and health-related concerns e.g. around COVID-19 and vaccinations. Support services should assess the needs of the individual in order to provide the right kind of support. Support in **registering with a GP** and help to access online or remote GP services may be necessary.

Whilst many refugees have smart phones they may still face many barriers in making full use of the internet. For those facing **digital exclusion**, it can be helpful to consider what digital devices they own or have access to, their data plan, their access to the internet and where they can access wifi, and any additional support they need to develop digital skills and knowledge. There may be additional help they can access, including help with devices and data. The Good Things Foundation support a network of 'online centres' to help vulnerable and digitally excluded people to get online and offer a comprehensive set of online resources to help people develop digital skills called Learn My Way⁵¹.

For people who have not been living in the UK for long, or who have not had their own accommodation, helping with **practical life skills** might be most relevant e.g. tenancy rights and responsibilities, bills, budgeting and access to healthcare. For others, support might focus on obtaining UK equivalents of qualifications or professional references, in order to support them finding work. **ESOL** courses are often a priority. A client-focused assessment, that is holistic and strengths based and using interpreters as needed, is essential to establish what type of support may be needed to help them reach their goals. A trauma-informed approach should always be taken when supporting refugees⁵².

For clients who are new to an area, an introduction or **orientation** can be useful. A tour of local shops, markets, libraries, leisure centres, health clinics and transport links is a simple but effective form of support and integration. Helping people to connect with their neighbours and local community groups can reduce isolation and support people to settle.

However, as well as practical support needs around integration, language and employment, refugees may have hidden support needs, such as poor **mental health** relating to post-traumatic stress and bereavement. Information about support services should be offered to all clients, regardless of whether a mental health support need has been disclosed, to reduce stigma and empower people to seek support at a later date if needed and when they are ready.

Homelessness and support services can help refugee clients by:

Promoting options for referrals into support services.

⁴⁹ Integration loans Forms and guidance can be found here https://www.gov.uk/refugee-integration-loan

⁵⁰ https://www.onlinecentresnetwork.org/ournetwork/find-centre#/map

⁵¹ https://www.learnmyway.com/

⁵² https://www.homeless.org.uk/trauma-informed-care-and-psychologically-informed-environments

- Ensuring people are registered with a GP and supporting them to do so if not⁵³.
- Reviewing someone's digital skills, their digital devices and internet connectivity and seeking to help bridge any gaps.
- Ensuring people have details of local mental health services, including self-help options such as websites and charities.
- Advertising mental health services, with translated material.
- Discussing mental health as a standard support issue with all clients, in the same way as physical health.
- Offering signposting or referral to counselling or specialist services such as Freedom from Torture⁵⁴, Helen Bamber Foundation⁵⁵ or Refugee Council's therapeutic services⁵⁶.
- Explaining how someone's GP can refer them to mental health services.
- Helping people to build social networks, which may include finding community groups that share a particular language, religion or culture.
- Supporting individuals to identify their goals and how they can achieve them.

Ensuring your service is accessible to people seeking asylum and refugees

Organisations that provide homelessness services, including to people seeking asylum and refugees, should ensure their services are accessible and responsive to the needs of these groups. The following may be helpful in considering this.

Language translation and interpreting

Offer spoken and written information in multiple languages, including in the native language of clients using your service and of local communities. Check with local refugee/migrant organisations if they have anything already produced or are willing to help you with translations. As a last resort, it is possible to use Google Translate⁵⁷ to help you to produce key messages in a range of languages, but never use this as a definitive translation. Visit Refugee Council, Migrant Help and other specialist websites for information and materials in a range of languages, as well as helplines with access to interpreters. Other sources include Praxis' interpreting service and Language Line⁵⁸ which offer a professional interpreting service for a fee (see Resources section). Remember also that it is a local authority's responsibility to ensure that people can access their services, so in cases where people cannot understand English, access to interpreters or multi-lingual advisors must be made available so advocate where this is needed. The Homelessness Code of Guidance for Local Authorities states that translated information and interpreting services should be made available to all applicants for whom English is not a first language⁵⁹.

⁵³ Everyone, regardless of immigration status or housing situation, is entitled to register and receive free care from a GP. See: https://www.bma.org.uk/advice-and-support/gp-practices/managing-your-practice-list/patient-registration

⁵⁴ Previously the Medical Foundation for Victims of Torture: www.freedomfromtorture.org

⁵⁵ www.helenbamber.org

 $^{^{56}}$ www.refugeecouncil.org.uk/what_we_do/therapeutic_casework

⁵⁷ Googletranslate.com

⁵⁸ See https://www.languageline.com/uk

⁵⁹ See

https://assets.publishing.service.gov.uk/media/5ef9d8613a6f4023cf12fc67/Current Homelessness Code of Guidance.pdf ,in paragraph 18.4

• Trauma and culturally-informed services

Ensure that services offered, and those involved in delivering them, are trauma-informed. Services should be sensitive to both people's experiences in the country they fled as well as the re-traumatization that many experience in the asylum system. In particular, only ask about information that is needed and be transparent about the reasons why. Retelling their story multiple times is often a source of trauma for people seeking asylum and refugees. Avoid assumptions based on nationality, religion or ethnicity, and ensure the individuals are empowered to identify the support most appropriate for them. For example, some individuals who have fled persecution in their countries of origin may not want to rely on people with the same nationality or from the same community to translate personal and often traumatic experiences. In many countries, divisions between different ethnic groups fuels conflict and these sensitivities are often still present among those in the UK. Consider holding separate support sessions for women, in which provision is made for those with childcare responsibilities. Where possible, also consider gender-matching caseworkers and/or interpreters as per the client's preference.

Reflecting your local community in your advertising and recruitment

Where needed, advertise your service with local community groups, migrant/refugee support services, places of worship (e.g. churches, mandirs, mosques, gurdwaras and synagogues) and asylum support accommodation, in relevant languages. Recruit volunteers and/or staff that are representative of the client group's gender, nationality, ethnicity and spoken languages. If you cannot fund official translation services, you could consider recruiting a small number of volunteers for translation as needed or working with a local migrant/refugee support organisation to do this.

Further resources

Below is a list of national organisations which specialise in providing support and guidance to refugees and people seeking asylum or provide lists of those who do. A useful list of specialist refugee and asylum support organisations **by region** can also be found on website of The Asylum Support Appeals Project: http://www.asaproject.org/resources/organisations-who-can-help

Asylum Aid – Part of the Helen Bamber Foundation. Provides legal aid advice and representation on behalf of people seeking asylum and refugees. www.asylumaid.org.uk

ASAP (Asylum Support Appeals Project) – offers free advice and legal help to practitioners and individuals appealing Home Office Asylum Support decisions http://www.asaproject.org/

ATLEU (Anti Trafficking Legal Aid Unit) – offers immigration, housing, welfare and public law advice www.atleu.org.uk

Bail for Immigration Detainees – provides legal advice and representation to migrants detained in removal centres and prisons.

www.biduk.org

British Red Cross – Emergency support for refugee services including food and clothing. Also settlement support, specialist help for young refugees and support in reuniting with family https://www.redcross.org.uk/get-help-get-help-as-a-refugee

Citizens Advice – confidential advice on full range of issues through national charity website and face to face through network of local advice agencies.

www.citizensadvice.org.uk

Doctors of the World UK- support with access to NHS care and translated resources on COVID-19 www.doctorsoftheworld.org.uk/patient-clinic

Freedom from Torture - specialist support for survivors www.freedomfromtorture.org

Helen Bamber Foundation – supports refugees and asylum seekers who are survivors of extreme human cruelty.

www.helenbamber.org/

Home Office – welcome guide for new refugees (including multiple language versions). The gov.uk website also has other information and guidance for asylum seekers and new refugees.

https://www.gov.uk/government/publications/welcome-a-guide-for-new-refugees https://www.gov.uk/entering-staying-uk/support-asylum-claimants-refugees

Homeless Link – support and guidance to homeless organisations including resources on supporting non-UK nationals.

www.homeless.org.uk/our-work/resources

Housing Rights Information – online housing rights advice produced by Chartered Institute of Housing & BME National for newly arrived migrants and their advisors. www.housing-rights.info/index.php

Immigration Law Practitioners' Association – membership body for Immigration Advisors and member directory to search for advisors.

www.ilpa.org.uk/

Joint Council for the Welfare of Immigrants (JCWI) – legal advice and support and online resources and guides

www.jcwi.org.uk/

Law Centres Network – List of Law Centres some of which will have speciality in immigration and asylum law.

www.lawcentres.org.uk

Migrant Help – support asylum seekers throughout the asylum journey and post decision. Specialist support to victims of human trafficking and modern slavery. Helpline. www.migranthelp.org

NACCOM (No Accommodation Network) - network of accommodation projects for those with no recourse to public funds. Toolkits for setting up projects.

www.naccom.org.uk

NRPF Network – support, training and guidance to LA's on NRPF issues (and management of NRPF Connect database for LA's)

www.nrpfnetwork.org.uk

Office of the Immigration Services Commissioner (OISC) – Government office that regulates immigration advice. Search facility for finding registered advisors. http://home.oisc.gov.uk

Praxis – London based charity providing specialist advice, support and accommodation. www.praxis.org.uk

RefuAid – Supports access to language tuition, education, finance and meaningful employment. <u>www.refuaid.org</u>

Refugee Action – specialist help, advice and support to asylum seekers and refugees through regional projects. Resettlement support for refugees. Training, resources and toolkits for organisations and advisors.

www.refugee-action.org.uk

Right to Remain - Charity offering resources and toolkit for community groups and organisations to help people establish their right to remain.

https://righttoremain.org.uk/

Refugee Council – range of advice, support and resettlement services for refugees in various locations including employment advice and support, private rented accommodation access scheme (for refugees who are 'non priority' under HRA). Also training, support and guidance resources for community organisations.

www.refugeecouncil.org.uk

Refugees at Home – hosting scheme connecting those with a spare room to refugees and asylum seekers needing accommodation.

https://www.refugeesathome.org/

Santé Project - advocacy and befriending support for refugees and asylum seekers with mental health issues in the London region

www.santeproject.org.uk

Streetlink - National rough sleeper referral service to connect people sleeping rough with outreach support.

www.streetlink.org.uk

UK ENIC – UK arm of national information centre for the recognition and evaluation of international qualification and skills

https://www.enic.org.uk/

UKLGIG (UK Lesbian & Gay Immigration Group) – advice and support to LGBTQI+ people through the asylum and immigration system.

https://uklgig.org.uk/

The UN Agency for Refugees (UNHCR) – works globally to protect and assist refugees.

https://www.unhcr.org/uk/

This guidance is intended for general guidance only – if a support worker or individual needs help or advice with an immigration related matter then they should always seek specialist advice from a provider approved by the Office of the Immigration Services Commissioner (OISC).