



# How to improve support and services for destitute migrants

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by Heather Petch, John Perry and Sue Lukes

This report explains the nature and urgency of the problems affecting destitute migrants, what solutions might work and how obstacles to helping them can be tackled. It also gives advice on overcoming legal obstacles to giving help to destitute migrants.

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Many migrants find themselves destitute in the UK with no means of supporting themselves, nowhere to sleep and no means to return home. Many have a case for staying in the UK but may be struggling to prove it. The report draws on the position in England, although as an example from Scotland demonstrates, migrant destitution exists across the UK, particularly in areas of asylum dispersal.

## **This report looks at:**

- who destitute migrants are and why they are destitute
- the services and support that is available
- how that support could be improved
- how best to provide accommodation and other forms of support
- areas where there may be legal question marks, providing reassurance through legal opinion.

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# Foreword

Our vision at JRF is for a prosperous and poverty-free UK, where everyone can thrive and contribute. We know that poverty is real, but it is not inevitable. Poverty is wasteful, costly and risky – not only to those who experience it but to our wider communities, society and economy. We believe that it is in all our interests to tackle poverty. We also believe that tackling poverty is not just a job for government. It will need all of us – individually, collectively, from businesses to faith groups – to be part of the solution.

This report is a sharp reminder of the realities of severe poverty and housing need, focused on people who are or at risk of becoming destitute because of their immigration status. It is also a valuable reminder of the opportunities that many of us already have to make a practical difference, to be part of the solution.

The inspiration for this work came out of JRF, HACT and Metropolitan Migration Foundation's Housing and Migration Network which I was privileged to chair and which ended in 2012 (Perry, 2012; Housing and Migration Network, 2012a). It found that:

- most new migrants rely on the private rented sector, often in the worst accommodation;
- very limited provision exists for those who become destitute because they are unable to work or claim benefits;
- many destitute migrants can resolve their immigration status with the stability that comes with having accommodation – but without such stability this is extremely difficult.

The Housing and Migration Network identified the Hope Housing Project in Birmingham as a model. Hope houses and provides subsistence to destitute asylum seekers only but its other projects provide some support to other migrants. It also tries to help people get the legal support they need to resolve their cases. We were inspired by Hope which, having established a destitution charity, realised that its limited funds did not stretch to housing costs. It found part of the solution through four housing associations (which were willing to provide properties at a peppercorn rent) as well as a charitable trust, an individual family and the Roman Catholic Archdiocese of Birmingham. This struck us as an inspiring and practical approach that was worth sharing (Housing and Migration Network, 2012b).

Since the end of the Housing and Migration Network, we've continued to support some work in this area, identifying the need for a more strategic approach based on collaboration, capacity building and cross-fertilisation; the need for a focus on destitute non-EU migrants, especially with irregular or undocumented status; and to raise awareness among charitable trusts, social housing providers, social investors and individual philanthropists.

This report summarises legal opinion and available evidence, and provides composite case histories. Set alongside existing resources from the Housing and Migration Network, this should equip us all to step up and co-ordinate our efforts to help destitute non-EU migrants. This report provides us with the evidence that we can – as charitable foundations, housing associations, individual philanthropists – do this confidently and lawfully. We can be part of the solution.

*Julia Unwin*  
*Chief Executive*  
*Joseph Rowntree Foundation*

# Terminology used in this report

Clarity about terminology is important when discussing migration issues, because terms are often loaded and may have specific legal meanings. Below are some of the key terms and how we have used them in the report. Many are simplified from legal or technical definitions elsewhere.

Asylum seekers and refugees	Asylum seekers are those applying for refugee status under the 1951 Refugee Convention or another form of international protection and who seek a grant of asylum or another form of complementary protection; refugees are those who have been recognised as refugees and (usually) who have been granted asylum and who therefore have some form of leave to enter or remain in the UK; 'refused' asylum seekers are those whose applications have been rejected and who have exhausted the appeal process, but are still in the UK.
Asylum support	Mainstream support (or section 95 support) for asylum seekers who would otherwise be destitute, while they pursue their claim. Most is provided outside London and the South East in dispersal areas, via six Home Office accommodation/support contracts. See also Section 4 support below.
Destitution	The definition used here is that of s95 of the Immigration and Asylum Act 1999. A person is destitute if: 'a. he does not have adequate accommodation or any means of obtaining it (whether or not his other essential living needs are met); or b. he has adequate accommodation or the means of obtaining it, but cannot meet his other essential living needs.'
Houses in Multiple Occupation (HMOs)	A property rented by at least three people who are not from one 'household' (e.g. a family) and share facilities such as a bathroom/kitchen.
Hostels	Non-self-contained accommodation providing bed spaces on a longer term basis than night shelters. Hostels charge residents but some may make some space available for those with no access to benefits.
Hosting	Both formal and informal arrangements whereby a destitute migrant is given a room (and probably other support) in someone's home on a non-paying basis.
Illegal entrants	The term 'illegal migrants' is avoided in this report except where referring to media perceptions, because it is inaccurate and implies lack of entitlement; 'illegal entrants' applies specifically to those who entered the UK without permission, e.g. via people smuggling.
Migrants and 'new' or 'recent' migrants	Migrants are those who enter the UK intending to stay for longer than one year; 'new' or 'recent' migrants are those who have been in the UK for five years or less.
No recourse to public funds (NRPF)	'Public funds' is a specific and limited legal term used in immigration law. 'No recourse to public funds' (NRPF) is a commonly used term, often misunderstood as applying to public services generally when in fact its meaning is limited. The meaning is discussed on page 20.
No Second Night Out (NSNO)	A programme which aims to get people off the streets in London and is now being extended more widely (for more detail see <a href="http://www.homeless.org.uk/our-work/campaigns/policy-and-lobbying-priorities/no-second-night-out-campaign">www.homeless.org.uk/our-work/campaigns/policy-and-lobbying-priorities/no-second-night-out-campaign</a> ).

Non-EEA nationals	Refers to migrants from outside the European Economic Area (EU countries plus Iceland, Liechtenstein, Norway and Switzerland). Rights relating to EU citizens correctly apply to the wider EEA; non-EEA migrants have much more constrained rights and (except in very specific circumstances) are not protected by EU law. Asylum seekers and refugees are not automatically thought of as non-EEA nationals but for ease of reference in this report we do include them.
Overstayers	Most migrants with no legal right to be in the UK did have the right but have since lost it, becoming 'overstayers'. Many in this position could have their legal status regularised if they could be supported to do so.
Reconnection	Used in the homelessness sector to cover the options offered to some rough sleepers who have no local connection with the area where they are identified and so are offered assistance to return 'home'. For undocumented migrants this is usually a 'voluntary' return to their country of origin.
Section 4 support	Limited accommodation and subsistence support given to refused asylum seekers and some others who become destitute, originally meant as a short-term mechanism for people about to leave the country (under Section 4 of the <i>Immigration and Asylum Act 1999</i> ). Unlike section 95 support (see above) the subsistence help is provided not in cash but through a payment card accepted by certain retailers.
Section 17 support	The Children Act 1989 (Section 17) requires local authorities to safeguard and promote the welfare of children 'in need', within their families, including a child whose parents have 'no recourse to public funds' (NRPF). A child is 'in need' if unlikely to achieve or maintain a reasonable standard of health or physical, intellectual, emotional, social or behavioural development, or is disabled. A destitute child is a child in need for the purposes of s17.
Section 18 of the Care Act	This covers individuals with a care need which could include migrants who have no recourse to public funds.
Shared house	Accommodation provided in a single property which is shared; some providers of accommodation for destitute migrants have separate houses and some have houses that accommodate migrants and others who can pay rent, and migrants who cannot, on an organised basis.
Sofa-surfing	Staying with friends, community members or family on a temporary/short-term basis.
Trafficking	Human trafficking is the acquisition of people by improper means such as force, fraud or deception, with the aim of exploiting them. This is a brief and partial definition of trafficking, a term that is given greater content in EU and international instruments.
Undocumented migrants	Preferred term in this report for those (often called 'irregular' or 'illegal' migrants who (a) have no legal right to stay in the UK, or (b) potentially have such a right but need to establish it, or (c) have such a right but have lost the documents to prove it. 'Illegal immigrant' is avoided (even though used by government) as a person cannot be 'illegal' and the word fails to distinguish between the small numbers who enter illegally and the much larger number who do not have valid documents for various reasons.

# Executive summary

## Action is urgently needed to help destitute migrants

Many migrants in Britain who find themselves with no support or ability to return home face destitution; they are not allowed to work, have no access to benefits and in only a few cases get emergency help. Many of them have a case to stay in the UK but cannot quickly prove it. All are vulnerable to exploitation or otherwise at risk.

All reports from frontline agencies indicate that the problem is growing much faster than their ability to respond. While many of the issues discussed here apply to migrants from within the European Union, the needs of migrants from outside the EU (more precisely the EEA – European Economic Area) are particularly acute because they usually have more complex immigration issues and cannot readily return home. Providing accommodation and support for them is a huge challenge because of rules about ‘no recourse to public funds’ (NRPF). The report focuses on this group.

## What does the report aim to do?

The report explains the nature and urgency of the problem, what solutions might work and how obstacles can be tackled, including potential legal obstacles. It is inspired by, and draws on, learning from existing provision, some of which is described in a number of case studies. It aims to mobilise action and resources from charitable foundations, philanthropists and social investors, public bodies and social landlords, voluntary bodies and professionals.

The Joseph Rowntree Foundation wants to help develop a strategic approach to tackling migrant destitution. In a complex area dogged by poor information, many agencies need to be involved and may not have links with each other. Maintaining momentum is key and there are various initiatives that need recognition and funding. The report aims to build support for, and help devise and implement, a strategy.

The report also tackles one of the main barriers to action – concern that there might be legal obstacles to helping destitute migrants.

## How do migrants become ‘undocumented’?

Undocumented migrants are those who have no legal right to stay in the UK, those who could have a right but need to establish it and those who have a right but cannot prove it. Most have entered the UK *legally*, but small numbers are illegal entrants, of whom many have grounds to make an asylum claim which regularises their status temporarily. The reasons for becoming ‘undocumented’ are many and varied. They include: lacking or having out-of-date or incomplete documents, being in transition from one immigration status to another, poor or slow decision-making by the Home Office, discrimination (being denied services to which they are entitled), people trafficking, losing a job, and health needs.

## How does this lead to destitution?

Most migrants from outside the EU who become destitute have NRPF and also cannot legally work. This limits their options to getting basic support from family or friends, or from charities, faith-based or other agencies. Migrant communities themselves are a main source of support. Some migrants work illegally. All these solutions are fragile and can end at short notice. Many therefore become rough sleepers and are at risk of exploitation by people traffickers or employers, including severe forms of labour exploitation.

While asylum seekers are at least initially entitled to support, destitution can occur because of errors, delays or poor decision-making. Refused asylum seekers can get emergency support subject to conditions, but may not want or cannot easily get it.



## How many migrants become destitute?

Evidence about how many migrants become destitute is uncertain, incomplete and often out-of-date. The main sources of evidence are:

- a 2007 study of undocumented migrants which estimated there were 618,000 across the UK but with wide margins of error and likelihood that much has changed in eight years. Not all undocumented migrants will be destitute but they are an 'at risk' group;
- rough sleeper studies, which show significant numbers of non-EEA rough sleepers in London (13 per cent of the total in 2014/15) but few elsewhere,
- estimates of refused asylum seeker numbers and/or destitute asylum seekers – there may be 50,000–100,000 refused asylum seekers nationally; evidence on destitution comes from local studies across the UK (e.g. significant numbers in recent surveys in Manchester and Nottingham).

None of these studies provide an adequate assessment. The interim report of a JRF-sponsored study of destitution was published earlier this year and proposes a working definition. It is expected that the final report of this study will provide better estimates of numbers in destitution – including migrants – later this year (see [www.jrf.org.uk/publications/destitution-uk-interim-report](http://www.jrf.org.uk/publications/destitution-uk-interim-report)).

## What does migrant destitution cost?

Assessing the costs of migrant destitution on services is very difficult because of limited entitlements (due to NRPF). A government study concluded that the annual cost of services for rough sleepers is around £20,000 per person. This gives an indication although costs of migrant rough sleeping may well be different due to more restricted entitlements to benefits and services and differing approaches to tackling it. However, ignoring migrant destitution is clearly not a 'cost-free' option.

## Services and their limitations

Access to support services is very limited. They usually operate without public funding and are often outside the established network of homelessness agencies. Some groups, many of whom are members of the national No Accommodation Network (NACCOM), have been set up specifically to accommodate destitute migrants but capacity falls far short of the need.

Since 2010, a range of cuts have affected advice provision and support services for migrants faced with destitution. In addition, cuts in legal aid funding and its scope in immigration cases mean that legal help is much more limited. Many places have become 'legal aid deserts' for migrants. Yet the need to regularise documentation can involve hours of research, exceeding the amounts covered by legal aid even where available. Many people therefore end up using poor quality and exploitative firms and advisers, with limited chance of success.

Until recently many homelessness agencies failed to address the specific needs of destitute non-EEA nationals. They cannot easily get such migrants 'off the streets' as most hostels require them to have access to benefits. To get this they need legal advice, probably for a lengthy period, which is extremely difficult without stable accommodation and the other basic necessities. However, with access to such provision many destitute migrants *could* clarify and/or regularise their status and be supported to consider their options which for some, particularly if they have exhausted their legal options, may include voluntary return.

## Legal issues that arise

Legal opinion obtained for this research is reassuring on the four main areas where there might be legal question marks:



- Assistance to those subject to NRPF is affected only by the 'public funds' limitation itself. It is quite specific, including statutory housing allocations and nominations or homelessness assistance, and entitlement to housing benefit. But support for rough sleepers is not included, nor is an allocation from a housing association outside a local nomination scheme. If a housing association has had government grant to provide a property that does not mean that it could not be occupied by someone with NRPF.
- Criminal law does not prevent assistance being given to undocumented people to alleviate destitution or meet basic human needs. Accommodation can also be provided to give a fixed address so a person can more readily remedy their immigration status.
- The need to check a tenant's 'right to rent' under the Immigration Act 2014 currently applies only in the West Midlands but is likely to be extended. However, it only affects tenancies that involve rent payments, and most charitable schemes for undocumented migrants do not. Some types of accommodation such as hostels and refuges are in any case excluded. Where an organisation such as a housing association provides a property for another organisation (e.g. a charity), the second organisation becomes the landlord and there is no obligation on the property owner.
- Individuals with no recourse to public funds who lack housing and employment and/or are destitute can be supported by charitable foundations in furthering their objects. A charitable foundation's assets are not 'public funds' for the purpose of immigration law and can be used to help people with NRPF.

Although there is a criminal offence of assisting unlawful immigration, it is view of the legal opinion given to us that charities offering food, money, services or accommodation to relieve the destitution of persons unlawfully present in the UK are not liable.

## Interventions needed and services currently available

In addition to the key area of accommodation (see below) there are seven others where concerted action is needed:

- Better data – about numbers and needs to inform planning and provision – see Section 2 for more detail on the need to improve information.
- Better immigration advice and legal representation – including case work, advocacy, advice and legal representation to enable routes out of destitution by empowering people to understand and regularise their status or return. A range of services exists but coverage is inadequate and the quality very variable. Much better tie-in with accommodation services is needed. A London-based project called Street Legal offers a practical example which could be replicated (see page 30) as does DASS, a newly established project in Scotland (see page 27) (for more detail see Clayton, in press).
- Addressing subsistence needs – provide basics, including cash, food, toiletries and clothing. The British Red Cross and local charities do this but services are time-limited and not available in all areas. Meeting subsistence needs should be better linked to accommodation provision. Some accommodation providers such as Hope (see page 42), Boaz (see page 45) and Praxis run destitution funds, provide food parcels, etc. and most ensure they are linked up to people who do.
- Addressing support needs – make sure that holistic and culturally sensitive support is available; for example some asylum seekers may have post-traumatic stress and specialist training and expertise may be needed to ensure support is adequate. Most of the examples of accommodation provision in Section 5 include a holistic approach to support.
- Engaging with migrant community groups – supporting and improving the critical role played by informal migrant networks. So far few of the recent initiatives targeting undocumented migrants have addressed how community networks can be drawn into any strategy, although Hope Housing is working with a newly formed Migrants Union. This is vital to effective provision and prevention work and ensuring that good services reach those who need them.
- Strategic alliances and joint working – develop more effective use of resources across sectors, including better evidence about replicable practice, mapping, consultation, training, capacity-building and coordination. A number of initiatives aim to identify existing provision and the potential for joint

approaches, and attempt to put them in place. The test will be whether they lead to delivery of sustainable solutions on the scale required, outside as well as in London. A Strategic Alliance on Migrant Destitution has formed hosted by Homeless Link and involving the British Red Cross, Housing Justice, Migrant Rights Network, Refugee Action and Refugee Council (see page 31).

- Gaining official recognition and ownership of the problem – convincing central and local government to recognise the role it needs to play. Many cases of undocumented migrants are resolvable; destitution is not an inevitable consequence of NRPF but can result from bureaucratic failure or delay. Migrant destitution has already received some support from the Homeless Transition Fund, for example Street Legal (see page 30). Although aimed at tackling rough sleeping, this is an important precedent.

## Accommodation – a major challenge

A secure place to stay is vital to those looking for a route out of destitution, but providing it for destitute non-EEA nationals is challenging because most do not have access to benefits. This report aims to increase the scale and number of accommodation options for people with NRPF, building on current services. These are focused around two main umbrella bodies – NACCOM and Housing Justice. The main types of accommodation, described in more detail in Hutton and Lukes (2015) are:

- Hosting: accommodation in the homes of volunteer hosts usually with allied support services, for example, the Boaz Trust (see page 45)
- Hostels: none specifically for NRPF migrants but some offer a small number of free bed spaces for them – some of the St Mungo's Broadway and Salvation Army hostels do this.
- Providing rooms for migrants within a mixed, shared house with wrap-around: one or more migrants with NRPF accommodated in a house where rent is paid by other migrants who can work/claim benefits, for example Open Door (see page 46)
- Communities: houses shared on a communal basis, sometimes with a mix of migrant/non-migrant occupiers, for example the Emmaus Community and Catholic Workers.
- Night shelters: free or very cheap accommodation for a short period (often night-by-night) and mainly not for migrants specifically (with a few exceptions), for example the Boaz Trust .
- Hostels: none specifically for NRPF migrants but some offer a small number of free bed spaces for them.
- Paying rent for a migrant to live in a house or hostel: charitable arrangements to pay for B&B accommodation on a short-term basis.

Analysis of the characteristics of each accommodation type in terms of ownership, financing and legal arrangements shows that there are few legal obstacles but the main challenges are accessing suitable properties and achieving financial sustainability. The report also gives an overview of the different sources of property, lease arrangements and issues arising in taking on property management (including physical and housing management issues and responsibility for allocations).

Many groups want to make links with social housing providers who are willing to donate stock, such as in the Hope Housing model (see page 42) and several now have capacity to manage it. Most properties are currently obtained from personal and faith-based contacts; securing properties from housing associations has happened through informal networks with senior staff/board members. More formal approaches and/or those made via liaison staff in middle management have not been successful.

Groups want to be sufficiently robust to be able to partner with social landlords and others who will entrust them with properties. This is a delicate balance for groups run by low-salaried staff and driven by volunteers' enthusiasm. Abigail Housing has drawn on support from several local housing associations (see page 43).

Specific issues arise where schemes involve sharing or where rent is charged (some groups do this to cross-subsidise those who cannot pay rent, for example, Abigail, Boaz, Open Door and Praxis and Commonweal Housing (page 44 ). There are successful examples which others could follow, and lessons from the experience of NACCOM members in general and Hope Housing in Birmingham in particular.

Lessons from the Hope Housing project include:

- its partnership with its referral agencies and four local housing associations,
- its focus on housing those with most chance of success in regularising their immigration status and its advocacy work to help them do so;
- its original practice of housing new migrants with no recourse to public funds (as well as asylum seekers) was a welcome innovation but could not be sustained as funding for it was ended;
- its engagement of residents and former residents in the running of the projects and in activities such as gardening and handicrafts.

Hope is supporting a fledgling 'migrants union' which is developing self-help and advocacy.

Replication of the Hope or other NACCOM models means that groups need other strengths, for example:

- a strong nucleus of committed people with access to a lot of willing volunteers;
- other charitable resources including a guaranteed flow of funds to support individuals and pay for utilities, day-to-day maintenance, etc;
- sustainability and the flow of funds could come from operating some of tis housing for renting to people with leave to remain who are in housing need;
- access to advocacy and good quality legal advice to support people out of destitution.

People are the most important resource. The work has a strong dynamic of changing people's minds and promoting integration, with the many volunteers engaged in the work learning from migrants about their lives and journeys before their arrival in the UK and their experiences of the system and of settling in the UK.

# 1 Introduction

## Destitute migrants – why we need to act

Many migrants in Britain who find themselves with no support or ability to return home are destitute, sleeping rough or sofa surfing. Many are not able to access benefits so local councils and homelessness agencies find it more difficult to help. Most are not formally allowed to work so they have no money (unless they work cash-in-hand). Many have a case to stay in the UK but cannot quickly prove it, leaving them in limbo. Some are eligible for emergency support but fail to get it. All are vulnerable to exploitation or otherwise at risk, but especially those who have been trafficked, have fled exploitation or domestic abuse, or are young people or children. Destitution not only puts vulnerable people at greater risk, but creates pressure on friends who try to help them or on the neighbourhoods where they sleep rough.

Some faith communities and community groups provide help and there are more than 300 bed spaces in various forms of accommodation from night shelters, to rooms in people's homes, to shared houses. But all reports from those involved indicate that the problem is growing much faster than the response. There is an urgent need for more provision for all destitute migrants, including those from EU countries. However, in this report we focus on nationals from outside the EU (or more precisely the European Economic Area) who find it particularly hard to get help. This is partly due to their often more complex immigration and documentation issues, but also to the fact that they do not have the same protection in EU law and there may be barriers to their return where their safety, human rights and freedom may be at stake. We also focus on migrants without children because Section 17 of the Children Act affords support for children who are destitute because their parents have no recourse to public funds.

Our focus on non-EEA nationals also reflects the fact that destitute people in this group are most susceptible to being categorised as 'illegal', assumed to be here 'illegally' and denied access by service providers, whatever the reasons for their undocumented status. It is to this group that the blanket term 'illegal migrant' is often inappropriately applied.

Providing accommodation, advice and support for this group is a huge challenge and is the main focus of this report. Accommodation is expensive and difficult to pay for as prospective residents usually cannot pay rent because of the rules about 'no recourse to public funds'. Most of the agencies that work with such destitute migrants became landlords through the pressure of meeting the needs of people who arrive on their doorsteps, and they have had to build their expertise from scratch. They are looking for more permanent solutions for their client groups.

This report is a call for action: it urges agencies to do more and to engage in a more strategic and co-ordinated approach. It aims not only to explain the nature and urgency of the problem but to show what solutions might work and how obstacles to them can be tackled. Importantly the report also demonstrates how services can be legitimately provided and supported by bodies including:

- Charitable foundations - many are already providing crucial support to initiatives benefitting destitute migrants but a wider range of funders might be encouraged to engage, for example those committed to tackling homelessness, because of the significant numbers of people who are at risk and the growing evidence of need (e.g. their increased presence in rough sleeper counts – see below).
- Social investors and individual philanthropists may have been unaware of the needs in this area, or assume that the obstacles to offering help are too great.
- Public bodies concerned about solving homelessness and investing in neighbourhoods may have more scope than they believe to help projects working with destitute migrants and could embrace this as part of their programmes to tackle poverty and discrimination.
- Social landlords could potentially play a significant role, outside their normal business but often as part of their charitable objectives, by providing expertise and making small numbers of properties available (some already have).

- Other voluntary agencies, solicitors, etc. could provide free (*pro bono*) services or look at other ways to engage with this potential client group, such as ensuring they have access to local food banks.

If a number of such bodies and individuals were each to make a small contribution of the kinds proposed here, it could make a huge difference.

This report should help them to take the initial steps towards assisting a significant and probably growing part of the population who have no money and currently very limited access to services, yet in many cases cannot simply 'go home' to their countries of origin but need UK-based solutions to the complex problems they often face. Moreover, if increasing numbers of the UK population face the threat of destitution as a result of welfare benefit cuts, the voluntary and charitable efforts of many who have pioneered accommodation services for destitute migrants could help British people too.

## Why a strategic approach is needed

Addressing migrant destitution is an exceptionally complex field. By its very nature it is dogged by poor information, because of the extreme circumstances of the client group, the relative speed at which the scale of the problem has grown, and the wide range and complexity of service needs. Agencies that need to be involved may not traditionally have had links with each other. Over the last two years there has been progress in the level of activity and, in particular, joint working between the homelessness and migrant support sectors. One of the main agencies, Homeless Link, now has a clear goal to tackle migrant homelessness (Homeless Link, 2013).

Some funders and agencies within the migrant support and homelessness sectors have an appetite for joint working to address the need, as is evidenced by recent conferences and initiatives (discussed below). Maintaining momentum is key and there are currently fledgling and pilot initiatives that are beginning to have an impact but need recognition and funding.

The Joseph Rowntree Foundation has been facilitating development of a strategic approach to tackling migrant destitution. This report is intended to be an important step in gaining the support of those agencies with a potentially vital role in helping to devise and then implement the strategy, by both making the case for their engagement and providing reassurance on what might be presumed to be the legal obstacles.

In addition to commissioning this report, JRF has funded the identification and development of solutions. It has undertaken initial scoping work, networking facilitation and partnership- and capacity-building with a cross-sectoral emphasis. It has raised awareness among funders, identifying their interests and appetite for funding, including areas of shared interest in which joint funding might be possible.

The report is in part a response to the expressed need from many funders for clarity about the target groups, information about interventions and funding needs and legal issues. The Association of Charitable Foundations (ACF) is engaged with and keen to promote the results of this study, as is London Funders.

## Removing the barriers to helping destitute migrants

Apart from resources, one of the main obstacles to action by many bodies which might otherwise help destitute migrants is the concern that doing so might either be illegal or push at the boundaries of legality. This is because of the irregular status of most destitute migrants and restrictions on their access to public funds. At the same time, it is evident that some services – including government-sponsored ones such as No Second Night Out – do cater for destitute migrants.

An important part of the remit of the report is therefore to offer definitive guidance, as far as this is possible, on the legal issues, based on legal opinion obtained specifically for this project by JRF in partnership with the Association of Charitable Foundations. The substantive opinion was provided by Adrian Berry of Garden Court Chambers with input from Rosamund McCarthy, senior partner at BWB LLP and Keith Jenkins, senior associate of Devonshires Solicitors, specialists in charity and housing law respectively.

This aims to deal with the questions which funders/supporters/providers might have, especially about whether their potential involvement might:

- conflict with the restrictions on certain migrants having ‘no recourse to public funds’,
- involve a potential criminal offence if they help someone who is in breach of immigration law,
- be newly affected by the restrictions under the Immigration Act 2014 (especially those on residential tenancies),
- create difficulties with charity law.

The legal guidance is built into the report and the full legal opinion is also available on the Association of Charitable Funders’ website (Berry, 2015) (see [www.acf.org.uk](http://www.acf.org.uk)).

## Structure of the report

Section 2 helps supporters and providers understand:

- who we are talking about; how migrants become ‘undocumented’ and how this might lead to destitution;
- what experiencing destitution means to those affected;
- estimates of how many migrants are destitute or at risk of destitution.

Section 3 summarises the legal opinion commissioned by JRF and the Association of Charitable Foundations (ACF) including information about the definition and remit of no recourse to public funds (NRPF) and the groups it is likely to affect and the impact of the Immigration Act 2014.

Section 4 outlines the interventions (other than accommodation which is covered in the following section) needed to tackle destitution and some of the existing services and initiatives which are addressing these and need support.

Section 5 focuses on accommodation services available with an overview of issues that need to be considered in providing and supporting these.

Section 6 contains example case histories which illustrate the varied ways in which migrants can become undocumented and ultimately destitute. These are anonymised but based on real examples.

## 2 Destitute migrants – who are they and why are they destitute?

### Becoming ‘undocumented’, the first step towards destitution

This report is principally concerned with recent migrants who are destitute as a result of being undocumented. As already noted, ‘undocumented’ is our preferred term for those migrants who (a) have no legal right to stay in the UK, or (b) potentially have such a right but need to establish it, or (c) have such a right but have lost the documents to prove it. Only a proportion of undocumented migrants are destitute: many rely on family or friends or may be working informally. But all are at risk of destitution if these arrangements break down. In the context of the report, ‘destitution’ arises when they lose their accommodation or cannot meet their essential living needs, or both.

### How do migrants become ‘undocumented’?

Most of those who later become undocumented in fact enter the UK *legally*, as students, economic migrants, or even just visitors, and have some level of entitlement to welfare services. Their immigration status then becomes irregular if they deliberately or accidentally overstay, contravene their visa conditions or lose the documents that show their status. A far smaller number of migrants are *illegal entrants*, e.g. smuggled into the country, but many of these are then able to make an asylum claim (which regularises their status until the claim is resolved).

Below is a summary of the various reasons why people become ‘undocumented’ and vulnerable to destitution, illustrated in more detail by the case histories in Section 6:

- Out-of-date or incomplete documents: a common reason is for people to have had visas but have overstayed them, including those where the visa would be renewed if they applied.
- Lack of documents: victims of trafficking or people fleeing abuse may simply have left their papers behind. Some people arrive by evading immigration controls, having destroyed their papers to avoid being quickly returned. Young people may have grown up in the UK but their family may never have regularised their status or lost their documents.
- Transition: moving from one immigration status to another may create a ‘gap’; for example, someone escaping domestic abuse or trafficking may face delays in establishing their status; a refused asylum seeker with grounds for a new claim has to wait for the Home Office to accept a fresh application; asylum seekers who get a positive decision are faced with bureaucratic barriers in establishing their new status. Lengthy waits for eligibility (e.g. as a spouse) for indefinite leave to remain (ILR) give more time for problems to arise (e.g. relationship breakdown). Cost of applying is a factor – applying for ILR costs £1,500.
- Poor decision-making: Home Office immigration decision-making is often poor. The Home Affairs Committee has condemned the ‘culture of disbelief’ and bureaucratic failings resulting in poor decisions on asylum cases; in spite of some recent improvements more than one-quarter of initial asylum decisions are overturned on appeal. The Committee also pointed to inadequate provision for destitute asylum seekers who cannot return to their countries of origin, and administrative failings which result in refugees with status becoming destitute (see also ‘Transition’ above) (Home Affairs Committee, 2013). Recent reports suggest asylum support has become more restricted.
- Slow decision-making: for example, while around 25,000 or more new asylum applications are made annually, there are less than 20,000 decisions annually, building up a backlog. However, the huge backlog of a decade ago has been much reduced, and two years ago was reported as just over 40,000 still-undecided cases (Home Affairs Committee, 2013). Another area afflicted with slow decision-



making is for Section 4 support: in Manchester, for example, almost half those awaiting support have been destitute for two years, and one in ten for ten years (Red Cross and Boaz Trust, 2013). The Public Accounts Committee recently criticised the Home Office's decision-making and pointed out that it had lost 120 of its most skilled staff through reorganisation (Public Accounts Committee, 2014). Slow decision-making can affect longer-term migrants, not just recent ones.

- Discrimination: people may have (or be entitled to) regular immigration status but have been denied services through discrimination.
- Trafficking: this is 'the acquisition of people by improper means such as force, fraud or deception, with the aim of exploiting them'. Exploitation may be work-related, sexual or financial, and often involves stealing documents.
- Loss of job: enforcement action aimed at employers/employees can result in people losing their job and the ability to support themselves. Being dismissed where the visa is tied to a specific job has the same effect.
- Health needs: most migrants vulnerable to destitution have experienced trauma either before they left their home country, on the journey here or because of the marginal situation of most asylum seekers and other poorer migrants until they resolve their status in the UK. For many, this brings an enormous cost in ill-health, including mental health problems, that makes them more prone to losing documentation and/or less able to rectify their status.

## How can being undocumented lead to destitution?

Most destitute migrants from outside the EU are likely to have (or be perceived as having) 'no recourse to public funds' (NRPF – discussed in more detail in Section 4). Most are also barred from employment, either because their asylum claim has been rejected, they have overstayed a visa or their immigration status is irregular or undocumented. Some have simply lost their documentation or have no access to it, but could stay legally or claim British citizenship if they had access to appropriate immigration advice. The ways in which third-country nationals can become undocumented, destitute and then actually on the streets over a period of just a few months was illustrated by the well-publicised case of Sierra Leone athlete Jimmy Thoronka, found sleeping rough in London in March this year (see [www.theguardian.com/uk-news/2015/mar/10/jimmy-thoronka-sierra-leone-athlete-offers-help-arrest-visa-homeless](http://www.theguardian.com/uk-news/2015/mar/10/jimmy-thoronka-sierra-leone-athlete-offers-help-arrest-visa-homeless)).

Restrictions placed on people with NRPF limit their options to sofa-surfing with family or friends, or looking to charities or faith-based and humanitarian agencies to meet basic needs including food, clothing and shelter, at no charge. Migrant communities themselves are usually the main source of support. Some people support themselves by working, albeit illegally. But all these arrangements can be fragile and end at short notice, with those affected having no or very limited resources to avoid destitution, and at the same time being denied access to conventional hostels which make charges on the assumption that clients have access to benefits.

Many migrants facing destitution move on and off the streets for short periods of time, possibly between spells in and out of work, the hospitality of friends and family or insecure housing provided by 'rogue landlords' or in 'beds and sheds'. Others become entrenched rough sleepers. Undocumented migrants who are rough sleeping or insecurely housed are inevitably at high risk of exploitation by people traffickers and/or employers, including severe forms of labour exploitation, as illustrated by Ranjit's case below. Women like Ranjit are often reluctant to return home for fear they will shame their family or be subject to abuse by their husband's family.

## Ranjit's story of how she arrived in Britain

Ranjit arrived in 2007 and was regularly beaten by her husband. After several months, the neighbours heard her screams and called the police. Because she had no recourse to public funds she was unable to stay in a refuge. Instead she lived in hiding with a distant relative and worked illegally in a sewing factory to pay for her upkeep. Like many women in her position, Ranjit is too frightened to access services or to tackle her employer:

'I don't know anything about accessing services. I have to be careful who I talk to just in case they start asking too many questions.

'The boss pays me less than the other women working there. He knows he can get away with it. I'm illegal; what am I going to do? He's already threatened to report me to the authorities if I don't do what he wants.'

Source: Phillimore, 2012

For asylum seekers, destitution can occur at all stages of the asylum seeking process, from initial application to gaining refugee status. A number of studies (including official inspection reports (Vine, 2014)) have shown that asylum seekers can be at risk of destitution because of administrative errors, procedural delays and the quality of decision-making. But even refugees who have been granted status can suffer from delays in their paperwork which mean that while they have lost access to asylum support they cannot yet gain access to normal benefits, homelessness help, etc.

Refused asylum seekers appear to be the largest group experiencing destitution. Some can get emergency support through Section 4. This provides accommodation and very limited subsistence via a payment card (currently £34.39 per person per week), and is only paid to people who have made a fresh claim or otherwise reopened their case, or cannot travel immediately (but have signed up for assisted voluntary return), or have no safe route home. However, many may not want or cannot easily get this support. There are strict criteria and applications may not be resolved quickly, so eligible people may still be destitute for lengthy periods when making a claim. An added twist is that from February fresh claims have to be made in person in Liverpool; the cost and difficulty of doing this are likely to result in fewer applications and even more destitution. More information is available from the Asylum Support Appeals Project (see [www.asaproject.org/wp-content/uploads/2013/03/fs2.pdf](http://www.asaproject.org/wp-content/uploads/2013/03/fs2.pdf)).

## What does destitution mean to those affected?

The case histories in Section 6 give 14 example situations faced by migrants that can result in their becoming destitute. The aim is to bring to life the ways in which immigration rules and life circumstances combine to cause destitution, and what the routes out of it might be. Here are three brief examples, the first involving trafficking, the second a man unaware of his rights and being exploited by his employer, and the third mental health issues. Some names have been changed.

### **Ariana's story of how she arrived in Britain**

'A friend of mine in Albania told me that there is work in the UK. The work paid really well, he made it sound really fun and the money was good too. He told me that I would be looked after, I would be provided with a place to stay, there was no rent to pay.

'It sounded too good to be true, life in Albania was hard, there was no work and the pay was low. He got me into the country. You know, through France, we travelled through a lot of countries.

'When I came here, I asked him about the work and he started to beat me and threatened to kill me if I didn't do what he told me. He had me locked up in a house. He would bring men back to the house and force me to sleep with them. One of the men I slept with helped me to run away.'

Source: Phillimore, 2010

### **Hassan, a refused asylum seeker from Iran**

Hassan arrived in 2008 and claimed asylum on arrival. He was housed in NASS accommodation in Liverpool but a few months later his claim was refused, he was told to leave the UK and his accommodation was withdrawn. Hassan moved to London and got occasional work in a restaurant, supporting himself for several months, but eventually the work dried up. He eventually found himself sleeping rough. His mental health deteriorated and he started to have flashbacks about traumatic events he experienced in Iran.

Hassan regularly accessed a number of day centres for homeless people but his English was poor and no detailed assessment of his situation was carried out. Eventually he was signposted to a specialist service for asylum seekers and refugees. The caseworker who saw him was able to refer him to a mental health service and a solicitor who took a detailed case history submitted a fresh claim for asylum and for Section 4 support.

While waiting, Hassan was referred to a faith-based accommodation project specifically for single male destitute asylum seekers, but with little experience of dealing with mental health issues. Ultimately Hassan's support needs grew and he was asked to leave. With no other options he returned to the streets and did not keep up his appointments with the mental health service. Finally, 13 weeks after the Section 4 application was made, it was approved and Hassan was dispersed to Cardiff to await the outcome of a fresh claim for asylum.

## Mr Lima and how he returned to Brazil

Mr Lima is a professional welder from Brazil in his late 50s. He left home to work in Europe six years ago, first in Italy and then the UK. Hampered by poor English and by lack of evidence of his skills he worked at a variety of jobs and began to send money home. Last year he worked for a restaurant owner and was paid cash in hand, only £4.50 per hour even though he expected to be paid £6.50. After a year he fell out with the employer over the conditions and lack of correct pay and asked for what he believed he was owed. The employer refused. Mr Lima lost the accommodation that came with the job, but stayed temporarily with people he knew in the Portuguese community and was awarded Jobseeker's Allowance (JSA). He paid a solicitor to prepare for an employment tribunal, unaware that he may have been eligible for free legal aid. A court date was set but when he was unable to pay a further fee he lost his solicitor.

Eventually Mr Lima became homeless and was referred to the Robes Project's winter night shelter. His JSA claim was discontinued due to the recent welfare reforms. He did not pass the habitual residency test and a request for a reconsideration failed. He again tried to take his former employer to court, after which he said he would be ready to return to Brazil. A volunteer agreed to accompany him to court as an observer and give moral support. Surprisingly, at the court, the judge invited the volunteer to speak and to question the employer. This led to the employer being ordered to pay unpaid wages and court costs totalling about £4,800.

The employer only paid half the amount but to avoid a protracted process the Robes Project drew up a deed of assignment allowing it to pay Mr Lima what he was owed, leaving it to the charity to recoup the debt. Six weeks after the winter shelter closed, Mr Lima returned to Brazil with his earnings and was reunited with his family.

Source: Robes, Shelter Adviser

## How many migrants become destitute?

Evidence about how many migrants become destitute is uncertain, incomplete and often out of date. JRF has commissioned research from Herriot Watt University to define and enumerate destitution among all groups, including migrants, across the UK. The material below draws in part from the interim report (Fitzpatrick, *et. al.*, in press).

Until this research reports in full, there are three main types of study which provide some indication of the scale and causes of destitution, covering undocumented migrants, rough sleepers and asylum seekers.

### Evidence of numbers of undocumented migrants who are 'at risk'

While undocumented people are at risk of destitution, by no means all of them will be destitute as many will (for example) be in informal work or otherwise hidden because of their reliance on friends or family. However, estimates of numbers of undocumented migrants would (if reliable) give an indication of the overall section of the migrant population that is at risk of destitution.

The most-quoted evidence about overall numbers of undocumented migrants is from a London School of Economics study commissioned by the Greater London Authority in 2007 (Gordon, *et. al.*,(2009). It assessed the total of undocumented migrants as 618,000 across the UK, with two-thirds being in London. This was the central estimate of a range from 417,000 to 863,000, which shows the uncertainty of the estimate. Unfortunately it is now out of date for a number of reasons:

- it included a large number of outstanding asylum cases which have subsequently been dealt with;
- many East Europeans who were undocumented would have become entitled to freedom of movement as EEA citizens from 2004;
- about two-thirds of the total were judged to be potentially able to regularise their position, in many cases because of their length of time here;

- at the same time, numbers of other undocumented migrants are likely to have increased.

While the (high) national figure from the LSE study may have fallen significantly, it is likely that the large numbers in London have declined less, because the asylum seekers affected by the backlog were more likely to have been outside London as a result of dispersal. And, of course, more people have been arriving in the meantime and become undocumented as well.

## Rough sleeper studies

Rough sleeper studies only cover those destitute migrants who are on the streets, and not those who are sofa surfing or otherwise destitute. The reasons for migrant rough sleeping to some degree overlap with those applying to UK-born rough sleepers, but with added dimensions such as no recourse to public funds (see below for more detailed explanation), no access to welfare benefits and no right to work.

For several years St Mungo's Broadway CHAIN system (a multi-agency database which has recorded information about rough sleepers in London since 2010 see <http://data.london.gov.uk/dataset/chain-reports>) has included nationality data. In 2014/15, 7,581 rough sleepers were recorded, of whom the vast majority were either UK nationals (43 per cent) or of other EEA countries (45 per cent, of whom more than three-quarters were from Central and Eastern Europe). The remaining 1,010 cases (13 per cent) were nationals from countries outside the EEA or of unknown nationality, predominantly from Africa (5 per cent) or Asia (4 per cent). There are uncertainties around the data, which have to be used with caution, although the nationality make-up of rough sleepers has been consistent over a run of years. Also, while undocumented status is likely to be a significant factor, the information is not collected and many non-EEA rough sleepers are known to have *regular* immigration status and have simply become homeless. CHAIN-equivalent information is not available for the rest of the UK, although in areas in England where the No Second Night Out initiative is being rolled out analysis by Homeless Link showed 75 per cent of rough sleepers to be UK nationals (Homeless Link, 2014).

## Asylum seeker surveys

Still Human Still Here (the coalition of groups that campaigns against the detention of asylum seekers) believes the likely total of refused asylum seekers still in the UK to be around 50,000–100,000. Many local studies of destitution, usually focused on asylum cases in or near dispersal areas, have shown significant numbers being helped. These cases, even though they are destitute, may not show up in local rough sleeper studies as asylum seekers and other migrants may want to avoid contact with authorities and/or avoid sleeping openly on the streets because of fear of racist attacks.

Two examples of recent studies are:

- Greater Manchester, where it was estimated in 2013 that 300–400 destitute asylum seekers are helped weekly by various agencies (Red Cross and Boaz Trust, 2013);
- Nottingham, where a 2012 study found 76 destitute asylum seeker households, including 26 children, in the course of a month (Citizens for Sanctuary, 2012).

Unlike CHAIN, these tend to be one-off surveys, often aimed at drawing attention to problems rather than systematic monitoring of them. They are also likely to use their own varying definitions of destitution. However, two studies have collated national-level data by recording the incidence of destitution among clients of local advice agencies for asylum seekers and refugees. The first in 2007 found more than 40 per cent of advice requests came from destitute people (1,524 requests over one month) of whom over half were refused asylum seekers. The second (2008) gave similar proportions relating to 1,972 requests in a single month (Smart and Fullegar, 2008; Smart, 2009). (Both reports suggest dividing the figures for visits by 2.5 to arrive at an estimate of the numbers of actual cases in one month).

Destitution tends to be a long-term condition for former or refused asylum seekers, with many local studies showing that it can last for many months or even several years. One strength of local studies is that some identify cases where the person is destitute but not sleeping rough (see definitions on page 2).

## What are the wider effects of migrant destitution and how much does it cost?

Obviously, given the difficulty of arriving at figures for numbers of destitute migrants, quantifying their impact and assessing the costs they place on services is very difficult. This is not least because of variable entitlement to services, although even those subject to NRPF still have access to some services (such as the NHS and criminal justice).

Local authorities incur costs under Section 17 of the Children Act in supporting families who have no recourse to public funds if the children are destitute. A recent study identifies a significant increase in these costs partly as a result of more families being given leave to remain but with an NRPF condition. It reports that in 2012/13, an estimated 3,391 NRPF families were supported by local authorities under Section 17, including 5,900 children, a 19 per cent rise on the previous year, at an estimated total cost of £28 million; 61 per cent of the families were in London (Price and Spencer, 2015).

Health or local authorities may also have to support migrants who have NRPF and high care needs under Section 18 of the Care Act.

A government study into the feasibility of financing interventions with rough sleepers via social impact bonds concluded in 2013 that the annual cost of services per rough sleeper was around £20,000 (see [http://data.gov.uk/sib\\_knowledge\\_box/london-rough-sleeping-social-impact-bond](http://data.gov.uk/sib_knowledge_box/london-rough-sleeping-social-impact-bond)). This included elements such as housing benefit to which non-EEA migrants may not be entitled. No doubt the study (based on 675 individuals) would have had a different emphasis if it had been aimed at rough-sleeping migrants and particularly non-EEA nationals, but even so it gives an indication that there can be significant public costs associated with destitution, quite apart from the effects on the individuals themselves. Ignoring migrant destitution is not therefore likely to be a cost-free option.

## Conclusion

There are many reasons why people may end up undocumented and destitute, or at risk of destitution, in the UK. The case histories in Section 6 were developed in consultation with a number of frontline agencies and seek to bring to life the range of circumstances which can result in people becoming destitute because of no recourse to public funds restrictions – or assumptions that these apply.

Most people will have entered the country legally and some may even have been born in the UK but they or their families have failed to regularise their status or have lost key documents. A large proportion will be asylum seekers whose applications have failed but who may still have the possibility to appeal or submit a fresh claim. In spite of some improvements over recent years, the Home Office is frequently held to account for poor and slow decision-making in asylum and immigration cases and access to advice and immigration representation is extremely limited.

Many migrants, including asylum seekers and those who have been trafficked, will have experienced abuse and trauma preceding and during their journey to the UK and this may continue following arrival. Return or reconnection may simply not be possible and should be explored through expert and trusted advice and support.

Information about numbers of destitute non-EEA nationals is extremely poor. Not all undocumented migrants will be destitute but such estimates provide a notion of the at-risk population. The most recent national study of undocumented migrants is now out of date, but there will be new evidence in forthcoming JRF work. In the meantime, local studies give some indication of numbers of destitute asylum seekers in areas of dispersal, as well as non-EEA nationals who are rough sleepers – for example, this is around 21 per cent of the rough sleeping population in London according to CHAIN data for the first quarter of 2015. Even these rough sleepers, with their limited entitlements, are likely to have a potentially measurable and significant cost to public services.

# 3 Legal issues affecting services to destitute migrants

Organisations that have not so far worked in this field have sometimes told us that they believe there are legal challenges in working with destitute migrants, or risks to doing so. The legal opinion obtained for this report is reassuring on the four main areas where there might be legal question marks.

## Working with those with ‘no recourse to public funds’

Legal opinion emphasises that the rule about no recourse to public funds (NRPF) derives solely from the ‘public funds’ restriction in the immigration rules, which is very strictly defined. In terms of the issues relevant to this report, the main items within its scope are means-tested welfare benefits (including housing benefit), disability and child benefits and eligibility for a housing allocation by a local authority or for statutory homelessness assistance. Allocation by a housing association is not covered if it is outside a local nomination scheme (i.e. if it is not in discharge of a local authority duty).

Nothing else constitutes ‘public funds’. For example, support provided for rough sleepers, including undocumented migrants, via the Homelessness Transition Fund (HTF – DCLG funding for more sustainable ways of delivering the NSNO objectives), is not ‘public funds’. A housing association granting a tenancy from its own waiting list is not counted as use of ‘public funds’, although of course the tenant may not be eligible to claim housing benefit. Immigration law does not therefore bar assistance to those subject to NRPF beyond what is included in the ‘public funds’ limitation itself.

The NRPF limitation also applies only to the person subject to immigration control themselves, not other persons, trusts, companies or other entities which fund or provide accommodation for that person. So the fact that (say) a housing association has had a government grant to build or renovate a property does not in itself mean that the property could not be occupied by someone with NRPF.

In the context of this report, the NRPF limitation applies to five main types of migrant:

1. Non-EEA nationals given leave to enter or remain in the UK on the basis of NRPF. This applies to a range of people including students and visitors. In the context of this report it particularly applies to non-EEA nationals who are in the country legitimately but with limited leave to remain, for example as the spouse of a British national. If their lives are disrupted (e.g. a spouse leaves home because of domestic violence) they remain with NRPF unless their status can be changed.
2. Most asylum seekers do not formally have an immigration status until their case is successfully resolved and so they are not subject to the formal bar on recourse to public funds attached to a grant of leave. However, they are excluded by the regulations governing access to local authority housing and homelessness services and (in most cases) from welfare benefits. They can apply separately for accommodation and support from the Home Office under asylum legislation. Those whose applications are approved and are given leave to remain as refugees are no longer NRPF but may experience lengthy delays before they have the paperwork that entitles them to benefits and this may impede access to housing as well and so leave them effectively destitute until this is resolved. Those whose applications are refused may be able to access Section 4 support.
3. Migrants who require leave to remain in the UK but do not have it or cannot prove it (i.e. are ‘undocumented’, see above for the various reasons) again are not formally included in the group with ‘no recourse to public funds’ but will not be able to claim benefits or apply for local authority housing or homelessness services because they cannot provide the evidence that they are eligible for them.
4. Similarly, British citizens who lack documentation which proves their status will find it difficult or impossible to get welfare benefits or local authority housing services, and since January 2014 many



new arrivals in the UK (including British citizens) are barred from core means-tested benefits for three months.

5. Some other cases, such as people given leave to remain because of long-term residence in the UK or non-EEA nationals with carer responsibilities for a UK child, where the person has leave to remain or a right to reside is either with NRPF or is explicitly excluded from benefits and/or housing eligibility.

It can therefore be seen that the main implications of NRPF arise from the fact that it debar access to statutory housing provision and to housing benefit, and therefore poses the problem of how accommodation will be paid for. But it does not in any way limit organisations' abilities to help these categories of migrant in other ways.

## Assisting undocumented migrants

A second overarching legal issue is whether it is lawful to help people who themselves are not lawfully present in the UK. Legal opinion stresses that, while there is an offence of aiding and abetting unlawful immigration, the criminal law does not prevent persons or organisations from giving assistance to undocumented people, providing that their object is clearly a charitable one of alleviating destitution or meeting other basic human needs.

In addition to helping destitute migrants, it is an ongoing theme of this report that it is also important to help them to remedy their undocumented status and that having stable accommodation is a vital part of this. Legal opinion is that if a body providing accommodation to a destitute person does it so they have a fixed address for a period and hence are in a better position to remedy their immigration status or make decisions as to return, they also strengthen their legal case for giving assistance in the first place.

Most organisations who assist destitute migrants expect them to have some prospect of remedying their status. But what happens to those who 'reach the end of the road' and have no right to stay in the UK? The options are severely limited (and include 'reconnection' – an organised voluntary return). (The relevant page of the housing rights website [www.housing-rights.info/advising-people-who-are-destitute.php](http://www.housing-rights.info/advising-people-who-are-destitute.php) gives more guidance on options) Any assistance at this stage should therefore be clearly on the basis that it is aimed at alleviating destitution, not helping them to avoid complying with the law.

## Meeting the requirements of 'right to rent'

The need for certain landlords to check a tenant's 'right to rent' is established in the Immigration Act 2014, which currently only applies in five areas of the West Midlands but is likely to be extended. Given that the express purpose of the Act is 'stopping illegal migrants using public services to which they are not entitled' and making it easier for the Home Office 'to remove people who should not be here', it might be expected that it would impose limitations on the ability to help undocumented migrants.

In practice, however, the legal opinion offers reassurance that, even if the scheme is rolled out nationally, it is unlikely to pose significant issues for providers because:

- it only applies to tenancies and other arrangements that involve payment of rent or equivalent, and most of the charitable or faith-based, schemes for undocumented migrants discussed in this report do not charge rent;
- if they charge for other services (e.g. food, legal advice) or the occupiers make payments in kind (e.g. assisting with maintenance) they are not brought within the scope of 'right to rent' as long as it is clearly stated that the payments are *not* in return for the right to occupy the premises;
- some categories of accommodation, such as hostels and refuges, are in any case excluded from 'right to rent' requirements;
- where a body such as a housing association provides a property that is managed by agreement by another body (e.g. a charity), the second body becomes the landlord under 'right to rent' and no obligation is put on the property owner.

There are some limited risks associated with particular types of scheme, identified in Section 4. However, in general the legal opinion indicates that the 'right to rent' poses few problems for providers.

## Meeting the requirements of charity law

Individuals with no recourse to public funds who lack housing and employment and/or are destitute are a class of beneficiaries that charitable foundations can readily support in furthering their objects – particularly if those objectives (as most do) advance all charitable purposes or specific ones such as relief of poverty, provision of housing, relief of need, promotion of migrants' human rights or the support of refugees.

A charitable foundation's assets are not 'public funds' for the purpose of immigration law and charitable foundations can aid, assist or benefit individuals who have no recourse to public funds.

Charitable foundations can fund projects which help destitute migrants through the provision of food and services such as financial support, counselling and advice and – subject to the Immigration Act 2014 (see below) – accommodation.

The provision of refuge accommodation for those who have been subject to abuse (widely defined) is exempt from the Immigration Act 2014, if not operated on a commercial basis and if funded in part by a government department or agency, or by a local authority. A charitable foundation can also grant fund the provision of accommodation and not be caught by the Immigration Act 2014 civil penalty regime.

The Act places no further restrictions on the provision of food, clothing, financial assistance, advice, counselling and training and other services to migrants with or without status, provided that they are either free of charge or that any payment for such services is not expressed to be in lieu of rent.

In funding projects to assist destitute migrants, trustees of charitable foundations should have regard to their duties as trustees, but should not feel that a more onerous burden is placed upon them. In fact charitable foundations are often in a better position to help destitute migrants than statutory agencies or commercial providers. Although there is a criminal offence of assisting unlawful immigration, it is the legal opinion that charities offering food, money, services or accommodation to relieve the destitution or degradation of persons unlawfully present in the UK, will not be liable.

## Conclusion

Many organisations not already working in this field may fear that there are legal challenges or risks to doing so. The legal opinion obtained for this report is reassuring on the four main areas that might raise legal question marks:

- the rule about 'no recourse to public funds' is very strictly defined and throws up problems only in relation to access to housing benefit and access to statutory housing provision;
- criminal law does not prevent persons or organisations from giving help to undocumented people providing that their object is clearly a charitable one of alleviating destitution or meeting other basic needs;
- the need for certain landlords to check a tenants 'right to rent' under the Immigration Act 2014 currently applies to only five areas of the West Midlands and even if extended any limited risks to charities and other engaged in helping destitute migrants can be overcome;
- individuals with NRPF who are destitute are among the beneficiaries that charities and charitable foundations should be keen to support where doing so furthers their charitable objects, and their assets are not 'public funds' for the purpose of immigration law.

# 4 Improving advice and support services for destitute migrants

## What services are currently available?

Access to specific services for destitute migrants is extremely limited and many people end up relying on their own informal community networks. This section focuses on interventions needed in addition to accommodation, which is covered in Section 5.

The more established asylum and refugee agencies – some national and some regional (for example the Refugee Action and Refugee Council) – provide specific advice and drop-in services but these have been severely reduced by changes in policy, commissioning practice and public spending cuts. Since asylum dispersal was implemented and expanded in 2000 a network of drop-in agencies has grown in dispersal localities but they too are struggling to meet demand. The British Red Cross provides services in 48 places which at least meet basic needs and many provide advice too. More established advice and homelessness agencies do not appear to play a significant role in this area although this varies from place to place. For non-asylum seeking migrants access may depend on which communities they come from and how far local services are attuned to their needs. However, one of the biggest gaps is in immigration advice, advocacy and representation, and there is little strategic work at local level to co-ordinate the holistic response that destitute people need.

## Cuts affecting advice and support services

Since 2010, a range of cuts have affected advice provision and support services for migrants faced with destitution. For example:

- The Migration Impacts Fund, financed from additional visa fees, was closed in 2010 and many advice/support projects ended (it supported 194 additional local services or projects in the year before it closed).
- The Refugee Integration and Employment Service was ended in 2011. This reduced regional advice services available to refugees undergoing the transition process.
- Funding from the Home Office for the regional Strategic Migration Partnerships is now more limited making it difficult for them to do broader migrant integration and support work unless councils co-ordinate their own investment – fortunately many have continued to do so.
- Local authority spending cuts have drastically affected advice services. For example, in London they are shrinking both due to cuts by individual local authorities and the ending of the London Councils Grant Scheme (Migrants' Rights Network, 2011).
- Re-letting of the Home Office asylum accommodation contracts exclusively to private contractors from 2012 brought an end to a wide range of wrap-around services in dispersal areas that were previously funded from contract payments (JRF, 2013). While these were developed to support asylum seekers, many (e.g. those in Bolton, Glasgow and Newcastle) took on a wider integration role in communities with high proportions of migrants.
- Changes in Home Office arrangements for asylum support in 2014 have led to widespread reports of greater limitations in outreach and face-to-face services for vulnerable and destitute asylum seekers who may be able to claim Section 4 support, leaving many people who need immediate help without it, perhaps for days or weeks, or even not getting it at all (Petch, 2014).

## Changes in legal aid and legal advice services

Legal aid funding has been substantially cut from 2010 onwards and its scope in immigration cases is severely reduced, leaving very little legal aid for immigration cases. Only cases involving asylum, domestic violence or trafficking are fully 'in scope'. Even asylum cases are subject to caps on the funding available for routine cases, and 'merits tests' which may discourage providers from taking on cases which have been refused, because they risk not getting paid. Many places have become legal aid deserts for migrants because fewer reputable legal providers are offering immigration advice supported by legal aid (Singh and Webber, 2010) and there are few other advisers offering free or reasonably priced services (immigration-related legal advice is regulated by the Office of the Immigration Services Commissioner). 'Exceptional case funding', intended to provide aid in cases where it should be available to comply with human rights law or EU rights, is very difficult to access and is therefore reportedly not working because practitioners will not take the risk involved. For those who have been refused asylum, a significant barrier is obtaining the legal opinion on whether they could make a fresh claim, which is complex and time consuming and many legal advisers cannot take it on (and it is not covered by legal aid).

For many people who have become destitute or whose previous case has failed, the need to secure and order documentation is an impossible task to take on alone and can involve case workers in hours of research and complex tracking work. Such painstaking but necessary work exceeds the amounts covered by legal aid even where the case is in its scope.

Many people therefore end up using poor quality and often exploitative private firms, lightly regulated advisers and unregulated illegal services which may provide poor quality advice, have opaque charging structures and even suggest that people use pre-prepared stories. All this reduces the chances of success, and even good practitioners may drop cases once the money runs out, leaving their clients without time to find alternative help and having to represent themselves. Referrals may be by word of mouth, via community networks (which may be effective guarantors of good services or may be part of the problem either because of lack of knowledge or because of hidden links to providers) or via touts. There is some evidence that people are charged by unscrupulous operators for services that should be offered free, via legal aid or organisations funded to do so.

## Do advice services reach those who are homeless and sleeping rough?

Until recently many homelessness agencies failed to address the specific needs of non-EEA nationals who are destitute and tended to use strategies developed for EU migrants, such as early and unmediated contact with the Home Office and 'reconnection'(arranging for them to return home). For undocumented migrants, this is likely to be a severe deterrent to seeking help as return is simply not an option, and in any case needs to be explored alongside good quality immigration advice, which is hard to obtain.

Homelessness agencies conventionally resolve cases by getting people 'off the streets', but most hostels require them to have access to benefits. Only with prior immigration advice can the barrier of NRPF be removed. But challenging an immigration decision and/or regularising one's status is a lengthy process and can be extremely difficult without stable accommodation (and an address), food and clothing, and funds for travel/telephone calls. Third-country nationals and the homelessness agencies which help them therefore face a chicken and egg situation. This is the conundrum for rough sleeping or insecurely housed migrants with uncertain status.

At the same time, experience suggests that with access to accommodation and help with other needs, plus good quality legal advice, many destitute migrants could regularise their immigration status. For others, supported return remains an option. Fortunately, some initiatives are now being taken to help destitute migrants resolve their immigration status under the banner 'Street Legal'. These are discussed below.

## Significant interventions needed to improve provision

Of all the areas where better services are needed, accommodation is of primary concern to JRF and is therefore dealt with in more depth in Section 5. But in its scoping work JRF identified seven other significant needed areas of intervention to address migrant destitution, in addition to provision of accommodation:

- Better data – about numbers and needs to inform planning and provision.
- Better immigration advice and legal representation – ensure routes out of destitution by helping people to regularise their status including case work, advocacy, second tier advice and legal representation.
- Addressing subsistence needs – provide the basics needed in life including cash, food, toiletries and clothing.
- Addressing support needs – make sure that appropriate support is available; for example some asylum seekers may have post-traumatic stress.
- Engaging with migrant community groups – support and improve the critical role played by informal migrant networks in advising each other, making referrals to services and providing subsistence support and a bed for the night.
- Strategic alliances and joint working – develop more effective use of resources including a better evidence base and data on replicable practice models, mapping, strategic development, consultation, training and awareness, capacity-building and co-ordination across sectors.
- Gaining official recognition and ownership of the problem – convince central and local government to take some degree of ownership of the problem and to recognise the role it needs to play, for example in commissioning, if solutions are to be found, as well as wider policy changes in some areas, such as the asylum system.

These are discussed below.

### Better data

The information available about numbers of destitute migrants is covered in Section 2. However data is very poor. A concerted effort to improve information about this group is required to underpin strategic planning and delivery of appropriate service models. A working definition of destitution has been developed in a JRF commissioned study (Fitzpatrick *et al*, in press) and the final phase of this will enumerate destitution. This could provide a framework for groups to develop better monitoring systems at local level to inform service development and influencing work.

### Better immigration advice and legal representation

Good immigration advice is essential to supporting routes out of destitution and significant numbers of destitute migrants have not received adequate advice at any stage of the process. There is a dearth of such advice for the reasons explained in Section 3. A constraint to be borne in mind is that, to give any immigration advice, agencies or advisers need to be registered by the Office of the Immigration Services Commissioner (OISC – see [www.gov.uk/government/organisations/office-of-the-immigration-services-commissioner](http://www.gov.uk/government/organisations/office-of-the-immigration-services-commissioner)) or covered by a professional regulatory body as a solicitor, barrister or legal executive. However, this does not preclude any service working with people with NRPF ensuring that it has effective signposting mechanisms in place.

Some services for the target group are being supported but much more effort is needed. An interesting partnership model is currently being established in Scotland, co-ordinated by the Refugee Settlement Trust.

## **Case Study: Refugee Survival Trust and the Destitute Asylum Seeker Service (DASS) Project**

Refugee Survival Trust (RST) is a small volunteer-led charity founded in 1996 providing hardship grants to destitute asylum seekers. It recently updated its registration with the Office of the Scottish Charity Regulator (OSCR) so it could grow and co-ordinate a project to develop some of the recommendations of a 2012 scoping study carried out by Community Info Source (Community InfoSource, 2013).

The DASS project is a partnership of agencies in Glasgow that works with refused asylum seekers who are 'all rights exhausted' (ARE) by reviewing their legal case and supporting those with new evidence to prepare a fresh claim. Its core service is as an advice and legal project although accommodation is one of the needs which have to be met to fulfil its objectives.

DASS has received a significant grant from the Oak Foundation to test its model with support towards running costs and staff, including a project manager based at RST and 2 OISC trained staff – a destitution adviser based at the Scottish Refugee Council and a supervisor at the Strathclyde Law Clinic. The destitution adviser carries out a holistic assessment with all referrals, which includes an explanation of the reasons for refusal, and then explores the grounds and potential for a fresh legal submission. Cases with new evidence are referred to the Strathclyde Law Clinic for further investigation.

Each referral is assessed by the law clinic supervisor, and in-depth research to build a strong legal case is carried out by 2 of the 16 fully trained legal volunteers, who are all law students. Finally, a legal panel made up of two leading immigration lawyers providing free support, will decide if the case is strong enough to be submitted.

The DASS project has only just started delivering its service but plans to work with 130 clients a year with more than 50 per cent referred to the law clinic. A minimum of 30 fresh claims a year is the target although the project wants to deliver beyond this.

Through the holistic assessment, all DASS clients will be supported with their physical and mental health needs, including signposting to community facilities and specialist services. A number of Glasgow's integration networks provide food parcels, hot meals, toiletries and clothing. Links have been established between the DASS project and the NHS trauma assessment team as the necessity for clients to reveal difficult events as part of their fresh asylum claim may trigger a mental health crisis. Clients will also benefit from high-quality legal advice which will clearly explain their legal options. For some, this will mean support to make a fresh asylum claim. For others, it will mean confirmation that they have no legal case and that other options need to be considered.

DASS clients are initially offered a place in a night shelter and then, while their case is going through the law clinic, temporary accommodation in a shared flat. It is estimated that the process will take between two weeks and five months. A 15-bed men's night shelter is provided in a church in a central location and it is hoped that a smaller facility for women will open in the near future. Two flats offering eight places for women have been donated to the project and a partnership with a local church has made available a four-bedroom flat for men. Volunteers provide practical support such as delivering weekly food parcels and helping with GP registration. The project provides support with travel costs so that clients can attend appointments with the destitution advisor and law clinic.

The following providers and models exist or are emerging in England; most are described in Models of Immigration Advice, Advocacy and Representation for Destitute Migrants, Focusing on Refused Asylum Seekers (Clayton, in press).

- Registered for-profit immigration advisers – they charge fees and some are very good, but some operate strictly as commercial bodies, and so take a minimal approach, doing little to spot opportunities, move the case forward, or support clients to gather their evidence and documentation; they stop work when the money runs out.

- Community groups – as with all groups in the population, migrants get a good deal of advice and support from within their communities, or they may be signposted by them to immigration advisers when they arrive or get into difficulties with their status; all of these can be of variable quality, ranging from excellent to poor (e.g. charging for help with applications but then not doing them very well). As official services contract, community groups may feel the need to do more and tackle complex cases that are beyond their skills. There is therefore a real need to develop models which draw communities and their supporting organisations into a more strategic approach to advice-giving. Various models are being explored including information sessions, group work and peer-to-peer advice. But this is difficult territory and needs significant development and ongoing support as well as a ‘bottom-up’ approach. However it can be cost-saving and preventative, and reflects the reality of what is happening.
- Solicitors specialising in immigration – the cuts and changes to legal aid mentioned above have reduced many people’s access to immigration legal advice. Some excellent firms offer paid-for advice, and some offer limited free (*pro bono*) work, but solicitors can also be of variable quality. Two immigration lawyers and an intern based at the Cardinal Hume Centre in London are funded by the Oak Foundation to work with those who come to the centre and who have unclear immigration status (see <http://togetherforthecommongood.co.uk/case-studies/articles/cardinal-hume-centre.html>).
- Law centres etc – a few vibrant and committed law centres have retained a specialism in immigration advice and are developing innovative partnerships with community groups and charities, as well as taking test cases. Some have developed social enterprises to offer good quality, good value advice in areas like immigration that are now out of the scope of legal aid. Some are providing second tier advice to non-specialist agencies: Southwark, Islington, and Lambeth law centres have been piloting specialist support to the homelessness sector in London with funding from the London Housing Foundation. For example they have been an important part of the Street Legal project (see below) and Lambeth provides immigration advice sessions at West London Day Centre.
- Advice centres and Citizens Advice bureaux – some have staff who can give OISC standard advice up to level 3 (the OISC has divided immigration advice and services into three levels depending on the type and complexity of the work involved ) but such provision is extremely limited. In many places there is a quite a lot of lower level expertise which may be insufficient for more complex destitution cases, which while they demand a lot of basic advice/chasing up also require the skill to spot and deal with the more complex issues
- Migrant and refugee sector drop-in centres – have developed across the UK often using a lot of volunteers and providing vital services. Many, however, provide a largely generic and social role and are often only skilled enough to complete forms and signpost people although some involve free input from solicitors and others. This role is vital and needs funding as well as links to a higher level of expertise.
- Asylum appeals and complex case work – there is a desperate shortage of more skilled advocacy support for asylum seekers who are destitute, in other ways vulnerable and/or need to make a fresh claim. The current Home Office contract for ‘one stop’ advice and support in the asylum process, which began in April 2014, does not include advocacy support. Refugee Action has developed a preventing asylum homelessness service in the areas in which it works, and is also rolling out its ‘increasing asylum justice’ approach of working with solicitors to make most efficient use of their time in fresh claims work. This approach is also increasingly being adopted by others. There are too few services or the resources needed to develop successful partnerships that can support people throughout the whole process and share learning from the various pilots.
- Representation – the Asylum Support Appeals Project (ASAP) provides an excellent service using 40 lawyers providing their services free for representation in tribunals and court on asylum support claims ([www.asaproject.org](http://www.asaproject.org)). All appeals take place in London but most asylum seekers have been dispersed to other areas. Welfare benefits are also now out of scope for legal aid, and so migrants needing help with specialist representation because they have wrongly been refused benefits because of their status or lack of documentation find it very difficult to access it. Many of these cases may involve discrimination, which remains within scope for legal aid, but expertise in identifying this and advocating on it is patchy and difficult to find.



- Partnerships between migrant support and homelessness agencies – partnerships are beginning to emerge which draw on the expertise of migrant support agencies to provide outreach, training and support services within the homelessness sector including the pioneering Street Legal initiative which is now being developed into a London-wide resource.

## Street Legal – an approach in partnership working

Street Legal (St Mungo's Broadway, Refugee Action, Praxis Community Projects) is a unique cross-sector collaboration to reduce rough sleeping among non-EU migrants in London. Over the last three years two pilots have been funded by the time-limited government supported Homelessness Transition Fund (HTF): initially Street Legal West (SLW) run by Refugee Action working with St Mungo's and latterly Street Legal East (SLE) a partnership between Praxis and St Mungo's Broadway and including input from law centres, in particular Southwark. Westminster City Council has now included immigration advice within its relevant homelessness contracts and as a result a Street Legal worker is based in 'The Connection, the service for homeless people at St Martin-in-the-Fields church in central London' (see [www.connection-at-stmartins.org.uk](http://www.connection-at-stmartins.org.uk)).

Both projects provided access to dedicated expert immigration advice to new and longer term rough sleepers and those hidden homeless who are on the cusp of rough sleeping. The approach involves joint casework management and support to find bedspaces available to migrants with no recourse to public funds.

Street Legal appears to offer a highly promising approach to addressing the needs of non-EU migrants who are sleeping rough in London as it links homelessness hubs and outreach workers directly with immigration advisers, enabling them to prioritise difficult cases and get the detailed advice that is otherwise very difficult to access. This ensures that the resources needed to resolve cases are directed specifically at helping people off the streets and out of destitution. It also gets over the trust barrier whereby people with NRP sleeping out are worried that any contact with outreach teams around their immigration issues will lead to deportation. Migrant support services have the experience to get over this problem.

Street Legal is now being developed into a pan-London resource.

## **Case study: Street Legal East**

The HTF funded two advisers at Praxis, supervised by the advice manager, a housing co-ordinator at St Mungo's Broadway, 10 per cent of the Project Manager's time and an evaluation.

SLE provided second tier assessment and advice to rough sleepers accessing No Second Night Out hubs, the No-one Left on the Streets shelter, the Royal London Hospital Pathway Homeless Team, street outreach teams and selected advice centres in the London boroughs of Southwark, Tower Hamlets and Hackney. It also developed a referral system with them and offered training and other resources about migration.

Of the 149 migrants referred to the SLE service 95 received casework assistance; another 48 received one-off advice or assessment. 66 applications were submitted to the Home Office, of which 15 resulted in grant of Leave to Remain and 14 replacement documents needed to be able to work or claim benefits. 20 per cent of referrals coming from NSNO hubs only required replacement papers for settled migrants in need of proving their right to welfare. Five people applied for voluntary return and a further six from the hubs were advised that this was their only option but refused to take it. Less than ten per cent of the cases were not potentially solvable, with these having no option other than assisted voluntary return (Lukes, 2014).

19 people referred by hubs and street outreach were accommodated during the project as well as benefiting from a weekly hardship grant of £25. The project had some difficulty in securing hostel places, but has continued to develop sources of accommodation for this group.

### **Training and data**

The Street Legal partnership has offered training to managers and case co-ordinators at the hubs, outreach staff and staff from a range of NGOs. It has also identified specific ways in which data collection about this group needs to improve to plan and underpin future work.

### **Further development**

The Street Legal partnership has received development funding from the Future Advice Fund to raise further funds and influence the commissioning of homelessness services to incorporate approaches that address the needs of non-EU migrants effectively. NSNO has made provision for a full-time Immigration Advisor (OISC level 2), ensuring all new rough sleepers with immigration issues have access to advice and casework. NSNO is also developing accommodation of up to 10 beds for non-EU migrants with NRPF. Several London Law centres and Pathway centres (healthcare for homeless people) have become involved in developing the Street Legal approach.

## **Addressing subsistence needs**

In addition to accommodation, migrants with NRPF need the basics in life including cash, food, toiletries and clothing – currently provided by the British Red Cross from its 48 centres for a limited period in each case, and by other community and faith-based networks. A forthcoming report published by the Third Sector Research Centre describes provision of accommodation, destitution funds and other charitable support such as food parcels within the context of three anonymised place-based case studies. It demonstrates the vital contribution but inadequate levels of help with basic needs (Randall, in press).

The Red Cross is also an effective signposter to other services and sometimes provides advice itself. Again, however, subsistence needs are not necessarily linked to accommodation provision and current measures are either time-limited or insufficient or both. It is therefore vital that meeting subsistence needs is an integral part of any strategy.

## **Addressing support needs**

Holistic support which is culturally sensitive and includes help to access other services such as healthcare is vital. Many non-EEA nationals may have experienced persecution, abuse and trauma resulting in post-

traumatic disorders or other mental health problems. Engendering trust and confidence within a therapeutic or psychologically informed environment may be necessary (for more on this see [www.refugeecouncil.org.uk/training\\_conferences/training/complete\\_list/3447\\_the\\_refugee\\_council\\_therapeutic\\_casework\\_model](http://www.refugeecouncil.org.uk/training_conferences/training/complete_list/3447_the_refugee_council_therapeutic_casework_model)).

## Engaging with migrant community groups

Migrant community groups and informal networks are usually the main buffer for destitute people between being 'housed' and being on the streets. They are the first port of call for those without accommodation with many migrants staying for periods of time with different people in their community. They are the main signpost to expertise and other sources of help including immigration advice and representation. They can do this well or badly, particularly given that the few trusted and accessible sources of advice compete with a large number of private immigration advisers and solicitors who work to generate business via their community links, but in many cases then offer a poor service.

Communities are therefore essential contributors to creating effective solutions because of their awareness of migrants' circumstances, especially those of new migrants and all the immediate challenges they face in the period after arriving in the UK. They have the necessary community links and have normally developed a trusted role that even voluntary agencies (let alone more official bodies) struggle to develop.

The role of migrant groups (both those led by migrant communities and those set up locally in support of such communities) was strongly acknowledged in the work of the Housing and Migration Network (now ended). HACT, the housing charity which led the Network, had a range of initiatives to support housing and neighbourhood partnerships involving community groups and their organisations, including a range of accommodation projects (some of HACT's projects still have a legacy in surviving, community-based projects, see <http://hact.org.uk/accommodate>). However, so far few of the recently emerging initiatives that target undocumented migrants have addressed how community networks can be drawn into any strategy. Yet this is a vital aspect to effective prevention work and ensuring that legal expertise cascades through communities who may otherwise depend on inferior advice and advocacy support.

An important obstacle is that the context for engaging with migrant communities is far less positive than it was four or five years ago, because relevant community organisations have been affected by funding cuts by national and local government, with large numbers of groups chasing limited private grant funding and with much-reduced local support arrangements (see Section 3).

Nevertheless, a strategy for helping destitute non-EEA nationals which fails to recognise the role and importance of migrant communities and their community organisations will be an incomplete one, as this is where the majority of people are accommodated and where local advice will be given and referrals made.

## Strategic alliances and joint working

There are a number of initiatives to identify existing provision and the potential for joint approaches, and to attempt to put them in place. Among these are:

- A jointly commissioned study funded by the Homeless Transition Fund (HTF) to define current practice in providing housing and support to vulnerable third-country migrants with NRPF. Led by Praxis, with NACCOM and Housing Justice, the study focuses on describing and categorising current accommodation models for this group and is intended as a tool for other providers, policy-makers, funders and commissioners (Hutton and Lukes, 2015).
- NACCOM, also with HTF funding, has completed a mapping exercise of 29 accommodation projects across Great Britain (NACCOM, 2013). It is now running a series of capacity-building and peer-to-peer learning initiatives funded by the Metropolitan Migration Foundation.
- Housing Justice has mapped provision and tested the potential for greater joint working among faith-based networks, in work commissioned by the GLA (Murray, 2014).

- Future Advice Fund, a collaboration including Comic Relief, the Unbound Philanthropy Foundation, the Legal Education Foundation and the Baring Foundation, has funded a report outlining models of immigration advice provision which are most likely to make best use of limited resources through partnership working, in particular involving organisations whose purpose is to alleviate destitution (Clayton, in press).

There have recently been some promising strategic developments in promoting stronger links and joint working between housing and migration-related organisations:

- A strategic alliance on migrant destitution was formed in June 2014 between the British Red Cross, Homeless Link, Housing Justice, Migrant Rights Network, NACCOM, Refugee Action and Refugee Council. It aims to increase the number of bed spaces or housing units available to destitute third-country migrants and promote integrated pathways out of destitution. It will hold national and local events to build joint working between relevant agencies and develop information resources for practitioners.
- A pan-London approach is being developed following a conference in 2013 led by Refugee Action in partnership with Homeless Link (see <http://londonfunders.org.uk/destitution-%E2%80%93-challenge-destitute-and-homeless-migrants-london>). It will be led by Housing Justice and form a sub-group of the national strategic alliance, incorporating key London players such as Praxis, St Mungo's Broadway, day centres and law centres and potentially local authorities. London Funders, which includes both independent and statutory bodies, recognises that it could play a leading role (see [www.londonfunders.org.uk/sites/default/files/images/15OctREPORTdestitution%20final\\_1.pdf](http://www.londonfunders.org.uk/sites/default/files/images/15OctREPORTdestitution%20final_1.pdf)).
- London Hosting is a small network of organisations developing hosting across London. It is supported by Housing Justice and Praxis which refers guests to London Hosting hosts (see [www.praxis.org.uk/preventing-destitution-page-59.html](http://www.praxis.org.uk/preventing-destitution-page-59.html)).

Clearly, while all are valuable in themselves, the test of these alliances and initiatives will be whether they lead to action which will deliver on the scale required. To have impact, this is needed at national and local levels, and outside as well as within London. It also requires sustainable solutions and therefore requires more than one-off funding, valuable though this can be to get things started.

## **Gaining official recognition and ownership of the problem**

There is an obvious difficulty in getting proper recognition of the migrant destitution problem in the present climate, not least because NRPF is an explicit government policy which has been in place (although expanding in scope) for many years. However, many of the cases of undocumented migrants are resolvable, meaning that people with NRPF and who are destitute are not so as an inevitable consequence of their falling outside the restrictions on entitlements, but because of loss of documentation, bureaucratic failures or delays. In addition, insofar as there is pressure on government to deal with the difficult to quantify (and therefore easy to exaggerate) number of 'illegal' migrants, this could be turned into action to resolve cases and regularise the status of undocumented people, provided there was also proper recognition of the resources needed.

It is noteworthy that the legal opinion obtained for this report considered that bodies that tackle destitution affecting migrants who do not have a legal right to be in the UK could usefully clarify their position by ensuring that their objectives include the aim of helping to bring the unlawful position of those migrants to an end, either simply by providing them with a fixed address while they resolve their claims or possibly by also helping them to access appropriate advice services.

The gap in this field which results in migrant destitution has already received some government attention, with several initiatives being supported through the Homeless Transition Fund (HTF). These have included immigration advice (see Street Legal above) and accommodation (St John of God Hospitaller Services delivering bed spaces in London), and Assist in Sheffield accommodating destitute asylum seekers. The HTF funded a NACCOM mapping exercise and the study of housing models commissioned by Housing Justice, NACCOM and Praxis (Hutton and Lukes, 2015). Although limited and clearly driven by the goal of tackling

rough sleeping, such government funding is an important precedent given the NRPF status of the target group. It illustrates the point made in the legal opinion that NRPF is limited in its scope and does not by any means preclude migrants from receiving help from public sources not included in the NRPF definition.

Of significance in establishing recognition of the issue at local level are the City of Sanctuary and Still Human Still Here (SHSH – the umbrella body campaigning to end destitution among refused asylum seekers) initiatives which have mobilised considerable support from local authorities and voluntary and faith groups to end asylum destitution. Ten cities have joined the City of Sanctuary movement and 60 organisations, including many local councils, have joined SHSH. As a result there have been many initiatives to respond to destitution, although awareness-raising tends to focus on asylum seekers rather than new migrants more generally.

A 'sanctuary summit' held in Birmingham in November 2014 drew 400 people and received a message of support from the Archbishop of York. It passed The Birmingham Declaration which calls among other things for no one to be 'left sick or destitute in our society' ([see https://sanctuarysummit2014.wordpress.com/the-birmingham-declaration](https://sanctuarysummit2014.wordpress.com/the-birmingham-declaration)). Most recently, the elected mayor of Bristol opened a conference there in March 2015 which brought together over 160 people from 29 British cities who called for an end to policies leading to destitution (see [www.cityofsanctuary.org/bristol](http://www.cityofsanctuary.org/bristol)). Such initiatives help change the message about migrant destitution and support the regional activism that (for example) has supported development of many of the groups within the NACCOM network.

## Conclusions

This chapter has drawn attention to seven issues, apart from accommodation, where significant extra effort and resources are required. Three of these relate to services to destitute migrants – legal advice to tackle lack of documentation, basic subsistence and livelihood support as well as appropriate and culturally specific emotional and holistic support – that ideally should be co-ordinated with accommodation services to provide the stability of a fixed address for the time necessary. The way in which services are provided to this group and support for access to other services, notably health services, is also of vital importance.

This work is severely hampered by cuts in advice services – both generic and specialist for this group – and in availability of legal aid and access to good quality immigration advice and representation. Too many migrants end up getting advice from poor-quality and disreputable immigration advisers.

Over the last two years homelessness agencies have begun to respond more effectively to the needs of this group, although as the numbers of non-EEA nationals sleeping rough grew, for too long the default response was to adopt approaches developed specially for EU migrants with a strong emphasis on 'reconnection'. For many non-EEA nationals return is not an option because their lives are at risk and/or no return agreement exists with their country of origin. For those who lack other options, return has to be explored with a trusted adviser and alongside good immigration advice, which is hard to get. Few homelessness agencies provide bed spaces to people with NRPF. Recent pilots and funding from the Homeless Transition Fund (HTF) and charitable funders are beginning to bring about more innovative solutions.

The other three need areas or gaps are strategic issues – the need for a strategic approach across the agencies already engaged or which might become engaged in this field, to work towards a more planned approach, share learning and avoid duplication. The newly formed Strategic Alliance on Migrant Destitution ([www.housingjustice.org.uk/pages/migrant-destitution-page.html](http://www.housingjustice.org.uk/pages/migrant-destitution-page.html)) aims to act as a catalyst to support routes out of destitution and in autumn 2015 will be running a series of local events to bring together key players from across the homelessness, migrant support and community sectors. Crucially a strategic approach requires better data to be effective. There is also a need to draw in government on the one hand and migrant communities on the other. Both of these are vital: the government because in prioritising tackling 'illegal migrants' it can act against its other objectives such as getting people off the streets and reducing the costs of public services; the migrant communities because they are the ones in day-to-day contact with the problem, who are already doing the majority of support work, and whose knowledge and communication channels are vital to the success of any strategic approach to the issue.

## 5 Providing accommodation for destitute migrants

Without the stability and safety of a secure place to stay it is difficult to find a route out of destitution. But providing it for non-EEA nationals who are destitute is very challenging because most do not have immediate access to housing benefits. The main aim of this report and the associated work is to increase the number of accommodation options for people with NRPF, and widen the support options to lift them out of destitution.

Most accommodation is either provided informally within community networks or in charitable and faith-based provision. Groups providing accommodation operate mainly without public funding and are often outside or on the margins of the more established network of homelessness agencies and of any No Second Night Out (NSNO) scheme that might be available. Some homelessness services and communities for homeless and vulnerable people set aside bed spaces for people with NRPF and some will accommodate those who appear likely to be able to claim benefits or Section 4 support. But overall, the number of bed spaces available falls far short of the need among third-country nationals who are sleeping rough.

In addition to nightshelters, accommodation is likely to be provided by individual hosts in their homes or in whole properties, often shared. It is managed by charities, not-for-profit companies and faith communities and donated by a range of people and organisations including individuals, housing associations and faith groups. In most cases the groups managing the property ensure that residents engage actively with finding routes out of destitution and are given support to do so. There are also social investment possibilities. Models for these already exist but mostly on a small scale and there is considerable scope for new approaches.

More bed spaces are currently provided through hosting schemes than through 'whole property' solutions. Hosting is extremely valuable and there is potential to extend it and to share learning and capacity between migrant support projects and schemes such as Nightstop targeted at a broader range of homeless people. However there are a range of other solutions which, over the past year, have fuelled a significant growth in provision and organisational sustainability. Mostly these depend on 'whole property' solutions requiring a broader range of housing expertise, including procurement or acquisition and managing shared houses including rooms for rent. This section concentrates on this area.

### Who are the accommodation providers?

The groups that have been at the forefront of housing destitute migrants are predominantly – though not exclusively – faith-based. Many, including the majority of members of the NACCOM network, were formed specifically to support and accommodate destitute migrants, mainly asylum seekers after numbers peaked in 2002 and there were a number of changes to immigration and asylum legislation. Night shelters, again predominantly faith-based, are important providers because they operate an open door policy and provide beds at no charge. A few of the charities, such as Praxis, have longstanding experience of working with newly arrived and vulnerable migrants from which others can learn.

The two main umbrella bodies are:

- NACCOM – an informal network of agencies providing accommodation for migrants who have no recourse to public funds. It has 32 member organisations across England, Wales and Scotland providing more than 400 bed spaces (around 300 only for destitute migrants, mainly asylum seekers) in different forms of accommodation. A lot of members have more than one type of accommodation and an increasing number are expanding into renting to refugees with leave to remain in the UK who are entitled to work and benefits but find it hard to access housing. This increases the sustainability of charities which are otherwise heavily reliant on charitable giving. Most of them also work to support

destitute migrants to challenge asylum and immigration decisions and/or regularise their status. NACCOM's experience is that stable accommodation is a key factor in being able to pursue legal remedies successfully (see <http://naccom.org.uk>).

- Housing Justice – a church-based umbrella organisation that supports local night shelters among other homelessness projects. There are seven year-round schemes in London and 29 winter-only schemes. The permanent schemes provide around 230 beds (which can include some hosting arrangements); most also provide help to resolve cases. The winter schemes provide more than 300 bed spaces in dormitories, mainly for men (Murray, 2014).

## What types of scheme exist and what legal issues arise?

This section draws on the work done for the recently published report *Models of accommodation and support for migrants with no recourse to public funds*, by Ceri Hutton and Sue Lukes (2015). In describing types of accommodation schemes, it follows the same order as the Hutton and Lukes' report which can be referred to for more detail. Seven schemes types are covered:

1. Hosting: accommodation in the homes of volunteer hosts, usually with parallel support services;
  2. Providing rooms in a shared house with wraparound support: houses shared by several migrants with a range of support;
  3. Providing rooms for migrants within a mixed, shared house with wraparound: one or more migrants with NRPF accommodated in a house where rent is paid by other migrants who can work/claim benefits;
  4. Communities: houses shared on a communal basis, sometimes with a mix of migrant/non-migrant occupiers;
  5. Night shelters: free or very cheap accommodation for a short period (often night by night) and mainly not for migrants specifically (with a few exceptions);
  6. Hostels: none specifically for NRPF migrants but some offer a small number of free beds for them;
- Paying rent for a migrant to live in a house or hostel: charitable arrangement to pay for B&B accommodation on a short-term basis.

This section concentrates on the issues (including legal issues) facing those providing either accommodation itself or funding for it to be provided by others. These are presented in Table 1. It can be seen that there are few legal obstacles to supporting any of the schemes for undocumented migrants. Some new issues will arise if the Immigration Act 2014 is implemented more widely but these can be dealt with satisfactorily.



**Table 1: Accommodation project types and their ownership/financial/legal characteristics**

Type of project and examples	Ownership/tenancy arrangements	Financial arrangements	Legal and related issues that arise
<p>1. Hosting A range of formal and informal schemes mostly outside London, usually aimed at refused asylum seekers e.g. Grace Hosting (Leeds); ASSIST (Sheffield).</p>	<p>Properties usually owner-occupied but may be private or social rented; arrangement with guest is likely to be a licence.</p>	<p>Guest makes no payment. Costs of scheme (e.g. administration, publicity, support for hosts, help with extra food costs, insurance) support and immigration advice must be covered/provided by charity responsible.</p>	<p>NRPF: no issues. Criminal law: hosting arrangements have not so far raised any issues; purposes of scheme (alleviate destitution etc) can be made clear in licence agreements. Immigration Act 2014 (where in force): if no rent paid, there is no residential tenancy agreement. However, if the host rents the property (rather than owns it), there is an argument that the landlord may be liable for a civil penalty if they do not make the required immigration checks on the guest. If the Act comes into force more widely, hosting schemes may need to limit themselves to owner-occupier hosts.</p>
<p>2. Providing rooms in a shared house with wraparound support Several schemes e.g. Hope (Birmingham), Boaz(Manchester), Open Door (Middlesbrough) and Praxis (London).</p>	<p>Properties are usually leased from another owner (e.g. housing association) either at a peppercorn rent or rent-free for a fixed period; arrangement with tenants is likely to be a licence as no rent paid.</p>	<p>Occupier makes no rent payment; in many cases may receive subsistence help from the charity. Costs of scheme must be covered by charity responsible, although the owner of the house may do repairs</p>	<p>NRPF: no issues Criminal law: purposes of scheme (alleviate destitution etc) can be made clear in licence agreements and could usefully cover any assistance towards resolving immigration status etc. Immigration Act 2014 (where in force): if no rent paid, there is no residential tenancy agreement; if a small charge is made, this must be for services other than accommodation (e.g. food, services, essential living needs) otherwise a residential tenancy agreement could be created.  Social housing providers including housing associations who have had no grant on a property may need to seek consent from the Homes and Communities Agency (HCA) to donate a property in this way. Grounds which may be presented are referred to in Annex B of the legal opinion.</p>
<p>3. Providing rooms for migrants within a mixed shared house Examples: Open Door North East, Arimathea Trust.</p>	<p>Properties may be owned by the charity or provided to it as in (2) above. Most occupiers will be formal tenants; one or two rooms are then provided on a no-rent licence basis.</p>	<p>As in (2).</p>	<p>NRPF: no issues Criminal law: purposes of scheme (alleviate destitution etc) can be made clear in licence agreements. To avoid conflict with other tenants with regular status, liaison with the Home Office is advisable to minimise risk of raids. Immigration Act 2014 (where in force): as in (2). Social housing providers: as in (2).</p>

<p>4. Communities Examples include Emmaus and Catholic Worker houses.</p>	<p>Properties may be owned by the charity or provided to it as in (2). Tenants pay rent from their own income/ benefits; one or more migrants with NRPF are accommodated on a no-rent licence basis.</p>	<p>As in (2). Possible impact under Immigration Act 2014 of payment in kind as these communities often require work from community members which needs to be in return for goods and services not accommodation.</p>	<p>As in (2).</p>
<p>5. Night shelters Several examples e.g. Boaz (Manchester).</p>	<p>Properties may be owned by the charity or provided to it as in (2). Occupiers are licensees.</p>	<p>As in (2).</p>	<p>NRPF: no issues Criminal law: purposes of scheme (alleviate destitution etc) can be made clear in licence agreements. Immigration Act 2014 (where in force): very likely to be an agreement excluded from provisions in the Act as a 'hostel', even if a rent is charged.</p>
<p>6. Hostels (free bed spaces on a limited basis) Examples: St. Mungo's; some Women's Aid hostels.</p>	<p>Properties may be owned by the charity or provided to it as in (2). Occupiers are licensees.</p>	<p>As in (2).</p>	<p>As in (5)</p>
<p>7. Paying rent for a migrant to live in a house or hostel Examples: Red Cross; National Zakat Foundation.</p>	<p>No property ownership. Tenancy or licence is between property owner and migrant.</p>	<p>Relies on charitable donations or on cross-subsidy from other income.</p>	<p>NRPF: no issues Criminal law: purposes of scheme (alleviate destitution etc) can be made clear in licence agreements. Immigration Act 2014 (where in force): restrictions would apply but not if the property were to be in an excluded category i.e. a hostel or refuge or where the rent payer could get a 'discretionary right to rent' for the occupant.</p>

## **How do accommodation providers access to properties they can use?**

One of the main challenges facing provider organisations is how they access properties without incurring disproportionate costs. An overview of the different sources of property, lease arrangements and some of the issues which groups need to consider in taking on the management of these properties is given in Table 2.

**Table 2: Property types, ownership/lease arrangements and issues that arise**

Property types	Ownership/lease arrangements	Issues that arise
1. Empty vicarages Belonging to the Church of England: potentially a lot of these in urban areas. There are many of these but some are easier to access for community use than others e.g. Glebe properties.	Peppercorn rent or rent-free for a specified period.	Negotiating handover can be bureaucratic and Church Commissioners expect to see monetary maximisation of church assets. Cost of heating and maintenance may be prohibitive. Surveying expertise needed to identify housing maintenance issues. Appropriateness of layout and location are issues.
2. Properties belonging to other faiths	Peppercorn rent or rent-free for a period of time.	As in (1) although might not be as bureaucratic in some cases.
3. Individuals donating properties.	Individuals may gift a property, for example one they have inherited.	Surveying expertise needed to identify ongoing costs/housing maintenance issues.
4. Individuals 'lending' a property	Lease for specified period of time.	Clarity about rights and period of occupation and maintenance responsibilities; cost of lease may be an issue.
5. Social investment – a group offers a social investment opportunity, via purchase of a house for a social purpose usually with a 2–5% return	Lease and rent must be charged to deliver return to investors.	This model is mainly possible where groups are able to charge rents (or where the investor is able to rely purely on an increase in value of the property in a rising housing market); increasingly groups are doing this by housing refugees with status as well as destitute migrants, using their skills in managing housing and developing less reliance on charitable income and greater sustainability – see below. The requirement to charge rents high enough to cover return on investment may mean groups pursue exempt accommodation which has a very specific set of requirements and may inhibit people who want to get employment, or contracts, e.g. with local authorities supporting families or vulnerable individuals under Section 17 of the children Act or Section 10 of the Care Act.
6. Registered providers (RPs) Housing associations and other social housing providers set aside a small number of properties from a large portfolio. In areas of low	Peppercorn rent and lease (significant variation in types of leases from both sides)	Clarity about maintenance responsibilities, although this applies to most options.  Social housing providers including housing associations who have had no grant on a property may need to seek consent from the Homes and Communities Agency (HCA) to donate a property in this way. Grounds which may be presented are referred to in Annex B of the legal opinion.

demand for housing projects housing migrants may be a regenerative force.		
7. Private landlords Have proved to be a source of properties in the north. Groups are able to demonstrate they manage properties well and find good tenants, particularly in areas where students no longer need to live in the private rented sector due to the expansion of student housing.	Lease or management agreement. Management fee may be charged as income source.	If leased there may be a higher level of maintenance responsibilities transferred. For larger properties there may be HMO licensing issues depending on size of property, number of occupiers, which local authority it is in, etc (see <a href="http://www.housing-rights.info/private-rented-sector-law.php#property-condition">www.housing-rights.info/private-rented-sector-law.php#property-condition</a> for more details). Need to charge a rent as with (5) – only works if the scheme has a sustainable source of income from (for example) other tenants paying rents.
8. 'Meanwhile use' or 'property guardianship' or short life housing	Lease or management agreement?	This approach has not yet been piloted but groups in London and Leeds have been inspired by Dot.com, the social enterprise which is competing with property guardianship companies such as Camelot, partly by offering additional social purpose via resident volunteering.

## What issues arise when groups take on property management?

The common issues are discussed in the report by Ceri Hutton and Sue Lukes (2015). They are:

- condition of property and viability in terms of heating and maintenance costs and health and safety requirements;
- lease or property management agreements and their costs and other implications;
- responsibilities for maintenance: who does what;
- whether the property needs to be registered as an HMO and the cost implications;
- responsibility for allocations – lies with the destitution groups in all cases and given most of the properties are shared this needs sensitive and thoughtful consideration;
- management – an inevitable issue in shared accommodation with added sensitivities due to mixed nationalities, language differences, etc.

Many of the properties are shared because this is the only viable way of delivering schemes. While shared housing throws up management challenges and may not be the first choice for some residents, it can also be a source of mutual help and support. Some groups including Hope Housing in Birmingham and Praxis are looking at how they facilitate a mutually supportive culture in the properties they are managing, resident volunteers and/or whether some residents are interested in alternative forms of living.

## Case study: Hope Housing and Hope Projects

The first Hope Project, the Destitution Fund, was established in 2003 after four ‘settlers’ – MP Clare Short, the Bishop and Archbishop of Birmingham, and the then Chair of Birmingham Law Centre – contributed initial donations of £500 each to a fund to support destitute asylum seekers.

The Hope Destitution Fund helps destitute asylum seekers who are barred from ‘recourse to public funds’ in and around Birmingham. Since March 2003 the fund has raised and distributed more than £957,000. Grants from the Hope Destitution Fund are generally made only to those who have a reasonable prospect of securing an alternative remedy to their destitution in the near future.

In 2007 Hope Projects established Hope Housing to provide emergency short-term accommodation for destitute and homeless asylum-seekers. As with the Destitution Fund accommodation is generally provided only to those with some prospect of securing a remedy to their homelessness in the near future.

In 2014/15 Hope accommodated 78 new adult residents – 44 women (7 pregnant), 33 men and 1 couple – with 5 children in the nine properties which it manages. These are leased at a peppercorn rent from four housing associations and other supporters: Bournville Village Trust (BVT), Friendship Care and Housing, Mercian Housing Association, Midland Heart, the Roman Catholic Archdiocese of Birmingham, and Yardley Great Trust.

Hope has four part-time staff and 14 volunteers. Residents are encouraged to engage with management of the houses and are involved in a range of other activities which Hope runs, including a local gardening project using land provided by Bournville Village Trust and involving local people, and a women’s group.

Hope also works with its partners to support a wider group of migrants in various ways including a Migrants’ Union.

Hope and a central Birmingham church are considering the possible provision of flats to be financed on a sustainable ‘mixed use’ basis, with residents who have recently obtained leave to remain in the UK (and so can work, and claim Housing Benefit) paying rent to subsidise the asylum seeker residents who are ‘barred from recourse to public funds’.

### Coventry Peace House

There is no emergency nightshelter in Birmingham, so Hope works closely with Coventry Peace House, which regularly accepts homeless asylum seekers; so when Hope cannot accept street-homeless people immediately it refers to the Peace House, whom it describes in its 2014/15 Annual Report as working “with very little funding but a huge commitment”

Many groups are now providing housing for rent, having recognised that they can turn their newly developed skills in finding and managing housing into a sustainable income stream, and in the process meet the acute needs of many migrants with regular status who can pay rent. In most cases the tenants are refugees with newly acquired status. One of the first projects to do this was Abigail Housing in West Yorkshire which provides accommodation for people have been refused asylum but cannot reasonably return to their country of origin and for those given refugee status who have to leave the housing provided under government contract while their asylum claim is being considered by the Home Office. Housing associations have supported Abigail financially, with training and other resources such as HR advice, and sharing office space.



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### **Case study: Abigail Housing**

Abigail provides support and homes to refugees and asylum seekers who are homeless and destitute. This includes four or five houses in Bradford for those who have been refused asylum but cannot reasonably return to their country of origin, and 60 bedspaces in single-sex shared houses in Leeds for those given refugee status who have to leave the accommodation provided while their asylum claim is being considered by the Home Office.

In January 2014, Abigail was involved in a meeting facilitated by JRF to explore how housing associations working in Bradford could respond to the plight of destitute asylum seekers. As yet, none of the Bradford housing associations have been able to provide a property but some have provided valuable resources in other ways:

Yorkshire Housing has supported Abigail financially through small gifts from its community fund or through staff fundraising events. It has also collected food for Abigail's residents.

Manningham Housing has provided Abigail with free access to its e-learning database so staff can access free and relevant training. It has also donated the time of its HR and policy teams to work with and advise Abigail's management team.

Accent Housing has recently welcomed Abigail into its offices, where staff can share office space, meeting rooms and facilities.

In London providing housing for rent is more challenging given housing costs in the capital. Praxis is working with Commonweal Housing on a scheme to house and advise families to whom local authorities have a responsibility under section 17 of the Children Act (Big Society Capital, 2014).

### **Case study: Commonweal and Praxis NRPF project**

Commonweal is an independent housing-based action learning charity whose aim is to enable the development of new pilot projects across a wide range of policy areas to seek *housing solutions to social injustice*.

This project aims to test whether a financially stable and sustainable cross-subsidy model can be delivered to provide a number of units of free housing for those who have insecure immigration status and are trapped in destitution, unable to work to support themselves and unable to access benefits. Residents could be destitute migrants with insecure status, refused asylum seekers, victims of trafficking or domestic violence and those making human rights applications.

Commonweal has secured social investment funding from a range of social investors (Big Society Capital; City Bridge Trust; Esmee Fairbairn Foundation; Trust for London) to buy up to eight houses to test this model. The properties are leased to Praxis and they in turn let some of the properties to destitute migrants who local authorities have a duty to provide accommodation to under Section 17 of the Children's Act. The income is used to cross-subsidise accommodation for destitute migrants where Praxis believes there could be a positive appeal or fresh application if clients are provided with appropriate support and legal advice. Those benefiting from free accommodation also benefit from a weekly grant of £25 per adult and £17.50 per child. While recognising that it is not sufficient in itself, it provides a lifeline for those unable to access any form of welfare benefits. Residents often benefit from other organisations' support in kind.

Support is delivered by one dedicated staff member and her manager and includes: advice and support as part of an agreed support plan which is reviewed monthly; OISC-Level 2 Immigration Advice through a dedicated caseworker, offering intensive case work so that access to statutory support and/or resolution of their immigration case is secured; move-on support: residents with positive outcomes will be supported to access positive move-on accommodation. Where negative decisions are received residents will be supported to explore what options are available to them and given appropriate support to manage this.

Residents have recently moved in to the first three houses and an independent evaluation is underway to assess the value and replicability of the service. Cross-subsidy models are more challenging in London and other areas with high value housing markets but given 61 per cent of Section 17 NRPF families are accommodated in London at great expense to local authorities there may be potential to scale up this approach.

Where a group provides housing for rent it obviously has to address its responsibilities as a landlord. There is potential for mainstream housing providers to help groups develop their management skills through secondments, shadow working, etc and/or as through support such as that given by housing association to Abigail in West Yorkshire – see above.

## **Some lessons from the work of the NACCOM network of providers**

### **The challenge of achieving sustainability**

Sustainability is the biggest challenge for groups: even the strongest are fragile. For example, the turnover of the Boaz Trust, established primarily to accommodate destitute asylum seekers in Manchester, was £360,000 in 2013/14, and it is among NACCOM's largest members.

## Case study: Boaz Trust

The Boaz Trust is a Christian organisation serving destitute asylum seekers and refugees in Greater Manchester providing accommodation, food, and other essentials to those who have limited access to support from anywhere else. It provides advocacy and pastoral support, and campaigns on a local and national level for justice in asylum legislation.

Boaz has 9 staff and around 60 regular volunteers as well as up to 200 volunteers who support the winter night shelter every year.

Boaz manages three types of accommodation:

**Shared houses:** nine for asylum seekers and five for refugees housing around 55 people (66 per cent asylum seekers, 33 per cent refugees). Houses are usually allocated for men or women, with limited accommodation for male/female couples. Boaz does not accommodate children aged under 18. Boaz leases houses, free of charge or at low cost, from individual supporters including the social investor Green Pastures and the Diocese of Manchester.

**Hosting scheme:** a small number of individuals are accommodated by local families offering their spare rooms to asylum seeker guests for an agreed time. This can range from a couple of weeks to several months. This means vulnerable asylum seekers can be accommodated quickly when room is not available in a shared house. Hosts are supported by a hosting co-ordinator, and hosted clients receive the same support as those in shared houses.

A winter night shelter provides emergency overnight accommodation for up to 12 homeless asylum seeking or refugee men from October to the end of April. The night shelter is hosted by a different church in Manchester or Salford each night of the week, and includes an early evening drop-in at the Friends Meeting House. A hot meal and breakfast is provided.

Basic living essentials are provided to clients who are not eligible for a British Red Cross food parcel, with a £10 weekly allowance for food and essentials and a monthly 'free shop' where donations of food and toiletries are distributed to clients. Boaz pays for bus fares for clients to attend medical and legal appointments, and, depending on funding, provides funding for interpreters and translation of legal documents.

Practical and pastoral care is provided by a team of case workers who meet regularly on a one-to-one basis with asylum seeker and refugee clients to offer encouragement and support. Case workers may offer support to access a local GP and other specialist services, or to help a client find appropriate classes or community groups and to volunteering opportunities.

A legal service is provided on a consultancy basis by a legal services manager offering legal advice and representation allowing asylum seeking clients to progress their asylum claim and work towards a resolution of the situation that made them homeless.

A programme of recreational and educational activities has been developed with input from clients, and designed to create opportunities for learning new skills, relieving stress, and encouraging friendships. The programme has included English classes, gardening, sewing, sports activities and a number of day trips.

Most groups are initially driven by a simple mission to house people and often respond to fortuitous offers of a property, so 'falling into' housing management. Over the past year most have recognised the need to build their capacity and sustainability beyond surviving from one year's funding to the next. They also want to be sufficiently robust to be able to partner with social housing providers and others who will potentially entrust them with properties. This is a delicate balance for groups run by low-salaried staff and driven by volunteers' commitment, faith and enthusiasm.

Many see the way forward as developing income streams from renting, offering integration and support packages to refugees in housing need or providing services to local authorities to meet statutory obligations.

There is also considerable potential for cross-sector learning in this field, with specialist providers for migrant groups learning from longer established providers in the general housing/homelessness fields.

### **Case study: Open Door (North East)**

Open Door (North East) was set up by members of Jubilee Church Teesside in 2001, and was established as a registered charity in 2003 to help disadvantaged people in the North East of England, primarily in Teesside.

Over recent years Teesside has had one of the highest rates of asylum dispersal in the UK. A food and friendship evenings and a donated flat led to the current focus on services for destitute asylum seekers and refugees.

Open Door now manages 21 houses, housing 15 destitute asylum seekers for up to 1 year with support to help them make informed choices about their situation, and 57 refugees paying rent. It also supports some hosting and night shelter provision.

It runs weekly drop-in and advice services including a women-only service, as well as refugee move-on and employment support, IELTS and a sewing-based enterprise course.

Open Door has a team of 3.5 full-time equivalent staff and over 50 volunteers. It works closely with Justice First, local experts on Teesside on asylum advice who have a partnership with Newcastle Law Centre when a solicitor is required.

Open Door clients with no recourse to public funding receive a weekly food parcel and can also collect £5 a week and second-hand clothing from two other local charities.

Open Door has accessed houses from a range of sources; 2 are donated, 1 is from a housing association, 6 are leased from private landlords and a further 13 are managed for landlords for a management fee, which covers the costs of administration and support. All destitute asylum seekers are housed in three-bedroomed properties with one or more rent-paying refugees who have licence agreements. Open Door is looking to acquire empty homes for refurbishment and aims for its housing provision to become self-financing in the near future.

## **Accessing suitable properties**

Most properties used for housing destitute migrants have been secured from informal/personal and faith-based contacts. A notable exception is Hope Housing in Birmingham which has nine units on peppercorn leases from seven owners including four housing associations. Arimathea Trust in Nottingham and Praxis in London also both have use of social housing stock. Open Door in Middlesbrough also hopes to get one soon, at peppercorn rent and on a one-year trial basis.

There is real appetite from projects to make links with social housing providers who are willing to 'donate' stock, and several now have the capacity to manage it. JRF's development work has made some introductions, one or two of which show signs of success. But it is clear that securing properties from housing associations has happened through informal networks with senior staff/board members. More formal approaches and/or those made via liaison staff in middle management have not been successful.

## **Lessons from Hope and the wider NACCOM network**

There are specific features of the Hope Housing project which initially inspired JRF's development work in this sphere:

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Lessons from the Hope Housing project include:

- its partnership with its referral agencies and four local housing associations;
- its focus on housing those with most chance of success in regularising their immigration status and its advocacy work to help them do so;
- its original practice of housing new migrants with no recourse to public funds (as well as asylum seekers) was a welcome innovation but could not be sustained as funding for it was ended;
- its engagement of residents and former residents in the running of the projects and in activities such as gardening and handicrafts.

Hope is supporting a fledgling 'migrants union' which is developing self-help and advocacy.

Replication of the Hope or other NACCOM models means that groups need other strengths, for example:

- a strong nucleus of committed groups and individuals with access to a lot of willing volunteers;
- other charitable resources including a guaranteed flow of funds to support individuals and pay for utilities, day-to-day maintenance, etc;
- sustainability and the flow of funds could come from operating some of its housing for renting to people with leave to remain who are in housing need;
- access to advocacy and good quality legal advice.

People are the most important resource. The work has a strong dynamic of changing people's minds and promoting integration, with the many volunteers engaged in the work learning from migrants about their lives and journeys before their arrival in the UK, and their experiences of the system and of settling in the UK.

## Conclusion

While the number and capacity of charities established specifically to house destitute migrants – mainly asylum seekers – has grown in the last three to five years, there is a huge need for more provision. Any growth also needs to include provision for all destitute migrants, not only asylum seekers. This will require a concerted effort to draw in or develop more charities, voluntary, solidarity and faith groups, including those from non-Christian faiths. The challenges are to achieve not only more and more widespread provision, but to do so in ways that are sustainable.

Hosting schemes play an important role and in many ways are simpler to get off the ground, although provision of effective support for both hosts and migrants should not be underestimated.

The main requirements for property-based solutions are suitable properties, longer term approaches to financing and funding and harnessing and supporting voluntary effort and expertise. While the issues for charities and voluntary groups in managing short-term accommodation are significant, these arise in providing such support for any marginalised group and while recent migrants offer slightly different challenges in this respect they have much in common with others who need help to avoid destitution. One important difference is resolving their undocumented status. A key message of this report is that accommodation and legal support should be linked and that collaboration between agencies and cross fertilisation of expertise are vital ingredients.

## 6 Destitute migrants' stories and the help they need

Among third-country nationals there are few straightforward reasons why particular migrants end up destitute. Because there are varied reasons, there are also varied needs, although stable accommodation is nearly always a key prerequisite. To give an idea of the variety of needs, and put a human face on the challenges which destitution creates, we have built 14 case examples from real stories illustrating the different barriers that migrants face in escaping destitution. Most of these cases are undocumented migrants who have no recourse to public funds (NRPF) because they have no current leave to remain in the UK. Two have leave and can use public funds but cannot establish it because they have no papers to prove it. There are other types of cases in which lack of documentation or access to it results in destitution, for example refugees who become destitute following a positive decision about their right to remain in the UK: their asylum support ends but they are unable to claim benefits due to bureaucratic failings.

Each of the examples below may be based on one or more cases, and the names used are not real.

Offering services to undocumented migrants raises the legal questions considered earlier. All of the case studies feature circumstances where accommodation and support could legitimately be provided within the terms described, according to the legal opinion obtained for this report.

### **Yvette**

Yvette arrived in the UK from St Lucia in 1969 aged 19, and married and settled in London. After her husband's death she lived off a small business she set up but got into debt and eventually got evicted. In the process she lost her passport. The council offered her temporary accommodation for a couple of weeks but told her to leave as she could not show she was entitled.

Immigration status: She is a St Lucian citizen who has indefinite leave to remain in the UK but has no proof of it (she got it automatically at the beginning of 1973).

What can she do? She needs to get some form of ID, possibly a passport, and a biometric residence permit confirming her status. She will have to prove that she has been resident in the UK since 1972. These are straightforward procedures but can take some time. The passport might take two months to arrive, she needs to collect the proofs of her residence in the UK and then to apply for the stamp in her passport. The passport and stamp cost money, and there is no legal aid.

The help she needs: Yvette needs immigration advice and help, help with getting the proof she needs, and accommodation and support for the six months this could take. She will also need to find the fee for the residence permit, currently £104. Her church is paying her a small amount each week and she can use food banks and some migrant drop-ins for some meals. She gets free travel because of her age (luckily she did not lose her travel pass). Although there are concerns about her health and mental frailty, social services will not accommodate and support her because her needs are not great enough. She is being hosted through an organised scheme and has a small room in a host's home.

## Gerry

Gerry is an Iranian in his 40s suffering from long-term health problems. He claimed asylum in 2004 after living in the UK for over a decade, but was eventually refused. He now has two children from a long-term relationship that broke down last year. He went to stay with a friend who has finally thrown him out.

Immigration status: Gerry currently has no leave to be in the UK.

What can he do? He needs to make a fresh claim for asylum and a claim to stay on family grounds. Gerry may struggle to find a solicitor to do this. While asylum is still covered by legal aid, the work to establish that this is a fresh claim may not be. Family law applications about contact and access generally are outside legal aid altogether, as are immigration applications on the basis of family relationships. So solicitors may be unable to take the case on, or reluctant because it involves a mixture of legal aid and non-legal aid funded work.

The help he needs: Gerry needs accommodation and support and also to maintain a relationship with his children, which requires travel and maybe advice about access, etc. If the Home Office accepts that he has a fresh claim for asylum then he will be able to go into asylum support accommodation and get minimal support, but this can take some time and may be at some distance. Applications for support while applying for asylum on the basis of remaining in the country to maintain family contact are not always supported by the Home Office. So he needs immigration advice and may need to commission medical reports etc, some of which will not be covered by legal aid. If he makes a fresh claim for asylum he will need to go to Liverpool to do it, and will need to pay for travel. A more detailed assessment of his health problems might also open the possibility of an application to social services for accommodation and support, although criteria for this are strict. So Gerry needs accommodation, support and travel costs for at least a month and probably longer.

## Angie

Angie was sent from Nigeria by her mother to live with her father in London when she was 6, but she did not get on with him and he was not very interested in her. When she went to sign on at a local college for a course she discovered that he had never sorted out her immigration status. They had a row, she hit him, and he told her to leave. She slept rough until a homeless project found her. She is now 20.

Immigration status: Angie currently has no leave to remain in the UK but a strong claim to stay because she has lived here for so long.

What can she do? She can apply for leave to remain and since she is destitute she may be able to do this with no fee. If she gets leave she can claim benefits. This will take at least two months. She is getting free advice from a community project but if she is refused leave to stay she will need to appeal and will need a solicitor, for which there is no legal aid. She may also need help from a solicitor in arguing for a Home Office fee waiver as it is often not granted and the Home Office often makes demands for quite extensive 'proofs' of destitution. If the fee waiver is refused she may have to go to a judicial review of that decision.

The help she needs: Angie needs accommodation and support for at least two months and these types of complicated applications can take a lot longer. If she is refused leave to stay she may have no right of appeal until the Home Office start removal proceedings and so could be in limbo for some time.



## Abraham

Abraham is from Eritrea and has been in the UK since 2003. He is now 30. He applied for asylum but says he is not sure what happened to the first application, as he has moved around a lot and been homeless and sometimes on the streets. He has seen three solicitors since then and been in detention a couple of times. He ended up on the streets when his last application failed two months ago.

Immigration status: Abraham has no leave to live in the UK.

What can he do? His current solicitor says he hopes to get a judicial review of his case, but he needs to collect information about his case and the previous applications. Once legal proceedings (a new claim or a judicial review of the previous refusal) start he says Abraham will be able to get back into asylum support accommodation.

The help he needs: The solicitor is worried that Abraham's unstable life has damaged up his asylum applications before. Abraham needs to stay in contact in one place and also make a start on sorting out other aspects of his life. The solicitor says he cannot be certain how long it will all take but hopes that he will be able to start legal proceedings within a month or two as long as Abraham is stable.

## Joe

Joe from Canada worked on various short-term contracts and work permits for eight years, during which time he met his now ex-partner and had a son now aged five. He got into a dispute with his employers over time off sick and eventually lost his job and so lost his leave to remain. Since then he has been homeless.

Immigration status: Joe has no current leave to remain.

What can he do? Joe is now trying to work out whether to try to apply for leave to remain so he can keep in close contact with his son, and get back to work and support him. Alternatively he could return to Canada, possibly via a voluntary return programme, but probably to no job and with only the hope of occasional visits to his son. He has paid national insurance contributions for eight years and so may be able to claim some contributory benefits in the UK or abroad.

The help he needs: Joe needs help with his decision-making, possibly from the Choices voluntary return project, and legal advice about the chances of the different applications he could make. He also needs accommodation and support while he decides on the option to take.

## Abena

Abena is from Ghana and came to live in the UK with her German husband three years ago. She has left because of domestic violence and is homeless and very distressed.

Immigration status: It seems her husband has now lost his right to reside in the UK because he left his job, although it is very difficult to get information about this from him or his employers. Abena has been told she has no right to apply for housing or benefits.

What can she do? Abena has been told she may be able to legally contest her rights to benefits and housing. She has no idea how long it might take to sort out or what she will do if she cannot get help.

The help she needs: Abena needs accommodation, support, and advice about her status under European law and help with benefits and housing claims. It is possible that the local authority will accept her as homeless if challenged, and she may be able to get an NRPF place in a refuge in the longer term.

## **Olive**

Olive is from Montserrat and arrived in the UK in 1998 aged 18. She got a new passport in 2012 which confirms her status as a citizen of Montserrat (a British overseas territory) but has no leave stamps in it. She is pregnant and has been evicted from her private rented flat. When the council asked the Home Office about her status here it was told there was no record of her so the council assumed that she had no right to live in the UK and refused to help her.

Immigration status: Olive has the right to live in the UK (as, since 2002, do all Montserratians who are British citizens).

What can she do? Once Olive has sorted out her status with the council she will be accepted as homeless. She can also claim benefits if she needs them.

The help she needs: Olive may need a couple of nights' accommodation while she finds a lawyer or adviser to sort this out with the council which is proving difficult.

## **Nandita and James**

Nandita is 25 and a British citizen born here. She married a man from Sri Lanka and moved there with him six months ago but has now returned to her home town because of his violence. She is staying with her father in his sheltered flat but has been told that she cannot get any benefits for three months because of new laws passed at the beginning of this year. At the jobcentre she met James, who has just returned from a year abroad teaching ESOL who has been told the same. He is sofa surfing. They can both only stay where they are sleeping for one more night.

Immigration status: Both Nandita and James are British.

What can they do? Neither Nandita nor James can claim Jobseeker's Allowance, or other benefits, until they have been in the UK for three months. After that they can. They can both work, and Nandita may be able to get accommodation from the local authority as a vulnerable person because of the domestic violence.

The help they need: Both need accommodation and support until they can find work or other help, for a maximum of three months.

## **Maria**

Maria comes from Chile where she worked for a wealthy US family. They moved to London and brought her with them as a nanny/maid/cook. They said she would have a visa and be paid well, and took her passport from her. Things have gone badly wrong: the mother has left, the father is getting drunk and making sexual advances, demanding that Maria work all hours and she has not been paid for three months. When she asked for her passport back he laughed and refused. She went out for a walk to calm down because she was so angry; when she got back he had locked the door and put a bag with some of her belongings on the step.

Immigration status: At this stage, impossible to tell. Maria may have a domestic worker visa (lasts for six months with condition that she lives with her employer) or may have no status at all.

What can she do? Maria needs to get advice: she may not be able to get or extend or change her visa. She may be able to get a trafficking referral but this will depend on her circumstances: this might offer accommodation and legal assistance.

The help she needs: Maria needs accommodation and support while she gets help from an organisation that helps domestic workers and finds out about her current status, which will take up to a month. She will then need to decide what her next steps are and may need further help.

## **Besim**

Besim arrived from Albania aged 17 almost 10 years ago. He applied for asylum, was given a short period of leave then reapplied, but was eventually refused. He has been trying to 'sort out something' ever since. He has been staying with a friend from his home region, but the friend has now married and the wife says Besim has to go. He has had some brushes with the law, but has not spent any time in prison and has had no recent problems.

Immigration status: He is currently regarded as someone with no leave to remain. His solicitor says there is no chance he will get it as he has been refused several times and does not have a good case, especially since his brushes with the law would be a factor.

What can he do? Besim wants to apply for assisted voluntary return. His family have been in touch and he thinks he would be safe in Albania.

The help he needs: Accommodation and support while he gets new documents and goes through the assisted voluntary return process which could take a few months. Once he has started that he may be able to get Section 4 support and accommodation from the Home Office.

## **Gurbux**

Gurbux arrived from India as a student of English three years ago. He never really attended the six-month course, but stayed with a friend, overstayed and found work in a restaurant. A problem with alcohol eventually led to him losing his accommodation and then his job. He has been sleeping rough for three months, and has been contacted by a homelessness project which wants to get him off the streets and is concerned about his health. He has no ID which he has lost while on the streets.

Immigration status: Gurbux has no leave to stay in the UK and an immigration adviser at the homeless project says he has no realistic success with an application to stay.

What can he do? He can return to India, but needs documents and the fare. He may be able to negotiate something with his embassy and the Home Office. This can take some months to sort out.

The help he needs: Gurbux needs accommodation and food to help him before his return.

## **Viktor**

Viktor arrived in the UK 18 months ago, brought by an 'agent' who promised him he would have work and a visa in the UK. He is now 18. When he arrived, his passport was taken and he was set to work as a fruit picker and general farm worker along with several other people, with almost no wages paid, living in appalling conditions. When he protested he was told he had no options, and the agent made threats against his family in the Ukraine. He has seen other workers physically threatened and hit by supervisors. He says he is not afraid because he is a tough guy but he does have some nervous tics and he worries about his family. He may have some level of learning disability.

Immigration status: Uncertain, but probably has no leave to stay.

What can he do? Viktor has been trafficked into the UK for labour exploitation. He can get help via the National Referral Mechanism (NRM) which may include an offer of accommodation and support for 45 days to think about his options, medical and psychosocial support and help with claiming asylum or other leave if appropriate. He may also be able to claim compensation from his exploiters or pursue criminal proceedings against them but will need all this carefully explained to him.

The help he needs: Viktor cannot be referred to the NRM without his consent and he needs a few days of accommodation and support to consider this – somewhere safe away from his traffickers.

## Lily

Lily arrived in the UK as a student from China four years ago, but got pregnant and dropped out of the course once the baby was born. Her boyfriend, who is British, is now in prison and has made it clear he does not want to see Lily or her daughter. Lily had been living with his aunt, who has told her to leave, and is supporting herself by doing a bit of translating and babysitting. She has nowhere to live and not enough to live on or pay rent.

Immigration status: Lily has a right to reside in Britain because she is the sole parent of a British child.

What can she do? She can apply for a residence permit which will give her the right to work but not to claim benefits or get help with housing.

The help she needs: Lily can apply to social services for help and support but such applications are often refused or delayed, may need high levels of proof that cannot be supplied, or even be refused to someone who has some small, even irregular, source of income. She may need some skilled advocacy and certainly somewhere to stay. If she has to argue her case with social services she may need accommodation for longer.

## Tariq

Tariq recently arrived in the UK from Iraq, probably in a container. He has a brain injury which seems to have been sustained during his journey, and is not very articulate although physically able to cope. He did arrive with some other Iraqi men, but is no longer in touch with them and does not know where they are. He was offered some accommodation, which he describes as basic and dirty and crowded, but thrown out because he disturbed the others residents. He is not sure where that is and has been 'just wandering around' for at least three days. He is terrified of returning to Iraq because he believes that he cannot be safe there and also that his family could not support or help him now that he is disabled. He was found sleeping rough by an Iraqi refugee who took him to a refugee project which has helped him claim asylum.

Immigration status: Tariq is waiting for an interview to progress his asylum case and until he has one cannot access asylum support or accommodation, since the project has been told that he may have special needs and these have to be assessed and there is a backlog of screening interviews. He has had a long interview with a solicitor who tells him his asylum claim is likely to succeed.

What can he do? The project is doing its best to get Tariq into asylum support but there are real difficulties setting up the appointment as Tariq needs support and sensitive interpreting. Meanwhile he has nowhere to go. The project let him sleep in the office for two nights but cannot do that again.

The help he needs: Tariq needs accommodation and support until the problems with starting his asylum application are sorted out, which should be within the next two days, but there are no guarantees.

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# Appendix 1: Useful information

**Hutton, C. and Lukes, S. (2015) *Models of accommodation for people with no recourse to public funds*. London: Praxis, Housing Justice and NACCOM**

Building on existing research and experience which shows that people with NRPF cannot access 'mainstream' accommodation services and rely mainly on informal networks to survive, this report to move forward the debate by:

- providing an overview of the different accommodation and support models used;
- identifying best practice in providing accommodation and support for non-EU homeless migrants with NRPF;
- getting an initial insight into how such projects are resourced and operate.

Targeted at current and prospective providers, funders and commissioners, the report explains the context in which these projects were set up and the key issues raised. It sets out a typology of accommodation and support models. It also explores potential for new ways of providing accommodation to this group, with a special focus on sustainability.

**Clayton, G. (in press) *Models of immigration advice, advocacy and representation for destitute migrants, focusing on refused asylum seekers*. London: Future Advice Fund**

Outlining examples of provision of immigration advice for destitute refused asylum seekers, this report examines differing approaches to supporting routes out of destitution, identifies contrasting models and assesses strengths and limitations. It considers the kinds of support that help destitute people to regularise their status and how they can gain access to this in the context of cuts in legal aid. It explores opportunities and limitations associated with making fresh claims for asylum and human rights protection, including where destitute asylum seekers may not previously have received adequate, or any, advice.

The report draws attention to models of provision to make good use of limited resources through partnership working. It identifies key factors in initiatives aiming to meet the legal needs of refused asylum seekers.

**Randall, A. (2014) *Challenging the destitution policy – civil society organisations supporting destitute migrants*. Birmingham: TSRC**

This report reviews changes in the law on immigration and asylum which have left many asylum seekers destitute. It examines the development of organisations which provide material support and accommodation for refused asylum seekers who have no recourse to public funds. It considers the growth of organisations in three cities, which try to stand in for the welfare state in supporting this vulnerable group with food, cash and accommodation. The report finds quite different models for resourcing the services and different approaches to eligibility which in part reflect the level of formality of the organisation. It examines the resources, co-ordination and value of the services provided. The findings have relevance for wider discussions about the role of voluntary sector organisations in addressing destitution and welfare reform as well as for government policy and practice around migration.

**Murray, A. (2014) *Accommodation in London for rough sleepers with no recourse to public funds*. London: Housing Justice for the GLA**

This study of services for destitute non-EU nationals in London maps current accommodation provision for people with no recourse to public funds and investigates the possibility of creating a framework for matching accommodation offers with referrals of street homeless clients with NRPF from outreach providers.



The study:

- maps and describes the range of accommodation options and support offered to people with NRPF by faith and community groups in London;
- tests the willingness of groups providing this type of accommodation to co-operate with GLA/outreach/Home Office partnership initiatives detailing any barriers to co-operation. Should some willingness be indicated it develops an appropriate and robust framework for matching accommodation offers with referrals and making recommendations about how this might be implemented.

Available at: [www.housingjustice.org.uk/data/\\_resources/620/GLA-report-draft-2.pdf](http://www.housingjustice.org.uk/data/_resources/620/GLA-report-draft-2.pdf)

Fitzpatrick, S. *et. al.* (2015) *Destitution in the UK: An interim report*. York: JRF

This is the initial report of a JRF study aimed at testing definitions of destitution across the UK and providing estimates of its incidence. A full report will be available later in 2015.

Available at: [www.jrf.org.uk/publications/destitution-uk-interim-report](http://www.jrf.org.uk/publications/destitution-uk-interim-report)

## Publications from the Housing and Migration Network

This network, run by HACT and sponsored by JRF and the Metropolitan Migration Foundation until it disbanded in 2012, produced a number of reports and guides aimed at housing practitioners. The most relevant to the issue of migrant destitution are:

*Housing associations and provision for destitute migrants: A practice pack.*

Available at: [www.jrf.org.uk/sites/files/jrf/housing-destitution-pack.pdf](http://www.jrf.org.uk/sites/files/jrf/housing-destitution-pack.pdf)

*Housing and migration: A UK guide to issues and solutions.*

Available at: [www.cih.org/publication-free/display/vpathDCR/templatedata/cih/publication-free/data/Housing and migration A UK guide to issues and solutions](http://www.cih.org/publication-free/display/vpathDCR/templatedata/cih/publication-free/data/Housing+and+migration+A+UK+guide+to+issues+and+solutions)

*UK migrants and the private rented sector.*

Available at: [www.jrf.org.uk/publications/uk-migrants-private-rented-sector](http://www.jrf.org.uk/publications/uk-migrants-private-rented-sector)

*Housing rights website*

[www.housing-rights.info](http://www.housing-rights.info)

This web resource, developed originally by HACT and CIH and now run by CIH with BMENational, is a detailed guide to the eligibility of different classes of migrant for housing allocations, homelessness help and housing benefit. It has special sections on helping destitute migrants and on the private rented sector. It covers England and Wales with a separate set of pages for Scotland. It is regularly revised and updated.

[www.homeless.org.uk/migrant-destitution](http://www.homeless.org.uk/migrant-destitution)

The Strategic Alliance on Migrant Destitution at Homeless Link collates relevant information, including reports from events to promote action and cross-sector working.

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