

The Home Office's New Plan for Immigration

Joint response by Chartered Institute of Housing, Homeless Link, Metropolitan Thames Valley and NACCOM, the No Accommodation Network

The Chartered Institute of Housing, Homeless Link, Metropolitan Thames Valley (MTVH) and NACCOM have worked together to produce this joint response to the New Plan for Immigration, concentrating on aspects relating to accommodation and benefits.

CIH is the independent voice for housing and the home of professional standards. CIH has a diverse membership of people who work in both the public and private sectors.

Homeless Link is the national membership body for homelessness services in England. Representing over 800 members across housing, health and care sectors we work to ensure that everyone has a place to call home and the support they need to keep it.

MTVH provides housing at different levels of affordability for people living in London and other parts of England. It also supports the Metropolitan Migration Foundation, which helps migrants and the communities they live in, including people who are refugees and asylum seekers.

NACCOM is a national network of frontline organisations and charities across the UK preventing destitution amongst people seeking asylum, refugees and other migrants. Its members accommodate people who have no recourse to public funds and/or are facing destitution.

Brief outline of the Home Office plan

The Home Secretary's [New Plan for Immigration](#), published on 24 March 2021, has three objectives. In summary these are to improve the fairness and efficacy of the system, deter illegal entry and remove people with no right to be in the UK. To deliver against these objectives the plan says that it 'will make big changes, building a new system that is fair but firm'.

The plan promises that the government '...is resolutely committed to transformative change across the entire Home Office.' However, although the title of the 'New Plan' gives the impression that it tackles immigration policy more widely, in practice it focuses largely on asylum seekers and refugees.

The plan's most radical element is a proposal which would, in effect, create a two-tier asylum system: preferential treatment for those who travel to the UK through official resettlement arrangements, and harsher treatment with a more uncertain outcome for those who travel on their own initiative and who arrive in the UK via third countries.

Our views on the overall scope and content of the plan

A major concern is the limited scope of the plan. In response to the Windrush inquiry, the Home Secretary promised 'a fairer, more compassionate Home Office that puts people first and sees the "face behind the case".' Yet the plan does little to address this. It makes no mention of either the

‘hostile’ or the ‘compliant’ environment. It refers to the highly controversial policy of designating large groups of people as having ‘no recourse to public funds,’ but only to extend the NRPF rule to more cases. It makes no mention of the Home Secretary’s equality duties nor the steps being taken to comply with these after the ruling by the Equalities and Human Rights Commission that followed the Windrush scandal.

Our organisations urge the Home Secretary to show how she will change the immigration system in response to the Windrush inquiry and the promises she made then, and make a radical move away from the ‘hostile’ or ‘compliant’ environment, as many bodies have recommended.¹

Even in its narrow focus on asylum, the plan does not address the widely expressed concerns of asylum seekers and those who assist them. Instead of repairing a system which already fails people who are subject to it, if the plan is implemented it will make their circumstances worse. A system is hardly ‘fairer’ if it increases the uncertainty and insecurity of the very people who need help. The Home Secretary should address the reasons why so many people whose asylum claims are rejected have them approved on appeal (14,151 cases since 2015²), a clear sign of serious deficiencies in the system.

The consultation process is also very unhelpful as (a) the plan is lacking in detail, making comment difficult and (b) the multiple-choice nature of the questionnaire makes the process very crude. The Home Office also appears to have made no attempt to engage beforehand with organisations or individuals with experience as ‘customers’ of the immigration system when developing the plan. The short timescale for responses is a further disincentive to engagement. Furthermore, the proposals appear to be UK-wide, but it is not clear what steps are being taken to engage with devolved administrations and with asylum/refugee organisations in the rest of the UK.

Concerns about gaps in the plan on accommodation, housing and benefits issues

From the perspective of housing organisations, the plan has some very significant gaps if it is to provide a comprehensive reappraisal of immigration policy. These include:

- *Right to rent.* There is nothing on right to rent checks and concerns that they form a damaging part of the hostile environment and have been condemned as discriminatory by the courts. They create complex barriers to accommodation for homelessness services and those they support and were identified as a significant contributor to the problems highlighted by the Windrush scandal. The Chartered Institute of Housing has opposed these checks from the time when they were first proposed and continues to call for their withdrawal.
- *Housing of refugees.* The plan does not address long-standing concerns about the difficulties faced by asylum seekers in supported accommodation who receive a decision and then have to leave, usually in a shorter timescale than the promised 28 days. Housing organisations have for many years lobbied for a longer transition period and for better arrangements for helping people obtain secure accommodation to provide a base from which they can build

¹ For example, the proposals in the recent report by IPPR, [Beyond the Hostile Environment](#).

² Response to Freedom of Information request (FOI 61836, 12 April 2021).

their lives in the UK. Sam, a newly recognised refugee who gave evidence at the Housing, Communities and Local Government Select Committee [in December 2020](#), explains:

'I am at risk of homelessness in 18 days, because I am being evicted from asylum accommodation... I have been in touch with the local council. I made a homeless application. There is a delay in service due to the pandemic.... I applied for Universal Credit three weeks ago. I still do not have an appointment... As an asylum seeker, I was not allowed to work. I do not have savings. By the time you open a bank account and get Universal Credit, to try to find alternative accommodation is really difficult. I should be celebrating the fact that I have my leave to remain. I have been looking for a job; I have been doing job interviews. I should be focusing on that instead of doing homeless applications... This has been a problem with the 28 days'.

- **Accommodation standards for asylum seekers.** The plan does not address the widespread and continuing concerns about the quality of asylum accommodation and the poor enforcement of the terms of asylum support contracts. Nor does it address the major concerns about the use of army barracks and hotels during the pandemic. There is also considerable concern that the proposed reception centres could be large, institutional units providing unsuitable accommodation and support, and potentially susceptible to racist attacks (see below).
- **No Recourse to Public Funds.** The Chartered Institute of Housing, Homeless Link and NACCOM have repeatedly drawn government's attention to the problems faced by people subject to NRPF, calling for the NRPF rule to be lifted. In addition, Homeless Link has drawn attention to the impossible difficulties faced by local authorities due to lack of government action on this matter. The wider issues about NRPF are not mentioned in the plan, and the plan would extend the rule to even more cases. Abeo, who also gave evidence to the [HCLG Select Committee in December 2020](#), explains the personal impact of having NRPF with no immigration status, and the changes that are needed to ensure everyone feels safe:
"It is very hard to comply [with NRPF] when you are not allowed to work or claim benefits and it is against human rights. It is like the Government telling you, "Just sit on the street. You are not allowed to eat; you are not allowed to sleep in a house; just sit on the street and die"... If you are a human being, you should be able to access your basic needs like food, cleaning yourself and staying in accommodation until your immigration status is solved."
- **Undocumented migrants.** Among those with no access to housing or benefits, undocumented migrants are in the worst position and the Home Office should include in its plans means to provide the support for the estimated one million people in this situation to regularise their immigration status, which studies have shown is possible for the vast majority. The recommendations of the recent report by JCWI, [We are here](#), including new, simplified routes to status based on five years' residence, should be seriously considered.
- **Dispersal.** The policies do not address the reasonable concerns of parts of the UK with highest levels of asylum seeker dispersal that it is inequitable and falls on the poorest communities. Evidence from MTVH, who work in communities that welcome a high flow of new migrants such as Derby, suggests that there needs to be less pressure on these areas and more equitable dispersal. Research by [COMPAS](#), co-funded by MTVH's Migration Foundation, into best practice for improving the outcomes for refugees, found that strategic

dispersal and placement in local areas can lead to better employment outcomes and support overall integration of migrant communities.

- *Rough sleeping and destitution.* A related issue, also unmentioned, is the interaction between immigration policy and the growing incidences of rough sleeping and destitution. Fear of immigration checks makes it much more difficult to assist rough sleepers and others in irregular accommodation, such as 'beds in sheds'. There are several points to be made here:
 - The Chartered Institute of Housing has consistently called for immigration policies which do not use destitution as a weapon to deal with undocumented migrants; it joined other bodies in opposing the recent change to the rules which makes rough sleeping a ground for withdrawing someone's permission to stay in the UK. The harm that destitution causes to people who have nowhere to turn at the end of the immigration system has been well documented.³
 - People with NRPF are vulnerable to poverty and destitution. Recent analysis from the [Joseph Roundtree Foundation](#), a partner of the MTVH Migration Foundation, revealed a broad three-way classification of destitute households in the UK in 2020, of which migrant-led households were one.
 - NACCOM points out that its work provides [a wealth of evidence](#) that communities across the UK have the energy and space to find solutions to destitution and have stepped up to fulfil this when Government has failed. In 2019-20, 3,373 people were accommodated by the NACCOM network, 2,794 of whom either had NRPF (including people who have claimed or been refused asylum) or refugee status.

Concerns about a two-tier asylum system and its effect on integration

The government's plan would essentially divide people between the (currently small) numbers who arrive through formal 'resettlement' schemes, and the majority who only apply for asylum after they arrive in the UK. The plan implies that all those needing asylum should enter legally; but this ignores the extreme difficulty that most asylum seekers find in travelling to a safe country by normal routes, and the impossibility of applying for asylum until arrival at the border of the state in question. Most routes to applying for asylum in the UK (and most other countries) involve a degree of 'illegality', and this is recognised by international conventions.

The housing and homelessness sector is particularly concerned with proposals to cut and limit entitlements for those who do receive asylum, which simply serves to undermine protection and support options for an already vulnerable group. This group will only get a right to remain for 30 months; they will be regularly assessed for possible deportation; they will have fewer benefits than claimants who arrive by legal routes (i.e. they will be subject to NRPF), and they will have 'restricted' family-unification rights. Several of the problems with this have been highlighted in recent research:

- The [IPPR](#) has found that the coronavirus pandemic has posed unprecedented challenges for the integration of migrant communities. It has put many migrant workers with NRPF at

³ For recent reports and briefings, see ['Being Human'](#), Jesuit Refugee Service UK, 2021, ['Hear Us'](#), Sisters Not Strangers, 2020, ['Will I Ever Be Safe?'](#) Women for Refugee Women and partners, 2020, ['Missing the Safety Net'](#), Refugee Action and NACCOM, 2019, ['Seeking Asylum'](#), Baobab, CARAG, Coventry Migrant Women's House, Meena, Refugee Rights Europe and Hope Projects, 2019,

increased risk of economic hardship and destitution, which, if they are enacted, these plans will only exacerbate further.

- Research by the University of Oxford's Centre on Migration, Policy and Society ([COMPAS](#)), co-funded by MTVH's Migration Foundation, into best practice for improving the outcomes of refugees, found that lowering welfare payments can have major negative consequences in the long term, which evidences the limitations of NRPF for supporting migrant integration.

The majority of asylum seekers will therefore exist in uncertainty about their future even if they get permission to stay, severely affecting their ability to get long-term accommodation and to build their lives in the UK. Ultimately, this will undermine our efforts to tackle homelessness and end rough sleeping and create further confusion about the role that statutory services can play.

Concerns about specific proposals made in the plan

Our primary concerns about specific proposals in the plan relate to those in Chapters 4 and 8, detailed below.

Chapter 4: Temporary Protection Status

Anyone who arrives in the UK illegally - where they could reasonably have claimed asylum in another safe country – will be considered inadmissible to the asylum system. If they did not come to the UK directly, did not claim without delay, or did not show good cause for their illegal presence, the Home Office will consider them for temporary protection status (TPS). This will be for a temporary period, no longer than 30 months, after which individuals will be reassessed for return to their country of origin or removal to another safe country. TPS will not include an automatic right to settle in the UK, family reunion rights will be restricted and there will be no recourse to public funds except in cases of destitution.

Comment:

TPS will be extremely damaging, both to individuals and services. It will prevent asylum seekers whose claims are accepted from accessing permanent housing, getting social security benefits, making a 'home' from which to look for a job, register for health care, etc., and is a severe barrier to their integration. With local authorities, homelessness and other support services already struggling to support people with NRPF with a right to live in this country, TPS simply expands and this challenge and makes it much more difficult to address.

It is impossible to comment on the detail of the proposals given that they are not set out, but it is obvious that TPS will create severe hardship for people whose vulnerability and need for protection will by then have been recognised. It will make it harder for services to support them, thereby driving a more dysfunctional system. It is simply unacceptable to maintain people in a lengthy or indefinite state of uncertainty, perhaps after they have already spent years waiting for their asylum claim to be decided.

TPS creates an incentive to stay 'under the radar' as people will get little advantage from having an asylum claim proved. It will therefore be counterproductive to the government's attempts to make the system more effective, as well as increasing the levels of destitution already occurring, and raising risk levels during any future Covid-type pandemic.

TPS will also add to the already unsatisfactory burdens on local authorities for s17 support, as they will have to deal with more claims from people with NRPF.

The TPS proposal should be rescinded and arrangements for those whose asylum claims are approved should remain as they are, with attention paid instead to how this process could work more smoothly, e.g. ensuring that the 28-day grace period in asylum accommodation is properly observed and encouraging local authorities to engage at an early stage with people leaving asylum accommodation who need homelessness assistance.

Chapter 4: Reception Centres

The government plans to have reception centres to provide basic accommodation while processing the claims of asylum seekers. The law will be changed so that it is possible to move asylum seekers from the UK while their claim or appeal is pending. This will keep the option open, if required in the future, to develop the capacity for offshore asylum processing - in line with international obligations.

The reception centre model, as used in many European countries, would provide basic accommodation in line with statutory obligations, and allow for decisions and any appeals to be processed fairly and quickly onsite. The Home Office will create a new fast-track appeals process.

Comment:

The reception centre model is very problematic, especially if the Home Office use of accommodation such as old army barracks is any indication of the form that reception centres might take, or indeed if they will in practice be detention centres, which have an even worse track record. The current 'asylum estate' is, frankly, a disgrace.

The government is urged to review and improve its asylum accommodation policy and to accommodate asylum seekers in decent accommodation in communities, as well as seeking greater engagement of local authorities in this rather than relying on contractors who procure the cheapest accommodation in some of our poorest areas and who are unable to support the wider needs of the asylum-seeking population. Current pandemic-related accommodation arrangements such as army barracks and hotels have proved wholly unsatisfactory in terms of housing standards and meeting wider welfare needs.

Chapter 8: Enforcing Removals including Foreign National Offenders (FNOs)

The Home Secretary would reduce the criminality threshold so that those who have been convicted and sentenced to at least 12 months' imprisonment can have their refugee status revoked and be considered for removal from the UK. She would consult with local authorities on implementing the provisions of the Immigration Act 2016 to remove support from failed asylum-seekers, and will seek to enforce returns – including removing asylum support for individuals who fail to comply with attempts to return them.

Comment:

These proposals are rejected as simply extending the cruelty associated with the asylum system so that it affects even more people and will again put a further burden on local authorities with, presumably, no extra resources provided for them to deal with extra support cases.

The proposal to enact changes from the Immigration Act 2016 and end support for people who have been refused asylum, including families, is of particular concern. People who have been refused asylum need time and support and they need legal advice and a roof over their heads whilst they explore their options.

The suggestion of plans to stop support for asylum seeking families is of extreme concern. For too long, single adults have been subject to the ordeal of being forced to live in homelessness and extreme poverty, facing starvation and exploitation, if they do not 'voluntarily' leave the UK. For some people returning to their country of origin may be something they consider, but the reality is that for many people it is simply not safe nor practical for them to do so. Coercion into destitution is irresponsible, even more so if extended to families and children.

With support, people can and do move on with their immigration claims. NRP Network data [shows](#) that with legal advice and support, 77% of families with NRP who were supported by local authorities last year were granted leave to remain. Meanwhile, of the 427 people who had their appeal rights exhausted and moved on from NACCOM members services in 2019/20, 53% secured refugee protection or were supported to re-engaged with statutory or asylum support.

The proposal of a time limit on seeking legal advice for people facing removal is also of concern, as it is drafted in such a way to prevent people from accessing justice and challenging Home Office decisions. Access to independent legal advice is essential if justice and fairness are to be maintained, although there are many barriers to finding good quality legal advice. The Home Office should take a leadership role in working with other government departments to ensure no one faces a barrier to justice.

It is essential that the Home Office consults fully with local authorities and other stakeholders before bringing the support measures in the Immigration Act 2016 into force. This is likely to confirm our concerns that they will create significant harm and further destitution, will not be workable in practice and will not achieve the stated aim of promoting and enforcing compliance with immigration laws. The measures will impose an extensive new burden on local authorities and their implementation will be even more problematic in the devolved administrations.

Contact: john.perry@cih.org

May 2021