

Rt Hon Priti Patel MP

Home Secretary

Date: 5 November 2020

Rt Hon Robert Jenrick MP

Secretary of State for Housing, Communities and
Local Government

BY EMAIL

Dear Priti and Robert,

We are writing to you as local government and civil society organisations to urge you to reverse deeply concerning plans to use rough sleeping as a ground to remove certain migrants from the UK. Instead, we urge you to take compassionate and exceptional measures to avoid thousands of non-UK nationals falling into destitution and street homelessness during a global pandemic and the deepest recession in generations.

A significant proportion of non-UK nationals cannot access either welfare benefits or homelessness assistance in the UK. As a result, their accommodation and support options are extremely limited. The solution is for the Government to increase support for this group, not to strengthen policies that would further limit their access to essential services.

The Greater London Authority (GLA), London boroughs and civil society organisations acted swiftly to accommodate and support thousands of London's rough sleepers, regardless of immigration status, in response to the pandemic. We did this with central government support under the "Everyone In" programme to respond to an unprecedented public health emergency. This emergency is still ongoing, but funding put in place by the Government is coming to an end, and measures like the suspension of asylum cessations and the ban on evictions have been lifted. No alternative measures have been put in place to allow all destitute non-UK nationals to access mainstream support.

Changes to the Immigration Rules making rough sleeping a legal ground to cancel or refuse permission to be in the UK from 1st December will deter already vulnerable people from seeking help to rebuild their lives off the streets, and put them at greater risk of exploitation and infection from Covid-19. Although the rules currently have limited application, they set a dangerous precedent and rather than supporting people to come off the streets, these new rules will punish rough sleepers simply for not having a home.

Draft legislation suggests EU citizens who do not satisfy the EEA Regulations 2016 and have not yet obtained status under the EU Settlement Scheme (EUSS) will not be able to continue to work and live their lives in the UK as they do now after the end of the transition period. This will impact many homeless EU nationals who are less likely to be currently exercising treaty rights and who might become undocumented from January 2021, making it more difficult to find routes off the streets. The 31st December marks not

only the end of the transition period, but also the end of the suspension of derogation which has allowed some support to be provided for EEA nationals. This may see support provision for vulnerable EU rough sleepers substantially reduced at a crucial time.

The Covid-19 crisis has placed extreme pressure on already-stretched local authorities who in most cases cannot afford to accommodate non-UK nationals with no or limited entitlements on an indefinite basis. Civil society organisations are reporting reduced capacity and uncertainty about how services can operate safely within Covid-19 restrictions. This includes the network of night shelters with shared sleeping spaces, which this year will be substantially reduced as they are not Covid-secure.

The Government must withdraw the new Immigration Rules and instead urgently implement measures to allow all those unable to self-isolate, including all non-UK nationals, to access appropriate support. Our proposals are as follows:

1. **Reverse plans for rough sleeping to become grounds for refusal or cancellation of permission to be in the UK.** We urge you to reconsider these changes to the Immigration Rules to ensure people are not subject to removal on the basis of not having a home.
2. **Suspend all immigration-based exclusions from welfare and homelessness assistance to adapt to these exceptional times.** We suggest that you suspend the Habitual Residence Test, so that European Economic Area (EEA) citizens do not need to prove their 'right to reside' to access benefits that will help them to cover living and housing costs. We also ask you to suspend the No Recourse to Public Funds (NRPF) condition, so that those currently subject to it can access benefits and homelessness assistance during this time.
3. **Take action to prevent European Londoners from becoming undocumented.** We urge you to:
 - a. extend the grace period protections to all EU citizens and their family members already living in UK before the end of the transition period;
 - b. extend the deadline to apply for EUSS to account for the difficulties faced by vulnerable EU citizens during the pandemic;
 - c. extend funding linked to the suspension of derogation beyond 31 December.
4. **Take all necessary measures to avoid pushing refugees and asylum seekers into homelessness.** We urge you to extend the move-on period for newly recognised refugees from 28 days to 56 days to bring it in line with local authorities' duties under the Homelessness Reduction Act. We also ask you to stop issuing cessation letters until it can be shown that all options have been explored to avoid the person becoming destitute and street homeless.
5. **Properly fund self-contained, COVID-secure accommodation which we know is the safest way to protect those who would otherwise be sleeping rough during this period.** The £10m recently announced for winter provision for rough sleepers will be inadequate to ensure rough sleepers have access to Covid-secure accommodation this winter.

Measures taken as part of the 'Everyone In' programme resulted in very low Covid-19 infection rates amongst homeless people in London^[1]. Without a robust plan, including legislative changes, there is a real risk that all the positive work we have jointly done will be undermined, and that we will see soaring Covid-19 infection rates among rough sleepers spreading to the wider community as a result.

We would welcome an urgent response on the points raised in this letter.

Yours sincerely,

Sadiq Khan, Mayor of London
Tom Copley, Deputy Mayor for Housing and Residential Development
Debbie Weekes-Bernard, Deputy Mayor for Social Integration, Social Mobility and Community Engagement
Cllr. Muhammed Butt - Executive member for Welfare, Empowerment and Inclusion, London Councils
Cllr Darren Rodwell - Executive Member for Housing and Planning, London Councils
Crisis
Council of Somali Organisations
East European Resource Centre
Evolve Housing + Support
Focus on Labour Exploitation (FLEX)
Glass Door
Homeless Link
Housing Justice
Latin American Women's Rights Service
Lewisham Refugee and Migrant Network
Liberty
Migrants' Rights Network
New Europeans
NRPF Network
Open Doors
Praxis
Refugees at Home
Roma Support Group
Safer London
Seraphus
Settled
Single Homeless Project (SHP)
Southwark Day Centre for Asylum Seekers
Spear
Thames Reach
The No Accommodation Network (NACCOM)
Refugee & Migrant Forum of Essex and London (RAMFEL)

Cc: Rt Hon Therese Coffey MP, Secretary of State for Work & Pensions
Paul Scully MP, Minister for London

^[1] <https://www.ucl.ac.uk/news/2020/sep/covid-19-emergency-homeless-accommodation-saved-hundreds-lives>