

Briefing on Rough Sleeping Support Service – Sept 2019

Context

In December 2017 a Home Office policy allowing EEA-national rough sleepers to be detained and ‘administratively removed’ on the basis that rough sleeping was an ‘abuse’ or ‘misuse’ of EU treaty rights was ruled unlawful in the High Court.

The ruling put a brake on a culture of ‘joint working’ and information sharing between immigration enforcement teams, local authorities and some local-authority commissioned charity outreach services that had been developing since around 2010.

What is the RSSS?

In late 2018 the Home Office announced a new Rough Sleeping Support Service under the auspices of the MHCLG’s Rough Sleeping Strategy. The Home Office claims the RSSS is ‘not an enforcement-focused approach’ and has been introduced ‘to help non-UK nationals sleeping rough resolve their immigration cases and access the support that they need.’

However emails between the Home Office and the GLA, obtained through FOI requests, suggest otherwise. The RSSS appears to represent a new effort to co-opt local councils and charities into the ‘delivery of immigration control’, an attempt to circumvent consent-based information sharing—and yet another measure making homeless people the targets rather than the beneficiaries of social policy.

What’s the problem?

Information sharing between charities, local authorities and immigration enforcement has already damaged the trust that needs to exist between migrant rough sleepers and those seeking to support them.

A lack of transparency around the RSSS means it is unclear how information is being shared or how many migrant rough sleepers may have been referred. But it looks very much like a new ‘hostile environment’ measure—asking council employees and charity workers to fulfil the functions of border guards. The Home Office wants information about rough sleepers to be shared on the basis of ‘public task’ rather than on the basis of ‘informed consent’. This may breach data protection rules.

Finally, the RSSS appears pointless from a ‘support’ perspective. The Home Office has put in place no additional resources to respond to subject access requests and is providing no funding to help migrant rough sleepers access the independent immigration advice they may need to resolve their status and get off the streets.