

Rt Hon Robert Jenrick MP
Secretary of State for Housing, Communities and Local Government

By email only: robert.jenrick.mp@parliament.uk

6 May 2020

*****URGENT*****

Dear Robert Jenrick,

Re: Supporting homeless migrants during the Coronavirus (COVID-19) pandemic

We are writing to express our concern that not enough is being done by MHCLG to ensure that all homeless people, regardless of immigration status, can access the accommodation and support they need during the Covid-19 pandemic.

On 20 March 2020, alongside over fifty other organisations, we [wrote](#) to local authorities in England asking for urgent steps be taken to protect and support vulnerable migrants, particularly those with No Recourse to Public Funds (NRPF) and those experiencing or at risk of homelessness, during the Coronavirus (COVID-19) pandemic.

We, therefore welcomed Luke Hall's [letter](#) of 26 March 2020, directing local authorities to address the accommodation and support needs of '[people] who are, or are at risk of, sleeping rough, and those who are in accommodation where it is difficult to self-isolate'.

We particularly welcomed the instruction to councils to 'utilise alternative powers and funding to assist those with no recourse to public funds who require shelter and other forms of support due to the COVID-19 pandemic'.

Luke Hall's letter additionally instructs councils to provide 'social care basics such as food, and clinician care to people who need it in [...] self-contained accommodation'.

In practice, however, many vulnerable migrants are not getting the accommodation and support they need. Our monitoring has revealed the following issues, which we communicated in a [second letter](#) to local authorities on 14 April 2020:

- No clear pathway for individuals and supporting organisations to refer people with NRPF for accommodation and support
- 'Gatekeeping' of accommodation provision by housing officers, including applying Housing Act tests of eligibility and requiring evidence that cannot be obtained
- Housing officers telling destitute migrants that accommodation 'can only be provided to people with recourse to public funds'
- Local authorities offering hotel accommodation only to 'verified' rough sleepers resulting in many migrant homeless people (e.g. domestic violence survivors, those who squat, sleep on buses or sleep during the day) being excluded from provision

- Homeless migrants being placed in hotels with no/inadequate provision being made for their subsistence
- Threats by local authorities to share data with the Home Office

We have recently been made aware that local authorities have been verbally informed by MHCLG that, contrary to the instructions given in Luke Hall's letter, they are not required to accommodate homeless people with no recourse to public funds and will not be reimbursed for doing so. We note Luke Hall's responses to written parliamentary questions on [28 April 2020](#) and again on [4 May 2020](#), both of which state, in relation to homelessness, that 'the legal position on those with no recourse to public funds has not been amended.'

This information, and the ongoing failure to provide self-contained accommodation and support to homeless people with no recourse to public funds, is at odds with Luke Hall's clear instruction on 26 March 2020 to 'bring everyone in'. Leaving the decision about whether to support people with NRPF to the 'discretion' of local councils—as you [recently indicated](#) was the government's position—will inevitably lead to many people with NRPF being left out of the homelessness response.

Leaving people with NRPF homeless during this crisis is not only a moral and humanitarian failure. It is also incompatible with the need for everybody to stay at home and avoid all unnecessary contact with others, as outlined in the [Public Health England COVID-19 Guidance on Social Distancing](#).

Local authorities cannot provide essential shelter and support to 'those with no recourse to public funds who require [it]' unless they are properly empowered and funded to do so. It is clear that both the lack of clear published guidance from MHCLG and a lack of adequate, ringfenced funding is contributing to the failure to provide support to all homeless people regardless of immigration status.

On 8 April 2020 three of the four Local Government representative bodies in the UK [wrote](#) to the government calling for 'guidance for local authorities, families and individuals [...] to make it much clearer that the current emergency support is available for those with NRPF, including rough sleeping support through local authorities'. This letter also calls for additional funding and the suspension of the NRPF regime.

Finally, we are concerned that the lifting of 'lockdown' measures, whenever this occurs, will result in the mass eviction of migrant homeless people, including those with NRPF, from accommodation provided through the pandemic response, with the result that many face a return to destitution.

In light of the above, we are urgently calling on you to:

1. Issue detailed formal guidance to local authorities in accordance with s.182 of the Housing Act 1996 around the provision of accommodation and support to people with no recourse to public funds during the Covid-19 pandemic. This guidance should make clear that:

-All local authorities must provide accommodation to all homeless people who approach them during the Covid-19 pandemic, regardless of immigration status or whether they are 'verified' rough sleepers. Standard legal tests for the provision of

statutory support (proof of homelessness, eligibility, priority need, intentionality, local connection) are to be disregarded by all frontline staff, including housing officers, social services departments and commissioned service providers;

-Local authorities must maintain clear and accessible pathways for access to support for all vulnerable migrants

-Local authorities must ensure that all homeless people accommodated through the pandemic response are able to meet their basic needs for food, hygiene and travel (where appropriate e.g. for medical reasons). In terms of food provision, this means ensuring the provision, without charge, of three adequate meals a day that meet the dietary requirements of those accommodated. All basic-needs provision must be made regardless of immigration status;

-The personal data of homeless people accommodated or supported through the pandemic response must not be shared with the Home Office or any other government body for immigration-enforcement purposes;

-Local authorities must not withdraw the provision of accommodation to migrants with NRPF once lockdown restrictions are removed/eased unless and until alternative sources of support and accommodation have been secured; nobody must be forced to return to destitution.

2. Make specific, ring-fenced funding available to all local authorities to cover the actual cost of supporting people with NRPF through this crisis; and
3. Instruct, and fully fund, local authorities to continue to accommodate and meet the subsistence needs of all migrants with NRPF after the 'lockdown' ends, pending the urgent abolition of the no recourse to public funds (NRPF) regime.

We look forward to your response. Please respond by email to f.queshi@migrantsrights.org.uk

Yours sincerely,

Migrants' Rights Network
Public Interest Law Centre

cc
Luke Hall MP, Homelessness Minister
Thangam Debbonaire MP, Shadow Housing Secretary
Greater London Authority
Local Government Association
NRPF Network