

Rt Hon Robert Jenrick MP
Rt Hon Priti Patel MP
2 Marsham Street
London
SW1P 4DF

6 November 2020

Dear Home Secretary and Secretary of State,

As organisations supporting people facing homelessness across Great Britain, or who represent those supporting them, we are writing to raise our grave concerns about the changes to the Immigration Rules published on 22 October that make rough sleeping grounds for refusing or cancelling someone's right to remain in the UK.

The new rules will punish people for being homeless and take them further away from seeking support if they feel it would risk deportation. Those legally in the UK with no access to state support, and for whom employment is not possible during the pandemic, risk being pushed into exploitative work and potentially modern slavery to avoid sleeping rough and putting themselves at risk of deportation. It may also risk domestic abuse survivors being forced to stay with their perpetrators or unable to seek help. As a result, this will undermine your Government's commitment to end rough sleeping in England, and undermine progress to end homelessness in Scotland and Wales.

When the pandemic hit in March, governments across Great Britain made the decision to provide support for many people sleeping rough through the Everyone In scheme and equivalents in Wales and Scotland. This meant that many people who would ordinarily have been refused accommodation were able to access this for the first time. It is this positive approach that must be pursued as we enter a second wave of coronavirus with the additional risks associated with cold weather over winter.

We urge you to immediately reconsider these changes to the Immigration Rules so that rough sleeping does not become grounds for refusal or cancellation of permission to be in the UK. We are ready to work with you to implement positive approaches to supporting people out of homelessness for good. In place of a damaging policy that will risk further exploitation for people sleeping rough we are calling on the Westminster Government to make sure that everyone at risk of having to sleep rough this winter is offered safe emergency accommodation and support. This should be backed by additional funding and clear guidance for local authorities in order to ensure consistency of approach, as well as safe, appropriate provision for women and young people. We also urge you to temporarily suspend no recourse to public funds conditions and the habitual residence test for 12 months. This would help people with leave to remain in the UK to access essential support, such as Universal Credit and statutory homelessness assistance, so that they can avoid eviction and homelessness while unable to work.

We understand that the Westminster Government has emphasised that these grounds for cancelling or refusing someone's permission to be in the UK will only be used sparingly where people have refused other support. However the new rules do not guarantee this. Previous Home Office guidance designated rough sleeping as an abuse of EU free movement rights. Guidance stated that it would be disproportionate to remove a person sleeping rough who is not engaged in criminal behaviour and is actively looking for accommodation, however this still occurred with European nationals, many of whom had lived here for years, being wrongfully removed from the UK. This policy was ruled unlawful by the High Court in December 2017.

We are willing and ready to work with your Government to achieve an end to rough sleeping in England, and support the Scottish and Welsh Government's efforts to end homelessness, however these new Immigration Rules work against these commendable aims.

Kind regards,

Jon Sparkes, Chief Executive, Crisis

Polly Neate CBE, Chief Executive, Shelter

Steve Douglas CBE, Chief Executive, St. Mungo's

Rick Henderson, CEO, Homeless Link

Mike Thiedke, CEO, Depaul UK

Paul Catterall, CEO, NACCOM

Gavin Smart, CEO, Chartered Institute of Housing

Martha Spurrier, Director, Liberty

Mick Clarke, CEO, The Passage

Sally Daghljan, CEO, Praxis

Maurice Wren, CEO, Refugee Council

Barbara Drozdowicz, CEO, East European Resource Centre

Lucy Abraham, CEO, Glass Door

Maggie Brunjes, CEO, Homeless Network Scotland

Alison Watson, Director, Shelter Scotland

Sabir Zazai, CEO, Scottish Refugee Council

Peter Kerr, Acting CEO Scotland, Social Bite

Neil Richardson, CEO, Turning Point Scotland

Richard Howat, Chief Executive, Scottish Churches Housing Action

Katie Dalton, Director, Cymorth Cymru

Ruth Power, CEO, Shelter Cymru

Dr Lindsay Cordery-Bruce, Chief Executive, The Wallich

Aaliyah Seyal, CEO, Legal Services Agency

Andy Ruiz Palma, CEO, Islington Centre for Refugees and Migrants

Alicja Zalesinska, Director Tai Pawb

Andrea Cleaver, Chief Executive, Welsh Refugee Council

Ruth McIntyre, CEO, Aspire

Lorraine McGrath, CEO, Simon Community Scotland

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Rosario Guimba-Stewart, CEO, Lewisham Refugee and Migrant Network

James Tullett, CEO, Refugee and Migrant Forum of Essex and London

Alasdair Bennett, CEO, Bethany Christian Trust

Charles Maasz, CEO, Glasgow City Mission

Annika Joy, Project Director, Glasgow Night Shelter for Destitute Asylum Seekers

Suzanne Fitzpatrick, Professor of Housing and Social Policy, Heriot-Watt University

Elaine Cameron, Chief Executive, Refugee Survival Trust

Kate Polson, CEO, Rock Trust

Rev Liam O'Boyle, Nottingham Winter Shelter, Diocese of Southwell and Nottingham

Duncan Cuthill, CEO, Edinburgh City Mission

Sally Thomas, Chief Executive, Scottish Federation of Housing Associations

James Boulton, CEO, Wycombe Homeless Connection

Nicola Woods, CEO, Yarl's Wood Befrienders

Helen Hodgson, Director, Hope at Home

Dr Paul Scotting, Chair, Nottingham Homelessness Voluntary Sector Forum

Marilyn Thomas, Share Tawe Voluntary Hosting, project of Swansea Asylum Seekers Support

Matt Atkins, Director, Nottingham and Nottinghamshire Refugee Forum

Mark Goldring, Director, Asylum Welcome

Karen Pearse, Director, Positive Action for Refugees and Asylum Seekers

Salma Ravat, Manager, One Roof Leicester

Sharron Spowage, CEO, Supporting Arms Feeding Everyone

Julian Prior, Chief Executive, Action Foundation

Richinda Taylor, CEO, EVA Women's Aid

Josh Atherton, Chair, Destitute Asylum Seekers Huddersfield

Sarah Wahby, Manager, Sanctuary Hosting

Phil Davis, Coordinator, Hope Projects

All in for Change – a team of people with frontline and personal experience of homelessness influencing policy and system change

Amanda Church-McFarlane, Destitution Project Coordinator, Abigail Housing

Rebecca Langton, Director, Nottingham Arimathea Trust

Jane Cranston, Chair, Oxfordshire Homelessness Movement

Jonathan Clark, Chair, Oxford Poverty Action Trust

Mike Milen, CEO, RCVDA

Claire Dowan, CEO, Homeless Oxfordshire

Eddie Blaze, CEO, Emmaus Oxford

Michael Taylor, Deputy Chair, Refugee Resource

Andrew Redfern, Chief Executive, Framework Housing Association

Toni Soni, CEO, Coventry Refugee and Migrant Centre

Jane Henson, Chair, Host Nottingham

Farah Lungay, Manager, SUFRA NW

Ryan Doherty, Manager, HomePlus NI

James Skinner, Director, Medact

Nick Case, Chair of Trustees, Oxfordshire Community Foundation.

Tom Hall, Director, Abigail Housing