

Written evidence submitted by Migrants' Rights Network and Just Fair [IOC 183]

1. Migrants' Rights Network is a campaigning organisation that stands in solidarity with all migrants in their fight for rights and justice. We are seen as a support and solidarity network, which includes migrants, grassroots and migrants' rights organisations. We work to create a situation where:
 - People are free to move because migration is and has always been an integral part of the human experience.
 - Everyone, including all migrants, live in a society which is free from all forms of oppression and discrimination.
 - Nobody's access to safety and rights should be determined by their immigration status.
2. Just Fair works to realise a fairer and more just society by monitoring and advocating for the protection of economic and social rights. Just Fair is committed to increasing public awareness of international human rights law and the capability to use it, and is devoted to the advancement of high-quality thinking, training and practice to ensure that economic and social rights are respected, protected and fulfilled.

Executive summary

3. The right to housing needs to be afforded to all regardless of immigration status. Any barrier in accessing a service will undermine efforts to control the pandemic.
4. Housing is a particular issue for migrant communities who are more likely to live in private rented accommodation or in overcrowded accommodation. They are also more likely to be living in poverty or to be working in a sector heavily impacted by COVID-19.
5. COVID-19 has raised particular challenges for migrant communities notably drops in income; limited access to welfare; barriers for homeless migrants in accessing housing support; and overcrowded housing leading to increased risk of transmission of COVID-19 and this is particularly serious for multi-generational households.
6. Many migrant women experiencing domestic abuse are not able to get a place in a shelter due to their immigration status leaving them to choose between staying with their abuser or destitution and homelessness.
7. The 'right to rent' policy as part of the wider Immigration Acts 2014 and 2016 (hostile environment) must end. This policy encourages discrimination against tenants who look or sound foreign. Landlords have prospective tenants queuing up for rooms, and the evidence suggests that when facing a hefty fine or prison many will simply refuse anybody who they are sceptical about and turn to someone who is obviously a British citizen. This will drive many into the hands of slum landlords who will use their position to abuse and exploit them.
8. Moving forward the Government should develop a framework to incorporate socio-economic rights including the right to housing.

Migrants and housing

9. The right to housing must be afforded to all regardless of immigration status. Any barrier in accessing a service will undermine efforts to control the pandemic. And yet, it is already

being undermined by the UK's 'hostile environment' policy (Immigration Acts 2014 and 2016), particularly the 'right to rent' checks, which have been found to be discriminatory to Black and Minority Ethnic (BME) and migrant communities in the courts.¹

10. It is clear that during the COVID-19 crisis that human rights need to form an essential part of the response to COVID-19. The World Health Organization has stated that "Human rights frameworks provide a crucial structure that can strengthen the effectiveness of global efforts to address the pandemic."² Incorporating human rights principles of universality and non-discrimination into the response to the pandemic will help bring the success of the public health response.
11. To understand the issues facing migrant communities who are experiencing homelessness or who live in the private rented sector it is important to understand inequalities and discrimination that pre-exist COVID-19 and have been exacerbated by the pandemic.
12. In March 2018, MRN concluded a qualitative research and advocacy project,³ which explored issues that push migrants into a more vulnerable state, like labour exploitation and homelessness during settlement in the UK.
13. The majority of migrants who participated in the project were or had been through periods of homelessness and destitution and had been vulnerable to exploitation in housing and employment. Lack of familiarity with the UK employment, housing and health system; high concentration of precarious employment contracts; poor housing and working conditions; structural barriers, such as restrictions on access to benefits and welfare support; language and cultural barriers; and limited capacity of support services are also key contributing factors to preventing a more positive settlement experience.
14. Through interviews and workshops with migrants and migrant and refugee community organisations (MRCO's), we have identified that immigration issues, access to adequate housing, employment and legal advice are inextricably linked and are key determinants of a person's vulnerability to poor outcomes on early settlement in the UK.
15. "We have encountered problems with clients having zero-hour contracts. In our experience, it is very difficult to house clients when they don't know how many hours they are going to work every month. Not having a fixed salary means they often cannot save for accommodation or know whether they will be able to pay their rent at the end of the month. Homeless migrants are often desperate, and they tend to go to an agency and accept part-time or a zero hours contracts." - Migration Policy and Services Coordinator, The Connection at St Martin-in-the-Fields.⁴
16. Just Fair's research has found that the tax and welfare reforms undertaken over the past decade have had a regressive effect on social protection especially for those who are the most vulnerable.⁵ A cumulative impact assessment by the Equality and Human Rights

¹ Free Movement (2020) Government wins Right to Rent appeal

<https://www.freemovement.org.uk/government-wins-right-to-rent-appeal/>

² World Health Organization (2020) Addressing Human Rights as Key to the COVID-19 Response

<https://www.who.int/publications-detail/addressing-human-rights-as-key-to-the-covid-19-response>

³ Migrants' Rights Network (2018) Route to your Rights <https://migrantsrights.org.uk/blog/2018/04/10/route-to-your-rights-project-findings/>

⁴ Migrants' Rights Network (2017) Route to your Rights Preliminary Report

<https://migrantsrights.org.uk/blog/2017/02/23/route-rights-project-preliminary-report/>

⁵ Just Fair (2018) Welfare Safety Net Inquiry Written submission to the HC Work and Pensions Committee

<http://justfair.org.uk/wp-content/uploads/2019/01/JFothers-submission-WPC-Dec2018-FINAL.pdf>

Commission (EHRC) shows that key human rights requirements have not been met: namely, the principle of proportionality, non-discrimination, protection of most disadvantaged groups and independent review. Women, disabled people, people from Black and Ethnic Minority communities, as well as those who are on the lowest incomes have lost out the most due to these reforms.

17. BME groups have an average poverty rate twice as high as white households.⁶ Bangladeshi and Pakistani households experience a 50% poverty rate compared to a 19% poverty rate in white British households. 32% of foreign born households lived in poverty compared to a 19% rate for British born people.⁷
18. It is crucial that all policy levers are enacted to reduce socio-economic inequalities. In England and Northern Ireland, this should include enacting Section One of the Equality Act 2010 that would make Local Authorities have due regard to the impact of their decision making on socio-economic inequalities.⁸ The same duty was introduced in Scotland in 2018 under the name 'Fairer Scotland Duty' and is scheduled to be introduced in Wales in September 2020.⁹
19. Overcrowded housing is a particular concern for BME communities. For example, 30% of Bangladeshi households live in overcrowded households compared to 2% of the white British population.¹⁰ Research has found that overcrowded households leads people to having a heightened risk of catching COVID-19 as self-isolation is much more difficult, this is of particular concern for multigenerational households.¹¹
20. Those most affected by a drop in income linked to COVID-19 are young adults, people who are black and minority ethnic, women, and those on the lowest incomes.¹² Migrants are particularly likely to be working in a sector that has been badly hit by COVID-19 related job loss, and due to their limited access to the welfare safety net those still with a job will face the choice of continuing to work in spite of the health risks or losing their livelihoods.¹³ Drops in incomes for groups that were already experiencing poverty will lead to households struggling to afford rent and potentially rent arrears leading to eviction later in time.
21. Both EU and non-EU migrants had significantly lower home ownership rates (37% and 48%, respectively) compared to the UK born (70%). EU migrants were most likely to be in private rental accommodation (48%).¹⁴ On average across England, privately rented homes are 28%

⁶ JRF (2017) Poverty and Ethnicity in the Labour Market <https://www.jrf.org.uk/report/poverty-ethnicity-labour-market>

⁷ JRF (2016) Foreign-born people and poverty in the UK <https://www.jrf.org.uk/report/foreign-born-people-and-poverty-uk>

⁸ Just Fair (2019) What is the Socio-Economic Duty http://justfair.org.uk/wp-content/uploads/2019/04/Briefing_1forEquality_LocalAuthorities.pdf

⁹ Welsh Government/ Llywodraeth Cymru (2020) Written Statement: A More Equal Wales – Commencing the Socio-economic Duty <https://gov.wales/written-statement-more-equal-wales-commencing-socio-economic-duty-0>

¹⁰ UK Government (2018) Overcrowded Households <https://www.ethnicity-facts-figures.service.gov.uk/housing/housing-conditions/overcrowded-households/latest>

¹¹ New Policy Institute (2020) Accounting for the Variation in the Confirmed Covid-19 Caseload across England: An analysis of the role of multi-generation households, London and time https://www.npi.org.uk/files/2115/8661/6941/20-04-11_Accounting_for_the_variation_in_Covid_cases_across_England.pdf

¹² Institute for Fiscal Studies (2020) Sector Shutdowns During Coronavirus Crisis: Which Workers are most exposed. IFS Briefing Note BN278 <https://www.ifs.org.uk/uploads/BN278-Sector-shutdowns-during-the-coronavirus-crisis.pdf>

¹³ IPPR (2020) Migrant workers and coronavirus: risks and responses <https://www.ippr.org/blog/migrant-workers-and-coronavirus>

¹⁴ Migration Observatory University of Oxford (2019) Migrants and Housing in the UK: Experiences and Impacts <https://migrationobservatory.ox.ac.uk/resources/briefings/migrants-and-housing-in-the-uk-experiences-and-impacts/>

smaller than owner-occupied homes, and they also fail to meet the decent homes standard more often than owner-occupied homes.¹⁵

22. MRN's research found that agency fees and deposits were the greatest barriers for migrants in obtaining permanent and adequate accommodation, leading to homelessness, sleeping on family and friend's couches, or delays in finding employment. Right to rent checks also posed a challenge for migrants because they were not always able to provide sufficient documents such as passports and visas, bank statements, and payslips. Increasing scrutiny of documentation was difficult for women who had arrived in the UK on dependent visas but had effectively become undocumented as a result of leaving their partner due to domestic violence. Many migrants we spoke to were either housed informally without tenancy contracts, paying rent in cash or were staying with friends because they were unable to submit adequate documents, effectively reducing their tenant rights, and increasing risks of overcrowded housing.¹⁶
23. A person with no Recourse to Public Funds (NRPF) cannot access most welfare benefits or social housing but they can access publicly funded services that are not listed as 'public funds' for immigration purposes.¹⁷ Without the safety net of social security, many families with NRPF end up living in destitution and are at high risk of homelessness, exploitation and abuse.¹⁸ Research has found that women, disabled people, pregnant women, and BME children are disproportionately impacted by the NRPF condition.¹⁹
24. Interviews with support services presented issues of homeless non-EEA nationals with NRPF as a "relatively new" and challenging one for the homelessness sector, due to the lack of welfare support and therefore temporary accommodation available to people under these conditions. They also revealed that even where people with NRPF are entitled to local authority support under other legislation, informal gatekeeping practices by local authorities can sometimes prolong destitution by delaying people access to support to which they are ultimately entitled, causing significant distress.
25. "Our organisation helps migrant clients to get immigration advice, but the issue is how to keep them off the streets while their cases get resolved. Our clients are homeless and in need of immediate accommodation but resources for those without recourse to public funds are really limited. Due to several legal and policy changes in recent years, there are a lot more homeless people with no entitlements to benefits on the streets today, and it is quite difficult to find solutions for all of them." Migration Policy and Services Coordinator, The Connection at St Martin-in-the-Fields²⁰

COVID-19 and homeless migrants

¹⁵ Social Market Foundation (2020) Homes, health, and COVID-19: how poor housing adds to the hardship of the coronavirus crisis <http://www.smf.co.uk/homes-health-and-covid-19-how-poor-housing-adds-to-the-hardship-of-the-coronavirus-crisis/>

¹⁶ Migrants' Rights Network (2018) Route to your Rights <https://migrantsrights.org.uk/blog/2018/04/10/route-to-your-rights-project-findings/>

¹⁷ UK Visas and Immigration (2014) Guidance: Public Funds <https://www.gov.uk/government/publications/public-funds--2/public-funds>

¹⁸ Sustain, Project 17, CAWR (2019) "Sometimes my belly will just hurt": No Recourse to Public Funds and the Right to Food https://www.sustainweb.org/publications/right_to_food_no_recourse_to_public_funds/?section=

¹⁹ Woolley, A. (2019). Access Denied: The cost of the "no recourse to public funds" policy. London: The Unity Project <https://static1.squarespace.com/static/590060b0893fc01f949b1c8a/t/5d0bb6100099f70001faad9c/1561048725178/Access+Denied+-+the+cost+of+the+No+Recourse+to+Public+Funds+policy.+The+Unity+Project.+June+2019.pdf>

²⁰ Migrants' Rights Network (2017) Route to your Rights Preliminary Report <https://migrantsrights.org.uk/blog/2017/02/23/route-rights-project-preliminary-report/>

26. Homelessness is at all times a violation of the core protections provided by a right to housing included in a number of international standards ratified by the UK Government such as the International Covenant on Economic, Social, and Cultural rights, the Convention on the Elimination of All Forms of Discrimination Against Women, the Convention on the Rights of the Child, and the Convention on the Rights of People with Disabilities.
27. Leylani Farha, UN Special Rapporteur on the right to adequate housing, has stated that “housing is the frontline defence against COVID-19” and has called on states to “immediately provide accommodation to all homeless people living ‘rough’ or on the streets with a view to transitioning them to permanent housing so that they do not return to a situation of homelessness once the pandemic is over”.²¹
28. As listed above migrants face a number of barriers in accessing good quality housing, including low incomes and limited access to welfare. COVID-19 has raised some particular issues around housing for migrant communities, especially as they are over represented in the “gig” economy, in sectors hit heavily by COVID-19 related job loss, and due to having limited access to the welfare state may keep working even when it is not safe for their health to do so. Over recent weeks a number of Uber drivers have passed away due to COVID-19, including Rajesh Jayaseelan, a married father of two who was evicted from his home by his landlord due to COVID-19 leaving him to spend two nights sleeping in his car before he found shared accommodation.²² When Rajesh’s condition worsened, he delayed calling for medical help as he did not want to alert his flatmates of his illness and then potentially face another eviction.²³
29. On the 20th of March a letter coordinated by Project 17, Public Interest Law Centre, and Migrants’ Rights Network and supported by over 50 organisations including Just Fair to local authorities asked 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.”²⁴
30. In response to the COVID-19 pandemic the Minister for Local Government and Homelessness sent a letter on the 26th of March to local authorities laying out the departments strategy to “bring in those on the streets to protect their health and stop wider transmission, particularly in hot spot areas, and those in assessment centres and shelters that are unable to comply with social distancing advice.”²⁵
31. The letter goes on to state that local authorities should “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”²⁶ and therefore people with NRPF should not be excluded from housing support provided by local authorities.

²¹ Special Rapporteur on the right to adequate housing (2020) COVID-19 Guidance Note Protection for those living in Homelessness https://www.ohchr.org/Documents/Issues/Housing/SR_housing_COVID-19_guidance_homeless.pdf

²² BBC (2020) The Uber driver evicted from home and left to die of coronavirus <https://www.bbc.co.uk/news/uk-52413431>

²³ The Guardian (2020) Uber driver dies from Covid-19 after hiding it over fear of eviction <https://www.theguardian.com/world/2020/apr/17/uber-driver-dies-from-covid-19-after-hiding-it-over-fear-of-eviction>

²⁴ Letter to Local Authorities-Urgent action needed to support vulnerable migrants during the Covid-19 crisis (2020) <https://migrantsrights.org.uk/blog/2020/03/20/covid-19localauthorityletter/>

²⁵ Ministry of Housing, Communities & Local Government (2020) Coronavirus (COVID-19): letter from Minister Hall to local authorities on plans to protect rough sleepers <https://www.gov.uk/government/publications/letter-from-minister-hall-to-local-authorities>

²⁶ Ministry of Housing, Communities & Local Government (2020) Coronavirus (COVID-19): letter from Minister Hall to local authorities on plans to protect rough sleepers <https://www.gov.uk/government/publications/letter-from-minister-hall-to-local-authorities>

32. In a subsequent letter sent on the 14th of April to Local Authorities coordinated by Project 17, Public Interest Law Centre, and Migrants' Rights Network and supported by Just Fair, it was raised that whilst some local authorities were providing accommodation to "verified" rough sleepers, and some were doing this regardless of immigration status, there were still major gaps in provision.
33. Among the issues that have been reported to supporters of the letter are:
- Local authorities offering hotel accommodation only to 'verified' rough sleepers, with the result that many migrant homeless people (e.g. domestic violence survivors, those who squat or sleep on buses) are being excluded from provision.
 - Housing officers telling destitute migrants that accommodation 'can only be provided to people with recourse to public funds' .
 - Homeless migrants being placed in hotels far from their networks, with no/inadequate provision being made for their subsistence.
 - Homeless migrants being placed in hotels but given no contact details for key workers/housing officers.
 - Migrant rough sleepers being asked to share rooms and even beds.
 - Increased 'gatekeeping' of support provided to destitute migrant families under Section 17 of the Children Act 1989.
 - Threats of data-sharing by local authorities with the Home Office.²⁷
34. Further evidence from organisations has also identified the following:
- Migrant rough sleepers being informed that there was no more accommodation available and being told to approach any local authority without success. ²⁸
 - Services assisting migrant rough sleepers into accommodation, such as Streetlink, taking up to a week to locate a rough sleeper, and even then, they may not be accommodated immediately.
 - Local authorities being uncontactable with phone lines not being answered, and emails going unanswered.
35. More recent evidence from communication with local and regional authorities has indicated that the MHCLG has instructed local authorities to revert to applying no recourse to public fund criteria to homeless people. It is also evident that local authorities have not received adequate funding, and they fear not being reimbursed for anyone accommodated that does not fit the government's criteria.

Domestic abuse and migrant women

36. Domestic abuse affects roughly two million people a year in the UK, the majority of whom are women. Many women with insecure immigration status do not have access to public funds so are often blocked from accessing safety and the support they need – four in five are, for instance, turned away from refuges.
37. Organisations within the women's rights sector and beyond have highlighted that 'the [UK] Government has not provided any additional funds or resources to help frontline services cope with the additional strain during the health crisis.' The Step Up Migrant Women campaign warns that " the Home Secretary's guarantee doesn't go far enough to support

[local-authorities](#)

²⁷ Local Authorities, homeless migrants and families & Covid-19 (2020)

<https://migrantsrights.org.uk/blog/2020/04/30/local-authorities-homeless-migrants-and-families-covid-19/>

²⁸ Guardian (2020) Rise in people sleeping rough at Heathrow as councils fail to provide accommodation

<https://www.theguardian.com/society/2020/apr/21/rise-in-people-sleeping-rough-at-heathrow-as-councils-fail-to-provide-accommodation>

women with an insecure immigration status, who often don't have access to public funds and therefore don't qualify for refuge beds. Four in five migrant women are turned away from refuges, and they are often too scared to seek healthcare."²⁹ The campaign also warns that refuges and counselling services are "at full capacity and are falling apart at the seams", with most services "already having to close doors to protect staff and the people we support".

38. Our key asks

- Local authorities need to urgently house those 'who are, or are at risk of, sleeping rough, [as well as] those who are in accommodation where it is difficult to self-isolate'.
- End all gatekeeping of support to migrants in need.
- Where possible involve people in the decision-making process and ensure that migrants accessing services are provided with clear information in a language and a format that they are able to understand. This will include making provisions for disabled migrants who may need Easy Read formats, braille, or Sign Language.
- Ensure that there is a firewall between support provided by local authorities and/or other services and the Home Office
- Remove the no recourse to public funds condition so that migrants can access welfare support if needed.
- Increase funding to women's refuges so that no woman is turned away from protection.
- The right to rent policy must end as this heightens discrimination against BME and migrant communities.
- Moving forward the Government should develop a framework to incorporate socio-economic rights including the right to housing to effectively reducing homelessness and housing inequalities.

May 2020

²⁹ COVID-19: DOMESTIC ABUSE SERVICES CALL FOR URGENT SUPPORT FOR MIGRANT VICTIMS BLOCKED FROM SAFETY, HEALTHCARE AND REFUGES (2020)
<https://stepupmigrantwomen.org/2020/03/30/domestic-abuse-services-call-for-urgent-support-for-migrant-victims-blocked-from-safety-healthcare-and-refuges-press-release/>