

Written evidence submitted by Shelter (COR0069)

Overview and context

1. Shelter helps millions of people every year struggling with bad housing or homelessness through our advice, support and legal services. We also campaign to make sure that, one day, no one will have to turn to us for help.
2. The COVID-19 outbreak has shone a light on the many thousands of households who do not have access to a safe, decent, secure and affordable place to call home. Housing has long been recognised as a crucial element in effectively safeguarding public health and is key in managing the current pandemic.
3. Since the pandemic emerged, our advice, support, legal and campaigning teams have encountered a broad range of problems faced by people who are not accommodated safely at a time when they need be to protect their families' health and limit the spread of COVID-19.
4. Government has taken significant steps to help ensure that people are safely accommodated during this public health emergency. These include:
 - the publication of [guidance](#) (16 March) for hostel or day centre providers of services for people experiencing rough sleeping
 - the [announcement](#) (17 March) of a dedicated £3.2m fund to reimburse local authorities for the cost of providing accommodation and services to those sleeping on the streets to help them successfully self-isolate
 - a [letter](#) from Homelessness Minister, Luke Hall (24 March), accompanied by [guidance](#), confirming that hotels, hostels, and B&Bs providing rooms to support homeless people, through arrangements with local authorities and other public bodies, should remain open

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- a [letter](#) from Luke Hall (26 March) to local authority chief executives stating that it was now imperative that 'rough sleepers and other vulnerable homeless' are supported into appropriate accommodation by the end of the week
 - the Chancellor's [announcement](#) (20 March) that Local Housing Allowance (LHA) will be restored to cover at least the bottom 30% of local market rents for the next year
 - [the order](#) (26 March) confirming that all housing possession proceedings, including the issuing of bailiff's warrants, will be halted from 27 March. This follows a previous [announcement](#) (18 March) of emergency legislation extending all eviction notice periods to three months. This means that no tenant or protected licensee can be evicted by the courts for at least 90 days
 - [suspending evictions](#) from Home Office asylum accommodation until the end of June; and
 - the Home Office [continuing](#) to make asylum support payments to refugees beyond the 28 days after they are granted refugee status.
5. We welcome these steps. However, they have not gone far enough to protect all those without suitable accommodation during the pandemic. So, they need to be built upon and extended to provide improved protections and support so that *everyone* can access the safe, suitable, and affordable accommodation they need for the duration of this emergency and the resulting economic downturn.
6. Urgent action is needed to protect and assist households whose immigration status excludes them from support, as well of those who have been provided with insufficient support to keep them safe. During this public health emergency *everyone* needs to be safely accommodated to help limit the spread of COVID-19. But government is yet to introduce adequate emergency measures for the following groups:
- Migrants with Leave to Remain with a condition of no recourse to public funds (NRPF);
 - Migrants who have live applications to settle in the UK (e.g. under Article 8 of the European Convention on Human Rights (ECHR) or the 'long residency' route) but are not eligible for public support whilst they are waiting for a decision;
 - Migrants who are receiving support under the section 17 of the *Children Act 1989* or section 19 of the *Care Act 2014*;
 - Asylum seekers, including those who are Appeals Rights Exhausted
 - Undocumented migrants;
 - EU migrants who have pre-settled status and/or have lived in the UK less than five years; and
 - EU migrants who are eligible to settle in the UK under the EU settlement scheme

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7. This response focuses on the wider call for evidence. It briefly outlines problems that people falling within these groups face, and the measures that we recommend should be taken to ensure that they can access the emergency homelessness or financial assistance that they need.
 8. We have also submitted a separate response to the call for evidence that focuses on the separate domestic abuse call.

Emergency housing support needed for different migrant groups

Housing support for people with Leave to Remain but with a NRPF condition

9. Households who have Leave to Remain but with a NRPF condition have UK residency. Despite this, they are not entitled to statutory assistance under homelessness legislation, which would place a duty on the council to provide them with safe, self-contained accommodation in the long-term.
10. Households need to have access to accommodation where they can follow public health advice to both minimise their chances of contracting COVID-19 and limit its spread. But we are seeing cases of people who are homeless being refused support by local authorities because they have NRPF.
11. The most efficient way to provide assistance is via existing local authority homelessness services, who know their local housing market and local accommodation options and can manage homelessness in the round, e.g. by procuring two-room accommodation for larger households currently unsafe in one room to free up the latter for single homeless people.
- 12. We recommend the NRPF condition is lifted for people with Leave to Remain so that they can access statutory homelessness assistance from local authorities and be helped into accommodation where they can follow public health advice.**

Housing support for people without regularised immigration status

13. People without regularised status are also experiencing problems accessing emergency accommodation. They may be sleeping rough, sofa surfing or fleeing violence or abuse. Everyone in urgent need of emergency accommodation must be safely accommodated during this public health emergency.
14. These groups include migrants who have live applications to settle in the UK (e.g. under Article 8 of the European Convention on Human Rights or the 'long residency' route) and undocumented migrants without live applications to settle in the UK, but who are ineligible for support under section 17 of the *Children Act 1989* or section 19 of the *Care Act 2014*.
15. As previously mentioned, we are seeing cases of people being refused emergency support by local authorities as they are unable to access public funds. This is despite government guidance that councils should make use of alternative powers to provide emergency accommodation to people who cannot access public funds.¹

¹NRPF. Network. 2020. [Accommodation for people with no recourse to public funds to be provided by councils](#)

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16. We, others across the housing sector, and organisations supporting migrants, have been contacted by people who have originally been placed in emergency accommodation but subsequently been informed that they need to leave as they are not eligible for public funds. This poses an immediate health risk to this group and to the wider population. It also runs counter to government advice that local authorities should be using alternative powers and funding to provide people with accommodation.
 17. **We recommend the government issues guidance making it absolutely clear that local authorities should provide emergency accommodation to all migrants without regularised status and who cannot access support under the *Children Act 1989* and *Care Act 2014*. Government guidance should direct local authorities towards using powers in the *Localism Act 2011* which provides local authorities with a 'general power of competence' to do anything for the benefit of people residing in their area, including to prevent a breach of Article 3 of the ECHR.**
 18. At Shelter, we have also received information from migrant advocacy groups, such as Project 17, about an increase in 'gatekeeping' of support for families with NRPF by local authority Children's Services departments. This means that these groups are not getting the accommodation support that they are entitled to and need to follow public health advice.
 19. **We recommend the government issues guidance to local authorities which makes clear that they should be safely accommodating families with NRPF who are eligible for support under section 17 of the *Children Act 1989*.**

Housing support for Asylum Seekers, including those who are Appeals Rights Exhausted

20. We welcome steps that have been taken by government to ensure emergency accommodation support for asylum seekers, both accepted and rejected (including those who are Appeals Rights Exhausted). But this doesn't guarantee that all destitute asylum seekers have access to accommodation for the duration of the COVID-19 outbreak.
21. Firstly, organisations working in the asylum and refugee sector report a lack of clarity amongst local authorities about where responsibility lies for providing emergency support to people who are Appeals Rights Exhausted and who are sleeping rough or sofa surfing. This lack of clarity is resulting in inconsistencies in the support being provided to people who are Appeals Rights Exhausted. Whilst some local authorities are helping to secure emergency accommodation for people falling under this group, others are refusing to provide any support whatsoever. Some local authorities initially provided emergency accommodation but have subsequently asked people who are Appeals Rights Exhausted to leave because they believe the Home Office should be providing support (e.g. under section 4 of the *Immigration and Asylum Act 1999*).
22. This leaves people in this situation without accommodation because of difficulties in accessing section 4 support. It is more difficult to access advice and guidance as advice services are operating remotely; some can't afford to access to the internet or telephone credit for support; and the Home Office currently has a delay of two weeks for accommodation to be sourced.²

23. Secondly, although the Home Office has announced that no asylum seekers will have to leave emergency accommodation before the end of June 2020, the COVID-19 pandemic and the knock-on impacts (e.g. being unable to find safe private rented accommodation or being unable to travel) will last much longer than this. Asylum seekers must be accommodated safely for the duration of the pandemic and its impacts.

24. We recommend the government issues guidance confirming that local authorities should provide emergency accommodation to asylum seekers who are Appeals Rights Exhausted and who approach the local authority for accommodation support.

25. We recommend the government makes clear to local authorities that they should not be asking anyone to leave if they have already provided them with emergency accommodation.

26. We recommend the Home Office's emergency measures to provide accommodation support, continue for at least the duration of the public health emergency and its knock-on impacts.

Financial support for people with Leave to Remain with NRPF condition

27. The COVID-19 pandemic has resulted in people losing jobs and unable to take up new employment opportunities. In this situation, everyone should be able to access the social security safety net to help them avoid financial hardship.

28. However, despite having residency, people with Leave to Remain with an NRPF condition are unable to access social security, including Universal Credit. The NRPF condition therefore exposes them to further financial hardship and its consequences – We are aware of households with NRPF who lack access to adequate food because of their financial circumstances.³

29. These households are also at great risk of falling into rent arrears as they are not entitled to housing benefit to help sustain their housing costs during lockdown and the resulting economic downturn. This will have severe consequences when the government's emergency protection from eviction measures are lifted – landlords will be able to evict tenants with rent arrears, which is likely to result in homelessness.

30. We recommend the government to remove the NRPF condition for people with Leave to Remain so that they can access Universal Credit and the financial support they need to help them avoid financial hardship and its consequences.

Financial support for people without regularised immigration status

31. People without regularised immigration status, but who are currently in receipt of financial support, are also having significant difficulty with avoiding financial hardship and following public advice to minimise the spread. Currently, the highest level of financial support is provided to asylum seekers in receipt of section 95 support under the *Immigration and Asylum Act 1999*. The level of support provided is £37.75 per week for everyone in the household. People already faced substantial challenges

²This information has been provided to us by the No Accommodation Network

³Alongside, the widespread closure of organisations supporting vulnerable families, shortages as a result of stockpiling, and lower levels of provision at foodbanks.

subsisting on this amount, but these have worsened during the current emergency.⁴ For instance, asylum seekers cannot afford to buy the food and other essentials they need for as long as possible under lockdown and so have to make more frequent trips to shops when public health advice is to minimise shopping trips.

32. We are aware that people in receipt of section 4 support under the *Immigration and Asylum Act 1999*, section 17 support under the *Children's Act 1989*, section 19 support under the *Care Act 1989*, and other households without regularised status in receipt of financial assistance are receiving even lower amounts. This means that they face extreme poverty with more acute challenges in buying essentials and limiting their time in public spaces.
33. **We recommend all people without regularised status who need emergency financial assistance are provided with at least the same amount that is provided to those in receipt of financial assistance through section 95 support.**
34. As part of ongoing discussions reviewing the support that government provides to migrants without regularised status, and who are in need of financial assistance, we would recommend the government reviews the minimum amount of financial assistance that migrant households need to help them avoid destitution.

No data sharing with the Home Office

35. Many migrants in need of homelessness assistance will not have regularised status. To help ensure that they come forward to get accommodation assistance during this public health emergency, there must be assured there will be no long-term repercussions associated with seeking assistance. However, the climate towards migrants has resulted in genuine fears about data sharing between local authorities, and other organisations providing homelessness support, and the Home Office.
36. Our helpline has received queries from people who are too afraid to approach local authorities for homelessness assistance because they do not have regularised status. This fear stems from the risk that their details will be shared with the Home Office by local authorities and that this will lead to them being detained and deported.
37. **We recommend that government suspends legislation requiring local authorities to share details with the Home Office of anyone who accesses emergency support from local authorities.**

Right to Rent

38. The Right to Rent scheme in England requires private landlords and letting agents to check whether potential renters have a Right to Rent. If they knowingly let out a property to someone who does not have the Right to Rent then the landlord or letting agent can face criminal charges.

⁴See [Written submission provided by Refugee Action, Detention Action, Doctors of the World UK, Freedom from Torture, Asylum Matters, The Lesbian and Gay Immigration Group, The No Accommodation Network, Refugee Council, and Scottish Refugee Council](#)

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39. On 31 March, the Home Office announced that Right to Rent checks would still be in place during the COVID-19 outbreak, but that temporary adjustments would be made to make it easier for landlords and letting agents to carry out checks.
40. In 2019, the High Court found the Right to Rent scheme is causing racial discrimination.⁵ Evidence shows that almost half of landlords who make a letting decision said that Right to Rent checks would make them less likely to consider letting to people who didn't hold a British passport or who 'appeared to be immigrants'.⁶
41. The Right to Rent policy therefore threatens the ability of migrants, British people from Black and Minority Ethnic (BAME) backgrounds, and other British people without a passport from securing a private rented tenancy. Once the lockdown ends, the aforementioned groups who are at risk of eviction will face particular difficulty in finding an alternative private rental as a result of the Right to Rent policy. The Right to Rent policy creates an added risk of homelessness for BAME people, affecting their ability to find safe accommodation at a time when the risk to their health will still be very high.
42. **The Right to Rent policy is unlawful and discriminatory and should therefore be abolished.**

Remove the Habitual Residence Test for social security and housing

43. During this unprecedented public health crisis, everyone should be able to access the social security safety net and have a roof over their head. We are very concerned that a significant number of people are at risk of significant financial detriment as a result of the habitual resident test (HRT) and being unable to access financial support, and emergency housing.
44. Many EEA nationals will be faced with the situation where they are unable to work due to COVID-19 and will need to claim Universal Credit. For those who do not meet the right of residence requirements for the purposes of Universal Credit or housing assistance, they will be unable to support themselves financially. This will inevitably result in households plunging into significant poverty and will be at risk of street homelessness, which will put additional pressure on local authorities during this public health crisis.
45. This will particularly affect claimants who have not lived in the UK for 5 years and do not satisfy the right to reside requirement. For claimants who have been in the UK for 5 years and over, not all claimants will have acquired 'settled status' through the EU Settlement Scheme. We know that even where claimants have a right to reside, they are being refused Universal Credit in error. There will be many claimants who have a right to reside for the purposes of the test but may be refused in the first instance on claiming Universal Credit and will need to appeal the decision, that can take months.
46. **We recommend that the HRT requirements should be temporarily suspended for the course of this pandemic. Everyone should be able to rely on the social security safety net to maintain the roof over their head.**

⁵<https://blog.shelter.org.uk/2019/03/right-to-rent-time-to-end-this-discriminatory-policy/>

⁶L. Reynolds. 2016. [Research Report: Survey of Private Landlords](#)

EU Settlement Scheme

47. We are concerned about how the COVID-19 outbreak will affect the ability of UK-based EU citizens to apply to the EU Settlement Scheme. UK-based EU citizens will need to apply to the scheme by 30 June 2021 if they want to continue living in the UK after the UK leaves the EU.
48. People experiencing homelessness face significant barriers in applying to the scheme. They may lack ID and proof of time spent in the UK. They may also lack access to technology needed to complete the application. As Crisis have noted in their submission to this Call for Evidence⁷, it can take more than a year to support people with their application and help them to obtain the forms of identification and evidence they need to apply.
49. The COVID-19 outbreak, and the associated limited capacity of support services under lockdown restrictions, will make it very difficult for EU citizens who are homeless, and EU citizens more broadly, to access the support they need to complete their application by the 30 June 2021 deadline.
50. This means that they face restrictions in being able to work and access statutory homelessness assistance and financial assistance that they would otherwise have access to and would help them to alleviate homelessness. Failure to act on the EU Settlement Scheme deadline may therefore affect the ability of UK-based EU citizens to have their homelessness alleviated.
51. **We recommend the government extends the deadline for the EU Settlement Scheme to take account of the challenges that people will face in making an application by 30 June 2021 whilst COVID-19 restrictions are in place. Government should also ensure necessary support services are in place for people struggling to make an application.**

Conclusion

52. It is important that migrants have a good understanding of the current measures in place, and any further measures, enabling them to access accommodation and financial assistance during this public health emergency.
53. **To ensure that migrants are aware of current and future support they are entitled to, we recommend the government provides guidance about support in languages that are needed (to account for any language barriers). They should also ensure that guidance is provided in a way that is accessible for people in need of support, e.g. by sending guidance to organisations providing emergency support who can subsequently pass information on to service users, in addition to providing guidance in digital formats.**

⁷See Crisis's [written submission to this Call for Evidence](#)

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54. Implementing the measures that we have recommended will help provide much better protection and support to all migrants who need accommodation and financial assistance for the duration of this public health emergency.

Summary

- We welcome the opportunity to submit evidence to this inquiry. Every week, we work with people threatened with, or experiencing, debt, hunger and homelessness.
- More than 4.7 million people across England and Scotland came to Shelter last year for help with housing and homelessness problems.⁸
- At Shelter we work with women fleeing domestic abuse who face homelessness due to barriers in accessing a place they feel comfortable, safe and free from harm. We also know that these experiences have not always been talked about in wider debates in housing and homelessness, let alone heard or acted upon.
- Access to safe housing options for survivors of domestic abuse is essential at any time but right now it is more important than ever as it is harder than ever for people to access help to leave violence or abuse in the home.
- There has been a 25% increase in calls to the National Domestic Abuse helpline, a 41% increase in demand for Women's Aid's Live Chat helpline (from 26th March to 12th April), and the Women's Aid COVID 19 advice page for survivors has had 27,000 page views since its launch.
- The National Domestic Abuse helpline website also saw a 700% rise on Monday 6 April after a media push to ensure women knew where to go.⁹

Recommendations:

- The Home Office should work with MHCLG to coordinate and provide information on how people can apply for homelessness assistance if offices are closed for each local authority area. This should include a dedicated referral phonenumber for people who urgently need to escape domestic abuse or threats of violence in their accommodation or neighbourhood (e.g. escaping neighbourhood or criminal gangs).
- The Home Office should work with MHCLG to provide guidance to housing authorities to waive requirements to provide evidence of domestic abuse, homelessness and vulnerability for priority need in order to ensure they can access emergency accommodation and to keep pressure off public services.
- The benefit cap should be lifted for at least a year. These measures taken together would allow those who desperately need to leave their home to access another that is affordable and suitable to their needs during this pandemic. This would also relieve the pressure on homelessness services through local authorities.

⁸ https://england.shelter.org.uk/_data/assets/pdf_file/0016/1405006/OBR-1177_Impact_report_and_one_pager_A4_Digital_v17_FINAL.pdf

⁹ <https://www.refuge.org.uk/refuge-sees-700-increase-in-website-visits/>

Additional submission on domestic abuse

Response to specific questions

This response to the call for evidence focuses on the separate [domestic abuse call](#). We have submitted a separate submission on the wider call to evidence.

The prevalence of these issues since the Government issued 'stay at home' guidance on 23 March;

1. Since the start of the pandemic, there have been reports of rising domestic abuse. Worryingly, there have been up to 16 suspected domestic abuse killings, including those of children,¹⁰ since the lockdown restrictions were imposed. This is far higher than normal and is being replicated across other countries also in lockdown¹¹.
2. Survivors of domestic abuse are telling [Women's Aid](#) that they feel unsafe since government stay-at-home advice means that they will be isolated with their perpetrator. Applying for assistance online or by telephone can be particularly difficult for those experiencing domestic abuse, because the abuser may be alerted to the fact that help is being sought. Despite this obvious difficulty, there has been a 25% increase in calls to the National Domestic Abuse helpline. Perhaps even more staggeringly, the National Domestic Abuse helpline website saw a 700% rise on Monday 6 April after a media push to ensure women knew where to go.¹²

Measures or proposals to help support victims of domestic abuse and child abuse at this time;

3. Domestic abuse is, by its very nature, a housing issue, as well as a criminal one, because domestic abuse and other forms of violence against women and girls (VAWG) typically occur within the home. Women are most at risk at the point of, or shortly after, separating from an abuser and over half of women killed by men in 2017 were killed in their own home, or the home they shared with the perpetrator.
4. So, the response from public and private landlords, and local authority homelessness services, is crucial in delivering effective protection. Lack of access to safe, affordable

¹⁰ <https://www.theguardian.com/society/2020/apr/15/domestic-abuse-killings-more-than-double-amid-covid-19-lockdown>

¹¹ <https://www.who.int/reproductivehealth/publications/emergencies/COVID-19-VAW-full-text.pdf>

¹² <https://www.refuge.org.uk/refuge-sees-700-increase-in-website-visits/>

and secure housing is a major barrier to escaping abuse and features strongly in a survivors' decision-making about whether they stay with, or leave, an abuser. If survivors cannot find another suitable home (e.g. because they cannot afford it alone), they can be at risk of homelessness and this bring with it further trauma added to that of relationship breakdown and abuse. So, survivors can be confronted with the stark 'option' of facing homelessness and housing insecurity or having to remain with, or return to, a perpetrator.

5. With the proven higher risk of domestic abuse, now more than ever survivors need urgent access alternative housing that is affordable to them. Currently, in the absence of enough social homes, the benefit cap acts as a huge financial barrier to someone being able to access a privately rented home, or indeed for local homelessness services to procure affordable accommodation. While the Chancellor announced last month that the Local Housing Allowance (LHA), or housing benefit for those renting privately, was to be restored to cover the bottom 30% of local rents in each area, **without a lifting of the benefit cap many people will not be able to access the full restoration, and this welcome emergency measure will have little effect.**
6. Without a lifting of the cap, young children could be at particular risk of harm from domestic abuse or face homelessness. Lone parent families with young children are disproportionately affected by the cap. **Lone parent families with a child under five are 19 times more likely to be affected by the cap** and lone parent families with a **child under two are 21 times more likely to be affected.**
7. Many people who are impacted by domestic abuse are housed in temporary accommodation by their local housing authority after presenting. However, homeless households in temporary accommodation are also disproportionately affected by the cap. **Households in temporary accommodation are four times as likely to be capped than other households**, with thousands affected by the cap. This puts further pressure on local authority budgets.
8. Currently, this is more important than ever if those impacted by the increasing instances of domestic abuse are to be provided with safe, affordable and suitable housing options. **The benefit cap must be lifted for at least a year in order to minimise the financial barriers those fleeing domestic abuse experience.**

Measures or proposals to reduce or avert domestic abuse and child abuse at this time;

9. In normal circumstances, survivors can approach local housing authorities for assistance and there is a legal duty to assist all eligible people who are homeless or threatened with homelessness within 56 days. However, many have closed their housing options offices and are only taking applications for assistance online or via telephone. Our national helpline and online services, along with our local service

hubs, are struggling to obtain information on which offices remain open and which have switched to phone service and the relevant numbers to contact. They are also reporting that in some areas it's impossible for our service users and advisers to get through on phone lines. This is hampering our efforts to assist people.

10. It is making it incredibly difficult for survivors of domestic abuse to access the help they require. If someone experiencing domestic abuse is in lockdown with their perpetrator then telephoning advice services can be an incredibly risky activity.
11. **MHCLG should coordinate and provide information on how people can apply for homelessness assistance if offices are closed for each local authority area. This should include a dedicated referral phonenumber for people (or at the very least professionals supporting them) who urgently need to escape domestic abuse or threats of violence in their accommodation or neighbourhood (e.g. escaping neighbourhood or criminal gangs).**

The effectiveness of Government advice, co-ordination and support for responders and service providers.

12. Local housing authorities usually require applicants for assistance to provide evidence of either their homelessness (such as evidence of domestic abuse from police) or vulnerability (for example letters from GPs and hospital consultants). Given the pressures on the NHS, police and other public services, combined with the move to online and telephone services, it is now almost impossible for applicants to obtain such evidence in a timely manner when accommodation is often needed urgently to stay safe.
13. **MHCLG should provide guidance to housing authorities to waive requirements to provide evidence of domestic abuse, homelessness and vulnerability in order to ensure they can access emergency accommodation and to keep pressure off public services.**