

FACTSHEET

07

Housing

People seeking asylum

Eligibility and quality of housing under Home Office Support

The Secretary of State has a duty to provide accommodation to asylum seekers who are, or are likely to become destitute.¹ This includes people whose claim has been refused but who are unable to leave the UK.

Accommodation provided by the Home Office is given on a no-choice basis and asylum seekers can be dispersed to any local authority in the UK which takes part in the dispersal programme.

Accommodation providers, contracted by the Home Office, are required to meet the requirements as per Schedule 2 of Statement of Requirement, COMPASS Project – ACCOMMODATION & TRANSPORT.

From September 2019, a new contract will be in place and the accommodation requirements are yet to be published.

End of support

Families whose asylum claims are refused, will remain eligible for asylum support until their youngest child reaches the age of 18.

Single people, or couples without dependent children, will have their asylum support stopped 21 days after their appeal rights are fully refused.

Some people in this situation may be eligible for a limited form of cashless support known as Section 4 support (See Factsheet Five).

The application of Scottish legislation relating to eviction of asylum seekers from their Home Office accommodation is being debated amongst legal practitioners and legal challenges are currently going through the courts.

Other housing options

- When asylum seekers are not entitled to Home Office support but have significant community care needs, they can receive support from the local authority under Section 12 or 13a of the Social Work (Scotland) Act 1968.²
- When asylum seeking families are not entitled to Home Office support, they can receive support from the Local Authority under Section 22 of the Children (Scotland) Act 1995.
- Unaccompanied Asylum Seeking Children are the responsibility of Local Authority Social Work Services under Sections 29 and 30 of the Children (Scotland) Act 1995.
- Asylum seekers have the right to rent from private and social landlords. They will however not be eligible for Universal Credit Housing Cost, Housing Benefit and Council Tax Reduction to help with the rent cost.
- Asylum Seekers can apply for housing to Housing Associations, but not to Local Authorities, and can be added to social housing waiting lists.³

1. As described in Fact Sheet Five, this is the asylum support introduced by the Immigration and Asylum Act 1999, Part VI, Para (95) & (98), www.legislation.gov.uk/ukpga/1999/33/part/VI/enacted

2. National Guidance are now available to support Local Authorities to support people with No Recourse to Public Funds. See section on additional support for references.

3. *Social Housing Allocations: A Practice Guide* 2011, <https://beta.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2011/03/social-housing-allocations-a-practice-guide/documents/98f7cbb2-8894-43af-8d1a-ad4d86047915/98f7cbb2-8894-43af-8d1a-ad4d86047915/govscot:document/>

Refugees

People with refugee status, Humanitarian Protection and Discretionary Leave to Remain (the latter with no restriction on access to public funds) have the same housing rights as UK citizens.

Homelessness support

Refugees are entitled to homelessness support on the same basis as Scottish residents.⁴ This includes⁵ the right to get a homeless assessment and, if found to be homeless non-intentionally, refugees can access:

- emergency accommodation;
- Support to secure settled housing; and
- A housing support assessment.

If a refugee is assessed as homeless they can be housed along with any family members residing with them. This may include family members who have arrived through family reunion, and family members who do not yet have leave to remain.⁶ Local authorities need to assess the impact of their decisions on the right to family life⁷ of those families.

Housing Options

Refugees can access all housing options including social housing, from both local authorities and Housing Associations as well as private rented accommodation. Refugees are legally entitled to become home owners but may experience challenges with regards to mortgage approval due to feasibility of credit history checks and limited leave to remain. Further specialist advice should be provided in such cases.

Future changes – watch this space!

The Immigration Acts 2014 & 2016 make a number of changes designed to tighten up the UK's immigration system and restrict the rights of migrant to access certain public services, including health services and rented property. The 2016 Act requires private landlords (including Housing Associations who let their properties directly to applicants) to check the immigration status of their tenants, to prevent those with no right to live in the UK from accessing rented housing.

The scheme was rolled out across England on 1 February 2016 but has not yet been extended to Scotland.

Additional Support

Asylum Support Appeal Project (ASAP)

ASAP offers legal representation and advice to asylum seekers and refused asylum seekers appealing against Home Office decisions to refuse or withdraw their housing, financial subsistence, or both. ASAP also offers training and second tier advice to practitioners supporting asylum seekers.

<http://www.asaproject.org/>

4. *Housing (Scotland) Act 1987, Part 2*, www.legislation.gov.uk/ukpga/1987/26/part/II/enacted?view=plain

5. *Code of Guidance on Homelessness*, Scottish Government, www.gov.scot/Publications/2005/05/31133334/33366

6. *Housing (Scotland) Act 1987, Part 2*, www.legislation.gov.uk/ukpga/1987/26/part/II/enacted?view=plain

7. *Human Rights Act 1998, Article 8*, www.legislation.gov.uk/ukpga/1998/42/schedule/1

Scottish Refugee Council

- **Scottish Refugee Council's Services and Helpline** can be contacted for advice –more information is available here <https://www.scottishrefugeecouncil.org.uk/direct-support/>
- **A Housing Practitioners guide to Integrating Refugees.** This Guide is for housing practitioners working in Scottish local authorities, housing associations and the third sector who are assisting the integration of asylum seekers and /or refugees. It has been written by Scottish Refugee Council with Scottish Government support and published with the assistance of the Chartered Institute of Housing Scotland. <https://www.scottishrefugeecouncil.org.uk/wp-content/uploads/2020/11/Housing-Practitioners-Guide-phase-2-FINAL.pdf>
- **Training – Refugee rights to housing** www.scottishrefugeecouncil.org.uk/what_we_do/training/refugee_rights_to_housing

Shelter Scotland

Shelter Scotland provides independent housing advice and in some cases can offer legal representation.

Their website offers accessible housing information and individual advice is provided over the phone, via live chat or face-to-face.

<https://scotland.shelter.org.uk/>

Migrant Help

Migrant Help is a charity contracted by the Home office to provide advice and information to all asylum seekers in the UK. They run an asylum helpline that is free.

Free asylum helpline: 0808 8000 630

Citizens Advice Scotland and Citizens Advice Bureaux

Citizens Advice Scotland compiles helpful resources including on housing rights

www.citizensadvice.org.uk/scotland/housing/

For individual advice, Citizens Advice Scotland offers advice on the phone, via live chat or face-to-face in a Citizens Advice Bureau

www.citizensadvice.org.uk/scotland/about-us/get-advice-s/

Legal Services Agency

In Glasgow, the Legal Service Agency offers housing advice and legal representation to all. Daily, there is a homeless drop-in to assist people with urgent homeless cases

www.lsa.org.uk/lisa.php?id=95&n=1

British Red Cross

British Red Cross offices offer services to asylum seekers and refugees

www.redcross.org.uk/get-help/get-help-as-a-refugee##

No Recourse to Public Funds – NRPF

Migrants' Rights and Entitlements to Local Authority Services and Support, National Guidance, February 2019

This guidance sets out the current legal framework and good practice to assist local authorities to meet their statutory duties and deliver an effective social work response when working with people who have no recourse to public funds (NRPF).

www.migrationscotland.org.uk/migrants-rights-entitlements/introduction/1-1-how-use-guidance