



The Rt Hon Priti Patel MP

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The Rt Hon Robert Jenrick MP

**Secretary of State
Ministry of Housing,
Communities & Local
Government**

2 Marsham Street
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14 December 2020

Dear Jon,

Thank you for your letter of 6 November about the new Immigration Rules.

Our support for rough sleepers

The Government has made clear that no one should be without a roof over their head, which is why we have committed to end rough sleeping within this Parliament.

In response to the pandemic, we launched the 'Everyone In' campaign, which is ongoing and helping to protect thousands of lives. It is a programme widely considered to be one of the most successful of its kind in the world. By September, we had successfully supported over 29,000 people, with over 10,000 in emergency accommodation and nearly 19,000 provided with settled accommodation or move on support. Over the Summer, we continued to work closely with local authorities and have asked them to update their delivery plans to set out how they will ensure rough sleepers are supported across the winter period.

To support the work in London, on rough sleeping and the COVID-19 response, the GLA have been allocated £51.6 million of funding for rough sleeping this financial year and London as a whole (including the GLA) has had £163 million in funding for rough sleeping this financial year. This is a significant investment from this Government to support rough sleepers in London and is on top of £823 million of funding for the COVID-19 response. The GLA has received £18.5 million so far for this work.

As part of our continued efforts, the Next Steps Accommodation Programme makes available the financial resources needed to support local authorities and their partners to prevent those accommodated during the pandemic from returning to the streets. On 17 September, we announced allocations to local authorities to pay for immediate support to ensure that as many people as possible do not return to the streets. £91.5 million was allocated to 274 councils in England to help vulnerable people housed during the pandemic.

On top of this emergency support, we recognise that more move on accommodation is needed. On 29 October, we announced allocations to local partners to deliver longer-term move-on accommodation. More than 3,300 new long-term homes for rough sleepers across the country have been approved, subject to due diligence, backed by Government investment of more than £150 million.

This is on top of the recently announced 'Protect Programme' which will be providing a further £15 million to provide areas that need additional support most throughout winter. We have also launched the £10 million Cold Weather Fund for all local areas to bring forward self-contained accommodation this winter and £2 million funding for the faith, communities and voluntary sector to transform their traditional rough sleeping services into self-contained and COVID secure accommodation. In total we are spending over £700 million this year alone.

The recent Spending Review further demonstrates the Government's commitment to build on the progress of Everyone In and to supporting rough sleepers and those at risk of homelessness during COVID-19. It includes an additional £254 million resource funding to tackle homelessness and rough sleeping, including the £103 million announced at Spring Budget 2020 for accommodation and substance misuse support next year. This takes total resource funding in 2021-22 to £676 million, a 60% increase compared to Spending Review 2019, and committing £87 million of capital funding in 2021-22, primarily to support the delivery of long-term accommodation for rough sleepers announced at Spring Budget 2020. This means the Government is committing over £750 million to tackle homelessness and rough sleeping next year – a huge commitment.

With regards to specific support for young people, the MHCLG Homelessness Advice and Support Team (HAST) includes a specialist Youth Homelessness Team, part funded by the Department for Education, to work with housing and children's services for 16-25 year olds and young people leaving care who are risk of becoming homeless. The Youth Advisers are working closely with local authorities on the particular challenges that young people and care leavers are facing during COVID-19.

Immigration Rules

The Government has made clear that the new rough sleeping rule will apply on a discretionary basis where a person refuses offers of support and is engaged in persistent anti-social behaviour. The provision will be used only where individuals refuse to engage with the range of support mechanisms available.

In relation to EEA citizens, you refer to the High Court judgment in the case of Gureckis, which ruled that any EU citizen found rough sleeping cannot, on this basis alone, be considered to have abused EU Treaty Rights. The UK is bound by this ruling until the end of the transition period and Immigration Enforcement is therefore unable to take removal or deportation action where appropriate against EEA citizens found rough sleeping, except on a case by case basis where there is criminality or other misuse of Treaty Rights. EEA citizens found to be sleeping rough are encouraged to apply for status under the EU Settlement Scheme - we will continue to provide this support until the scheme closes on 30 June 2021.

From 1 January 2021, EEA citizens and their family members newly arriving in the UK will be subject to the same Immigration Rules which apply to non-EEA nationals, including the new rough sleeping rule. If a rough sleeper has leave to remain in the UK and does not have a history of serious and/or persistent criminality, then enforcement action cannot be considered.

While the rough sleeping provisions in the new Immigration Rules took effect on December 1 2020 for non-EEA nationals, we will not apply this rule until we have published guidance for decision makers to make clear the circumstances in which permission may be cancelled or refused.

Those with no recourse to public funds

You also raised the issue of recourse to public funds. Migrants to the UK are expected to be able to support and maintain themselves if they wish to live here. Non-EEA nationals generally do not have access to public funds until they have obtained settled status here (indefinite leave to remain), with exceptions made for the vulnerable such as migrants recognised as refugees or granted humanitarian protection. These restrictions serve to maintain the public's confidence in the immigration system and the benefits that controlled immigration can bring to the UK, whilst also protecting UK taxpayers' money.

In recognition of the challenges faced by local authorities, the Government took the unprecedented decision to extend limited powers to all local authorities in England to support certain EEA nationals sleeping rough this year. This is a short-term measure in place until the end of the transition period (31 December 2020) and enables local authorities to provide non-statutory homelessness services to a specific group of EEA nationals for a maximum of three months.

Domestic abuse survivors

In relation to providing support to domestic abuse survivors, the Government is very clear that all victims of domestic abuse should be able to access appropriate support at the appropriate time, regardless of their immigration status.

The current Destitute Domestic Violence Concession (DDVC) was developed to allow individuals who have come to the UK on certain partner routes permission to remain in the UK, for an initial period of three months, in their own right, and independent from their sponsor. The prohibition on no recourse to public funds (NRPF) is lifted, allowing them to make a claim for welfare support from the Department for Work and Pensions. This is to provide immediate social support to eligible migrants who claim to be victims of domestic abuse and are destitute as a result. To be eligible, applicants must be the spouse or partner of someone who is British or permanently settled in the United Kingdom.

On 16 July 2019, the Government committed to review the overall response to migrant victims of domestic abuse in response to the recommendations of the Joint Committee on the Draft Domestic Abuse Bill.

The review (published on GOV.UK) specifically considered recommendations to extend the period of time that support is offered for under the DDVC and how this relates to a victim's ability to access safe accommodation.

A better evidence base is needed to ensure that funding is appropriately targeted to meet the needs of migrant victims who are not eligible for the DDVC, which is why we have committed to a £1.5 million pilot fund to gather the evidence needed to make robust policy recommendations. In addition, we provided £1.09 million in Tampon Tax funding to organisations providing specialist support for migrant victims of domestic abuse with NRPF between 2019 and 2021.

I hope the above highlights our continued commitment to end rough sleeping by the end of this parliament and we welcome your continued support on achieving this.

With our good wishes


Rt Hon Priti Patel MP



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