

RAS 17

Ymchwiliad i ffoaduriaid a cheiswyr lloches yng Nghymru

Inquiry into refugees and asylum seekers in Wales

Ymateb gan: Tai Pawb

Response from: Tai pawb



promoting equality in housing  
hybu cydraddoldeb ym maes tai

supported by



in consultation with Welsh Refugee Coalition

## Tai Pawb

**Response to the Inquiry into Refugees and Asylum Seekers  
in Wales conducted by**

**Equality, Local Government and Communities Committee's,**

**National Assembly for Wales**

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### **Who we are**

Tai Pawb (housing for all) is a registered charity and a company limited by guarantee. The organisation's mission is, "To promote equality and social justice in housing in Wales". It operates a membership system which is open to local authorities, registered social landlords, third (voluntary) sector organisations, other housing interests and individuals.

### **What we do**

Tai Pawb works closely with the Welsh Government and other key partners on national housing strategies and key working groups, to ensure that equality is an inherent consideration in national strategic development and implementation. The organisation also provides practical advice and assistance to its members on a range of equality and diversity issues in housing and related services.

### **Tai Pawb's vision is to be:**

The primary driver in the promotion of equality and diversity in housing, leading to the reduction of prejudice and disadvantage, as well as changing lives for the better.

A valued partner who supports housing providers and services to recognise, respect and respond appropriately to the diversity of housing needs and characteristics of people living in Wales, including those who are vulnerable and marginalised.

For further information visit: [www.taipawb.org](http://www.taipawb.org)

Charity registration no. 1110078

Company No. 5282554

## **1. Introduction**

1.1. This submission has been written in consultation with Welsh Refugee Coalition (comprising of 30 organisations representing, supporting and housing refugees and asylum seekers in Wales, of which Tai Pawb is a member). In preparation for this submission, we have also consulted Cymorth Cymru, the umbrella body for providers of homelessness, housing related support and social care services in Wales, who endorsed this document.

1.2. We welcome the opportunity to respond to this inquiry. The housing issues experienced by refugees and asylum seekers in Wales are substantial with many pockets of good practice from both public and third sector. We welcome the Welsh Government Refugees and Asylum Seekers Delivery plan and the government commitment to welcoming refugees and asylum seekers in Wales and supporting and enabling them to rebuild their lives and make a full contribution to society.

1.3 In May 2015 there were 2,355 people seeking asylum in Wales (source: Home Office) - under 0.1% of our population. This includes people from Eritrea, Sudan, Iraq, Iran and Syria, who have fled similar violence and persecution to those arriving under the Syrian Vulnerable Persons Relocation Scheme (SVPRS). They are waiting months or years for decisions on their applications, whilst living on a maximum of £36.95 per week each, with no right to work, and limited access to education.

## **2. Asylum accommodation**

2.1. Whilst we recognise that responsibility for asylum accommodation is not devolved to the Welsh Government, it is our view that some consideration should be given by the Welsh Government and Local Authorities as to their duties and role in ensuring accommodation is provided to appropriate standards under the Welsh law, especially in light of the duties related to safeguarding of children, young and vulnerable people.

2.2. Accommodation for asylum seekers in Wales is provided through a Home Office contract with Clearsprings, a large private landlord, through which it also runs the initial accommodation hostel in Cardiff. Organisations supporting people housed through this contract report that both the quality of housing and the services provided by Clearsprings are poor. There is no independent scrutiny on standards or independent means of complaint. This is a matter of grave concern.

2.3 Welsh Refugee Coalition, other refugee support organisations as well as civil servants working with asylum seekers through local authorities have raised issues relating to asylum housing within Wales at various levels for many years. Housing is a major problem for many

asylum seekers with reports that the housing provided is often inadequate, degrading, shameful and unhygienic, including some contravention to health and safety regulations.

2.4 Evidence provided by some organisations, included examples of a hotel in Cardiff where up to 3 women, including one with a 4month-old child, shared a room. Another example was given where a disabled father, mother and 22-year-old son all had to share a basement room.

2.5 Evidence previously collated by Coalition members demonstrates failings related to asylum housing in Wales including issues with:

- Standards of accommodation
- Size of accommodation and overcrowding
- Fixtures and fittings within the accommodation – including broken floors/ boilers not working/ inadequate furniture/ cookers not working
- Harassment and anti-social behaviour experienced in the accommodation from other tenants and members of staff
- A lack of maintenance and damp housing which can cause health issues
- Enforcing room sharing without appropriate assessment of risk, including children and vulnerable adults

2.6 It is not simply the physical condition of the properties provided by Clearsprings that are of concern for both service users and service providers. The standards of service provision are also a serious concern with a general feeling that the service provider has little appreciation of the difficulties faced by asylum seekers and their reasons for seeking asylum in the UK. Asylum accommodation is a source of worry and anxiety for people living there, aggravating pre-existing experiences of trauma, rather than providing a place of sanctuary.

2.7 Children and young people supported by members of the Welsh Refugee Coalition report problems with:

- Staff attitude
- Poor room conditions
- A lack of security and privacy due to no locks on doors allowing other people to walk in
- A lack of choice, quality and variety of food provided
- Issues around personal safety
- A lack of information on activities, organisations and the locality

2.8 There are clear issues around the appropriateness of Lynx House (an initial accommodation hostel) as accommodation for children and young people when the age assessment process is ongoing.

## 2.9 House sharing

Many organisations supporting asylum seekers report the need for more flexibility and sensitivity when allocating spaces in shared housing to avoid conflict. Conflict can occur for many reasons including cultural differences, mental health issues and issues related sexual orientation. In general, tenants in asylum accommodation are reluctant to complain for fear

of being seen as ‘trouble makers’, especially considering vulnerabilities related to the fact that their applications for asylum are ongoing. It would be helpful for example for housing providers to know if a client has a history of violence so that they can house them appropriately.

## 2.10 Scrutiny

We have serious concerns about the adequacy of scrutiny applicable to the COMPASS contracts and it is our strong recommendation that these are reviewed on a UK-wide basis to ensure that they are fit for purpose, meet the specific needs of those we have a public duty to protect and are good use of public money. The recent wristbands scandal (<http://www.bbc.co.uk/news/uk-wales-35397109> ) or red door scandal (<http://www.independent.co.uk/news/uk/home-news/red-doors-of-asylum-seeker-housing-in-middlesbrough-repainted-range-of-colours-after-vandalism-and-a6834391.html> ) is symptomatic of the Home Office’s poor oversight of private contractors housing extremely vulnerable people.

2.11 It is unacceptable that asylum housing in Wales, particularly Initial Accommodation, is not subject to any independent scrutiny on standards and that provision is not subject to any independent means of complaint. Asylum-seekers are unlikely to complain because of a fear of retribution (from the Home Office or housing providers themselves). The result is that people are forced to endure housing which would not be of an acceptable standard for any other publicly funded accommodation. An independent advocacy service which enables refugees and asylum-seekers to raise issues of concern without fear of the consequences would be welcome.

## 2.12 Information provided

Very little in the way of useful local information or support is provided for asylum seekers in Home Office properties. People need very basic information about where they are living such as street maps, location of local post office, where is the nearest bus stop, location of supermarket/ food store and details of the Migrant Help line and local support services. This practical information preferably available in several languages would go a long way in reducing isolation and enabling better integration of people, some of whom will go on to become refugees moving towards settlement in Wales.

2.13 We would like to echo Welsh Refugee Coalition’s recommendation that the Welsh Government should prioritise finding ways of using its devolved powers to improve asylum accommodation in Wales. For example:

- Engage actively with the UK Visa & Immigration Asylum Accommodation and Support Transformation (AAST) stakeholder consultation on new contracts for asylum housing
- Insist that the quality of asylum housing is scrutinised by Welsh Government and/or local authorities
- Bring the next asylum accommodation contract into Wales, preferably on a non-profit basis, by supporting a bid from one or more Welsh housing associations, other third sector organisations or Local Authorities or negotiating with the Home Office to undertake the contracting process itself.

### 3. When refugee status has been granted

Tai Pawb and Shelter Cymru 2013 research report entitle Homelessness Amongst People from BME populations in Wales identified significant issues related to the so called 'move on' period. This relates to the period when a person seeking asylum is granted a refugee status and needs to vacate asylum accommodation. The report noted that "substantial evidence was obtained to highlight a specific issue regarding the accessibility of joined up move on support (...). The risk of homelessness for this population was evident at the point where a decision is made with regards to their immigration status and they were required to leave NASS accommodation. Stakeholders and service users told us that the reduced decision time, combined with the worsened economic circumstances, can affect a refugees ability to obtain suitable accommodation in time". One participant of this research stated: *"I had to vacate NASS accommodation on the 6th of August, four days after being granted status. I was given a pillow and sent on my way. I was upset and very angry about it - where could I go? They gave me no time to try and sort out accommodation. (Servie user, Wrexham)"*.

The "move-on" period is currently 28 days from the moment a status is granted to the time when accommodation has to be vacated. There is a clear case for more partnership working and for Home Office to share information with Local Authorities as to the expected number of successful applications to enable the latter to prevent refugees from becoming homeless, especially in light of the new homelessness prevention duties introduced by the Housing (Wales) Act 2014. This approach would also help solve issues related to family reunion - refugees who are successful with family reunion expand the size of their family unit. Hence they experience renewed housing need some time after their original needs were met and there are reports that temporary accommodation is being overused in these cases.

The new prevention duties require local authorities to take reasonable steps to prevent homelessness by assisting someone who the authority considers is threatened with homelessness within 56 days. The move on period of 28 days represents a clear lack of parity of approach towards assisting those in general population compared to refugees. 28 days is not long enough to move out of Home Office housing considering vulnerabilities and awareness of service users, the time it takes for DWP to allocate NI/benefits, and the time the Local Authority needs to provide advice, assistance or housing. It is our view therefore that the move on period should be extended to at least 56 days.

Other approaches towards helping those threatened with homelessness should be promoted. For example, in Swansea, new refugees are often identified as part of a 'vulnerable group' and so placed on the priority housing list, but this is not so in other areas. We would like to echo recommendations made by the Welsh Refugee Coalition to the Welsh Government, including:

- consider issuing guidance to Local Authorities to class all new refugees as vulnerable (or strengthen the case for this) so that they are regarded as in priority need for housing;
- alternatively, provide adequate funding to local authorities and accompanying guidance to

enable newly recognised refugees who are not considered in priority housing need to benefit from rent deposit scheme

- consider increasing Supporting People funding for refugee assistance and ring-fencing that proportion of the fund for refugees
- ensure Local Authorities in dispersal areas have a dedicated housing resettlement officer; and provide additional training for existing staff.
- instigate a process for people successful with family reunion so that temporary housing is made available as soon as family arrive
- fund the refugee move on service on a long-term basis.
- ensure Jobcentre Plus staff in Wales are required to increase their understanding, possibly through dedicated training, of the particular barriers faced by refugees in job seeking and supported on an ongoing basis to give specialist assistance to them.

#### 4. Immigration Act 2016

Housing is also one area where the Immigration Act 2014 and the Immigration Act 2016 are likely to have an impact. The 2014 Act provides for 'Right to Rent Checks', making it compulsory for landlords to check the immigration status of all new adult tenants. We are concerned that these checks will lead to destitution and an increase in homelessness, putting more pressures and costs on already stretched local authorities.

The Immigration Act 2014, required landlords to carry out immigration status checks, and imposed financial penalties of up to £3000 on landlords who failed to check a potential tenant's 'Right to Rent'. The Immigration Act 2014 stipulates that these provisions apply to the whole of the UK but thus far they have only been brought into force in England.

The Immigration Act 2016 extends the scope of the 'Right to Rent' checks by creating new offences of renting accommodation to "disqualified" migrants (Section 39), giving landlords new powers to terminate tenancy agreements (Section 40) and obtain possession (Section 41) without judicial oversight.

Section 42 of the Immigration Act 2016 enables the Secretary of State "to make such provision" by regulations as s/he "considers appropriate for enabling any of the residential tenancies provisions to apply in relation to Wales, Scotland or Northern Ireland." We know that it is the UK Government's intention to extend the 'Right to Rent' checks to Wales. During the committee stage of the earlier Immigration Bill 2015-2016, which put forth the 'Right to Rent' measures to Parliament, Tai Pawb submitted written evidence on the anticipated impact of the 'Right to Rent' provisions in Wales. (<http://www.publications.parliament.uk/pa/cm201516/cmpublic/immigration/memo/immigrationconsolidated.pdf>)

We raised concerns that the 'Right-to-rent' checks in Wales will lead to an increase in homelessness presentations and the number of No Recourse to Public Funds (NRPF) cases presented to social services.

A local authority's duties towards an individual presenting as destitute vary considerably according to their immigration status. Within Wales, the Social Services and Well-being (Wales) Act 2014, which came into effect in April 2016, introduced complex reforms to support available for destitute migrants. The eligibility rules for support under this Act are set



to change considerably due to the Immigration Act 2016's reforms to Section 95 of the Immigration and Asylum Act 1999 and the introduction of the new Home Office regulated framework for local authority support to migrant families and children. These changes are expected to take effect in Spring 2017. The multitude of changes to support for destitute migrants are not yet well understood and present a high risk of misapplication due to their complexity.

Furthermore, of those whose properties are repossessed under Section 41, some undocumented migrants approaching local authorities for support would, with correct legal advice, otherwise be eligible for assistance, but are destitute as their irregular status has not been resolved. This includes victims of domestic violence, family members of someone living in the UK with leave to remain and some victims of trafficking.

Our submission on the impact of the provisions in Wales further noted that a lack of awareness about the Act's requirements amongst landlords in Wales, the majority of whom are small businesses with just one or two properties in their portfolio, meant that many Welsh landlords are poorly equipped to fulfil their tenancy management duties under the Act.

The threat of criminalisation places additional pressure on landlords, especially small-scale landlords who are private individuals, exacerbating their concerns of renting to anybody without clear immigration status or documentation and thus increasing unintended discrimination. Concerns have also been raised over the particular risk of discrimination for BME tenants. This was documented in the independent evaluation of the 'Right to Rent' checks pilot by the Joint Council for the Welfare of Immigrants (JCWI), who also noted that the policy has resulted in instances of discrimination against tenants who did have a 'Right to Rent' in the UK. This works against the measures in Housing (Wales) Act 2014 which allow Welsh local authorities to discharge the duty of homelessness prevention to the private rented sector.

A recent survey of 810 landlords in England by the Residential Landlords Association found that 43% of private landlords said that right to rent scheme has made them less likely to let to those without a UK passport (this represents roughly 17% of population). Two-thirds of those polled said they were worried they would make a mistake or be caught out by forged documents, and be unfairly fined. Only 13% said they had found a Home Office advice line helpful. Nearly two-thirds of private landlords said they were also less likely to rent to migrants who are legally in Britain, but only have permission to stay for a limited period, while 56% said they were less likely to rent to someone from outside Europe. ([https://www.theguardian.com/uk-news/2016/nov/14/british-citizens-without-passport-struggling-rent-property-immigration-checks?utm\\_source=Chartered%20Institute%20of%20Housing&utm\\_medium=email&utm\\_campaign=7745664\\_News%20and%20views%3A%2016%20November%202016&utm\\_content=right%20to%20rent%20news%20and%20views%2016%20nov&dm\\_i=YRX,4M0LC,5SD9G0,H5E9P,1](https://www.theguardian.com/uk-news/2016/nov/14/british-citizens-without-passport-struggling-rent-property-immigration-checks?utm_source=Chartered%20Institute%20of%20Housing&utm_medium=email&utm_campaign=7745664_News%20and%20views%3A%2016%20November%202016&utm_content=right%20to%20rent%20news%20and%20views%2016%20nov&dm_i=YRX,4M0LC,5SD9G0,H5E9P,1)).

Further issues were identified with the provision of advice for landlords on the reforms, with a freedom of information request from a Member of Parliament revealing that only two people staff the Right to Rent helpline, leading to a call for additional resource and provision for Welsh language advice.

Cumulatively, these effects will drive a hidden rental market in which sub-standard accommodation is provided to those with no other housing options. This runs contrary to the Government's stated ambition to tackle rogue landlords and reduce overcrowding. There is also an unresolved conflict between the homelessness prevention duties and unprecedented new eviction powers for landlords created by the Immigration Act 2016, which could serve to reverse the great progress that Wales has made towards reducing homelessness.

We would recommend that the Welsh Government insists on developing and evaluating a pilot scheme in Wales, before legislation is brought in to extend the scheme in order to assess how we can prevent discrimination from occurring. The impact of potential new legislation should also be monitored so that mitigating action can take place should negative consequences be identified.

There is also a clear need to work with private landlords to raise awareness of different types of migration status to mitigate any impacts of Right to Rent Checks in Wales. We would also strongly recommend that there is a way for tenants to be able to report private landlords acting in a discriminatory way, perhaps through Rent Smart Wales.

## 5. Destitution and Homelessness

There are increasing numbers of refused asylum seekers who are evicted from asylum accommodation and have no right to public housing, no access to public funds or benefits and no legal right to work. For example, The British Red Cross destitution services, which provide short term crisis support in the form of small amounts of cash, food, and clothing vouchers, in Newport and Cardiff provided financial support to a total of 1027 people in 2015 compared to 634 in 2014. A similar service exists in Swansea, where there is also the SHARE Tawe Voluntary Hosting Scheme, which provided 1700 bednights of accommodation to 17 destitute asylum seekers in 2015 and a similar amount in only the first nine months of 2016.

Such people may be detained and forcibly removed, but more often than not this does not happen and they are left destitute. There is an understanding that the decisions leading to this point are often not robust and open to challenge as evidenced by the fact that, given safe space and time to gather fresh evidence and find a good solicitor who will put in a 'fresh claim' for them, Asylum Seekers often succeed in proving their need for protection and are granted 'leave to remain' after all (8 of those accommodated by SHARE Tawe have done this since Jan 2015). In addition, increasing numbers of new refugees experience temporary destitution due to the inadequacy of the 28-day 'move-on' period, while destitution can also affect some vulnerable migrants including women with insecure immigration status experiencing domestic violence.

This desperate situation is the result of a failure of UK asylum and immigration policy to provide a safety net for some of the most vulnerable people in our society. The enforced destitution of vulnerable displaced people has no place in Wales and the prevention of destitution should be prioritised.

We welcome the possible inclusion of the organisation of voluntary support for destitute people seeking sanctuary in the Welsh Government's Inclusion Grant. However, there is also a need for direct financial assistance. In 2015, Northern Ireland introduced the OFMDFM (Office of the First Minister and Deputy First Minister) Crisis Fund, which is

intended to help minority ethnic individuals with no other means of support through emergency situations. The eligibility criteria include those who currently have no recourse to public funds, such as refused asylum seekers and other vulnerable migrants, as well as destitute refugees. A similar fund in Wales would prevent this form of avoidable destitution.

Welsh Government should consider expanding the eligibility criteria for the Discretionary Assistance Fund (DAF) to include those who currently have no recourse to public funds (NRPF), such as refused asylum seekers and other vulnerable migrants including destitute refugees. To provide appropriate accountability there would need to be clear guidelines for the types and scale of assistance offered and expected short-term impact on individuals.

## **6. Local Housing Allowance Rates and SVPRS**

An issue that may require consideration is the impact of the introduction of Local Housing Allowance (LHA) maxima rates within social housing. We understand that the SVPRS will support full recoverable costs in the first year but not past that. LHA rates may be an issue in terms of people sustaining tenancies after the first year if costs are not fully recoverable. Further those who are single and under 35 will access the shared rate of the LHA rate under the changes to the LHA maxima. This is something that needs to be considered in terms of any single people in terms of support going forward post year 1 -5 of the SVPRS.