

City Hall  
The Queen's Walk  
London SE1 2AA  
Switchboard: 020 7983 4000  
Email: mayor@london.gov.uk

London Councils  
59½ Southwark Street  
London SE1 0AL  
Switchboard: 020 7934 9999  
Email: info@londoncouncils.gov.uk

**Luke Hall MP**

Parliamentary Under-Secretary of State  
Ministry for Housing, Communities and Local  
Government  
BY EMAIL

**Date:** 18 June 2020

Dear Luke,

The Greater London Authority and London's councils are engaged in the huge task of securing sustainable options for rough sleepers currently accommodated in hotels and other emergency accommodation, working closely with your officials from MHCLG. Your letter of 28<sup>th</sup> May, to local authority Chief Executives, indicates that you share our aim that no-one currently accommodated should need to return to the streets.

We offered everyone equal access to emergency accommodation and support, because it was the right thing to do in terms of the public health crisis, but also in response to your call on 26<sup>th</sup> March to local authorities to "make sure that we bring everyone in." As you will know, London not only has more rough sleepers than other areas of the country, but a far higher proportion who are non-UK nationals. This means that London faces particular pressures – both in covering the costs of emergency accommodation and as we seek move-on options for those we are collectively accommodating, a very high proportion of whom are non-UK nationals with no or limited access to benefits and homelessness assistance.

Your letter of 28<sup>th</sup> May urges local authorities to use their judgement to determine whether to accommodate these rough sleepers. In London at least, their numbers are such that, unless exceptional measures are taken by the Government and further funding is made available, we will simply be unable to offer everyone further support and so we urge you to reconsider this position. The Covid-19 crisis has placed extreme pressure on already-stretched local authorities, as the Local Government Association has recently highlighted. They cannot afford to accommodate non-UK nationals with no or limited entitlements on a discretionary basis over time. Even if cost was not an issue, this approach would be unfair to the individuals in question, leaving them in a state of limbo. So, we are keen to work with you to explore every option available to

avoid missing this once-in-a-lifetime opportunity to achieve a major and lasting reduction in rough sleeping.

Non-UK nationals normally account for about half of those sleeping on the streets of London. Initial data shows that they represent an even higher proportion of those accommodated by the GLA and local authorities in response to Covid-19. Although some will have similar entitlements to UK nationals, a significant proportion cannot lawfully access either welfare benefits or homelessness assistance in the UK. As a result, their accommodation and support options are extremely limited. This has long proved a major obstacle to resolving rough sleeping and is particularly acute in the current circumstances.

The Government must consider measures to enable this group to access appropriate support. Our proposals are as follows.

First, we urge the Government to review the impact of immigration-based exclusions from welfare and homelessness assistance and consider making changes to adapt to these exceptional times. We suggest that you suspend the Habitual Residence Test, so that European Economic Area (EEA) citizens do not need to prove their 'right to reside' to access benefits that will help them to cover living and housing costs. We also ask you to suspend the No Recourse to Public Funds (NRPF) condition, so that those currently subject to it can access benefits and homelessness assistance during this time.

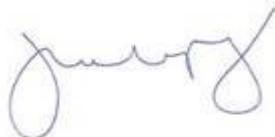
Second, at the very least, support should be provided so that non-UK nationals are able to access specialist independent immigration advice or, if they wish to, return to countries of citizenship within the EEA. This advice is needed now, to maximise the chances of those in emergency accommodation achieving clear, secure immigration status – something that will result in improved housing options. However, due to the complexity of the immigration system, this support will likely need to continue after the current emergency and those receiving it may need interim accommodation. Government must fund this vital provision, potentially by reinstating Legal Aid for immigration advice, along with a commitment from the Home Office to handle the cases of those currently in emergency accommodation with compassionate and swift decision-making.

Finally, there are still significant numbers of people on the streets. Leaving it to local authorities to determine which of those individuals they can lawfully help is at odds with your letter of 26<sup>th</sup> of March. More importantly, it is unfair both to those sleeping on the streets, at a time when doing so is more dangerous than ever, and to local authorities. As your letter of 28<sup>th</sup> May notes, local authorities do provide accommodation on a discretionary basis during severe weather, but the current situation is very different. Far more people are in need of accommodation, with night shelters unable to operate. Meeting that need is placing local authorities committed to protecting both the health of these individuals and wider public health under unsustainable financial strain. We therefore urge you to issue clear and immediate

guidance for local authorities, emphasising that they should continue to provide emergency accommodation for all those currently homeless, irrespective of their immigration status. This must be accompanied by commitment of Government funding to cover these costs.

The measures outlined above will protect individuals from destitution and would be a step towards ensuring that nobody returns to the street as lockdown measures are relaxed.

Yours sincerely,



**Tom Copley**  
Deputy Mayor for Housing  
and Residential Development



**Darren Rodwell**  
Executive Member for  
Housing and Planning