



HOME OFFICE EVICTIONS & MIGRANT SUPPORT

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HOME OFFICE EVICTIONS

Pending determination of a person's asylum claim, they will ordinarily be provided with accommodation and support under section 98 and/or section 95 of the Immigration & Asylum Act 1999

This applies where the person is 'destitute', which means:

- No adequate accommodation or any means of obtaining it, or
- Adequate accommodation but cannot meet other essential living needs

Accommodation is usually provided first in a hotel, and later in longer-term accommodation such as a flat or house share

HOME OFFICE EVICTIONS: THE OLD PRACTICE

PRE-AUGUST 2023

Once a person's asylum claim has been granted, they are entitled in statute to continue receiving support under s.95 IAA 1999 for a further 28 days.

For many years prior to August 2023 (since at least 2014), however, the typical eviction process consisted of:

- Notification that asylum claim has been granted
- Receipt of Biometric Residence Permit (a few days later)
- Receipt of Asylum Support Discontinuation Letter – i.e. letter saying that they will no longer be entitled to support or accommodation after 28 days
- Receipt of eviction notice, usually giving 28 days' notice (legal minimum is 7 days)

In the vast majority of cases, no matter how much later the eviction notice was served, the person would still be given 28 days' notice of their eviction.

HOME OFFICE EVICTIONS: AUGUST 2023

In August 2023, suddenly people started receiving as little as 7 days' notice of eviction (the legal minimum) – Suella Braverman

The reason for this was that the HO started calculating the 28 days from the date a person's asylum claim was determined, rather than from the date notice was served

At the same time, the Home Office began making efforts to clear the asylum backlog, and so asylum claims were being determined more rapidly

This resulted in an enormous increase in refugee homelessness and rough sleeping, with both the migrant support sector and local authorities thrown into chaos

This marked a drastic change from historic practices that had existed for many years

HOME OFFICE EVICTIONS: SEPTEMBER 2023 – PRESENT

The Home Office has claimed that since September, they have begun calculating the 28 days' notice of eviction from the date on which a person's BRP is issued

This would, in principle, provide longer notice periods than under the August practice, as the BRP is always issued after an asylum claim has been determined

However, it would not allow as much notice as was typically given pre-August 2023

This is supposedly a temporary practice while the HO reviews the issue

However that is not the end of the story...



LEGAL CHALLENGES AGAINST HOME OFFICE

At Lawstop we have issued two claims against the Home Office challenging these policy changes

We have argued that the changes are unlawful because the Secretary of State failed to take into account the impact on people with disabilities (and other protected characteristics), and in general did not properly think about how the changes would affect asylum seekers, local authorities, and the migrants' rights sector

HOME OFFICE EVICTIONS: WHAT'S ACTUALLY HAPPENING?

As part of our court cases, and through our NGO partners, we have gathered evidence of some 32 evictions that have occurred since September 2023

People were given 20 or more days' notice of eviction in only 5 of those cases

Others have received as little as 8 days' notice (and because of delays in the provision of the actual evictions notices, some people are getting as little as 1-5 days' notice of eviction)

Once refugee status is granted, people are entitled to mainstream homelessness support/accommodation via their local authority

However, gatekeeping is rampant and many people are still winding up sleeping rough, or else having to bring legal action to force local authorities to accommodate them.

OUTCOME

We applied for an order from the Court ordering the Home Office to give all asylum seekers at least 28 days notice of eviction, and attended a hearing on 20 March 2024.

We waited three months for a decision – in the meantime, in the face of continued pressure from our cases, the Home Office started to row back on its changes.

Unfortunately, the Court did not give us the order we sought – however, the position has improved. We are deciding on next steps.



QUESTIONS?