

Know Your Rights



A guide to help
migrants understand
their rights and how to
assert them





Who Produced The Guide

The guide was produced and coordinated by Migrants' Rights Network

Contributors:

Against Borders for Children, Doctors of the World UK, Focus on Labour Exploitation (FLEX), Liberty Migrants at Work, Migrants' Rights Network (MRN) Open Rights Group, Project 17, Victim Support & Welsh Refugee Council

With thanks to: Emma Gardiner, Jean Demars, Joint Council for the Welfare of Immigrants (JCWI), StopWatch, Stop Hate UK, Respond Crisis Translation

All of these organisations have come together to write this guide because we exist to defend and promote the rights of all migrants. We hope that it will help you to understand how the law affects you and what you can do.



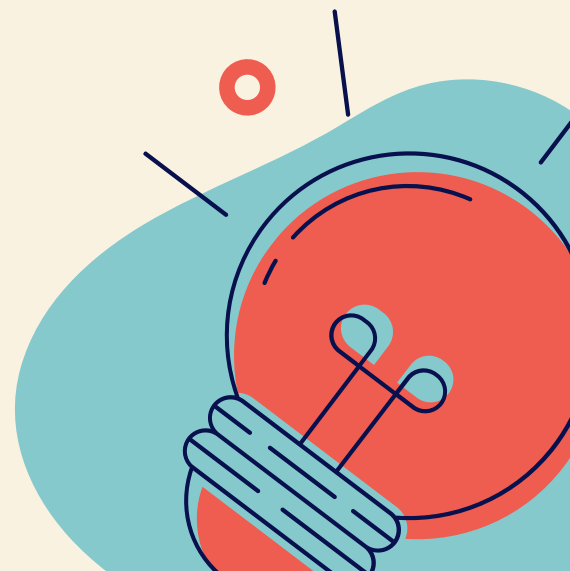


Introduction

We have written this guide for all migrants living in the UK, including those without documents and those trying to regularise their immigration status, including asylum seekers.

This guide is to help you understand your rights in a situation where immigration rules are changing regularly. It is also useful for anyone who cannot prove they are British or have Indefinite Leave to Remain, for example if you don't have a passport or immigration documents. Other migrants, including those from the European Union, refugees and those with Limited Leave to Remain will also find it useful.

In recent years, the government has been making it harder for all migrants to live their lives without the fear of immigration checks and the threat of deportation or removal from the country. The government hopes that this will force many to leave the UK. They also want to discourage other people from coming into the country.





What Is The Government Doing

- It is trying to stop undocumented migrants from doing the everyday things they need to live a normal life; working, having a bank account, driving a car, renting a house
- It is also asking some migrants to pay in advance for medical treatment, except for emergencies (see detailed section on Health)
- It asks doctors, nurses, banks, landlords, employers to check people's documents
- The Home Office sometimes gets information from other government departments to trace undocumented migrants.

In this guide we will explain:

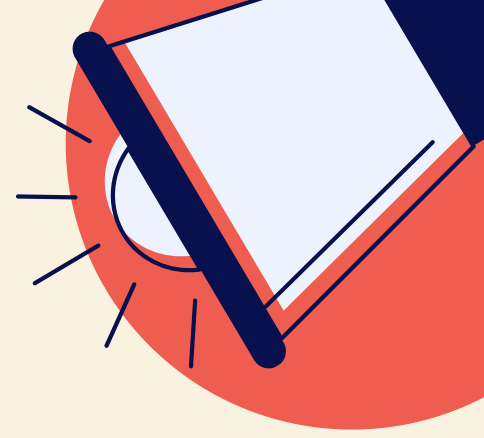
- 1 What your rights are
- 2 How changes in the law may affect you
- 3 What you can do if you face challenges
- 4 Where you can go for support and advice

Banking





Banking



What is new?

Banks and building societies are not allowed to open accounts for people who do not have leave to enter or leave to remain in the UK.

If a bank or building society refuses to let you open a bank account, they should tell you why.

Since 30 October 2017, banks and building societies have had to do immigration checks on all customers every 3 months. If they discover that you might be in the UK without permission they must tell the Home Office.

If this happens, the Home Office might:

- Ask a court to freeze your account, which means that you will not be able to use your account for a period of time.
- Make the bank close your account.

In May 2018, the government government suspended the closure of bank accounts. It is unclear whether the closure of bank accounts has resumed since.

However, banks are still carrying out immigration checks on all accounts every three months, and telling the Home Office about accounts they believe belong to people in the UK without permission.

Are there any exceptions for opening new bank accounts?

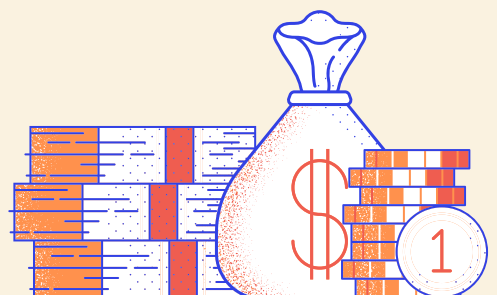
If the Home Office decides that there is a good reason why you are unable to leave the UK, what they call a 'legitimate barrier' to leaving the UK, you may be allowed to open a bank account despite not having leave to remain or leave to enter.

The Home Office has not defined what a 'legitimate barrier' is. You should get legal advice before contacting the Home Office.

What can I do if a bank makes a mistake?

If you believe you are lawfully present in the UK or there is another reason why you should be allowed to hold a bank account, you should make a complaint directly to the Home Office. You should get legal advice before doing this.

If your bank freezes your account you have a right to appeal, but should seek legal advice before doing this.



What should a bank do if they make a mistake?

If you have evidence that you should be allowed an account and a bank is refusing to open an account for you, they should contact the Home Office. Evidence could be your passport, Biometric Residence Permit, or another document showing you have the right to remain in the UK. If the bank refuses to contact the Home Office even after you show them one of these documents, you should seek legal advice before contacting the Home Office yourself.

If your bank is closing your account and you provide evidence to show that your account should not be closed, your bank should contact the Home Office about your account.



For more information and support

Migrants' Rights Network

020 7424 7386

07534 488696

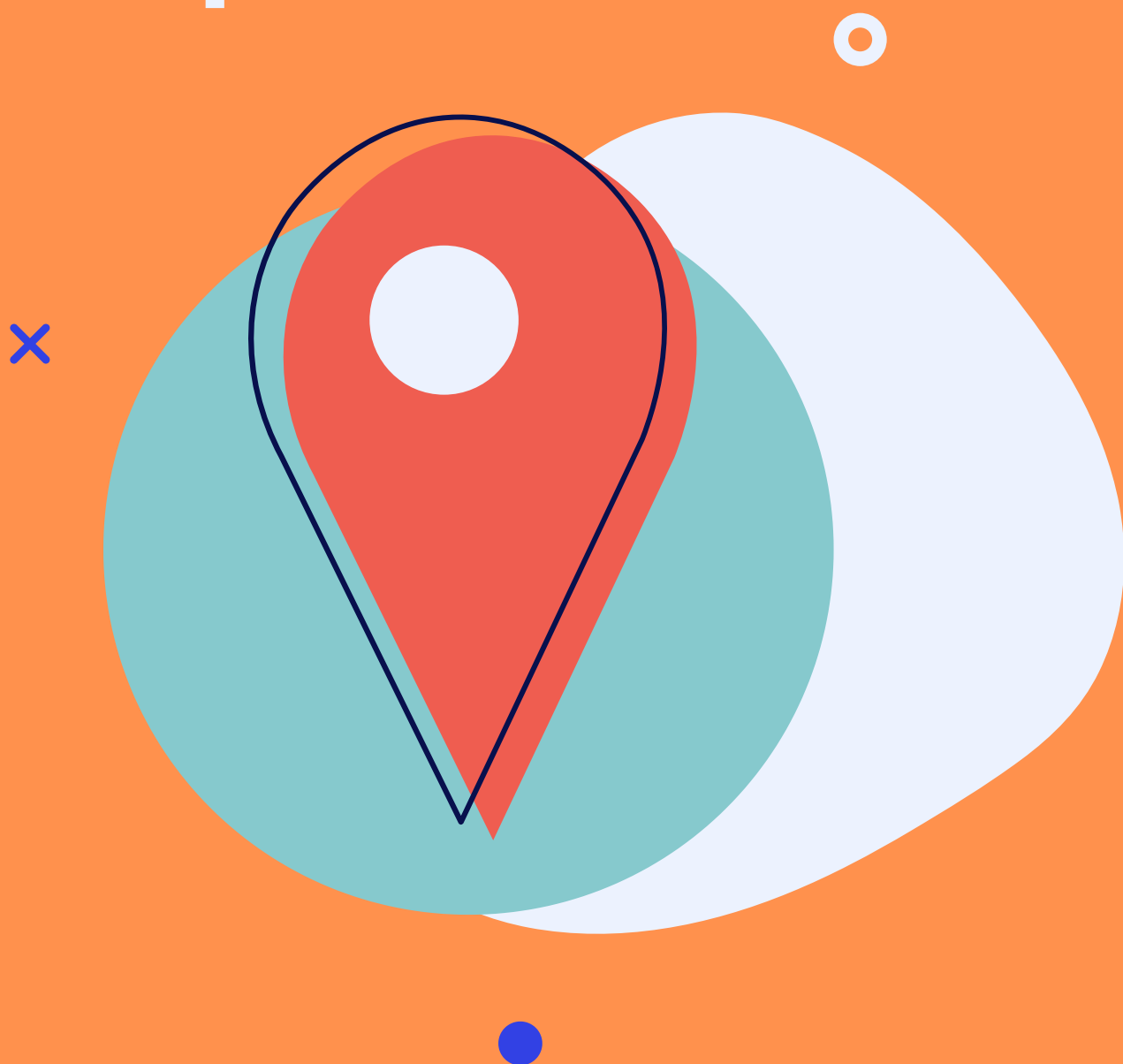
Monday to Friday 9.30am to 5.30pm

info@migrantsrights.org.uk

www.migrantsrights.org

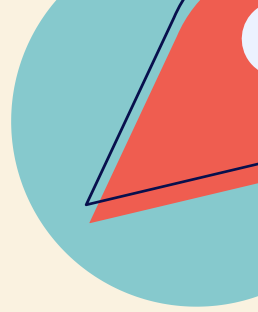


Detention & Deportation: European Homeless People





Detention & Deportation: European Homeless People



What is happening?

Some homelessness charities, including St. Mungo's and Thames Reach, helped the Home Office deport homeless European Economic Area (EEA) citizens between 2010 and 2017.

The Home Office's policy of deporting EEA citizens who sleep rough was ruled unlawful by the High Court in December 2017.^[1] This means the Home Office is no longer allowed to deport EEA nationals just because they are homeless.

There are concerns that the Home Office's Rough Sleeping Support Service (RSSS) may be a new attempt to involve charities in sharing information about homeless people for immigration-enforcement purposes.

[1] The European Economic Area includes all the countries of the European Union, as well as Iceland, Liechtenstein and Norway. Switzerland is not part of the European Economic Area but Swiss citizens currently have the same rights to live in work in the UK as EEA citizens.

Homeless EEA citizens living in the UK are at increased risk of immigration enforcement because of Brexit. All EEA nationals living in the UK need to apply for settled or pre-settled status before the end of 2020. Otherwise they could lose access to essential services such as the NHS. If you are an EEA national and you do not apply before June 30th 2021, immigration-enforcement action could be taken against you.

What does this mean?

One charity, St. Mungo's, has apologised for working with the Home Office. They say they will no longer share information about homeless people for immigration- enforcement purposes.



For more information and support

The Public Interest Law Centre (PILC)

They have a project to defend the rights of homeless people from the EEA.

If you are homeless and worried about deportation or 'voluntary reconnection,' or for advice about settled or pre-settled status, contact:

PILC

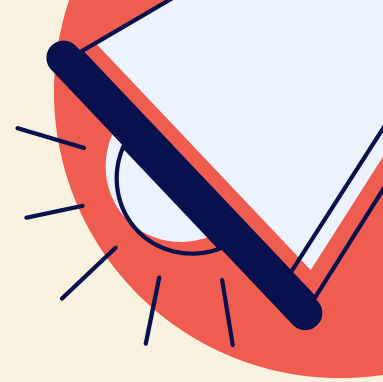
07856 539 582

office@pilc.org.uk



Digital Rights





Digital Rights

What is happening?

An individual has a number of rights available to them under the Data Protection Act 2018 that could be relied upon if you are concerned:

- That your personal data is being used unlawfully.
- There is an error in your personal data that needs to be corrected.
- That you object to or want to restrict processing, or erase your personal data.
- That you are being subjected to profiling or automated decision-making (decisions made by an algorithm).

What are my rights?

An individual has the right to confirm from a data controller (any organisation that may have your personal data, such as a local authority, an employer, a landlord, a Doctor, or a school) whether or not their personal data is being processed, and where it is being processed, access to the personal data and the following information:

Information you should receive:

- 1** Why they are processing your data and what types of personal data they are processing.
- 2** How long they are going to store your personal data.
- 3** Your other rights under the **Data Protection Act 2018** - The right to request rectification, erasure, restriction of processing, or objection to processing of your personal data.
- 4** Who you can make complaints to - The right to make a complaint with a supervisory authority.
- 5** When they haven't collected the personal data from you, who they got it from - Any available information as to their source.
- 6** Whether there has been a decision made about you by an algorithm, and information about how that decision was made. - The existence of automated decision-making, including profiling, and, in some cases, meaningful information about the logic involved as well as the significance and the envisaged consequences for the data subject.

You have a right to receive a copy of your personal data that is being processed and the above information free of charge.



I see a mistake on the personal data they hold - what can I do?

You have a right to obtain from the controller without undue delay the correction of inaccurate personal data they hold about you (Article 16 GDPR). You can do this by providing a statement to the data controller. The controller must communicate that correction to you, and to each of the other organisations that they have disclosed your data to, unless it proves impossible or involves disproportionate effort, and they should inform you who those organisations are if you request it.

I would like to erase the personal data, restrict the processing of personal data, or object to its processing

You have the right to request erasure ('right to be forgotten') (Article 17) if the data is no longer necessary for the purposes for which it was collected, or if the data controller are processing the data based on your consent, you remove that consent and there is no other legal ground for processing.



You have the right to restrict processing (prevent it being processed) (Article 18) if for example you argue the data is inaccurate and the data controller needs to check on this.

You have a right to object to processing of personal data of personal data if it is being processed for specific reasons:

- a task in the public interest or exercise of official authority (lots of processing by public authorities will be done under this as they will process).
- It is necessary for the purposes of the legitimate interests pursued by the controller (this is not available for activities public tasks so is unlikely to)

If you do object it is for the data controller to show that there is a compelling reason to continue processing the data that overrides your fundamental rights and freedoms.

I have been told that the decision made about me has been made by automated decision-making

You have a right to not be subjected to a decision based solely on automated decision-making if it produces legal or similarly significant effects, unless specific conditions apply.



If the data controller is the Home Office, they should inform you that the restriction applies and all data controllers should tell you that you have a right to complain or appeal against the decision to restrict your data rights.

Who can I go to for further support?

The Information Commissioner's Office is the regulator for data protection law in the United Kingdom and can receive individual complaints.

Organisations like Open Rights Group, Foxglove and Privacy International are all seeking to support immigration organisations and will be happy to provide further support.

Open Rights Group would be particularly interested to hear if you're concerned that the Immigration Exemption is restricting your data rights.



For more information and support

To raise an issue about digital rights and data protection, please contact:

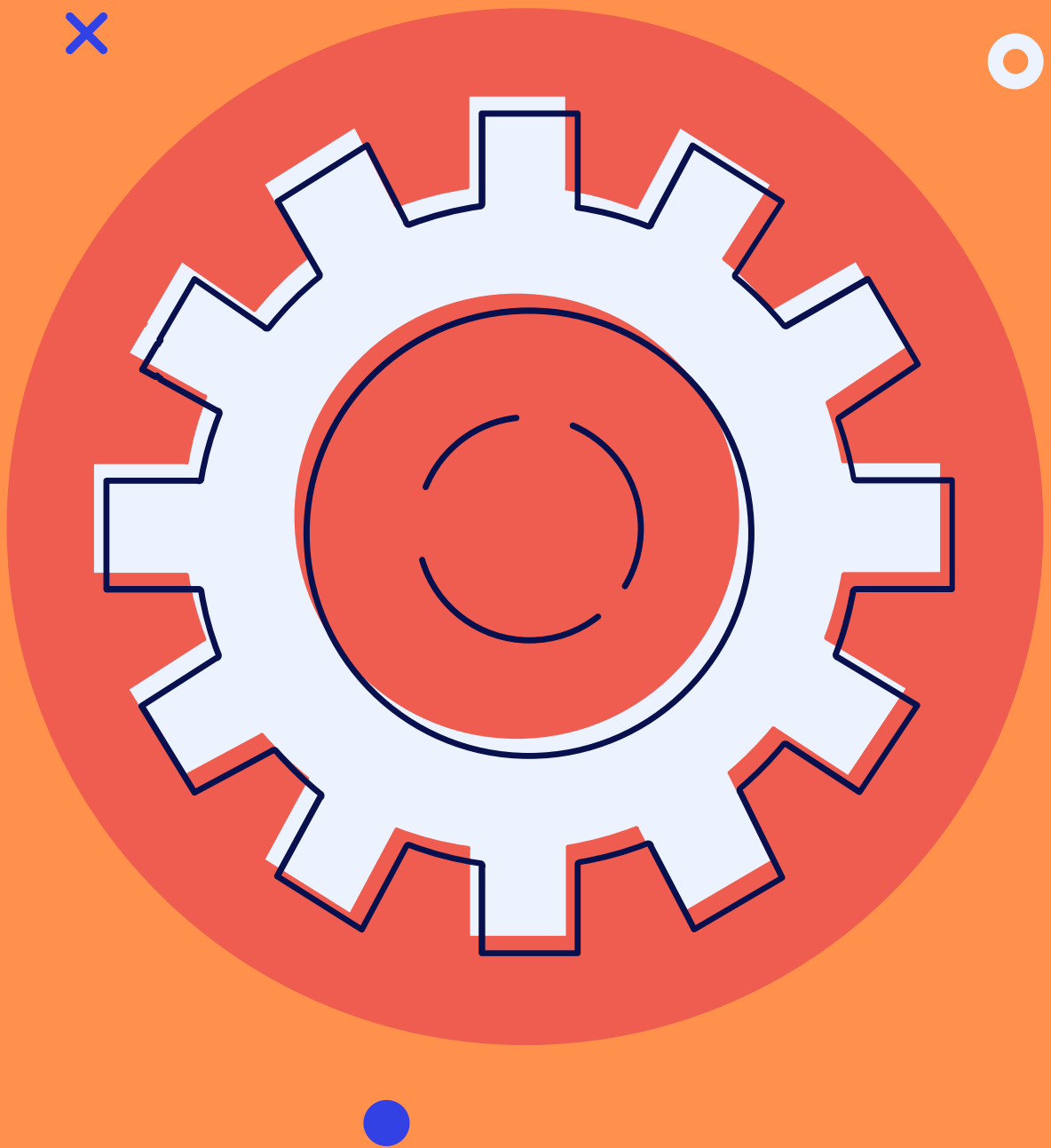
Open Rights Group

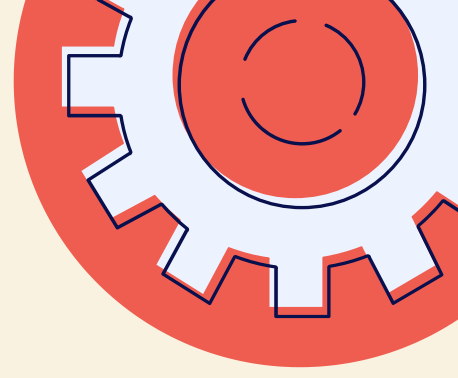
0207 096 1079

immigration@openrightsgroup.org



Driving





Driving

What is new?

Since 2014, the Driving and Vehicle Licence Agency (DVLA) is not allowed to give you a driving licence if you are not 'lawfully resident' in the UK. This applies to all people who do not have leave to remain* or leave to enter*.

The DVLA can revoke (cancel) your driving licence if they think you are not in the UK with permission. The DVLA does not have to let you know if they cancel your licence. This means you may not find out you are driving illegally until you are stopped by the police.

What powers do the police have?

The police already have powers to stop drivers for any reason. This means that they have the right to stop you even if they do not think you have done something wrong.

If you are stopped by the police when driving, they can demand to see the following documents:

- Driving licence
- Insurance certificate
- MOT certificate

If you do not have these documents with you, you have to take them to a police station within 7 days. If you do not take them to a police station within 7 days then you are breaking the law and you could be taken to court.

Police officers can also demand that you take a breath test to see if you have been drinking alcohol. If you refuse to take a breath test you are breaking the law and you could be taken to court.

If a police officer thinks that you do not have insurance they sometimes take your car away until you can prove that you have insurance.

What should I say if I am stopped?

You do not have to answer police officers' questions about your immigration status.

If they ask for them, you must tell the police your name, address, and date of birth. You must also tell them the name and address of the owner of the vehicle. If you refuse to answer those questions then you are probably breaking the law and you could be taken to court.

If a police officer thinks that you have committed a more serious offence, they might decide to arrest you. If that is the case, the police make the following statement: “You do not have to say anything, but it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence.” They will then usually take you to a police station. At the police station you have the right to ask to see a solicitor for free, or talk to one on the phone. Always ask for a solicitor: do not be put off seeing a solicitor by the police. Never talk to the police unless your solicitor advises you to.

Can I check if my license has been revoked?



View or share your driving licence information:

www.gov.uk/view-driving-licence

0300 083 0013

Monday to Friday, 8am to 7pm

Saturday, 8am to 2pm



Can I appeal against a decision to revoke my driving licence?

You can appeal to a Magistrates' Court against the cancellation of your licence.



For more information and support

Liberty

0845 123 2307

020 3145 0461

Monday–Thursday:

6:30pm–8:30pm

Wednesday: 12:30pm–2:30pm



<https://www.libertyhumanrights.org.uk/>



Education





Education



What is new?

Every child in the UK up to the age of 16 has a right to an education, regardless of their immigration status.

What is happening?

From 2016, as part of the School Census, schools were required by the Department for Education to collect the nationality and country of birth of children aged 5 – 19. In April 2018, following a two-year campaign and legal action, the Department for Education said that it no longer required schools to collect this information. However, it says it will not delete the information collected between 2016 and 2018.

Your child's school should no longer ask for their nationality or country of birth. If they do, you have the right to say no.

Other personal information collected through the school census (home address for example) is stored in the National Pupil Database. This information can be shared with the Home Office if they try to trace you.

Why is this a problem?

Every month, the Home Office requests information collected through the school census to start re-investigating families who may be in the UK without leave to remain*. The Home Office may ask the Department for Education to check the database for the addresses of specifically named people.

What are my rights and my children's rights?

Parents are obliged to fill in the census form. This means you have to provide a home address to the school.

Schools should not ask children for their nationality or country of birth.

Neither you nor your child should be asked for your children's passport or identity documents. If you are concerned about your children's nationality and country of birth information still being held by the government, you can make a complaint. Contact Schools ABC or Liberty if you would like to do this.

If you are concerned about your children's address being shared with the Home Office so that they may trace you or your family member, you may be able to bring a legal action. Contact Liberty if you would like information about this.



For more information and support

Against Borders for Children (Schools ABC)

www.schoolsabc.net

Liberty

0845 123 2307 / 020 3145 0461

Monday–Thursday: 6:30pm–8:30pm

Wednesday: 12:30pm–2:30pm

<https://www.libertyhumanrights.org.uk/>



Employment





Employment

It is illegal to employ someone who does not have permission to work in the UK. It is also illegal to work if you do not have permission to do so. Employers have to check their employees' documents.

What is happening?

Immigration officers are allowed to enter Licensed Premises without a warrant or written authorisation to check if people working there have the right to work.

Licensed premises are:

- 1 Places selling alcohol, for example pubs, bars, clubs, restaurants and off-licenses
- 2 Places selling late night refreshment. This means hot food or hot drinks between 11pm and 5am, even if it is not consumed on the premises.
Examples: cafes, restaurants, takeaways
- 3 Places providing entertainment, including: theatres, cinemas, indoor sporting event, boxing, concert venues, clubs
- 4 Social, sporting or political clubs.

The penalties for both employees and employers who break the law have recently been increased.

Employers: What checks do I need to carry out before employing someone?

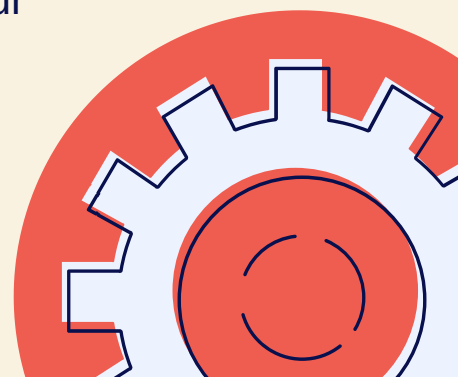
There are three steps you will need to follow to check if someone has the right to work:

- Ask them for their identification documents (e.g. passport).
- Check the documents are valid in their presence.
- Make copies of the documents and store them securely. You should also record the date the checks were made and the name of the person who made the check.

The law says that employers must do and record these checks. But you do not have to co-operate with immigration officials beyond this.

Employers: What should I do if Immigration Enforcement visits my business?

Immigration Enforcement can only enter your business if they have written authorisation:



- A warrant with the name of the person they are looking for
- A letter from a Home Office Assistant Director, which must show the name of the person they are looking for.

In many cases, Immigration Enforcement make people sign a consent form, which means they rely on your voluntary agreement to enter the business and investigate. You are under no obligation to sign it and you can politely ask them to leave your business (if they have already entered). If this happens, you can expect them to return with a written authorisation within a few days or weeks.

You are not obliged to let them in your business if they do not have written authorisation.

Employers: What if I am caught employing someone who does not have permissions to work?

You can be fined up to £20,000 per undocumented worker, or face a prison sentence of up to 5 years or both. Nobody has yet been sent to prison for employing someone without permission to work. Immigration officials also have new powers to take away property or earnings or close down businesses.

If you are given a penalty, you should seek legal advice immediately from a solicitor. Even if you are caught employing someone illegally, there are ways to appeal or to reduce the fine.

Employees: What are 'right to work' checks?

Immigration laws have increased employers' responsibility for the immigration status of their employees, migrants and British workers from BAME backgrounds. Employers are required to conduct 'right to work' checks. Some employers use an Employer Checking Service (ECS) to assess 'right to work.'

ECS checks issue negative verification notices for individuals who are not subject to immigration rules. Errors can occur during this process, which can put you in a difficult position. Home Office officials can give wrong advice, when it comes to the right to work. As a result, employers who are not immigration experts are likely to suspend you, or terminate your contract on the spot, so it is urgent you seek advice as soon as possible, learn about your immigration / employment rights.



Employees: What if I am caught working illegally?

People without the right to work could have their earnings or properties taken away by the government. In some cases, there is also a risk of being detained and/or deported.



For more information and support

Migrants' Rights Network

020 7424 7386

07534 488696

Monday to Friday 9.30am to 5.30pm

info@migrantsrights.org.uk

www.migrantsrights.org

Anti-Raids Network

<http://antiraid.net/immigration-checks-know-your-rights>

(available in different languages)

Bail for Immigration Detainees

020 3745 5226

(If you have been detained and need support)



Exploitation





Exploitation

I am worried about my pay and working conditions. What should I do?

You could be experiencing workplace exploitation if:

- your employer is not paying you what you have agreed
- you are not being allowed breaks or time off
- you are not being given proper equipment to do your job safely
- you are working under unsafe or unhygienic conditions
- you are being threatened with or experiencing violence or your employer has taken your identity documents or passport.



Gangmasters & Labour Abuse Authority

They are the government agency responsible for protecting workers from exploitation. You can call them anonymously
0800 432 0804
intelligence@gla.gov.uk

If you are undocumented, this may not be the best option for you



If you would rather contact an independent charity for information and support, you can call:



Modern Slavery Helpline on 0800 121 7000.

They can advise you on your rights as a potential victim of exploitation in the UK, regardless of your immigration status. They provide support in a number of languages and calls are confidential.



For more information and support

If you are unsure about your rights at work, you can contact Acas who are a government run helpline that also supports workers and employers to resolve workplace issues.

Acas

0300 123 1100

www.acas.org.uk



You can also find information about your rights at work through:

**Greater London Authority's
Employment Rights Hub:**

<https://www.london.gov.uk/what-we-do/employment-rights-hub>



For more information and support

Migrants at Work

<https://migrant-at-work.webnode.co.uk/>

Law Centres Network

<https://www.lawcentres.org.uk/about-law-centres/law-centres-on-google-maps/alphabetically>

East European Resource Centre

<http://www.eeac.org.uk/>

Work Rights Centre

<https://www.workrightscentre.org/>

Kalayaan (domestic work)

<http://www.kalayaan.org.uk/>

Latin American Womens' Rights Service

<http://www.lawrs.org.uk/>



Hate Crime





Hate Crime

Hate crime or hate incidents are acts of hostility towards you because of your ethnicity, religion, faith, disability, transgender identity or sexual orientation. You can make a report whether the hate was directed at you or you saw it happen to someone else. They could be your family members, your friends, someone you just met or someone you don't know.

Hate crime can happen anywhere, it can happen in your home, on a bus, in a park or at school or university.

What are examples of hate crime?

People make judgements about you and attacked you because of those judgements. That is not acceptable in the UK. It can also be illegal and a crime to do so! It is your right to feel safe in your home, communities and in public areas.

There are many things that can happen to people that are unacceptable and these become a Hate Incident where they are done because someone has made judgements about you.

They can be:

- being pushed, hassled or threatened
- having something thrown at you or having something bad posted through your letter box
- someone approaching you in a threatening manner
- non-verbal offensive gestures or mimicry aimed at you
- being spat at, beaten or kicked
- being called rude names, made fun of or having mean jokes directed at you
- your property being damaged or stolen
- being attacked by a neighbour
- arson or disputes with neighbours or
- being bullied as a result of your disability, race, religion, sexual orientation or transgender identity.



What can I do if I experience or witness hate crime?

- If you experience any form of hate crime, it's important to report your situation. Reporting your situation can help to ensure that the incident does not continue and helps the police to better respond to incidents of hate crime.

If your situation is an emergency, call the police at 999. This includes if you believe that your life or someone else's life is in danger, you are being physically attacked, or if your attacker is nearby.

What if my incident of hate crime involves the police?



For more information and support

You may make a complaint about your experience of a police staff member by contacting:

Independent Police Complaints Commission

www.ipcc.gov.uk

You may also get advice on your situation by contacting:

Stop Hate UK

0800 138 1625 (24hr helpline)



If I report it, what happens then?

When you report a hate crime, the police will take all the necessary steps to ensure that you are safe. They will come to see you, unless you would rather meet them at a police station or speak over the phone, and your details will be taken in a confidential manner. The police will listen to your account of what has happened and offer you the support of other organisations such as Victim Support, throughout the investigation. The police will also look at ways to stop the person from contacting you if necessary.

You will not be asked to speak to, confront or have direct contact with the person but you may be asked to:

- 1 Give a statement
- 2 Give any evidence that you may have such as mobile phone footage or CCTV, injuries or photographs
- 3 Give a victim impact statement that is; how you feel about what happened to you and how your life has been affected
- 4 Give evidence in court with the help of a Victim Support representative.

Any information you give about an incident could be important and may be related to a similar incident that has happened to someone else in your area.

The police may know the person and may be able to get evidence of the incident through mobile phone or CCTV footage. They may even be able to prevent the incident from escalating into more serious hate crimes. So please make sure you report it to someone.

I am an asylum seeker and do not want to draw attention to myself. What can I do?

Hate crimes and incidents are dealt with by your local police and have no impact on your asylum application. If someone tries to hurt you because of who you are or who they think you are, it is not your fault. The police will work with you to ensure that the investigation does not interrupt your asylum application appointments and details of your Hate Crime report will not be passed on to your case owner at the Home Office.

Also, reporting a hate incident will not affect your accommodation or housing support, however if you need safer accommodation because of your hate incident, you will be supported with this.





How do I report an incident of hate crime

Victim Support

0300 303 1982

<https://www.reporthate.victimsupport.org.uk/hate-crime/>

Which has a form for you to email in your preferred language if you prefer. Someone else can report the incident for you if you don't want to make the report yourself. Any information about the incident can be helpful, even if you don't know all the details.





How do I report an incident of hate crime

Stop Hate UK

If you experience hate crime due to being transgender or due to your sexual orientation:
0808 801 0661

If you experience hate crime due to your disability, you can also contact:
0808 802 1155

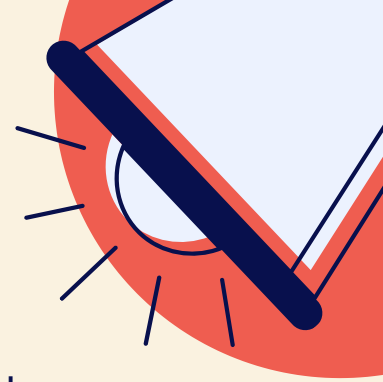
Text: 07717 989 025.

If you require text relay if you are deaf, have a hearing or speech impairment, you may text:
18001 0800 138 1625.



Health





Health

Everyone has the right to register with a GP and receive free 'primary care' regardless of immigration status. Primary care also includes dentists, pharmacies and optometrists (where you can get your eyesight tested) and opticians.

You may need to fill in a HC1 form to get free dental care, free prescription and free eye test. If you need help with this, contact Doctors of the World (details below). The following services should always be free:

- Treatment given in Accident and Emergency units in hospitals
- Diagnosis and treatment of specific infectious diseases and sexually transmitted infections (e.g. Tuberculosis, HIV)
- Family planning (contraception and advice, but not termination of pregnancy)
- Services provided as part of the NHS 111 telephone advice line Health visitors and school nurses.
- Testing for COVID-19 is free. If the test result is positive then treatment for COVID-19 is free.

What is new?

There are a number of different changes you need to know about when accessing health services. We have divided them into three sections.

1 Hospital and Community Health Services

- Undocumented migrants might be charged for hospital or community health services (see exceptions above). This is also true for people on short-term visas and refused asylum seekers
- Since 23rd October 2017, the government wants to charge people in advance for healthcare, forcing hospitals and community health services to check every patient's documents, including passports and proof of address. Non-urgent care will be refused if a patient cannot pay
- If you are pregnant, and if you are an undocumented migrant, you will not have to pay in advance but you will still receive a bill. This applies to all antenatal, birth and post-natal care. If a doctor thinks you need urgent or immediate treatment, you will not have to pay in advance, but will be billed for it later. If you need urgent treatment that will lead to significant pain/disability or your condition will substantially worsen, you should receive treatment. In other cases, urgent treatment may be delayed, and therefore not provided.



2

Health Surcharge for Immigration Applications

- People from outside the European Union who apply to enter or remain in the UK have to pay a 'health surcharge' as part of their application. The surcharge is £300 per year for students and £400 per year for all other visa and immigration applications at the moment, but the costs will be increased to £624 per applicant from October 2020 by the government. Dependents, like children, will usually have to pay the same amount. For example, one adult with two children making an application to remain in the UK will have to pay £1200 per year at the moment, and from October 2020 this will increase to £1872. NHS and social care staff are now exempt from this surcharge.

You may not have to pay if you can show that you are destitute. If you are homeless or you do not have enough money to buy food, you are considered destitute.

3

Information Sharing between Home Office and the National Health Service (NHS)

The NHS is sharing some patient information with the Home Office:

- If you need hospital treatment, the NHS hospital trust may contact the Home Office and share information about you to check your immigration status

- If you have a hospital bill of more than £500 that has been unpaid for two months or more, the NHS can tell the Home Office

What should I do if I get a bill I can't pay?

It is very important not to ignore hospital bills. You should contact the hospital even if you cannot pay. The hospital should be able to offer you a repayment plan – just ask them. If they don't want to, you should contact your local debt advice service (e.g. Citizen's Advice) who should be able to help. You may be able to repay the bills a little bit each month. Your application for leave to remain or enter can be refused if you are in debt to the NHS.



For more information and support

If you need to fill in an HC1 form (for free prescription, dental care and eye tests), if a GP practice refuses to register you without address, if you are worried about a hospital bill or debt, if a hospital is refusing to treat you without payment, contact Doctors of the World for help and advice.

Doctors Of The World

0808 1647 686 (Mon - Fri 10am - 12 Midday)
clinic@doctorsoftheworld.org.uk

Maternity Action

0808 800 0041 (Thurs 10am - 12 Midday)



Housing





Housing



What is new?

These rules only apply in England for now, not in Scotland, Northern Ireland or Wales.

The Home Office has made it illegal for landlords to rent to someone who does not have leave to remain* or leave to enter*. All landlords and estate agents must check the immigration status of their tenants to make sure it is legal to rent to them.

If a landlord or agent doesn't do the checks and rents a property to an adult who does not have the right to rent, they could be fined up to £3,000 per adult or sentenced to up to 5 years in prison.

Landlords also have new powers to evict tenants if a property is occupied by one or more adult(s) who are disqualified from renting because of their immigration status. If no tenant has the right to rent, landlords do not require a Court Order, only a letter giving 28 days' notice to leave. If only some of the tenants do not have the right to rent, landlords will need a Court order to evict.

Do I have the right to rent?

You are not allowed to rent if:

- You do not have permission to enter or live in the UK
- You are an asylum seeker who has not yet received a decision on your case You have a time-limited right to rent

You have a right to rent if you:

- Are a British citizen
- Are a European Economic Area (EEA) or Swiss citizen
- Have a permanent right to live in the UK, e.g. you have Indefinite Leave to Remain (ILR) in the UK.
- If you have permission to work or stay in the UK for a **limited period of time**, your landlord or estate agent will need to check your documents at the beginning of your tenancy AND after 12 months or after your period of leave expires, whichever is longer.



What if the Home Office has my documents?

If the Home Office has your documents, landlords can use the Home Office's Online Checking Tool:



<https://eforms.homeoffice.gov.uk/outreach/lcs-application.ofml>

Are there any exceptions to the rules?

If you do not have a right to rent but feel there are reasons why an exception should be made in your case, you can request the right to rent from the Home Office. This might apply if you are unable to leave the country safely.



For more information and support

JCWI - Joint Council For Welfare Immigrants

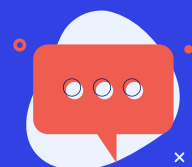
Free and confidential legal advice for undocumented migrants

<https://www.jcwi.org.uk/right-to-rent-toolkit-for-tenants-and-advisors>

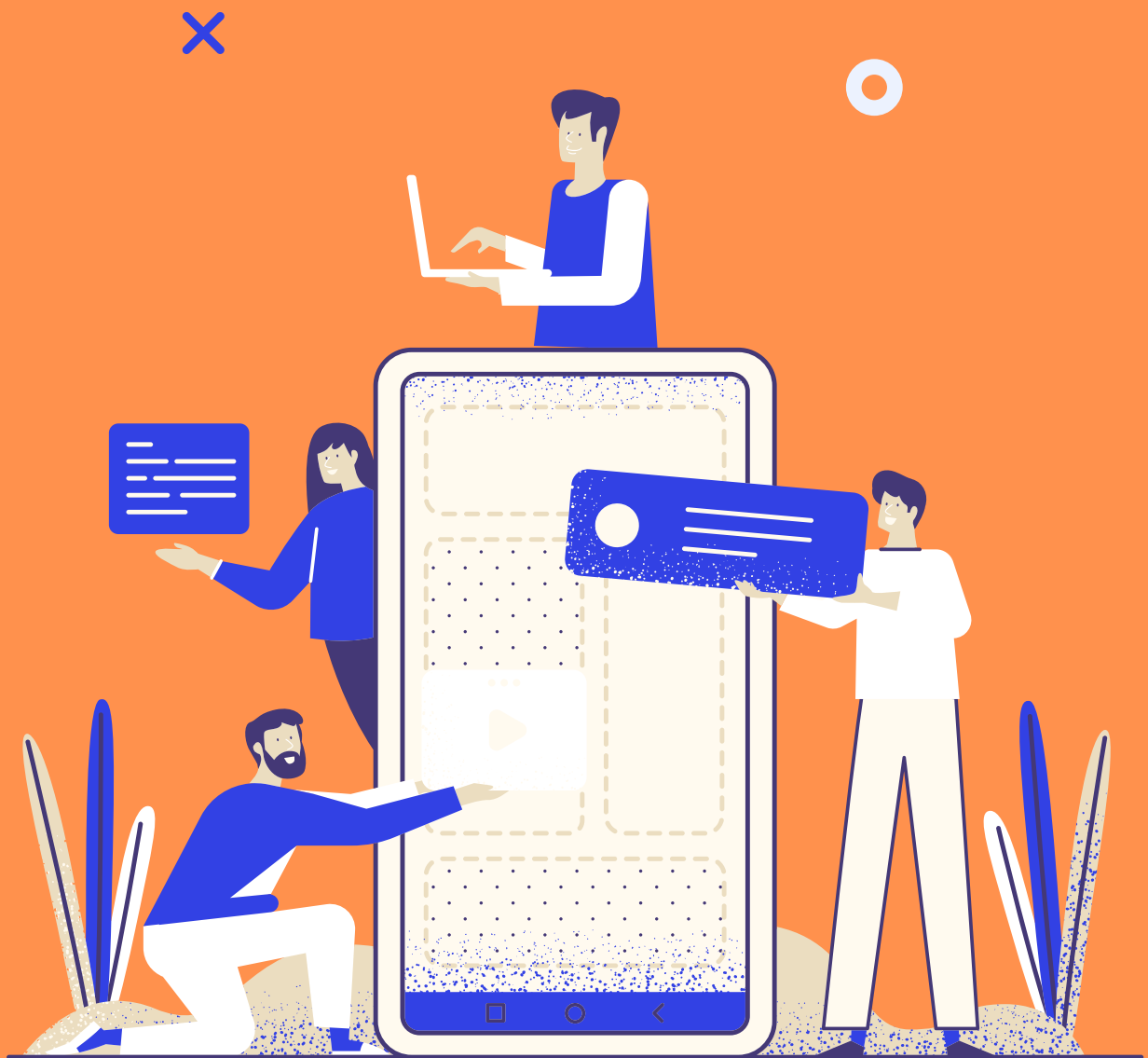
020 7553 7470

10am and 1pm

Mondays, Tuesdays and Thursdays.

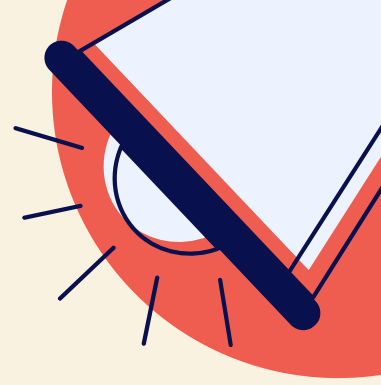


Social Services





Social Services



What is new?

Some changes were made to the law in 2016 but the Home Office has not explained how these changes would work and when they will happen. For now, this means nothing has changed in practice.

One exception, especially in London, is that many local authorities now have Immigration Officers working in their offices. They may ask you to meet with them if you ask the local authority for support. If you refused to meet with the local authority Immigration Enforcement Officer, this may be used against your application.

Below we explain how the rules work at the moment.

What is 'No Recourse to Public Funds (NRPF)?

'No Recourse to Public Funds' is an immigration restriction applied to many thousands of people living in the UK, which prevents them from accessing welfare benefits and supports, such as Universal Credit.

The restriction applies to people from outside the European Economic Area (EEA) who:

- Need leave to remain in the UK, but do not have it. This includes people who are undocumented or have overstayed their visas.
- Have leave to remain, but have NRPF stamped on their Biometric Residence Permit.
- Have leave to remain on a maintenance undertaking, which means that when you applied, someone agreed to pay for your expenses and accommodation. They are called a sponsor.
- Are waiting for the outcome of an appeal.

When is help available for families with no recourse to public funds?

The law says that local councils must protect the welfare of 'children in need' in their area. Your child will almost certainly be 'in need' if:

- Your family is homeless OR
- Your family does not have enough money to meet basic needs (for example, food and clothing)

Your local council may have a duty to provide your family with accommodation and/or financial support.



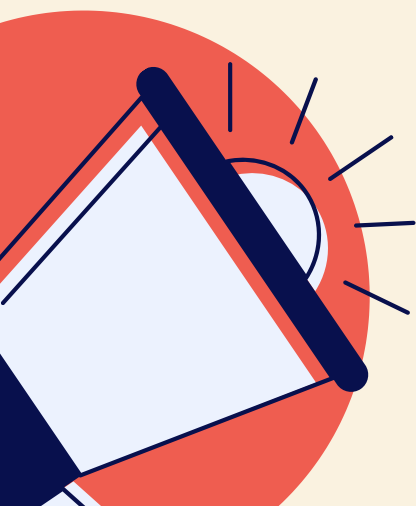
Local authorities cannot advise your family to return to your country of origin if there is a legal or practical barrier to your return (e.g. your family is waiting for the Home Office to make a decision on an application for leave to remain). You should seek legal advice and help before making an application if you can.

When is help available for individuals with no recourse to public funds?

If you are homeless and destitute and:

- You are disabled, elderly or suffering
- Your family does not have enough money to meet basic needs (for example, food and clothing)

You may be able to get limited help with housing and financial support from your local council. The law on this is complex and you should seek legal advice and help before making an application if you can.





For more information and support

Housing Rights

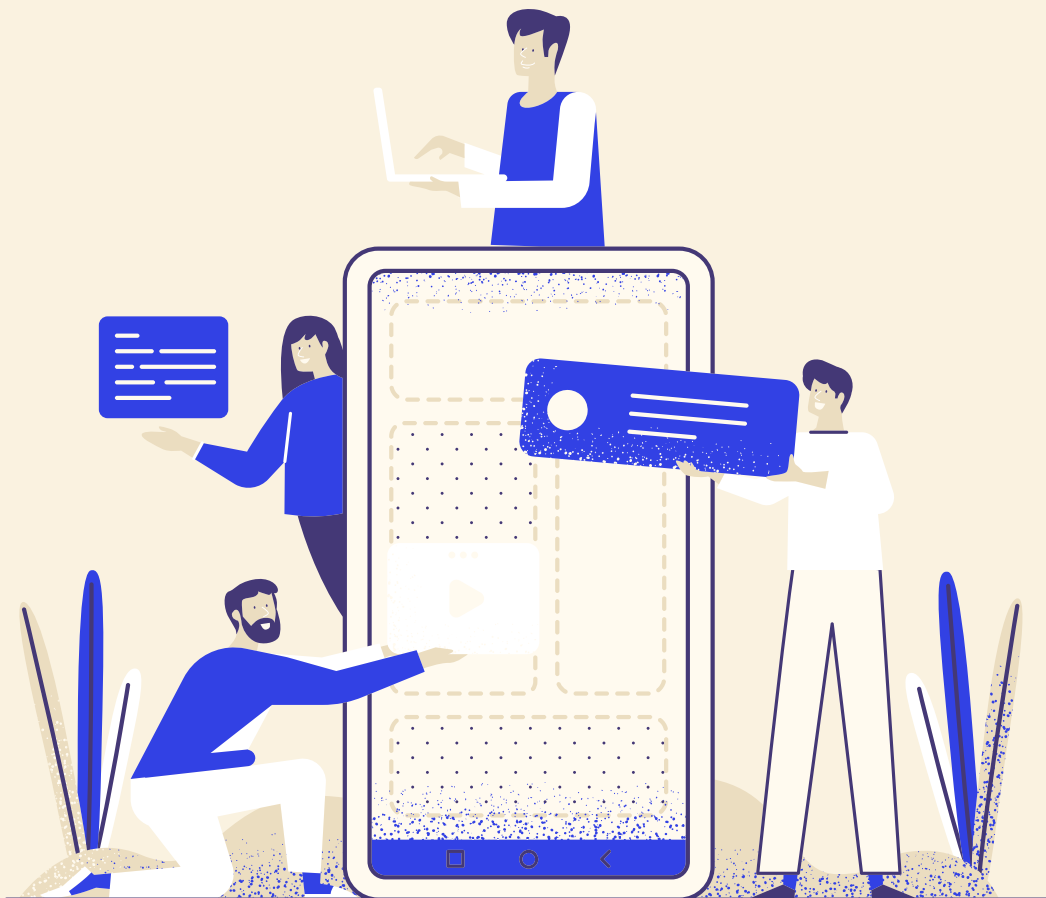
www.housing-rights.info



Project 17

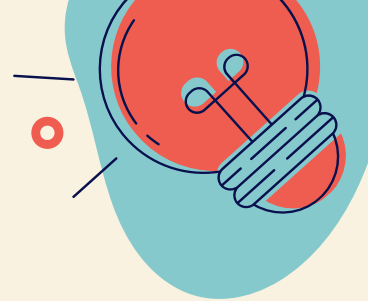
07963 509 044

<https://www.project17.org.uk/resources/guide-to-accessing-support/guidance-on-section-17-support/>





Glossary



Asylum Seeker: An asylum seeker is someone who has sought asylum in the UK under the 1951 United Nations Convention Relating to the Status of Refugees, because of a fear of persecution.

Deportation: Deportation is the expulsion of a person or group of people from a place or country.

EEA National: In accordance with the Immigration (European Economic Area) Regulations 2006, if you are an EEA national, you benefit from a number of automatic rights when immigrating to and residing in the UK.

Home Office: The Home Office is a ministerial department of Her Majesty's Government of the United Kingdom, responsible for immigration, security and law and order.

Immigrant: From the perspective of the country of arrival, a person who moves into a country other than that of his or her nationality or usual residence, so that the country of destination effectively becomes his or her new country of usual residence.

Indefinite Leave To Remain: An immigration status granted to a person who does not hold the right of abode in the United Kingdom (UK), but who has been admitted to the UK without any time limit on his or her stay and who is free to take up employment or study.

Irregular Migration: Movement of persons that takes place outside the laws, regulations, or international agreements governing the entry into or exit from the State of origin, transit or destination.

Leave to enter: technical term for someone granted entry to the United Kingdom by the Home Office.

Migrant: Someone who has come to this country by choice to work or study, or to join family (commonly a spouse visa)

Refugee: Someone that the UK has granted asylum (within the remit of the 1951 convention) to and so has recognised that this is someone who would be at risk of violence or persecution if they went back to their country of origin.

Undocumented: general term to describe a situation where someone does not have leave to remain or leave to enter the United Kingdom.



**This guide was produced by
Migrants' Rights Network.**

If you have any questions or wish to
inform us of any incorrect information,
please contact us via:

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