

The Refugee Experience to End Homelessness through Legislative Change

Introduction and Background

Since 2019, the Welsh Government has been working towards making homelessness “rare, brief, and unrepeatable”.ⁱ

In late 2023, the Government introduced its *White Paper on Ending Homelessness Through Legislative Change* (the *White Paper*). This document sets out proposals for policy and legislative changes to end homelessness in Wales. These range from the abolition of priority need and changes to local connections, to redefining the suitability of temporary accommodation.

The *White Paper* was compiled in light of many of the recommendations from the independent Expert Review Panel (the Panel) convened by the Minister for Climate Change, Julie James MS. The Welsh Refugee Council (WRC) fed into the Panel by providing evidence on the housing challenges faced by sanctuary seekersⁱⁱ in Wales.

The Welsh Government took lived experience into close consideration in development of the *White Paper*. To ensure the voices and experiences of people with protected characteristics were represented, they commissioned Tai Pawb’s *The experiences of homelessness of people with protected characteristics in Wales* in March 2023. This research referenced the lived experiences of nine asylum seekers and eight refugees, noting the differences between the two groups.

The *White Paper’s* proposals have been divided into five thematic chapters:

- Chapter 1: Reform of existing core homelessness legislation
- Chapter 2: The role of the Welsh public service in preventing homelessness
- Chapter 3: Targeted proposals to prevent homelessness for those disproportionately affected
- Chapter 4: Access to accommodation
- Chapter 5: Implementation

We, as the Welsh Refugee Council (WRC), submitted a response as part of the *White Paper’s* open consultation. We were also commissioned by the Welsh Government to hold an engagement session with sanctuary seekers to capture their experiences to feed into the consultation.

This report illustrates the experiences shared at the *White Paper* engagement event as well as our response to the consultation. All the quotes in this report are from refugees who took part in our engagement event.

Format

Over twenty refugees with experience of homelessness or at risk of homelessness, who had visited our Cardiff and Newport offices in the previous months, were initially invited to take

part in this engagement session. We chose only to include refugees in the study, as the proposals from the White Paper are primarily targeted at people who have the legal right to access public services. Selection was based on their experiences of homelessness and their understanding of the English language.

**WHITE PAPER
ENGAGEMENT SESSION**

**DO YOU WANT TO HAVE YOUR SAY ON THE
FUTURE OF WELSH GOVERNMENT
LEGISLATION REGARDING HOMELESSNESS?**

**HAVE YOU EXPERIENCED HOMELESSNESS
AND WANT TO CHANGE THINGS FOR OTHER
REFUGEES?**

Tea and coffee will
be available at the
event
Vouchers will be
provided for
participants
Travel costs can be
reimbursed

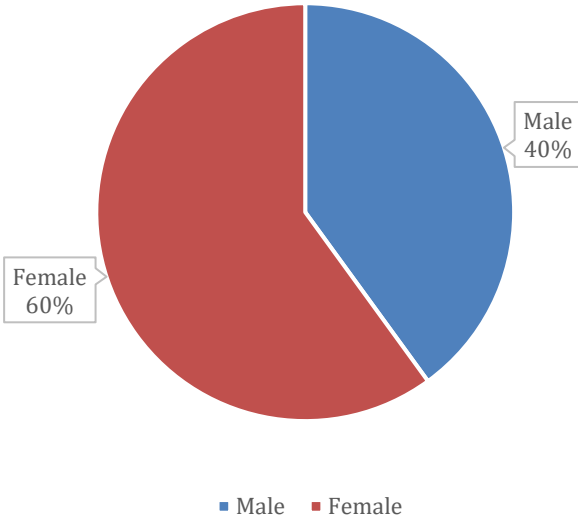
JOIN US!

**MONDAY 22 JANUARY 2024
10:00-12:00
WRC CARDIFF OFFICE
120-122 BROADWAY CF24 1NJ**

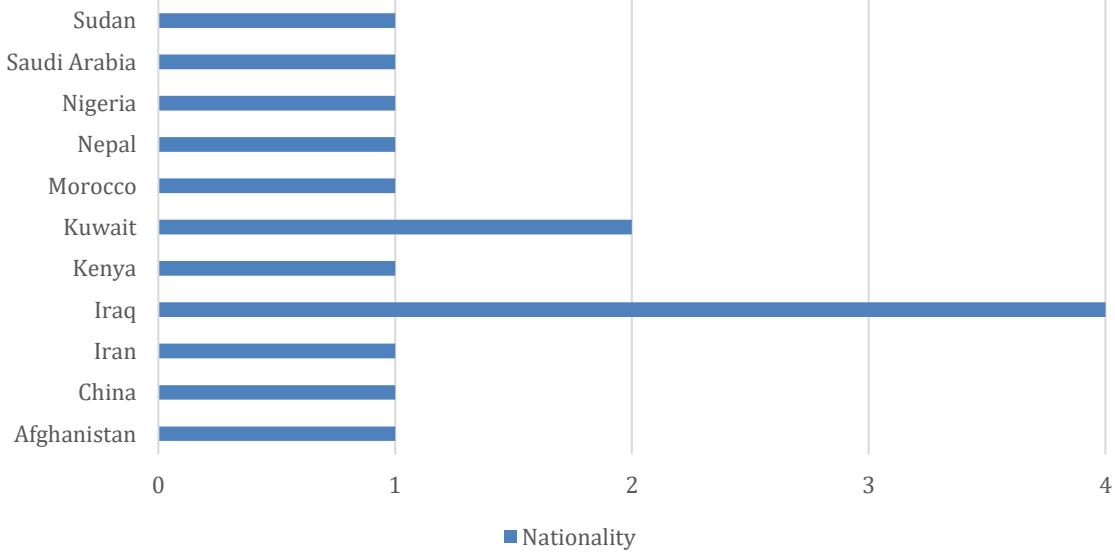
Poster made for the engagement event and used for recruitment

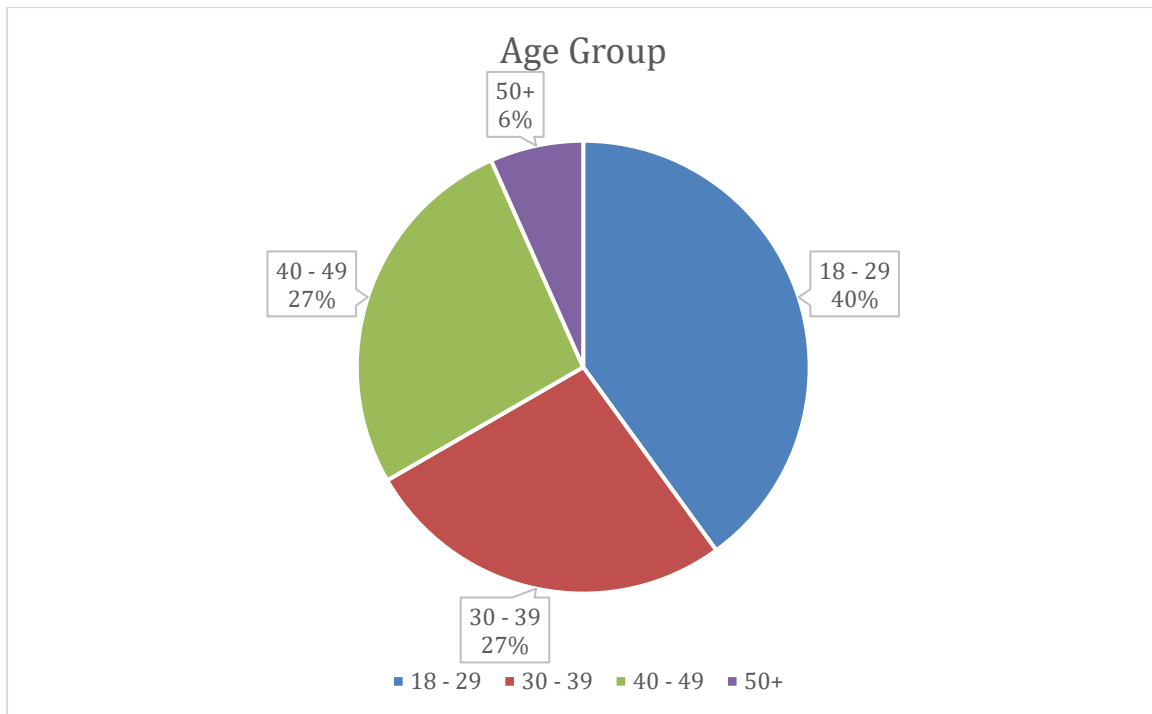
In total, fifteen refugees attended the session. The group was diverse in terms of gender and nationality and included disabled and LGBTQi+ people. There were also different experiences of homelessness, with some even having experienced street homelessness.

Gender distribution



Nationality





Peer translation and interpretation were available. Our staff provided additional translation and interpretation if required.

The agenda for the 2-hour discussion was as follow:

- 10:00 – Welcome
- 10:05 – What we will be discussing today
- 10:10 – Why and what is the *White Paper*
- 10:15 – Prevention, PHPs, and communication (Chapter 1)
- 10:35 – Priority need and local connection (Chapter 1)
- 10:55 – Services working together (Chapter 2)
- 11:00 – 5-minute break
- 11:05 – Vulnerable groups (Chapter 3)
- 11:20 – The right home (Chapter 4)
- 11:50 – Wrap up questions
- 12:00 – End of session

Given time constraints and relevance, it was not necessary to cover all the proposals in the *White Paper*. Instead, a few proposals and specific questions from the consultation were put up for debate.

The WRC’s Housing Policy and Research Lead (HP&RL) led the session. The HP&RL was supported by WRC’s Sanctuary Services & Partnerships Manager, who took notes from the meeting for the purpose of reporting the findings.

Chapter 1 – Reform of Existing Core Homelessness Legislation

Chapter 1 outlined how the Welsh Government aims to ensure the law helps to prevent as many people as possible from falling into homelessness.

Proposal – Getting support sooner

A person is threatened with homelessness if it is likely that the person will become homeless within six months or they have been issued with a Notice Seeking Possession

Participants largely agreed that 56 days is not enough time to support people to maintain their old accommodation or find a new one. As such, they supported the extension to six months.

Nevertheless, they expressed concern that refugees are not even granted 56 days because of their immigration status. Once an asylum seeker is granted Leave to Remain, in theory, they have only 28 days to leave their Home Office-provided accommodation. This period is known as move on. The reality, as pointed out by participants, was that the period is often even shorter than 28 days. The unreasonable timeframe condemns many refugees to homelessness.

“Eight weeks is not long enough and, in practice, only one week is given [to leave Home Office accommodation]. When I received my status, I was advised to contact [the local authority] and present at the homeless shelter. No action was taken to support me in a week.”

“There are lots of empty Home Office homes. I was moved despite a documented medical condition. People who should be supporting us don’t understand the lived reality of our situations and don’t seem to care. They assume everyone will cause trouble. Being accommodated in a hotel is expensive. I don’t want that debt against my name. Language barriers make people vulnerable. Forcing people into homelessness pushes them into criminal activity and this causes a problem for everyone.”

Proposal – Planning support and communication

For the purposes of the discussion, the proposals around planning support, which detailed the use of Personal Housing Plans (PHPs), and improved communication were discussed at the same time.

A statutory duty to draw up a Personal Housing Plan (PHP) containing the steps the local housing authority will take to secure accommodation for the applicant.

We propose a statutory duty to review the needs assessment and PHP with the applicant within a defined timescale of 8 weeks.

We propose a statutory duty to include an applicant’s views on their accommodation needs in a PHP.

<ul style="list-style-type: none">• A right to request a review in relation to the reasonable steps taken to prevent homelessness or secure accommodation, outlined in an applicant’s assessment of housing need and their PHP.

• A right to request a review of the suitability of accommodation at any time during an applicant's occupation of the accommodation (which should be available beyond 21 days).

We propose to make it clear that local housing authorities must ensure (based on a rigorous assessment of need and a PHP) they communicate with applicants in a way which is accessible and tailored to any individual needs.

We also propose setting out in legislation that local housing authorities be required to communicate at regular intervals with applicants on:

- i. Progress of their application for longer-term accommodation and expected time scales.
- ii. Their rights to request reviews of the suitability of the accommodation and of any other relevant decisions.
- iii. Support that may be available to the applicant. We propose further detail relating to communication be outlined in guidance.

Overall, participants were optimistic about the streamlined use of PHPs and strongly advocated improved communication with local authority housing teams, as many had very negative experiences. There was a general agreement in the room that language was often a barrier, and that local authority housing and homelessness teams should provide translation and interpretation services.

Proposals that aim for clearer communication must make allowance for translation and interpretation. Recent legislation has simplified Welsh housing, but it is still a complex environment. Sanctuary seekers going through the system do not always speak fluent English and will almost certainly not be familiar with the Welsh housing system.

The views expressed by the session participants match our own internal data. Between October 2022 and March 2023, we found that over 80% of service users accessing one of our offices raised issues regarding the local authority's Housing Options Team. The Team was often viewed as unsupportive, and it was felt that it does not communicate well. The same data found that almost 10% of service users' homelessness cases were closed with no email or call notification from the Housing Options Team. Participants also described instances where they felt Housing Options Teams did not listen to them, and some indicated they feared reprisals for complaining or not complying.

"There is a perception that the council will take revenge if I complain to them and that they will put me somewhere I don't want to be. They know how to manipulate the system. I feel like I will get ignored and end up staying in a hotel long-term. When we ask for better communication, we just get told the same thing over and over again."

"I had proof of a previous assault and there was a high chance that the perpetrator would be in [the same emergency housing shelter]. My safety was not a consideration [for the housing allocations team]. I got told to 'just call the police'. Communication was not good at all, and they take a blanket approach. Individual circumstances are not taken into account."

"The local authority's homelessness team knew I was at risk of homelessness for six months. I have very poor physical health and upcoming operations. I have medical evidence

that says I would be in danger if I was on the street for even one day. The council didn't take any notice. Hygiene in the homeless hostel is also extremely poor."

Proposal – Helping people who need it the most

We propose the abolition of priority need so this test is no longer necessary for homeless, eligible applicants to benefit from the duties under sections 68, 73 and 75 of the HWA 2014 (or the equivalent duties in reformed legislation).

Roughly speaking, three out of four attendees agreed with the proposals to abolish priority need, whilst the remaining quarter saw a benefit to keeping it in place. For the latter, there was a need to strike a balance, as for them, some groups are clearly at a higher risk. However, they were willing to consider agreeing with the proposals if those in Chapter 3 regarding targeted interventions for specific groups were adopted.

For those who agreed with the proposals to abolish priority need, they felt the current tests were unfair.

"Priority need encourages people to have children to increase their chance of being housed. Someone who has the ability to work and contribute isn't given a chance. This increases the suicide risk in young men as they are bottom of the list."

Proposal – Local connection

We propose adding additional groups of people to the list of exemptions to allow for non-familial connections with communities and to better take account of the reasons why someone is unable to return to their home authority

There was unanimous agreement for the abolition of local connection, and attendees were disappointed that refugees were not one of the groups considered for exemption in the *White Paper*.

Based on the recommendations from the Expert Review Panel, the *White Paper* proposed that five groups be exempt from local connection rules.ⁱⁱⁱ

- People who are care-experienced and who are not accommodated under social services duties.
- Veterans and those who have cohabitated with veterans during their time in service.
- People at risk of domestic abuse or other abuse or exploitation if referred to another local housing authority, whether or not there was previous abuse.
- People who were subject to domestic abuse, other abuse or exploitation, and will experience trauma as a result of that domestic abuse, other abuse or exploitation, if referred to another local housing authority.
- Prison leavers who require a move to a new area as part of their rehabilitation, or to assist in meeting the restrictions placed on where they are able to live as a result of their offence.

In addition, the *White Paper* also identified the “special circumstances” criteria for certain groups deemed at greater risk of harm from the local connection test, which encouraged local housing authorities to adopt a more flexible approach. The five groups were:^{iv}

- Young people aged 25 and under
- Members of the LGBTQ+ community
- Disabled applicants who require access to particular support
- Gypsy, Roma, and Traveller communities
- People seeking recovery from substance use

Surprisingly, of all the groups recommended by the Expert Review Panel, the only one not included in the *White Paper* was “refugees and other former asylum seekers who have been granted leave to remain in the country”.^v

Participants argued that, as the Home Office decided for them with no consideration for their opinion on preference, they had no say over where they lived. As a result, many live in unsuitable areas where they cannot access community support. Others highlighted how local connection rules affected their job prospects.

“Refugees should be included in the exemptions. Many experience conflict in Home Office accommodation and want to escape this by moving away.”

“Refugees should be exempt, especially if they have found work.”

Chapter 2 – The Role of the Welsh Public Service in Preventing Homelessness

- A new duty to identify those at risk of homelessness and refer on to specified parts of the public service, so a local authority is notified as soon as possible a person is facing a threat of homelessness or is already experiencing homelessness.
- We propose the duty to refer is accompanied by a duty on the specified parts of the public service to take action within their own functions to sustain standard or secure occupation contracts and mitigate the risk of homelessness.
- An expanded duty to co-operate (currently imposed by section 95 of the HWA 2014), to ensure a wider number of public services are engaged and responsible for making homelessness rare, brief, and unrepeatable.
- Strengthening strategic leadership of homelessness at a regional level.
- A statutory case co-ordination approach for those who are homeless or at risk of homelessness and experiencing multiple complex support needs.

Participants agreed with the proposals in Chapter 2. They were especially interested in the collaboration between job centres and local authority housing teams, as they felt there was a major gap in collaborative work between employment and housing support.

“When I was able to get access to the night shelter, I had to self-present each evening and had nowhere to be during the day. I was able to get a job relatively quickly, but was then told I needed to pay £1,200 to remain in the homeless shelter. I was forced between earning an income and basic shelter.”

“The Job Centre just signposts people to the internet, but doesn’t do anything to help people actually find a job. You need a postcode and a reference to get employment.”

Chapter 3 – Targeted Proposals to Prevent Homelessness for those Disproportionately Affected

The *White Paper* identified seven groups disproportionately impacted by homelessness.^{vi} It made bespoke proposals designed to ensure that, even for those most vulnerable to homelessness, it is rare, brief, and unrepeatable.

- Children, young people, and care experienced young people
- People with complex health needs, including mental illness or mental health problems, substance misuse and those leaving hospital
- Survivors of violence against women, domestic abuse, and sexual violence
- Disabled people
- Ex-armed services personnel
- People leaving prison
- People with No Recourse to Public Funds (NRPF)

With only a few exceptions, participants saw no issues with the identified groups that needed targeted interventions to prevent homelessness. One or two attendees questioned what the difference between this proposal and priority need was.

In terms of additional groups that also needed targeted interventions to prevent homelessness, there was unanimous agreement that newly granted refugees should meet the criteria. Once granted refugee status, in theory, they are given 28 days to leave their Home Office-provided accommodation.

In the 28 -day move-on period, newly granted refugees have to open a bank account, try to set up benefit payments, find a job, secure accommodation, and more. Delays are frequent due to their Biometric Residence Permits (BRP) not arriving on time. They usually cannot open a bank account or apply for benefits without a valid BRP card.

In the current housing crisis, 28 days is not enough time to secure any type of secure, long-term accommodation, let alone one that is suitable. Tai Pawb’s *Refugee Housing and Support Feasibility Study* pointed to the “significant barriers experienced by refugees once they are granted leave to remain in finding appropriate accommodation and support that enables them to move on with their lives, integrate into society and avoid destitution”.^{vii}

We recognise that homelessness is increasing across all sectors of society and that the Welsh Government’s budgets are stretched. But newly granted refugees are particularly at risk for four key reasons:

- having lived on Home Office support of £45 per week, most have no savings to pay for deposits or up-front advance rent or to enter ‘bidding wars’ for private rents
- most landlords demand a UK--based guarantor, which newly granted refugees rarely have

- the 28-day move on period provides inadequate time to access overwhelmed homelessness prevention services or bond schemes
- many sanctuary seekers are still developing their English language skills by the time they get refugee status, making it difficult and confusing for them to access and understand support

Participants in Tai Pawb's *The experiences of homelessness of people with protected characteristics in Wales* highlighted the 28-day notice as the main reason for them becoming homeless.^{viii} Similarly, there are other substantial barriers to accessing education, employment, or healthcare.

“Refugees should be one of the categories. Nearly every newly granted person is made homeless. They have a lack of support, no income, etc. I was only able to find support through a friend of a friend, as I couldn't pay £1,200 to stay in the shelter once I found a job. It seems like the only path people are able to take is through the hostels and, eventually, a council house. This causes other people to have less access to support. It [long-term housing for refugees] could be made better by providing people with a place to stay whilst they find work and save enough money to pay a deposit for a private rented property. They could even pay towards it. They shouldn't be penalised for working.”

“It takes a long time to get an address. I have been in a hotel for nine months. There are no washing facilities, no cooking facilities, and no restaurants available for the dietary needs of our children. I'm so tired, so, so tired. It costs the government more in the long term. Financially it doesn't make sense. The money being spent could go towards self-contained accommodation. We all seem to be pushed down the same path. We want to work and pay tax – not take benefits. There should be a scheme of apprenticeships for those with existing skills.”

There was also a feeling among participants that the short time frames and lack of support can force newly granted refugees into criminality as a means to survive. There were even suggestions that being incarcerated resulted in better outcomes than waiting for support in the move on period.

“Not including refugees on the list opens people up to exploitation and has an impact on their mental health. Support for those with No Recourse to Public Funds doesn't go far enough. Sending someone to prison costs more than enabling them to stay in Home Office accommodation. People get more support in prison.”

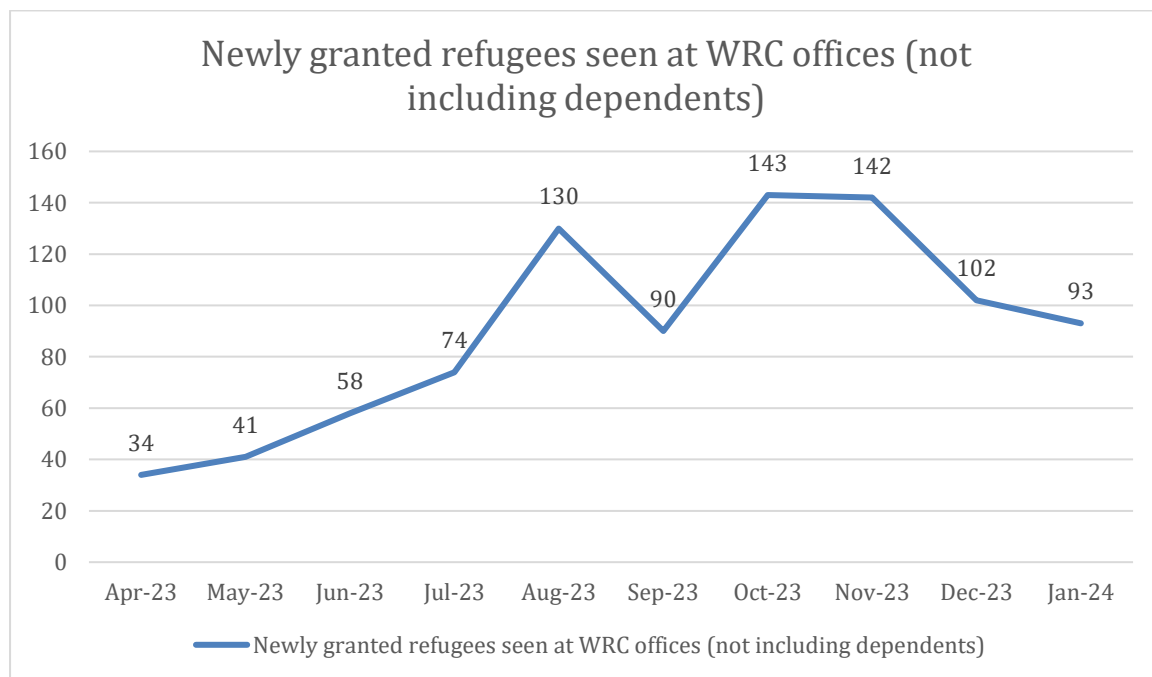
There was an overall frustration with the lack of support during the move on period. Because of this, many became homeless, which they argued then negatively impacted them in other areas, such as employment.

“New refugees have no address and no [work or housing] references. There is stigma around being homeless and many employers won't take a BRP (Biometric Residence Permit) as ID, they need a passport. The DVLA won't accept a hotel address.”

To sum up, as one participant put it, with a lack of extra support “how can we 'move on'?”

The Welsh Government’s *Nation of Sanctuary Plan* seeks “to prevent the most harmful problems experienced by refugees and asylum seekers in Wales.”^{ix} Preventing homelessness through targeted support would reduce many of these harmful experiences. It would also lead to quicker integration into local communities and long-term independence from support services.

As part of an effort to cut the asylum backlog, the number of positive asylum decisions granted by the Home Office has increased. This has not been an issue exclusive to Wales. Local authorities across the UK have complained that the Home Office did not put adequate measures in place for them to help with the move on transition for newly granted refugees. The volume is overwhelming.



The British Red Cross estimated that without further measures, over 50,000 newly granted refugees were likely to be homeless by the end of 2023.^x BRC data also found a 140% increase in destitution for people with refugee status between 1 August – 15 September 2023.^{xi}

The Big Issue reported that an average of 33 refugees a month have been evicted into homelessness in Cardiff between August and November 2023, up from an average of 10 in previous months.^{xii}

The widening of dispersal will also have an impact on newly granted refugees across Wales. In the absence of specialised or adequate support services, refugees risk slipping through the cracks, especially during the 28-day move on period. Without knowing what to do and lacking financial resources, many newly granted refugees risk becoming destitute and homeless.

Chapter 4 – Access to Accommodation

We propose the existing legislation be strengthened to prohibit accommodation which has Category 1 Hazards as being deemed suitable.
We understand shared sleeping space is rarely used but we propose to make clear in legislation, shared sleeping space is never permitted, regardless of the temporary or emergency nature of accommodation.
We propose to introduce a requirement that these personal circumstances must be given consideration in assessing suitability of accommodation, even if it is not possible at the time of the assessment to meet all of those needs through accommodation placement.
We propose to strengthen legislation to make clear, when determining the suitability of accommodation at the point the main housing duty is owed, placement in overcrowded accommodation is never permitted.
We propose for people aged under 25, the use of unsuitable temporary accommodation, including Bed and Breakfasts and shared accommodation, should not be permitted for any time period.
We propose accommodation cannot be deemed suitable unless it is located within reasonable travelling distance of existing or new educational facilities, employment, caring responsibilities and medical facilities, unless the applicant wishes to move beyond a reasonable travelling distance from those facilities.
We propose the local housing authority be required to take into account, in relation to both the applicant and any member of the applicant's household, any specific health needs, any impairment, where the accommodation is situated outside of the area of the authority, the distance of the accommodation from the authority's area, the significance of any disruption caused by the location of the accommodation to the employment, caring responsibilities or education of the person and the proximity of alleged perpetrators and victims of domestic or other abuse.

Participants had much to say about the proposals in Chapter 4. Everyone in the room had experienced temporary accommodation provided by the local authority. Some had been immediately placed in hotels or hostels, whereas others had only been referred to emergency accommodation.

Overall, there were very serious concerns about safety in temporary accommodation, with many feeling intimidated by the violence and substance use seen in these settings. Several felt that the use of substances was especially hard on young people who were exploited and pressured into taking drugs.

Others bemoaned the lack of privacy and the poor, unhygienic state of the temporary accommodation offered. One of the participants was mobility impaired and suffered from some severe health conditions, which they stated were not taken into consideration at all when placed in a night shelter. They also said that having been forced to live there, whilst better than the streets, had made their health condition worse.

Given the particular experiences of this demographic, temporary accommodation settings often triggered traumatic experiences.

“Most hostels don’t have private bathrooms and there are too many people and too little provision. The showers are rusty and the bathroom smells bad. We just get told ‘you can’t complain, you’re homeless’. They should restrict smoking as it sets the alarms off.”

“You end up ignoring the alarms as you can’t trust it’s genuinely a fire.”

“There is no hot water [in the night shelter]. I need the place I stay to be clean as I have allergies. There are two toilets for 30 people, and you have to wait an hour just to use it. I just want a little bit of privacy. There is lots of drug use.”

“The cubicle partitions make it feel like a refugee camp. I don’t feel safe there.”

“My friend has a medical condition and proof of it, but he has been homeless for three months despite showing the proof to the council. Where are his doctor’s letters being sent? He has no address to send his MRI appointment to. It’s not safe in the hostel as there is lots of alcohol use and people fight. There should be separate accommodation for those who take substances. NHS waiting lists are long, so everyone should work together to reduce the waiting list. Support is needed for mental health support.”

“Broken things aren’t fixed. We can’t be healthy if we can’t cook for ourselves and are forced to eat unhealthy food. I lived better as an asylum seeker, as I could cook for myself, I could budget. What do we have to be able to budget now?”

“They should get rid of the middleman. They are spending too much on hotels and hostels. It doesn’t solve the problem. They should buy properties with that money.”

Conclusion

Although participants agreed with the majority of the proposals in the *White Paper*, there was a feeling that there could have been more prior engagement with them in making the proposals.

A number of the proposals felt alien to the participants, and others did not take particular consideration of the experiences of sanctuary seekers. There was a frustration among participants that they were ignored in these proposals and that there was no effort to find solutions to their problems. Attendees did not understand why sanctuary seekers were not mentioned and regularly excluded from the proposal, as seen with local connection or with the groups mentioned in Chapter 3. Whilst there is some optimism, confidence is low that the *White Paper* will end homelessness for sanctuary seekers unless there are specific proposals for them.

We hope that with the collective body of evidence created in response to the *White Paper*, the Welsh Government will consider some of the proposals that will enable sanctuary seekers, and specifically newly granted refugees, to avoid homelessness.

ⁱ Welsh Government, Press Release, “Working to prevent homelessness: Minister accepts in principle new recommendations to end homelessness in Wales” (17 March 2020).

ⁱⁱ In this context, an umbrella term to refer to asylum seekers, refugees (including those granted humanitarian protection), and all other statuses for people who have been forced to leave their homes.

ⁱⁱⁱ Welsh Government, “Consultation on the White Paper on Ending Homelessness in Wales” (10 October 2023), p. 50.

^{iv} Ibid.

^v Expert Review Panel, “Ending homelessness in Wales: a legislative review” (2023), p. 25.

^{vi} Consultation on the White Paper on Ending Homelessness in Wales, p. 74.

^{vii} Joy Kent, Tai Pawb, “Refugee Housing and Support Feasibility Study” (May 2019), p. 6.

^{viii} Tai Pawb, “The experiences of homelessness of people with protected characteristics in Wales” (March 2023), pp. 23-26.

^{ix} Welsh Government, “Nation of Sanctuary – Refugee and Asylum Seeker Plan” (January 2019), p. 6.

^x British Red Cross, Press Release, “More than 50,000 refugees could become homeless by the end of the year, British Red Cross warns” (5 October 2023).

^{xi} Ibid.

^{xii} Greg Barradale, The Big Issue, “Number of homeless refugees in Cardiff doubles amid surge in Home Office asylum evictions” (7 December 2023)