

## Refugee Council response to the Home Office consultation *Tackling illegal immigration in privately rented accommodation*

August 2013

### **About the Refugee Council**

The Refugee Council is a human rights charity, independent of government, working to ensure refugees are given the protection that they need, are treated with the respect and understanding that they are entitled to, and that they are assured the same rights, opportunities and responsibilities as other members of society.

The Refugee Council gives advice to asylum seekers and refugees, most notably for adults relating to asylum support and to unaccompanied children on a range of issues relating to their protection and care. We provide support to refugees on integration matters, such as accessing housing, employment and education.

### **Our response to the consultation document**

As an organisation that supports refugees and asylum seekers, we have restricted our response to the consultation to the over-arching principles of the proposals, rather than addressing the specific questions posed in the document as many do not relate directly to our areas of work.

The proposal to introduce a requirement for private landlords to check the immigration status of potential tenants is flawed and is likely to exacerbate the difficulties faced by refugees when trying to secure decent accommodation in the private rented sector. The Refugee Council does not support the introduction of these measures.

Being able to access decent and secure accommodation is a key foundation upon which refugees can start to rebuild their lives once they have been granted protection. Barriers already exist to the private rented sector for newly-granted refugees, as living on asylum support makes it extremely difficult for them to be able to save for a deposit, and they will not be able to access credit in the way that others may be able to. We anticipate that the introduction of these measures will further disadvantage this group for several reasons, for example:

- In many areas of the UK, there is much pressure on the private rented sector so competition for accommodation can be fierce. Most of those who have applied for asylum in the UK will be carrying the identity documents identified in the consultation document as requiring verification from the

*Home Office enquiry service.* There is a real risk that private landlords will be unwilling to wait for the estimated six days for a response to their query when there may be many other potential tenants with easily recognisable documents.

- When a person is granted refugee status, they have to vacate their Home Office provided accommodation within 28 days. It is not unusual for people to experience delays in receiving the official documentation listed in the consultation document at that point, so they may find it difficult to prove their right to residence at a time when they are in desperate need of new accommodation within a very small window of time. We already see many refugees who become homeless at this point, having just been granted refugee status, and expect these proposals to compound the problem.
- Refugees and asylum seekers can carry a broad array of documents depending upon, for example, when they applied for and were granted asylum, and the type of leave they were granted. There may be times when refugees will not have any documentation as they have to send originals to the Home Office or other statutory authorities, such as: when they are renewing their leave at the end of the five year limited leave period they are granted when given refugee status, and; when applying for a travel document if the individual does not have a Biometric Residence Permit. If a potential landlord requests documents during these times, they may not believe that such a situation can occur and not check if there are valid reasons for people not having proof of their right to remain in the UK.

Even with a Home Office enquiry service available, we have grave concerns that landlords will incorrectly deny accommodation to those with a right to live in the UK due to confusion about unfamiliar identity documents and fear of sanctions. This could lead to discrimination against some groups of potential tenants. We see this problem already in the field of employment for refugees: the Immigration, Asylum and Nationality Act 2006 introduced obligations on employers to check status documents prior to an individual receiving an official offer of employment. Many individuals accessing the Refugee Council's integration services have reported prospective employers not wanting to 'take the chance' that the candidate may not have permission to work due to confusion surrounding the documents they carry. Employers have access to a Home Office helpline, but this has not prevented them from routinely requesting a passport from refugees and subsequently denying them employment when one cannot be produced. Contacting the Home Office helpline constitutes additional work that some are unwilling to do when there are other candidates whose documents do not require checking. Not being trained immigration officials, private landlords are likely to experience the same anxiety that employers and other individuals have when expected to take on this role.

The Refugee Council has concerns that the proposals will make those who are already in a vulnerable position in the housing market even more so. If the proposals lead to refugees being denied private rented accommodation, they will be forced into precarious situations where they will have to rent from landlords who intentionally avoid their responsibilities. It should be noted that newly-granted refugees may not have good English language skills or knowledge of the obligations placed on landlords, so they may be less likely to assert their rights and hold landlords to account. Due to the reasons highlighted above, we fear that the proposals will allow unscrupulous landlords to further exploit their tenants as those with a legal right to reside in the UK will be unable to procure accommodation through the usual channels.

20<sup>th</sup> August 2013