

An aerial photograph of a city, likely London, at sunset. The sun is low on the horizon, casting a warm, golden glow over the city. The skyline is visible in the distance, with several tall buildings. The foreground shows a dense urban area with a mix of residential and commercial buildings, some with green roofs. The sky is a mix of blue and orange.

Refugee Council


Making homelessness applications for refugees in England

A guide for anyone supporting
newly recognised single refugees

Chloë Morgan
March 2019



**SUPPORTING AND
EMPOWERING
REFUGEES**

An aerial photograph of London, England, showing a dense urban landscape with numerous buildings, streets, and green spaces. The image is overlaid with a semi-transparent pink filter. In the background, the River Thames is visible, along with the London skyline and distant hills under a hazy sky.

This guide was written by Chloë Morgan after research conducted by Chloë Morgan and Eve Bartlett, funded by Trust For London.

This guide is not a substitute for getting legal advice on a homelessness application. Housing law changes and each case is different; if in doubt always speak to an experienced adviser or legal practitioner about a homelessness application.

Due to changes in legislation this guide only applies to homelessness applications made on or after 3 April 2018.

Updated March 2019

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How to use this guide

This guide has been written for any person supporting a refugee to make a homelessness application to a local authority. It has a particular focus on the needs and entitlements of newly recognised adult refugees who have a priority need for accommodation due to their health.

This guide provides background information on why a refugee is likely to become homeless shortly after receiving their leave to remain, how a refugee's mental and physical health can be affected by their experiences and how this can impact on their homelessness application. It provides you with guidance on how to have sensitive conversations with a refugee about their health, how to make an effective homelessness application and how to challenge homelessness decisions. This guide also explains what entitlements a refugee might have to accommodation or assistance following a homelessness application. Finally, this guide provides advice on how to care for yourself throughout this process which is often demanding and stressful.

At the time of writing, the information provided in this guide was correct to the best of our knowledge. However, it provides general information and is not a substitute for getting legal advice on individual cases. Housing law changes; if in doubt, always speak to an experienced adviser or legal practitioner about a homelessness application.

This guide provides advice on how to find legal advice on **page 32**.

For the most up to date version of this guide always download it from the Refugee Council website at **www.refugeecouncil.org.uk**.

If supporting a refugee who requires an interpreter, please turn to **page 33** for information and advice on interpreters.

This guide refers to regulations and guidance that local authorities must comply with when processing homelessness applications, including Part 7 of the Housing Act 1996 and the Homelessness Code of Guidance for Local Authorities. If in doubt about a local authority's obligations it is helpful to refer to these documents which can be found at **www.legislation.gov.uk** and **www.gov.uk** respectively.

Throughout this guide we refer to council housing departments as local authorities.

Key definitions

Refugee

A refugee is defined in international law as being a person who is unable to return to the country of their nationality due to a well founded fear of persecution, or someone who has no nationality and is unable or unwilling to return to the country where they previously lived due to such a fear. A refugee is a person who has fled persecution for reasons of their race, religion, nationality, membership of a particular social group (for example, their sexual orientation or gender) or political opinion.

In the UK, a person is officially recognised as a refugee when they have their claim for asylum accepted by the government.

Asylum seeker

An asylum seeker is a person who has left their country of origin and formally applied for asylum in another country but whose application has not yet been concluded.

Asylum support

Asylum support is basic accommodation and subsistence for destitute asylum seekers who have claimed asylum and are awaiting a decision on their application. In some circumstances it can also be available for refused asylum seekers. It used to be administered by the National Asylum Support Service and is still sometimes referred to as NASS.

Human trafficking

Human trafficking is defined by the 2000 United Nations Convention against Transnational Organized Crime as “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation”.

National Referral Mechanism

The National Referral Mechanism is the UK’s framework for identifying victims of human trafficking and ensuring they receive appropriate protection and support. This can include the provision of safe house accommodation and weekly subsistence.

Types of Leave to Remain

This guide is focused on the entitlements of people who have received leave to remain with recourse to public funds following a claim for asylum. Whilst we will refer to this group of people throughout this guide as refugees, the type of leave to remain they may be issued by the Home Office could include:

- Refugee Status
- Stateless Person
- Humanitarian Protection
- Discretionary Leave to Remain
- Exceptional Leave to Remain
- Indefinite Leave to Remain
- Family Reunion
- Leave to Remain Outside of the Rules

The path to homelessness

In England it is common for newly recognised refugees to face homelessness and destitution soon after receiving status. At this point in time refugees need housing advice and support to understand their options and access new accommodation. This section will provide some background information about how the asylum system puts people on a path to homelessness and why supporting refugees to make homelessness applications is so necessary.

Most asylum seekers are not allowed to work in the UK.¹ Without employment asylum seekers can become destitute, as any savings they have must be spent on basic necessities such as food and accommodation. If an asylum seeker does become destitute they can apply for asylum support from the Home Office, a very low income of around £5 per person per day.² With such a meagre income it is not possible for asylum seekers to amass any savings whilst waiting for their asylum claim to be determined. Some asylum seekers live with friends and family or are homeless whilst waiting for a decision on their claim. Homeless asylum seekers can apply for basic accommodation from the Home Office. Once someone receives their status, their Home Office monetary support and accommodation ends after 28 days. For those who were staying with friends and family members, often receiving status causes the host to ask the refugee to move out and find their own accommodation. Some newly recognised refugees are already homeless when they receive their status.

Some refugees have survived human trafficking (sometimes referred to as modern day slavery). The Home Office uses a framework called the National Referral Mechanism (NRM) to try and identify victims of human trafficking and ensure they receive appropriate protection and support. Whilst their case is being assessed they may be housed through the NRM support system, which provides safe houses and a weekly income. Refugees who are in the NRM support system when they receive leave to remain find that their accommodation and monetary support ends after 45 days.

Newly recognised refugees trying to find somewhere to live before their NRM or asylum support ends face considerable barriers to accessing accommodation. Without savings to cover the cost of a deposit, rent in advance and agency fees, most new refugees will find it impossible to access private rented accommodation. Recent studies have documented how bureaucratic delays and lack of information and support mean it is often not possible for refugees to be in receipt of an income or to have found accommodation before their notice period has ended and support is withdrawn.³ Having nowhere to sleep and no income for food or basic items is the reality faced by many new refugees in England.

Refugees are eligible to make homelessness applications to local authorities where their needs should be assessed and inquiries made to determine how the local authority should support them. All refugees who are homeless or threatened with homelessness should be able to access support from a local authority to help prevent or relieve their homelessness. Homeless refugees who have a priority need for accommodation should additionally be provided with interim accommodation whilst a local authority makes its inquiries. Unfortunately, as has been acknowledged by a recent Parliamentary Select Committee inquiry into homelessness, many people who are eligible for housing assistance from local authorities are not able to access their entitlements due to common gatekeeping practices.⁴ Newly recognised refugees are particularly disadvantaged when it comes to making homelessness applications, as they have very recently acquired new entitlements as refugees but have little access to information or guidance on their new rights, on how the processes work and how to challenge unfair practice.

With no formal integration programme in England for newly recognised refugees, they are left to survive alone. However there are many organisations, community groups, and individuals around the country that work to support refugees. This guide has consolidated useful information about refugees and the homelessness application process to provide a helpful handbook for those supporting refugees to make homelessness applications.

Mental health

Refugees and asylum seekers experience a higher incidence of mental distress than the wider population.⁵ They have often survived traumatic experiences including war, rape, torture, gender based violence and human trafficking, and may have witnessed atrocities against family and friends. In addition, elements of the UK's asylum system are harmful to the mental health of refugees. A recent inquiry conducted jointly by the All-Party Parliamentary Group on Refugees and the All-Party Parliamentary Group on Migration into the use of immigration detention in the UK, for example, found that Home Office policy puts the mental health of refugees in detention at serious risk.⁶

Mental health issues have a significant impact on a refugee's ability to navigate their way through the homelessness application process, the type of accommodation that is suitable for them and how they engage with practitioners and local authorities. Often the perpetrators of violence against refugees are the very people that should have protected them (such as their government, police or authorities) or cared for them (such as family members or partners). Abuse from people or groups that should have been providing protection or care can lead to a complete breakdown of trust in authorities and others.

Newly recognised refugees must learn how to navigate an unfamiliar system within a very short timeframe if they are to avoid being homeless without any income. Whilst a positive decision on an asylum claim should be cause for celebration it is accompanied by the immediate threat of severe hardship. Refugees often suffer from high levels of anxiety about the complex bureaucratic processes they face shortly after receiving status. The stress of possible detention and removal while awaiting a decision on their asylum claim is seamlessly replaced with the stress of having to find a new home. Home is incredibly symbolic to refugees who are unable to return to their country and are living in exile. Whilst homelessness is a cause for distress for any person, for refugees it is a tragic reminder of the often extremely traumatic circumstances that caused them to flee their home. This provides additional psychological distress.

Research conducted by Mind in 2009 revealed that refugees and asylum seekers face significant barriers that can prevent them from accessing effective mental health treatment in the UK.⁷ They found that the availability and quality of interpreting services varies considerably across England and provision of therapeutic services in other languages is very limited. Mind also found that mainstream healthcare professionals often lacked cultural awareness and understanding of the refugee experience. These barriers to accessing mental health support mean that when refugees become homeless they are disadvantaged as they are less likely to have evidence of their symptoms and how they have been affected by their experiences.

A homeless refugee without medical evidence of mental health conditions may nevertheless suffer from mental distress, and with support may be able to prove that they have a priority need for accommodation. Having a sensitive and empathetic conversation about an applicant's mental health can reveal important information that will help them make a more effective homelessness application and advocate for what type of accommodation is suitable for them. However, such conversations can be emotional and distressing, and must be conducted safely and patiently. We recommend that you:

Avoid asking an applicant to repeat traumatic information that is already documented by using available information wherever possible

- Remember that a refugee may have already had to talk about such details multiple times; to the Home Office, their solicitor and others. If they do have information available, or the contact details of professionals that can provide this information, use these resources and do not ask them to repeat traumatic details unnecessarily as this may re-traumatise them.
- Bear in mind however that it may be helpful to clarify information with them if there is not enough time to get this from other sources before they become homeless.

Provide a safe and comfortable space where a confidential conversation can take place

- Ask the applicant what kind of environment they would feel comfortable talking in. For example they may prefer a private room or they may feel safer in a space where other people are present.

Communicate effectively

- Be aware of your tone of voice and body language; reduce the stress of the conversation by being calm, open and approachable in your demeanour.
- Respect their agency in the conversation; do not talk over them and let them know they can end the conversation whenever they wish.
- Use straightforward language, avoiding jargon and slang. Ensure they can understand you and provide an interpreter if they would prefer. See [page 33](#) for more information on working with interpreters.

Explain why it is helpful to understand more about their mental health

- Explain that local authorities do not have a duty to house all eligible homeless people, but only people who are found to have what is called a priority need for accommodation. This includes people who are found to be vulnerable as a result of their mental health (see [page 19](#) for more details on this). Ensure that the applicant understands that such information could improve their chances of the application being successful.
- Provide reassurance that whilst it will help their application to know how they are affected by their mental health currently, it is not necessary for them to disclose any details of the traumatic experiences they have endured. For example, a survivor of torture with Post Traumatic Stress Disorder could explain that they currently suffer from flashbacks, sleep problems and fear of going outdoors; but they do not need to disclose any details of the torture they experienced.
- If someone is struggling to express themselves you can assist them by saying, for example, that you know many refugees have endured a lot of stress that has affected their health, that sometimes afterwards people have sleeping problems or find that they keep remembering traumatic experiences or perhaps feel isolated or unsafe. This can help to frame the conversation and guide the applicant on how to begin to describe their mental health.

Listen empathetically and calmly with a warm manner

- Even if an applicant shouts or you feel frustrated with their responses or lack of engagement, do not be cold or unresponsive; this can be a harmful reminder of previous instances of abuse and can re-traumatise.
- Be prepared that they may disclose shocking or upsetting details of past experiences or of how they feel today. If that happens, try to acknowledge the hardships and injustices they may have endured, for example by letting them know “I am so sorry that you experienced that”, and acknowledge the inner resources of strength and resilience that they utilised to get through such experiences. Being acknowledged in this way is very affirming, whereas a lack of acknowledgment can make the applicant feel exposed and as if they do not matter.
- Be aware that survivors of torture may have been interrogated by their torturers. Take utmost care to ensure that any questions put to them are not done so in an interrogative manner (following the points listed here should help).

As refugees have often survived multiple traumatic experiences, an understanding of trauma is central to being able to assist refugees to make homelessness applications. People that have survived traumatic experiences can present with some or all of these symptoms:

- Re-experiencing the trauma in distressing dreams.
- Re-experiencing the trauma through flashbacks that mentally transport the person back to the traumatic event, so they feel as if it is actually happening to them again.
- Being constantly on guard, in fear of an attack or other threat.
- Being easily startled by everyday sounds, sights or sensations that can trigger other symptoms.
- Intense distress at real or symbolic reminders of the trauma.
- Physical sensations such as pain, sweating, nausea or trembling.
- Irritable behaviour and angry outbursts.
- Problems with concentration and difficulty sleeping.
- Avoidance of people, places, objects or situations that are associated with the traumatic event and efforts to avoid distressing memories, thoughts or feelings that are connected to the event.
- The manifestation of psychological distress as physical symptoms that do not have any physical explanation.
- Feeling disconnected from the world around them or from themselves.
- Having gaps in their life where they can't remember anything that happened.

These symptoms can be cumulative; the more they are experienced the worse the sufferer's mental health becomes. Dealing with these intense symptoms can lead to misuse of alcohol or drugs to avoid the memories, eating disorders, phobias, anxiety, depression, self harm and suicidal thoughts.

How mental health can affect the suitability of accommodation

Local authorities must ensure that homeless applicants are provided with accommodation that is suitable and reasonable for them to occupy.⁸ For example, it would not be reasonable for a person who cannot walk up stairs to live on the fifth floor of a building that has no lift. Similarly, a refugee's traumatic experiences may have had an effect on what kind of accommodation is suitable for them. As you can see from the examples below, certain types of accommodation may trigger symptoms of trauma, whilst other types might provide a sanctuary within which a person can feel safe. As trauma affects people in ways that are not always visible, it is important to take time to talk to an applicant about what kind of accommodation might be suitable for them and inform the local authority of what their needs are. If possible, always back up such requests with evidence from a professional working with the applicant. They may have already had a bad experience of Asylum Support accommodation provided by the Home Office which they have reported to a medical professional or their solicitor.

Whilst it is vital that someone's health is not being worsened by their accommodation, it is important to acknowledge that challenging the suitability of accommodation can be difficult and may not be successful. When discussing with an applicant how they are affected by their accommodation, be realistic about the kind of accommodation they can expect. For more information on challenging local authority decisions turn to [page 29](#). If in doubt, seek the opinion of an experienced housing adviser or solicitor.

The Refugee Council often sees applicants being provided with accommodation that goes on to have a detrimental affect on their mental health. Below are some common examples to keep in mind when assisting applicants into accommodation. Of course, some people who have had experiences such as those in the examples below may well have different requirements- take the time to find out what an applicant needs.

Common examples of how trauma can affect the suitability of accommodation

- People who have survived being kept in a small confined traumatic environment such as survivors of trafficking or imprisonment may find small spaces such as bedsits or studio flats re-traumatising. Living only in one room is often too reminiscent of previous traumatic experiences and can severely worsen mental health and impede recovery. A one bedroom flat that has separate sleeping and living areas may be more suitable.
- People who have survived trafficking may have been in circumstances where the traffickers had control over their every move; when they ate, slept, washed and used the toilet. This extreme level of control leaves a significant psychological impact. For such people, being housed in a hostel with rules such as controls on visitors or having to sign in and out at a front desk can be psychologically unbearable and can seriously impede their recovery.
- Similarly, survivors of trafficking and imprisonment may have had to eat, sleep, wash and toilet in spaces shared with other people and may have had no privacy at all during their traumatic experiences. Such people may find living in shared accommodation psychologically unbearable.
- People with trauma may find that their symptoms are triggered by many everyday sounds, sights or sensations: the sound of footsteps down a corridor or the smell of cigarette smoke might for example cause an involuntary reaction, transporting that person back to a traumatic event in their past. Some trauma sufferers may find that living with other people means they have less control over such triggers and they can become so overwhelmed with their symptoms that their health severely worsens.
- People receiving specialist treatment must be accommodated in an area that allows them to continue accessing their treatment.
- People who have survived gender- based violence must be accommodated where they do not feel unsafe due to their gender.
- Lesbian, gay, bisexual and transgender (LGBT) refugees will have often survived persecution due to their sexual orientation or gender. They must be accommodated where they are safe from further homophobia, transphobia and violence. If LGBT- friendly shared accommodation or hostels cannot be accessed, LGBT refugees may require self-contained accommodation to avoid re- traumatisation and further mental distress.

Chapter 25 of the Homelessness Code of Guidance informs local authorities about victims of trafficking and states in paragraph 25.21 "Account will need to be taken of any special considerations relating to the applicant and their household or their experiences that might affect the suitability of accommodation. Where there is no other option for

applicants who have suffered modern slavery but to be accommodated in an emergency hostel or bed and breakfast accommodation, the accommodation may need to be gender specific as well as have appropriate security measures depending on their needs and circumstances. Any risk of violence or racial harassment in a particular locality should also be taken into account, and housing authorities should be mindful that individuals who have left their traffickers remain at risk of being re-trafficked.”

Physical health

Many refugees have survived extreme physical experiences such as rape, torture, imprisonment and deprivation. These experiences leave their mark on the body and cause physical health problems, but getting medical attention for such problems can be a challenge as it requires disclosing what has happened. Revealing such information can be extremely painful and survivors of trauma may involuntarily avoid doing this.

The asylum system can also leave its impact on a refugee's physical health. As previously discussed, asylum seekers receive an extremely low income of around £5 a day that affects the quality of their diet; this can worsen existing health conditions. Asylum seekers exhibiting symptoms of distress or pain from injuries are often put on strong medication that can also have side effects on their physical health. A recent inquiry conducted jointly by the All-Party Parliamentary Group on Refugees and the All-Party Parliamentary Group on Migration into immigration detention in the UK found that access to necessary treatments for health conditions in detention centres is frequently delayed or not available, and the screening process at the beginning of a period of detention does not allow for health conditions to be identified.⁹ Additionally, refugees who have experienced homelessness or were moved around when accommodated in the asylum system may have had their access to health services disrupted. This can mean that refugees may not always have evidence from professionals of their physical health conditions.

If a homeless refugee has been unable to access specialist treatment for their health condition due to periods of detention, homelessness or moving around, ensure that the local authority is informed and try to help connect them to a health service that can support them with relevant investigations and referrals for treatment.

If you need to talk to a refugee about their physical health, remember that this might re-traumatise them. We recommend that you turn to **page 8** for guidance on how to minimise the distress of such a conversation.

Making a homelessness application

A person can make a homelessness application by presenting as homeless to a local authority. According to the Homelessness Code of Guidance for Local Authorities, a homelessness application can be made at any office of a local authority, but in practice it will save time for the applicant if they approach the office that has the designated responsibility of accepting applications. Finding out which local authority office to go to can be confusing as local authorities can have multiple offices for different purposes. Getting the correct address can require delving deep into a local authority's website or spending time on hold on the telephone to the local authority. Local authorities usually refer to the relevant office as Housing Options. When helping someone make a homelessness application check that they have the best address for making the application.

There is no prescribed application form that must be used to make a homelessness application, in theory a person can just turn up at a local authority office and explain their situation to the local authority staff by simply talking to them. We advise however that an applicant brings a letter that explains their circumstances, and evidence with them (please see **page 22 – 25** for a template letter and advice on what evidence to bring). Not only will this help the applicant convince a local authority of their circumstances, it will also help the applicant challenge the local authority at a later date if the local authority does not comply with its duties.

Local authority housing departments are often busy so it is wise to arrive first thing in the morning and be prepared to have to wait for a long time to be seen- we recommend taking a bottle of water and a packed lunch to avoid going hungry and thirsty whilst waiting. The application process can be stressful and exhausting for an applicant; if it is possible for someone to go with the applicant to provide moral support this can relieve some of the stress and can also provide a witness if the local authority do not treat the applicant properly.

As this is the first step of the application, an applicant just needs to give the local authority *reason* to believe that they **may** be homeless or threatened with homelessness. At this early stage the local authority do not need to be *satisfied* that the applicant is homeless; instead they only need to have an indication that this might *possibly* be the case. This triggers a local authority's duty to make inquiries into the applicant's circumstances to establish if they are eligible and if so whether any duty is owed to them under Part 7 of the Housing Act 1996.¹⁰

If a local authority has *reason to believe* that an applicant *may* be homeless, eligible and have a priority need for accommodation (these criteria are explained in the table below), it must ensure that the applicant has accommodation that is available to them whilst inquiries into their application are underway and if that applicant does not have anywhere to stay the local authority must provide them with interim accommodation until the local authority has completed its inquiries and the applicant has received a written decision on their application.¹¹

A local authority's inquiries must be thorough and sufficient enough for them to decide if any duty is owed to the applicant. In deciding whether a duty is owed to the applicant, the local authority will consider the following criteria in accordance with Part 7 of the Housing Act 1996 and the Homelessness Code of Guidance for Local Authorities:

1. Is the applicant eligible?

Eligibility is dependent on the immigration status of the applicant. People with leave to remain with recourse to public funds, including those with Refugee, Humanitarian Protection, Stateless Person status and Family Reunion visas are eligible.

2. Is the applicant homeless or threatened with homelessness?

A person will be homeless if they have nowhere that they are entitled to occupy, if they have accommodation but cannot secure entry to it or if they have accommodation available to live in that is not reasonable for them to continue to occupy (along with any other person who usually resides with them as a member of their family or who might reasonably be expected to do so).¹² It will not be reasonable for a person to occupy accommodation if they are at risk of domestic abuse or other violence there.¹³

A person is threatened with homelessness if it is likely they will become homeless in the next 56 days.

3. Does the applicant have a priority need for accommodation?

A person that is homeless or threatened with homelessness has a priority need for accommodation if:

- They are pregnant (at any stage of pregnancy) or are a person with whom a pregnant woman may reasonably be expected to reside
- They are a person with whom dependent children reside or might reasonably be expected to reside
- They are vulnerable as a result of old age, mental illness or handicap or physical disability or other special reason, or with whom such a person resides or might reasonably be expected to reside
- They are homeless or threatened with homelessness as a result of an emergency such as flood, fire or other disaster
- They are 16 or 17 years old, and are not a 'relevant child' (a child in need to whom a local authority owes a duty under section 20 of the Children Act 1989)
- They are 18 to 20 years old and were previously in the care of social services
- They are 21 years old or older, were previously in the care of social services and are vulnerable as a result of their time in care
- They are vulnerable former members of the British Armed Forces, if they are vulnerable as a result of that service
- They are vulnerable former prisoners, if their vulnerability has arisen from their time in prison
- They are vulnerable as the result of fleeing violence or threats of violence which are likely to be carried out

This guide gives more detail on how vulnerability is determined on page 19.

4. Is the applicant intentionally homeless?

A person is homeless intentionally if they have deliberately done or failed to do something that caused them to become homeless. This includes people who make an arrangement with their accommodation provider that they will move out so that they can then approach the local authority for accommodation.

5. Does the applicant have a local connection to another local authority?

If a local authority has determined that an applicant is eligible and homeless they may also choose to consider if an applicant has a local connection to another local authority. If there is a local connection to another local authority, the local authority that originally accepted the application may decide to refer the application to the other local authority. For more information on how this process works, please turn to [page 28](#).

A person might have a local connection to a local authority if:

- It was the local authority where they lived in their **most recent** Asylum Support accommodation¹⁴
- They have lived in the local authority for 6 months out of the past 12 months or 3 years out of the past 5 years
- They have close relatives living in the local authority area
- They work in the local authority area
- They have a special reason why they need to live in that local authority area (special circumstances might include the need to be near special medical or support services which are available only in a particular district¹⁵)

A local authority cannot refer an applicant to a local authority area where they are at risk of violence or threatened violence.

Duties owed to the applicant

The duties owed to an applicant depend on how they fit the following criteria. Where a local authority has a *duty* owed to the applicant, they must ensure they fulfil that responsibility. If they do not, then the local authority is acting unlawfully and can be challenged. There are also instances where a local authority *may choose* to provide support to the applicant, but they are not legally obliged to do so.

The duties owed to an applicant may change as their circumstances change. Applicants can also be owed multiple duties at the same time. The table below explains what duties are owed to applicants depending on the outcome of the local authority's inquiries:

What the local authority's inquiries have determined:	The duty owed to the applicant
The local authority has reason to believe that the applicant is homeless or threatened with homelessness	Duty to make inquiries and give a written decision ¹⁶ The local authority has a duty to make inquiries that are thorough and sufficient enough for them to determine how an applicant meets the criteria. Once these inquiries are complete the local authority has a duty to inform the applicant in writing of which duties are/ are not owed to them. This decision letter might be posted to an applicant's address or handed to them directly in the local authority offices during an appointment.
The applicant is homeless or threatened with homelessness in the next 56 days, and eligible for assistance	Duty to assess and create a personalised plan ¹⁷ The local authority has a duty to make an assessment of the applicant's case, including what accommodation might be suitable for the applicant and anyone that might be expected to live with them. This assessment must be provided to the applicant in writing. Based on this assessment the authority must try to agree a plan with the applicant which outlines steps that each party should take to try and secure accommodation for the applicant. For more information on the assessment and personalised plan turn to page 15 .

What the local authority's inquiries have determined:	The duty owed to the applicant
<p>The applicant is eligible and threatened with homelessness in the next 56 days</p>	<p>Prevention duty¹⁸</p> <p>The local authority has a duty to take reasonable steps to help prevent the applicant from becoming homeless. This may involve helping the applicant to remain in their existing accommodation or secure alternative accommodation before they become homeless. This duty comes to an end when 56 days have passed, or the applicant is no longer threatened with homelessness as accommodation has been secured or they have become homeless. This duty can also end if the applicant is thought to not be cooperating with the authority, more information on this on page 15.</p> <p>This duty can also come to an end if an applicant refuses a suitable offer of accommodation under this duty. For information on offers of accommodation that can be made under this duty turn to page 16.</p>
<p>The applicant is eligible, homeless, and there is an indication that they may have a priority need for accommodation</p>	<p>Duty to provide interim accommodation¹⁹</p> <p>The local authority has a duty to secure that accommodation is available to an applicant pending the outcome of their inquiries.</p> <p>For more information on interim accommodation turn to page 16.</p>
<p>The applicant is eligible and homeless</p>	<p>Relief duty²⁰</p> <p>The local authority has a duty to take reasonable steps to help the applicant secure accommodation. Although they may <i>choose to</i>, the authority is not obliged to provide accommodation under this duty, only to take reasonable steps to help the applicant secure accommodation that is available for at least 6 months. Such steps might involve offering a private rented tenancy, or providing assistance with a rent deposit to help the applicant obtain accommodation in the private rented sector. This duty comes to an end when 56 days have passed, or when the applicant is no longer homeless or if the applicant refuses suitable accommodation offered under this duty. This duty can also end if the applicant is thought to not be cooperating with the authority, more information on this on page 15. For information on offers of accommodation that can be made under this duty turn to page 17. A local authority can choose to refer this duty to another authority in England if they find the applicant has a local connection there. Turn to page 28 for more information on referrals between local authorities.</p>
<p>The applicant is eligible, homeless, has a priority need for accommodation, is not intentionally homeless</p>	<p>Main housing duty²¹</p> <p>The local authority has a duty to secure that suitable accommodation is provided for the applicant and anyone that might reasonably be expected to reside with the applicant. The main housing duty cannot be owed until the relief duty has come to an end²². For more information on how the main housing duty interacts with relief duty turn to page 17. For information on offers of accommodation that can be made under this duty turn to page 17. A local authority can choose to refer this duty to another authority in England, Scotland or Wales if they find the applicant has a local connection there. Turn to page 28 for more information on referrals between local authorities.</p>
<p>The applicant is eligible, homeless and has a priority need, but has been found to be intentionally homeless.</p>	<p>The local authority has a duty to provide suitable accommodation for the applicant for the length of time that the local authority considers will give the applicant a chance to secure their own accommodation.²³ The local authority also has a duty to ensure that the applicant is provided with advice and assistance in any actions the applicant takes to try and secure accommodation.²⁴ This might include, for example, assistance with a rent deposit or guarantee to help the applicant to obtain accommodation in the private rented sector, or advice on applying for an allocation of long term social housing or accommodation through another social landlord.</p>

Assessments and personalised housing plans

Applicants that are homeless or threatened with homelessness in the next 56 days and eligible for assistance are owed a duty to be assessed on their circumstances and needs.²⁵ Local authorities must ensure that the assessment includes the circumstances that caused homelessness, what type of accommodation would be suitable for the applicant and any person that might reasonably be expected to live with them, what support they might need to have and sustain suitable accommodation, and takes into account the needs of the applicant and their household such as medical needs and any specific requirements regarding location.

Based on the findings of their assessment local authorities should try to agree with the applicant some practical steps that they and the authority might take to try and secure suitable accommodation or prevent homelessness. These steps should be reasonable and written in a personalised housing plan created by the local authority which the applicant should be given a copy of. The steps written in the personalised housing plan might be *mandatory* steps or *recommended* steps. **Be aware that if an applicant does not comply with mandatory steps written in their personalised housing plan they may be considered to be deliberately and unreasonably refusing to cooperate which can lead the authority to end the prevention, relief and main housing duties.**

If an applicant has specific accommodation requirements such as the need for self-contained accommodation, accommodation without stairs, or the need to be outside an area where they are at risk of violence, it will benefit them if they can disclose this to the local authority at an early stage so the authority's assessment and subsequently their personalised housing plan can be appropriate to their needs. Always keep a record of when and how such information has been shared with a local authority so if they do not take it into consideration this can be challenged at a later stage. For advice on considering suitability of accommodation for people with trauma turn to [pages 9-10](#).

If an applicant disagrees with the steps written in their personalised housing plan they can request a formal review by the local authority²⁶. For more information on how to challenge homelessness decisions turn to [page 29](#).

When local authorities find an applicant to be deliberately and unreasonably refusing to cooperate

Homelessness legislation allows local authorities to end the prevention, relief, and main housing duties if they decide that an applicant is deliberately and unreasonably refusing to cooperate with the steps set out in their personalised housing plan.²⁷ If you are supporting a homeless applicant it is advisable to check if they have been given a personalised housing plan and that they understand its contents, particularly any mandatory steps they have been instructed to take.

If an applicant does not comply with any mandatory steps in their plan and the authority believes that this was deliberate and unreasonable of the applicant, then the authority can take action to try and end the current prevention or relief duty they owe to the applicant and this will also mean the main housing duty no longer applies. Where an applicant is found to have deliberately and unreasonably refused to cooperate during the prevention duty period, this ends the prevention duty but once the applicant becomes homeless they will still be owed the relief duty. If it occurs during the relief duty period this ends the relief duty. In both cases the main housing duty no longer applies.

However, applicants considered to have a priority need who are homeless, not intentionally homeless and eligible who are not owed a main housing duty for this reason will still be owed a duty that the authority secures suitable accommodation for them²⁸. Such accommodation must be suitable and might be a 'final accommodation offer' or a 'final part 6 offer' of accommodation (see [page 17](#) for further definition of these terms).

Before taking action to end a duty for this reason a local authority must ensure that the steps in the personalised housing plan were reasonable in the context of the applicant's particular circumstances and needs (again, this demonstrates the importance of supporting the applicant to disclose relevant information about their needs as early as possible during the application process). The authority must be convinced that the applicant understood what was required of them meaning they made an informed decision not to cooperate (consider for example if this information was explained in a language the applicant could understand). The authority must be sure that the non-cooperation was not the result of a mental illness, other health need, or because of a difficulty in communicating.²⁹

The homelessness code of guidance gives this as an example: “if they prioritised attending a Jobcentre or medical appointment, or fulfilling a caring responsibility, above viewing a property, this is unlikely to constitute a deliberate and unreasonable refusal to cooperate. However, if the applicant persistently failed to attend property viewings or appointments without good reason; or they actively refused to engage with activity required to help them secure accommodation, then this might be considered deliberate and unreasonable refusal to cooperate.”³⁰

Before ending the duty to the applicant first the authority must give a written warning explaining the consequences of any further deliberate non- cooperation. The authority must then allow the applicant a reasonable amount of time to have a chance to rectify such non- cooperation. If after this time has passed the applicant has not rectified the situation then the authority can notify that they are no longer owed the duty.³¹

Interim accommodation

Whilst all applicants who are homeless and eligible are owed the relief duty, only some of them might be entitled to interim accommodation. Applicants that give the local authority *reason to believe* they *may* be eligible, homeless and have a priority need should be accommodated in interim accommodation until the local authority has completed its inquiries and the applicant has received a written decision.³² If in these circumstances a local authority does not provide interim accommodation whilst it makes inquiries, they are acting unlawfully and can be challenged by judicial review (as discussed on [page 30](#)).

Sometimes local authorities place homeless applicants in Bed and Breakfast (B&B) or hostel accommodation whilst they make inquiries into their application. Such types of accommodation are not always suitable for applicants. The law says that local authorities should only place families and pregnant women in B&B accommodation if there is no other interim accommodation available to them at that time. When that is the case, local authorities must not accommodate families in B&B accommodation for more than six weeks.³³ This is because it is acknowledged that pregnant women or families can face difficulties in such accommodation. If a local authority has accommodated a family or pregnant woman in B&B accommodation for more than six weeks they can be challenged. If any applicant has been placed in accommodation that is not suitable for them, it may be possible to challenge the local authority. For more information on how to challenge a local authority please turn to [page 29](#).

When a local authority notifies an applicant that they are not owed the main housing duty, the local authority is no longer obliged to provide interim accommodation, even if the applicant requests a review of their decision.

If an applicant requests a review into a local authority's decision that they are not owed a main housing duty they can ask the local authority to continue providing interim accommodation until the review decision is made. Although authorities have the *power* to provide interim accommodation pending outcome of a review, they do not have a *duty* to do so and may refuse. It is possible to challenge such a refusal by judicial review, which will require getting legal advice. If an applicant gives reasons to a local authority why they believe the decision is wrong and how they would be affected by being homeless whilst the review is underway it will improve their chances of being accommodated pending the outcome of the review.

If an applicant is housed in interim accommodation whilst a review is underway, that accommodation will end after the review decision is made and the applicant is notified in writing. If the applicant disagrees with a review decision and requests an appeal, they can ask the local authority to continue accommodating them in interim accommodation. However, the local authority has no duty to provide accommodation pending the outcome of an appeal so it can choose not to provide accommodation in this situation. It is possible to challenge such a refusal by judicial review, which will require getting legal advice. Turn to [page 32](#) for guidance on getting legal advice.

Interim accommodation should also be provided to eligible and priority need applicants who are homeless pending the outcome of a referral from one local authority to another.³⁴ This is discussed in more detail on [page 26](#).

Accommodation offers for applicants owed the prevention duty

Accommodation offered under the prevention duty must be suitable and have a reasonable prospect of being available for at least 6 months. If an applicant refuses an offer of accommodation made under the prevention duty this will end the prevention duty, however they will still be owed the relief duty (if homeless and eligible) and main housing duty (if homeless, eligible, not intentionally homeless and with a priority need for accommodation).

Accommodation offers for applicants owed the relief duty

Accommodation offered under the relief duty must be suitable and have a reasonable prospect of being available for at least 6 months.

An offer of accommodation under the relief duty might be:

- A 'final accommodation offer' which is an offer of an assured shorthold tenancy made by a private landlord which has a fixed term of at least 6 months, which is suitable for the applicant and complies with regulations and guidance that states such accommodation must be in reasonable physical condition and with a landlord that will manage the accommodation in line with their legal obligations.³⁵

Or

- A 'final part 6 offer' which is an offer of social housing made from the authority's allocation scheme under part 6 of the housing act 1996, which must be suitable for the applicant.³⁶

Or

- An offer of accommodation which is suitable and has a reasonable prospect of being available for at least 6 months, which is neither a *final accommodation offer* or a *final part 6 offer*.

Applicants must be advised that if they refuse a *final accommodation offer* or a *final part 6 offer* under the relief duty, that will end the relief duty to them and they will subsequently not be owed the main housing duty.³⁷ If an applicant is offered accommodation under the relief duty that is not suitable for them, they can request a review of that decision (see [page 29](#)). In such a situation it is advisable to seek the advice of an experienced practitioner or a legal adviser. It is often wise for the applicant to accept the unsuitable accommodation and simultaneously request a review of its suitability, as this avoids the applicant risking homelessness whilst the review is underway or if the review is unsuccessful.

Navigating the relief and main housing duties

The main housing duty cannot be owed until the relief duty has come to an end³⁸. This means that for applicants with a priority need for accommodation, local authorities have a 56 day window in which to try and accommodate under the relief duty, before they must accommodate under the main housing duty.

Legally there are different minimum standards for what can be offered under each of these duties, which you can read [immediately above and below](#).

Applicants who are *not* owed a main housing duty may find that they are notified of this during the relief duty period. Such notification will end any duty to provide interim accommodation. However applicants who *are* owed a main housing duty are likely to be notified *after* the 56 day relief duty period has come to an end, as is advised in the homelessness code of guidance.³⁹

Considering that the relief duty lasts for 56 days, the guidance states that it should be possible to notify an applicant they are owed a main housing duty on day 57, and in cases where significant further investigations are required it recommends this takes no longer than 15 working days after the 56 day relief duty period has passed.

Applicants that have a priority need for accommodation and accept suitable accommodation under the relief duty will subsequently not be owed the main housing duty as although they have a priority need, the accommodation they accepted under the relief duty means they are no longer homeless. Refusing a *final offer of accommodation* or a *final part 6 offer* made under the relief duty will also mean that the main housing duty is not owed to the applicant. So accommodation offers made under the relief duty impact on any main housing duty that might be owed to an applicant, as well as the relief duty. Additionally if a local authority finds an applicant is deliberately and unreasonably refusing to cooperate with any mandatory steps in their personal housing plan this can end both the relief duty and the main housing duty.

If in doubt, always seek the advice of an experienced practitioner - see [page 32](#) for guidance on getting legal advice.

Accommodation for applicants owed the main housing duty

When an applicant is owed a duty to be housed by a local authority, the local authority must ensure that the applicant is housed in accommodation that is suitable for them and any other person that might reasonably be expected to live with them.⁴⁰ If settled accommodation is not immediately available for the applicant, then a local authority will need to house them in temporary accommodation until settled accommodation is available. Temporary accommodation can be the same address as the interim accommodation or it might be a new address.

Applicants must be aware that if they refuse an offer of temporary accommodation that the local authority considers to be suitable for them, the local authority can at that point terminate their duty to house the applicant and close their case. If an applicant is offered temporary accommodation that is not suitable for them, they can request a review of that decision (see [page 29](#)). In such a situation it is advisable to seek the advice of an experienced practitioner or a legal adviser. It is often wise for the applicant to accept the unsuitable accommodation and simultaneously request a review of its suitability, as this avoids the applicant risking homelessness whilst the review is underway or if the review is unsuccessful.

An offer of accommodation to discharge the main housing duty might be:

- A 'private rented sector offer' which is an offer of an assured shorthold tenancy made by a private landlord which has a fixed term of at least 12 months, which is suitable for the applicant and complies with regulations and guidance that states such accommodation must be in reasonable physical condition and with a landlord that will manage the accommodation in line with their legal obligations.⁴¹

Or

- A 'final part 6 offer' which is an offer of social housing made from the authority's allocation scheme under part 6 of the housing act 1996, which must be suitable for the applicant.⁴²

If an applicant accepts an offer of social housing, the local authority will have fulfilled its duty to house the applicant and the case will be closed. However, if the applicant accepts a private rented sector offer and becomes unintentionally homeless again within 2 years, the local authority's duty to rehouse the applicant will still stand.

Applicants must be advised that if they refuse a private rented sector offer or a final part 6 offer the local authority will no longer owe the main housing duty. In such a situation it is advisable to seek the advice of an experienced practitioner or a legal adviser. If an applicant has been offered unsuitable accommodation it is often wise for them to accept the unsuitable accommodation and request a review of its suitability, as this avoids the applicant risking homelessness whilst the review is underway or if the review is unsuccessful.

Choice based letting schemes

Some councils have a choice based lettings scheme where people can 'bid' for social housing available in their local area. Each local authority has its own policy which details how it allocates social housing to people in the local area.

Due to the high demand for such accommodation and the comparatively small supply, many people who have made a homelessness application will not access social housing but will instead be made an offer of accommodation in the private rented sector. Despite this when supporting an applicant it is always worth ensuring that they have access to their local choice based lettings scheme, and checking what the policy of the local scheme is to see if the applicant might be eligible for any additional priority that could improve their chances of being allocated social housing. As new refugees are navigating these systems for the first time, they might not be aware of how to bid for social housing, or may face additional barriers when trying to bid, for example if they do not have access to a computer or cannot read English. For some applicants, receiving support with bidding might make the difference between being allocated social housing or being offered a private rented tenancy. Be aware though that in some local authority areas the likelihood of being allocated social housing is low due to long waiting lists and little availability.

Applicants who are bidding for social housing must be advised that if they refuse a final offer of private rented accommodation made under the relief duty, or a private rented sector offer made under the main housing duty (perhaps in the hope that they will have a successful bid for social housing in the future) this will end the relief and/or main housing duty owed to them (likely making them homeless) and this in turn can reduce their priority when bidding for social housing and in some cases might affect their eligibility to be on the allocation waiting list.

Due to the way offers of accommodation are made to homeless applicants, access to social housing should be viewed as a *possible bonus*, not a likely outcome of a homelessness application. Offers of private rented accommodation whether under the relief duty or the main housing duty should be viewed as likely possible outcomes of a homelessness application.

If in doubt, always seek the advice of an experienced practitioner - see [page 32](#) for guidance on getting legal advice.

Vulnerability

In s189(1)(c) of the Housing Act 1996 it is stated that a person will have a priority need for accommodation if they are vulnerable as a result of old age, mental illness, handicap, physical disability or other special reason. However, it is common for local authorities to contest an applicant's vulnerability and therefore claim they do not have a priority need for accommodation. For this type of homelessness application to be successful you must be prepared to argue the specifics of why an applicant is in priority need due to their vulnerability. To do that you need to understand how local authorities must make their decisions according to housing law.

Over the years, clarification of how local authorities should determine vulnerability has been debated in courts and defined and redefined through case law. Most recently, the Supreme Court ruled in 2015 that local authorities making such decisions should apply the following test:

- Is the applicant significantly more vulnerable than an ordinary person, if made homeless?⁴³

This test can be understood as having three elements:

1. First, a local authority must consider the effect that *being homeless* would have on an applicant's vulnerability. This can include how being homeless would affect their mental and physical health, put them at risk of harm, and impact their ability to access support services and treatment, or take their medication.
2. Second, a local authority must compare that to a hypothetical level of vulnerability experienced by an *ordinary person* who has become homeless. An ordinary person will probably experience some worsening of their mental and physical health when homeless, and is likely to be at some risk of harm. How will the applicant's situation compare to an ordinary person's?
3. Third, a local authority must establish if the applicant would be *significantly more* vulnerable when homeless, than an ordinary person might be. It has been established through case law that in this context, *significantly more* does not mean how much more, but is instead a qualitative test where the authority must consider the applicant's vulnerability (e.g. their medical conditions, disabilities, risk of re-victimisation) and decide whether that vulnerability would have a noticeable effect if the applicant were to be homeless.⁴⁴

Example

- Joy made a homelessness application to a local authority based on her vulnerability as a survivor of torture. She suffered from Post Traumatic Stress Disorder and chronic back pain. She provided evidence from her GP that confirmed her symptoms and the treatment she was receiving.
- The local authority decided that Joy did not have a priority need and wrote her a letter stating their reasons. The letter said "whilst we accept that you suffer from Post Traumatic Stress Disorder as a result of being tortured in your home country, you are currently managing this condition with medication and support from your therapist. You also suffer from back pain, but your GP states that you have seen some improvements since you began your physiotherapy. You are therefore not significantly more vulnerable than an ordinary person would be when homeless".

In the example, the local authority has not accepted that Joy has a priority need for accommodation, despite the evidence she provided. Applicants such as Joy can pre-empt such tricky decision making by making clear to local authorities:

- The mental and physical health conditions, disabilities, or other issues that make the applicant vulnerable.
- Exactly how those characteristics, symptoms or other issues affect the applicant's health, safety and well being *when they are homeless*. (So if they are not homeless when they make the application they must evidence how homelessness would affect them.)
- What treatment or medication the applicant currently receives, or needs to receive.
- How being homeless would impact upon the applicant's ability to receive their treatment or take their medication.
- How the combined effect of the above points makes them *significantly more* vulnerable than an *ordinary person* when *homeless*. For example:

“Joy suffers from symptoms of Post Traumatic Stress Disorder including flashbacks, nightmares, intense fear, memory loss, confusion and disorientation. Despite the medication she is taking, her symptoms severely worsen at times of stress and can become overwhelming to the point where she has to go home and stay in her room until the symptoms pass. This can take over an hour. During these periods she feels disconnected from her surroundings and instead feels as if she is back in a traumatic experience from her past. Her therapist has written a letter explaining that if Joy was homeless and therefore had no safe place to retreat to, she would be forced to experience such intense symptoms on the street. Her therapist is concerned that in such a situation Joy would not be able to react to unsafe situations the way that an ordinary person would, as her symptoms disconnect her from the world around her. She would therefore be significantly more vulnerable to harm than an ordinary person would be when homeless. Her therapist has also explained that in such circumstances it is likely that Joy would be unable to attend her psychotherapy or her physiotherapy appointments as she would be too disoriented and affected by her symptoms of PTSD to maintain such a routine. Her back pain worsens when she has to sit in one place for more than 15 minutes, and she cannot walk for more than 15 minutes without resting. If Joy was homeless she would not have a chair or bed to sit or sleep on, making her chronic back pain even more painful. The increased pain in turn would further trigger her symptoms of PTSD.”

In the example above you can see how more detail about how Joy is affected by her symptoms helps to identify why she is significantly more vulnerable than an ordinary person when homeless. When considering how an applicant may be significantly more vulnerable, bear in mind that it is not just their mental and physical health that might have an impact on this. Consider their circumstances as a whole and be sure to inform the local authority of additional information that makes them vulnerable. Refugees' circumstances and experiences can be extraordinary and may set them apart from an ordinary person.

An applicant's previous experiences might make them at more risk of abuse and exploitation. It is widely recognised that survivors of abuse, including child abuse, sexual abuse and domestic violence, are particularly vulnerable to further abuse or exploitation. Research suggests that two of three individuals who are sexually victimised will be re-victimised. Multiple traumas, especially childhood physical abuse, and recent sexual victimisation are also associated with higher risk. Re-victimisation is associated with higher distress and certain psychiatric disorders. People who are re-victimised

show difficulty in interpersonal relationships, coping, self-representations, and affect regulation and exhibit greater self-blame and shame⁴⁵. Having no home puts an ordinary person at some risk of abuse and exploitation, but an applicant that is a survivor of abuse will be at significantly more risk.

The Homelessness Code of Guidance for Local Authorities recognises that victims of trafficking are at increased risk of being re-trafficked when homeless. In paragraph 25.17 it states “A person who has been a victim of trafficking or modern slavery may have a priority need for accommodation if they are assessed as being vulnerable according to section 189(1)(c) of the 1996 Act. In assessing whether they are vulnerable a housing authority should take into account advice from specialist agencies providing services to the applicant, such as their assigned support provider under the NRM. Many victims of modern slavery suffer from poor mental health and often lack support structures in the area they are residing. If a victim of modern slavery is threatened with homelessness or is homeless this significantly increases their risk to being re-trafficked or exposed to further exploitation.”⁴⁶

Housing law says that local authorities have to take extra care when assessing an applicant’s vulnerability if there is a possibility that the applicant has a disability for the purposes of the Equality Act 2010. Conditions such as Post Traumatic Stress Disorder, depression, and panic disorder are examples of conditions that may affect the applicant in such a way that they are disabled. Local authorities assessing the vulnerability of such a person must focus sharply on whether the applicant is disabled, the extent and effect of the disability, and whether the applicant is vulnerable. If a local authority does not do this, it is not fulfilling its duty under section 149 of the Equality Act 2010 and it may be possible to challenge them.⁴⁷

Homelessness application letter

An applicant does not need to provide a homelessness application letter to make an application, but it can substantially help the process. A letter that sets out how the applicant fulfils the necessary criteria and specifies what support they need ensures a local authority understands the applicant's circumstances and requirements. Attach evidence to back up your statements and keep a record of all documents presented to a local authority. This will help you later if you need to challenge a local authority's decision. For more information on what evidence to include, please turn to **page 26**.

Here is a template letter that can be adapted to fit an applicant's situation and requirements.

Date

Application for Assistance under Part 7 of the Housing Act 1996

To Whom It May Concern,

Re: *Applicant's name*

Applicant's address

Applicant's date of birth

I am writing on behalf of *Name* in support of their application for assistance under Part 7 of the Housing Act 1996. *Name* arrived in the UK on *date* and subsequently applied for asylum. *S/he* received *immigration status* on *date*.

Eligibility

Name is eligible for assistance as *s/he* has received *Refugee Status/ Humanitarian Protection/ Stateless Person Status/ a Family Reunion visa* and has leave to remain with recourse to public funds. Please see their *Biometric Residence Permit/ visa* attached.

Homelessness

Name is *homeless/ threatened with homelessness within the next 56 days* as *(select as appropriate)*:

- *s/he* was provided with Asylum Support whilst waiting for a decision on *her/his* asylum claim. Now *s/he* has received leave to remain *s/he* is no longer eligible for support. *Name* has been given a discontinuation notice and will be homeless on *date*.
- *s/he* has been staying with a *friend/ relative/ host* at *address* from *date* and *s/he* has been informed in writing that *s/he* can no longer stay at the property after date. Please see letter from *name of friend/ relative* attached.
- *s/he* is currently street homeless. *S/he* became street homeless on *date* as *give reason*.
- *s/he* is homeless and currently sleeping in a night shelter, *insert name and address of night shelter*.
- *describe other reason for homelessness*.

Name has no friends or family that are able to accommodate *her/ him*, and nowhere else to go. *S/he* is not intentionally homeless as *s/he* has no right to remain in the accommodation, and no option but to leave the accommodation.

Duty to assess and agree a personalised plan

On the basis of the information in this letter, your authority has the duty to assess the applicant's circumstances and needs and agree a personalised plan with the applicant.

State here any specific needs or circumstances the applicant has which impact upon:

- *what kind of accommodation would be suitable for them*
- *their ability to fulfil steps that might be written in their personalised housing plan (e.g. do they require it to be written in a different language? Do they have a limited ability to try and secure their own accommodation due to their health conditions or previous experiences?)*

Prevention duty **delete this section if applicant is already homeless**

As *Name* is eligible and threatened with homelessness your authority has the duty to take reasonable steps to help prevent name from becoming homeless.

Relief duty **delete this section if applicant is not yet homeless**

As *Name* is eligible and homeless your authority has the duty to take reasonable steps to help Name secure accommodation.

Priority Need **delete this section if it is not applicable**

Name is in priority need of accommodation as *s/he* is vulnerable within the meaning of s189(1)(c) Housing Act 1996. When homeless, *s/he is/ will be* significantly more vulnerable than an ordinary person, for the reasons set out below:

- *Describe the mental and physical health conditions, disabilities, or other issues that make the applicant vulnerable.*
- *Describe how those characteristics, symptoms or other issues would affect the applicant's health, safety and well-being when they are homeless.*
- *Describe how those characteristics would noticeably affect the applicant's ability to deal with the consequences of homelessness to the extent that the applicant would suffer, or be at risk of suffering, harm that the ordinary person when homeless would not suffer or be at be at risk of suffering to such a severe degree.*
- *Describe what treatment or medication the applicant currently receives or needs to receive.*
- *Describe how being homeless would impact upon the applicant's ability to receive their treatment or take their medication.*
- *Describe how the combined effect of the above points makes them significantly more vulnerable than an ordinary person who is homeless.*

- *If the applicant has any examples of when their health has worsened when under considerable stress give examples, as this could indicate how their health might decline should they become homeless.*
- *If the applicant has any medical evidence or other relevant evidence, then reference it here and attach with the application.*

As there is reason to believe *Name* has a priority need for accommodation your local authority has an interim duty to provide accommodation pending the completion of your inquiries **delete this section if it is not applicable**

- *If the applicant has specific requirements for suitable interim accommodation state them here, provide reasons why they are required and evidence if possible.*
- *If the applicant is a survivor of trafficking it can be stated that Chapter 25 of the Homelessness Code of Guidance informs local authorities about victims of trafficking and paragraph 25.21 reads “Account will need to be taken of any special considerations relating to the applicant and their household or their experiences that might affect the suitability of accommodation. Where there is no other option for applicants who have suffered modern slavery but to be accommodated in an emergency hostel or bed and breakfast accommodation, the accommodation may need to be gender specific as well as have appropriate security measures depending on their needs and circumstances. Any risk of violence or racial harassment in a particular locality should also be taken into account, and housing authorities should be mindful that individuals who have left their traffickers remain at risk of being re-trafficked.”*

Former Asylum Seekers

Name is a former asylum seeker/ *and a torture survivor/ and a survivor of trafficking/ and a survivor of cruel and inhumane treatment*. Due to the traumatic nature of their experiences, they may not be able to disclose any such details in your office. Please ensure you handle any interview or assessment with sensitivity and care.

Risk of re- trafficking **delete this section if it is not applicable**

Name is a survivor of human trafficking (sometimes referred to as modern slavery). Being *homeless/ threatened with homelessness* significantly increases their risk of being re- trafficked or exposed to further exploitation. Please refer to chapter 25 of the Homelessness Code of Guidance (Modern Slavery) which confirms this in paragraph 25.17.

- *If you have additional concerns about the applicant’s risk of re-trafficking then explain why here, providing evidence if possible.*

Risk of re-victimisation **delete this section if it is not applicable**

It is widely recognised that survivors of abuse, including child abuse, sexual abuse and domestic violence, are particularly vulnerable to further abuse or exploitation. Research suggests that two of three individuals who are sexually victimised will be re-victimised. Multiple traumas, especially childhood physical abuse, and recency of sexual victimisation are also associated with higher risk. Re-victimisation is associated with higher distress and certain psychiatric disorders. People who are re-victimised show difficulty in interpersonal relationships, coping, self-representations, and affect regulation and exhibit greater self-blame and shame. (Classen et al, 2005)

-
- *If you have concerns about the applicant's risk of re-victimisation then explain why here, providing evidence if possible.*

Disability **delete this section if it is not applicable**

Our client suffers from *Post Traumatic Stress Disorder/ depression/ panic disorder/ some other condition*.

There is a real possibility that this *condition/combination of conditions* mean(s) that s/he is disabled for the purposes of the Equality Act 2010. Your local authority must therefore ensure you fulfil your s149 Equality Act 2010 duty and focus sharply on:

- i) Whether the applicant is disabled
- ii) The extent of the disability
- iii) The effect of the disability and
- iv) Whether the applicant is vulnerable

Local Connection

If the applicant has a local connection to the local authority of application you can state:

Name has a local connection to the area covered by *local authority* because *(select as appropriate)*:

- *It was the local authority where they lived in their **most recent** Asylum Support accommodation*
- *They have lived in the local authority for 6 months out of the past 12 months, or 3 years out of the past 5 years*
- *They have close relatives who live in the local authority*
- *They work in the local authority*
- *They have a special reason why they need to live in that local authority (state and explain what that special reason is).*

If possible, attach evidence that demonstrates the applicant's local connection to the local authority.

If the applicant has a local connection to another local authority but cannot apply there due to violence or the threat of violence, ensure you state that here and provide evidence if possible.

Yours faithfully,

Your Name

Name of applicant

Evidence

Ideally an applicant will provide the local authority with evidence that demonstrates how they meet the criteria on [page 12](#).

However, newly recognised refugees are not always able to collect and provide evidence before they become homeless. This section provides guidance on how to use evidence that the applicant has, and how to assist when evidence is not available.

If a homeless applicant does not have sufficient evidence, do not delay in making the application to the local authority. Instead, explain to the local authority how the applicant meets the criteria on [page 12](#) and why the evidence is not currently available. If there is reason to believe a homeless applicant might have a priority need, it is the local authority's duty to accommodate that applicant pending the outcome of the inquiries into their application, so they should house them in interim accommodation whilst evidence is gathered. For advice on how to challenge a local authority not providing interim accommodation, turn to [page 29](#).

Proof of eligibility

- Biometric Residence Permit (BRP) or if this has not been received yet then Status Determination Letter
- If on a Family Reunion Visa an applicant may not have a BRP, instead they might have an entry clearance vignette or their national passport with the UK Visa inside.

Proof of homelessness & not being intentionally homeless

- Letter from the Home Office terminating Asylum Support *or*
- Letter from friend/ relative giving notice of what day applicant must leave their accommodation *or*
- Letter from support worker stating applicant is homeless *or*
- Any other proof of homelessness

Proof of having a priority need for accommodation

- Letters from professionals who know the applicant such as their GP, therapist, support worker or specialist health professional. If such professionals are not able to provide a letter in time, then give their contact details and request that the local authority contact them for more information. Some GPs charge their patients for such letters. If the applicant cannot afford to pay for such a letter, inform the local authority and request that they pay the fee. Always keep a record of such requests in case you need to challenge the local authority at a later date.
- If the applicant has no medical evidence but has a priority need for accommodation due to their vulnerability, help them write a statement that explains why they are vulnerable, addressing the pointers made on [page 19](#). You may have already done this as part of their homelessness application letter. When writing such a statement with the applicant, consider the advice provided on [page 8](#) on how to have a sensitive conversation.
- If the applicant has made the application without medical evidence, they will need to obtain evidence and submit it to the local authority as soon as possible.

Proof of local connection

- Home Office letters that confirm the address of the applicant's **most recent** Asylum Support accommodation.
- Letter from close family member that confirms their relationship with the applicant and their residence in the local authority area.
- Proof of employment in the local authority area.
- Evidence of a special reason why there is a local connection to the local authority.
- If there is a risk of violence, abuse or anything indicating that an applicant would be unsafe in a particular local authority, then provide evidence if possible.

Please note:

- There is no requirement for a homeless applicant to provide a National Insurance number if they have not yet been allocated one. Since January 2018 newly recognised refugees should have their National Insurance numbers printed on the back of their Biometric Residence Permit (BRP). Since September 2018 people with Family Reunion visas who made a digital application for family reunion should have their National Insurance number printed on their BRP. However anyone who made a paper application for family reunion will not have a National Insurance number on their BRP and must apply for National Insurance numbers themselves after they arrive in the UK. Any eligible person, including refugees and people with Family Reunion visas, can make a homelessness application without a National Insurance number and be accommodated by the local authority. They can also make a housing benefit or Universal Credit application.
- There is no requirement for a homeless applicant to be in receipt of welfare benefits or any other income to make a homelessness application. A newly recognised refugee whose welfare benefit has not yet gone into payment can make a homelessness application and be accommodated by the local authority. They can also make a housing benefit or Universal Credit application.
- If an applicant is prevented from being able to apply for accommodation or welfare benefits due to not having a National Insurance number it is advisable for them to get support from an advice organisation such as the Citizen's Advice Bureau, or legal advice to ensure they can access their entitlements. For more information on how to find legal advice turn to [page 32](#).

Homelessness decisions

When a local authority has completed its inquiries it must notify the applicant in writing of its decision on the case.⁴⁸ This decision will be based on how the applicant meets the criteria on [page 12](#).

If the local authority has made a decision against the applicant's interests then this must be explained fully and clearly in the decision letter to the applicant. A decision against the applicant's interests might be regarding their eligibility, homelessness or priority need and in all such decisions the local authority must give the reasons why they came to their conclusion.

For example, if a local authority decides that an applicant is not significantly more vulnerable than an ordinary person when homeless, they will need to state in their letter:

- What medical and other information they took into account about the applicant when making that decision
- How they have judged the applicant would be affected by homelessness
- How they have then come to the conclusion that the applicant is not significantly more vulnerable than an ordinary person when homeless
- If the applicant might be considered as being disabled for the purposes of the Equality Act 2010, then the local authority will have needed to fulfil their responsibility under the Equality Act 2010 as listed on [page 21](#)
- If the local authority has disagreed with other professionals working with the applicant, they must explain the reasons why they have disagreed
- The applicant's right to a review of the decision

Even though a local authority should explain their reasons thoroughly and clearly in writing to the applicant, this does not always happen. If you believe that a local authority has not made a fair assessment of the applicant's case then you can ask the local authority to review their decision. The content of the homelessness decision letter should be read thoroughly to check if the local authority has taken into account all of the evidence and information provided to them during the application process and to check that they have used the correct test to determine the applicant's vulnerability. For guidance on how to request a review turn to [page 29](#).

Referral to another local authority

Local authorities can choose to consider an applicant's local connection when they make their inquiries. Local connection is explained at [page 13](#). Some duties are owed to applicants irrespective of their local connection, including the duty to make inquiries, the duty to assess and make a plan, and the prevention duty. Such duties cannot be referred to other local authorities.

If an authority determines a homeless applicant is owed the relief duty and has a local connection to another authority in England, they can refer this duty to the authority where the applicant has a local connection. Note that referrals of the relief duty cannot be made to local authorities in Scotland or Wales, only to other authorities in England.⁴⁹

If an authority determines a homeless applicant is owed the main housing duty and has a local connection to another authority in England, Scotland or Wales they can refer this duty to the authority where the applicant has a local connection.⁵⁰

If a local authority (the 'notifying authority') decides an applicant is owed a relief or main housing duty but has a local connection to another authority (the 'notified authority') they may choose to refer the duty if all the following conditions are met:

- neither the applicant nor any person who might reasonably be expected to live with them has a local connection with the notifying authority's district
- at least one member of the applicant's household has a local connection with the district of the authority to be notified
- none of them will be at risk of domestic or non-domestic violence, or threat of domestic or non-domestic violence which is likely to be carried out, in the district of the authority to be notified.⁵¹

The notifying local authority will need to inform the notified authority that they believe the conditions for referral are met.⁵² They must also notify the applicant.⁵³ Once the notified local authority has been informed of the referral, the notifying local authority will need to provide accommodation for applicant if there is reason to believe they might have a priority need for accommodation until the notified authority has accepted that referral conditions were met,⁵⁴ at which point the notified authority takes over responsibility to provide accommodation for the applicant.⁵⁵

If it is decided that the conditions for referral were not met then the notifying local authority will be subject to the accommodation duties owed to the applicant.⁵⁶

Example:

Senait made a homelessness application to Dale Council. Dale Council found her to be homeless and eligible and therefore owed the relief duty. Dale Council found in their inquiries that Senait had a local connection to Wynn Council as she had lived there in her most recent asylum support accommodation, and she did not have a local connection to Dale Council as she was not working in the borough, had no family members living in the area and did not have a connection for any other reason. Dale Council notified Wynn Council of Senait's application and waited to be informed by Wynn if it was accepted that the conditions for referral had been met. As Dale Council had reason to believe that Senait might have a priority need for accommodation, Dale Council had to provide Senait with interim accommodation until Wynn decided if the conditions for referral were met. Once Wynn Council informed Dale that they found the conditions for referral had been met, Dale was no longer responsible for providing interim accommodation as this duty was now owed by Wynn Council. If Wynn Council had decided that the conditions for referral had not been met (for example, that Senait did have a connection to Dale Council) then Dale Council would have been subject to the relief duty and the interim accommodation duty.

If the applicant disagrees with the decision to be referred to another local authority they can request a review of that decision. For more information please turn to [page 29](#).

Be aware that asylum seekers that have lived in Asylum Support accommodation provided under s.95 of the Immigration and Asylum Act 1999 ('s.95 accommodation') will have a local connection to that area's authority, unless they were subsequently provided with s.95 accommodation in a different authority's

area. If a refugee lived in s.95 accommodation in more than one authority's area, then the area where the most recent s.95 accommodation was provided will be where they have their local connection. However, a refugee may well have another reason for a local connection such as employment or family associations.⁵⁷

Challenging a local authority's decision or action

You can challenge a local authority's decision or action if you disagree with what they have done. There are different procedures for challenging a local authority's decision and the process that you use depends on what has happened.

Some local authority decisions can be reviewed by the local authority; this is referred to as a s202 review as the procedure for such reviews is set out in section 202 of the Housing Act 1996. If an applicant disagrees with a s202 review decision they can appeal that decision to the County Court under section 204 of the Housing Act 1996, this is known as a s204 appeal.

Any local authority decision that is not subject to a s202 review or s204 appeal must instead be challenged by judicial review (see [page 30](#) for more on judicial review).

Section 202 review

Applicants have the right to request a local authority review a decision on their homelessness application if they disagree with any of the following:

- A decision made about the applicant's eligibility for assistance, homelessness or threat of homelessness, having a priority need and/ or being intentionally homeless
- The steps the applicant is required to take in their personalised housing plan at the prevention or relief duties
- Notice given that the prevention or relief duty is to come to an end
- Notice given in cases where the authority believes the applicant is deliberately and unreasonably refusing to cooperate
- A decision to refer the applicant's case to another local authority
- A decision made by a local authority about the suitability of accommodation offered to an applicant under the relief or main housing duties

How to request a s202 review

Applicants must request a review within 21 days of being notified of a local authority's decision. If an applicant makes a late review request after 21 days has passed, a local authority may accept the request at its own discretion. If a local authority refuses a s202 review request made after 21 days has passed, then an applicant can challenge that refusal by judicial review.

When an applicant requests a s202 review they are not obliged to provide any new information to the local authority, they can simply request that they look again at the information already provided to see if a different decision is reached. However, **we strongly recommend that applicants explain to a local authority why they disagree with their decision and provide new evidence to back up their argument.** This is important because a s202 review is the last chance an applicant has to provide fresh information on their case. Once the case has progressed to s204 appeal stage, you will not be able to bring new information into the case.

Applicants and those helping them can request that a local authority send the applicant their full housing file so they can see exactly what information the local authority took into account when making their decision and decide what additional information may be needed. Applicants can provide written and oral evidence to support their request for review. Review requests should take into consideration the legal obligations of the local authority in regulations and guidance. Although it is not necessary for an applicant to have a solicitor or housing adviser to request a s202 review, it will significantly increase the applicant's chance of success if they do have access to expert advice at this stage. Turn to [page 32](#) for more information about getting legal advice.

The process

A s202 review can be completed by someone within the local authority or by someone acting on behalf of the local authority. If a local authority staff member conducts the review, they must have not been involved in the original local authority decision and must be senior to the person who made that decision.

An applicant should be informed of the s202 review decision in writing within 56 days of making the request. A local authority may request an extension to this deadline if they need extra time. If a local authority is unable to make a s202 review decision within a reasonable time frame, then an applicant can request that the County Court conducts the review of the original decision instead of the local authority.

Accommodation pending the outcome of a review

A local authority has no duty to provide accommodation to an applicant pending the outcome of a review decision. However, they can provide interim accommodation at their own discretion during this period. An applicant must formally request interim accommodation be provided to them whilst the review is underway, as a local authority will not consider it otherwise. If a local authority refuses to provide interim accommodation pending the outcome of a review this can be challenged by way of judicial review.

Section 204 appeal to the County Court

An applicant can appeal a s202 review decision in the County Court on a point of law. That means the court will be looking to see if the local authority acted unlawfully in making their s202 review decision, such as if the reviewing officer did not correctly apply the vulnerability test (as explained on [page 19](#)). Applicants must request a s204 appeal within 21 days of receiving a s202 decision. The court has the power to confirm, quash or change the decision. If the court quashes the local authority's decision then the local authority will need to conduct another s202 review, taking into account any comments the judge has made.

An applicant can also appeal the original homelessness decision made by a local authority if the local authority fails to notify the applicant of a s202 review decision within 56 days.

As appeals are on a point of law, legal advice is essential. We strongly advise that an applicant seeks legal advice from an experienced housing solicitor or caseworker before making a s204 appeal to the County Court. If an applicant's appeal is unsuccessful, they will need to pay the court's costs and the legal costs of the local authority, which can be a significant amount of money. If an applicant is eligible for legal aid, they may be able to pay for their legal costs this way. Turn to [page 32](#) for advice on help with legal costs and how to get legal advice.

Judicial review in the High Court

Judicial review is a type of court proceeding where a judge reviews the lawfulness of an action or a decision made by a statutory authority. This is the way to challenge a local authority when it is not possible to request a s202 review or s204 appeal. The court will grant one of three possible orders: a mandatory order that requires a particular action to be made, a prohibiting order that forbids a particular action, or a quashing order which cancels a decision.

As a judicial review focuses on the lawfulness of a local authority's behaviour legal advice is necessary. We strongly advise that an applicant seeks legal advice from an experienced housing solicitor or caseworker before making a judicial review in the High Court. If an applicant's judicial review is unsuccessful, they will need to pay the court's costs and the legal costs of the local authority, which can be a significant amount of money. Turn to [page 32](#) for advice on help with legal costs and how to get legal advice.

The table opposite shows common local authority decisions or actions that an applicant may disagree with and what the appropriate process is for challenging them.

Decision or action	How to challenge
The local authority refused to accept a homelessness application	Judicial review in the High Court
The local authority refused to provide interim accommodation to an applicant where there is reason to believe they may be in priority need, whilst they conduct their inquiries	Judicial review in the High Court
The local authority offered interim accommodation that is not suitable for the applicant	Judicial review in the High Court
The authority does not assess the applicant or create a personalised housing plan within a reasonable time period	Judicial review in the High Court
The applicant disagrees with the steps they must take according to their personalised housing plan	S202 review by the local authority
The applicant disagrees with notice given to bring the prevention or relief duty to an end	S202 review by the local authority
The local authority offers unsuitable accommodation to discharge their relief duty to the applicant	S202 review by the local authority
The applicant disagrees with the local authority's written decision on their eligibility, homelessness, priority need or intentional homelessness	S202 review by the local authority
The local authority refuses to provide interim accommodation pending the outcome of the review to someone who may be in priority need of accommodation	Judicial review in the High Court
The local authority provides unsuitable accommodation someone who may be in priority need pending the outcome of the review	Judicial review in the High Court
The local authority does not provide a review decision within 56 days	S204 appeal to the County Court
The applicant disagrees with the local authority's review decision	S204 appeal to the County Court
The local authority refuses to provide accommodation pending the outcome of the appeal	Judicial review in the High Court
The local authority provides unsuitable accommodation pending the outcome of the appeal	Judicial review in the High Court
The applicant disagrees with the appeal decision	In some cases, it may be possible to appeal in a higher court. Get legal advice for more information on this.
The applicant who is owed a main housing duty is offered unsuitable temporary accommodation	S202 review by the local authority
The local authority offers unsuitable accommodation to discharge their main housing duty to the applicant	S202 review by the local authority

Making a complaint to the local authority and the Local Government Ombudsman

If an applicant is unhappy with the treatment they have received from a local authority they can make a formal complaint through the local authority's internal complaints process. A local authority's complaint procedure should be available on their website. If the complaint is not resolved through the local authority's complaint procedure, the applicant can take the complaint to the Ombudsman. If it is an emergency situation and there is not time to wait for a local authority to respond to a complaint, it may be appropriate to contact the Ombudsman without having gone through this process.

An Ombudsman can recommend to a local authority that they pay compensation to an applicant that has been mistreated and can also recommend that a local authority change their processes or actions.

For more information on how to complain to an Ombudsman please go to the Local Government Ombudsman website www.lgo.org.uk

Getting expert and legal advice

If you regularly support people who are making homelessness applications then it is worthwhile making connections with experienced housing advisers and solicitors in your area. You can search for legal aid advisers in your area using this government website www.find-legal-advice.justice.gov.uk. Try to find solicitors that are experienced in housing law by checking their firm's websites to see their areas of specialism. The Housing Law Practitioner's Association has a limited list of housing solicitors on its website www.hlpa.org.uk; additionally you might consider looking at previous winners of Legal Aid Lawyer of the Year awards to see which lawyers and firms have achieved recognition for their work in related categories.

If you are part of an organisation that regularly provides housing advice your organisation may be eligible to register as a member of the National Homelessness Advisory Service (NHAS). NHAS provide free telephone housing advice to advisers- not to applicants. If you do not regularly provide this kind of support and you need urgent expert advice you can contact Shelter's free housing advice line on **080 8800 4444**, and check the housing rights information on their website www.shelter.org.uk.

There is also a telephone legal advice line that can provide housing advice to people entitled to legal aid (more information found at www.gov.uk/civil-legal-advice). However, **we strongly recommend that if a refugee is getting housing advice through legal aid they seek the support of an adviser that can meet them face to face**, as in our experience language barriers, cultural differences and complex health conditions can cause misunderstandings over the telephone. Be aware that once an applicant has signed legal aid forms with a telephone adviser it may be difficult to get another solicitor to take on the case.

Legal aid can cover the costs of a housing solicitor, court costs and other costs relating to the case such as getting a specialist medical report. It is only available to people who are eligible. For more information on legal aid go to www.gov.uk/legal-aid.

When helping a refugee find a legal adviser, be aware that they may struggle to disclose information related to traumatic experiences. It can be helpful to offer to provide a solicitor with information relating the applicant's needs and requirements, to ensure that they do not misunderstand or understate their case. Of course, no such information should be shared without the applicant's consent.

Medical opinions

When making a decision based on an applicant's health, local authorities will often need to seek the opinion of a health professional. These opinions can affect whether an applicant is considered to have a priority need for accommodation and whether accommodation is considered to be suitable for them. Sometimes local authorities use medical advisers that meet the applicant in person, but sometimes they use medical advisers that never meet the applicant and instead conduct a paper assessment of the applicant's conditions based on the written evidence the local authority passes to them. A local authority's medical adviser might disagree with the opinion of health professionals or support workers working closely with an applicant. In such situations it is important to weigh up the validity of each opinion by

considering how much time each person has spent with the applicant, how experienced they are in providing on-going support to such patients and therefore how able they are to determine how the applicant's health will be affected by being homeless or living in unsuitable accommodation. It is worth finding out how the local authority obtained their opinion, if the medical adviser ever met the applicant and how qualified they are to make such an assessment. Such information might help the applicant's case if they challenge the local authority's decision.

If an applicant with health issues does not have sufficient evidence of how they are affected by their conditions they may be able to request a specialist report be written by a relevant health professional. If a legal aid solicitor is assisting an applicant then such a report might be able to be paid for by legal aid. If an applicant would like more information on this they should speak to their solicitor.

Interpreters

Refugees may not be able to understand, speak or read the English language. As they have fled their home country, they may not have friends or family in the UK that can provide translation. Even when a friend or family member is available to help with translation, this will not be appropriate if the refugee does not want that person to know personal information relating to their homelessness application. Using interpreters will ensure that applicants can express themselves and be fully involved in their homelessness application.

The Homelessness Code of Guidance for Local Authorities states in paragraph 18.4 that translated information and interpreting services should be made available to applicants for who English is not a first language.⁵⁸ It is a local authority's responsibility to ensure that applicants can access their services, so in cases where applicants cannot understand English access to interpreters or multi lingual advisers must be available.

Be aware that some refugees might find it difficult to use interpreters. A refugee may be afraid of revealing information about their experiences to someone from their country in case that information might somehow make its way back home. If a refugee requires translation but is afraid of using an interpreter it may help to explain that a professional interpreter has to keep all information confidential, although if such reassurances do not have an effect it may be helpful to try and find an interpreter who speaks the same language as the applicant but is from a different country.

Sometimes refugees have had negative experiences of interpreters in the past- for example they may have had important information misinterpreted during their asylum claim- which can make them unwilling to use interpreters. If you think that an applicant is avoiding using interpreters it can help to discuss with them the reasons why and see if you can put steps in place to reduce their anxiety. If an applicant's English language is sufficient that an interpreter is not needed you may choose to proceed without one, however it is important to be extremely careful to ensure that they fully understand what is happening and what impact their decisions will have on their application.

Supporting a refugee through this process

Making a homelessness application can be an ordeal for a refugee. Be aware that the process of having to prove vulnerability, being at risk of homelessness, not knowing when a decision letter may arrive in the post and potentially being placed in unsuitable accommodation can have a severe affect on a refugee's mental health.

If you are supporting someone who is at risk of self-harm or suicide, be especially vigilant at times when they are under increased stress such as when they receive a negative decision from the local authority. If you are concerned about an applicant's safety you may need to contact their GP, therapist or support worker to safeguard their needs.

The tumultuous process of making a homelessness application can evoke feelings of powerlessness as applicants have little control over local authority decisions apart from to respond with challenges after a decision has been made. Ensure that the applicant understands what their entitlements are and what is happening with their homelessness application, so they can make informed decisions about their application and are able to express themselves to the local authority or to their legal representative.

Self care

Supporting people through these processes can be an emotional rollercoaster that can leave an impact on you. Helping a refugee make a homelessness application can involve hearing or reading about their traumatic experiences and symptoms of trauma. People that are repeatedly exposed to the traumatic experiences of others can be affected and develop their own symptoms of trauma. Someone that has become affected by the traumatic experiences of others might experience some of these symptoms:

- Having disturbing dreams or intrusive thoughts that relate to the traumatic experiences of others or the support you are giving
- Having trouble sleeping
- Becoming easily irritated
- Feeling numb, withdrawn or disconnected from others
- Feeling needy and demanding too much from others
- Feeling that the world is an unsafe place
- Avoiding thinking about the support you are giving or avoiding a particular applicant
- Losing the will to engage in social or leisure activities

Having such symptoms will impact on your work, health and personal life. It is important to acknowledge the effect that supporting people through these processes can have, and put in place practices to ensure you take care of yourself. Taking regular breaks, having clear boundaries about when you have time to yourself and not taking on more work than you have capacity to do are some examples of how to protect yourself from stress and trauma. It is important to take time to engage in activities that you enjoy and have the support of people around you.

It is worth seeking out advice and guidance on how to minimise the impact of supporting people with trauma. Christiane Sanderson, for example, has over two decades experience working with survivors of trauma and writes:

“To counterbalance the impact of bearing witness to complex trauma and any accompanying loss of meaning, you need to pursue a range of personally meaningful activities that inspire and allow for passion and joy to predominate, such as time with family and friends and engaging in activities unconnected to work to ensure a more grounded and balanced lifestyle. To enjoy and take pleasure in life through play, humour and love can have a hugely restorative effect which allows for post- traumatic growth. Balancing trauma by connecting to self, others and the world allows for renewed vitality and appreciation of life and the resilience of the human spirit.”⁵⁹

Endnotes

- ¹ Asylum seekers are forbidden from working unless they have been waiting for a decision on their asylum claim for more than 12 months, at which point they can apply for permission to work. However, even when permission to work is allowed it is only in specific occupations. To read the policy go to https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/583192/Permission-to-work-v7.pdf and <https://www.gov.uk/guidance/immigration-rules/immigration-rules-part-11b>
- ² To pass the destitution test, an asylum seeker must prove that they do not have adequate accommodation or enough money to meet living expenses for themselves and any dependants now or within the next 14 days. If this cannot be proven they are not eligible for asylum support.
- ³ *Still an ordeal, the move on period for new refugees*, 2018, Red Cross publication found at <https://www.asylumineurope.org/sites/default/files/resources/move-on-period-report.pdf> and *England's forgotten refugees: out of the fire and into the frying pan*, 2015; and *28 days later: experiences of new refugees in the UK*, 2014; both Refugee Council publications found at www.refugeecouncil.org.uk
- ⁴ House of Commons Communities and Local Government Committee, *Homelessness*, Third Report of Session 2016-17, HC 40; <https://www.publications.parliament.uk/pa/cm201617/cmselect/cmcomloc/40/40.pdf>
- ⁵ *A civilised society, mental health provision for refugees and asylum-seekers in England and Wales*, 2009, Mind publication found at <https://www.mind.org.uk/media/273472/a-civilised-society.pdf>
- ⁶ All Party Parliamentary Group on Refugees and All Party Parliamentary Group on Migration, March 2015, *The Use of Immigration Detention in the United Kingdom* <https://detentioninquiry.com/report/>
- ⁷ *A civilised society, mental health provision for refugees and asylum-seekers in England and Wales*, 2009, Mind publication found at <https://www.mind.org.uk/media/273472/a-civilised-society.pdf>
- ⁸ Housing Act 1996, section 206; <http://www.legislation.gov.uk/ukpga/1996/52/section/206>, Homelessness Code of Guidance for Local Authorities, Chapter 17; https://assets.publishing.service.gov.uk/media/5a969da940f0b67aa5087b93/Homelessness_Code_of_Guidance.pdf
- ⁹ All Party Parliamentary Group on Refugees and All Party Parliamentary Group on Migration, March 2015, *The Use of Immigration Detention in the United Kingdom* <https://detentioninquiry.com/report/>
- ¹⁰ Housing Act 1996, section 184; <http://www.legislation.gov.uk/ukpga/1996/52/section/184>
- ¹¹ Housing Act 1996, section 188; <http://www.legislation.gov.uk/ukpga/1996/52/section/188>
- ¹² Housing Act 1996, section 175 (3); <http://www.legislation.gov.uk/ukpga/1996/52/section/175>
- ¹³ Housing Act 1996, section 177 (1); <http://www.legislation.gov.uk/ukpga/1996/52/section/177>
- ¹⁴ Homelessness Code of Guidance for Local Authorities, paragraphs 10.23 to 10.25; https://assets.publishing.service.gov.uk/media/5a969da940f0b67aa5087b93/Homelessness_Code_of_Guidance.pdf

- ¹⁵ Homelessness Code of Guidance for Local Authorities, paragraph 10.11; <https://www.gov.uk/guidance/homelessness-code-of-guidance-for-local-authorities/chapter-10-local-connection-and-referrals-to-another-housing-authority>
- ¹⁶ Housing Act 1996, section 184; <http://www.legislation.gov.uk/ukpga/1996/52/section/184>
- ¹⁷ Housing Act 1996, section 189A; <http://www.legislation.gov.uk/ukpga/1996/52/section/189A>
- ¹⁸ Housing Act 1996, section 195; <http://www.legislation.gov.uk/ukpga/1996/52/section/195>
- ¹⁹ Housing Act 1996, section 188; <http://www.legislation.gov.uk/ukpga/1996/52/section/188>
- ²⁰ Housing Act 1996, section 189B; <http://www.legislation.gov.uk/ukpga/1996/52/section/189B>
- ²¹ Housing Act 1996, section 193(2); <http://www.legislation.gov.uk/ukpga/1996/52/section/193>
- ²² Housing Act 1996, section 193(1)(c); <http://www.legislation.gov.uk/ukpga/1996/52/section/193>
- ²³ Housing Act 1996, section 190(2)(a); <http://www.legislation.gov.uk/ukpga/1996/52/section/190>
- ²⁴ Housing Act 1996, section 190(2)(b); <http://www.legislation.gov.uk/ukpga/1996/52/section/190>
- ²⁵ Housing Act 1996, section 189A; <http://www.legislation.gov.uk/ukpga/1996/52/section/189A>
- ²⁶ Housing Act 1996, section 202; <http://www.legislation.gov.uk/ukpga/1996/52/section/202>
- ²⁷ Housing Act 1996, section 193C(2)-(4); <http://www.legislation.gov.uk/ukpga/1996/52/section/193C>
- ²⁸ Housing Act 1996, section 193C(4)&(5); <http://www.legislation.gov.uk/ukpga/1996/52/section/193C>
- ²⁹ Homelessness Code of Guidance for Local Authorities, paragraph 14.53; https://assets.publishing.service.gov.uk/media/5a969da940f0b67aa5087b93/Homelessness_Code_of_Guidance.pdf
- ³⁰ Homelessness Code of Guidance for Local Authorities, paragraph 14.53 (d); https://assets.publishing.service.gov.uk/media/5a969da940f0b67aa5087b93/Homelessness_Code_of_Guidance.pdf
- ³¹ Homelessness Code of Guidance for Local Authorities, paragraph 14.55; https://assets.publishing.service.gov.uk/media/5a969da940f0b67aa5087b93/Homelessness_Code_of_Guidance.pdf
- ³² Housing Act 1996, section 188; <http://www.legislation.gov.uk/ukpga/1996/52/section/188>
- ³³ Homelessness Code of Guidance for Local Authorities, paragraph 16.30; https://assets.publishing.service.gov.uk/media/5a969da940f0b67aa5087b93/Homelessness_Code_of_Guidance.pdf

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- ³⁴ Housing Act 1996, section 200(1) and section 199A(2); <http://www.legislation.gov.uk/ukpga/1996/52/section/200>
<http://www.legislation.gov.uk/ukpga/1996/52/section/199A>
- ³⁵ Housing Act 1996, section 193A(4); <http://www.legislation.gov.uk/ukpga/1996/52/section/193A>
- ³⁶ Housing Act 1996, section 193A(5); <http://www.legislation.gov.uk/ukpga/1996/52/section/193A>
- ³⁷ Housing Act 1996, section 189B(9)(a); <http://www.legislation.gov.uk/ukpga/1996/52/section/189B>
- ³⁸ Housing Act 1996, section 193(1)(c); <http://www.legislation.gov.uk/ukpga/1996/52/section/193>
- ³⁹ Homelessness Code of Guidance for Local Authorities, paragraph 13.10; https://assets.publishing.service.gov.uk/media/5a969da940f0b67aa5087b93/Homelessness_Code_of_Guidance.pdf
- ⁴⁰ Housing Act 1996, section 206; <http://www.legislation.gov.uk/ukpga/1996/52/section/206> and Homelessness Code of Guidance for Local Authorities, Chapter 17; https://assets.publishing.service.gov.uk/media/5a969da940f0b67aa5087b93/Homelessness_Code_of_Guidance.pdf
- ⁴¹ Housing Act 1996, section 193(7AC); <http://www.legislation.gov.uk/ukpga/1996/52/section/193>
- ⁴² Housing Act 1996, section 193(7); <http://www.legislation.gov.uk/ukpga/1996/52/section/193>
- ⁴³ Hotak v London Borough of Southwark, Kanu v London Borough of Southwark, Johnson v Solihull Metropolitan Borough Council, [2015] UKSC 30; <https://www.supremecourt.uk/cases/docs/uksc-2013-0234-judgment.pdf>
- ⁴⁴ Panayiotou v London Borough of Waltham Forest and Smith v London Borough of Haringey, [2017] EWCA Civ 1624; <http://www.bailii.org/ew/cases/EWCA/Civ/2017/1624.html>
Or as Lord Justice Lewison stated at paragraph 64 of that judgment: *“In other words, the question to be asked is whether, when compared to an ordinary person if made homeless, the applicant, in consequence of a characteristic within section 189(1)(c), would suffer or be at risk of suffering harm or detriment which the ordinary person would not suffer or be at risk of suffering such that the harm or detriment would make a noticeable difference to his ability to deal with the consequences of homelessness”*
- ⁴⁵ Sexual revictimization: a review of the empirical literature, Classen et al, Trauma Violence Abuse. 2005 Apr;6(2):103-29.
- ⁴⁶ Homelessness Code of Guidance for Local Authorities, paragraph 25.17; https://assets.publishing.service.gov.uk/media/5a969da940f0b67aa5087b93/Homelessness_Code_of_Guidance.pdf
- ⁴⁷ Equality Act 2010, section 149; <http://www.legislation.gov.uk/ukpga/2010/15/section/149>
- ⁴⁸ Housing Act 1996, section 184; <http://www.legislation.gov.uk/ukpga/1996/52/section/184>
- ⁴⁹ Homelessness Code of Guidance for Local Authorities, paragraph 10.36; https://assets.publishing.service.gov.uk/media/5a969da940f0b67aa5087b93/Homelessness_Code_of_Guidance.pdf

- ⁵⁰ Housing Act 1996, section 198(1); <http://www.legislation.gov.uk/ukpga/1996/52/section/198>
- ⁵¹ Housing Act 1996, section 198(2); <http://www.legislation.gov.uk/ukpga/1996/52/section/198>
- ⁵² Housing Act 1996, section 198(1); <http://www.legislation.gov.uk/ukpga/1996/52/section/198>
- ⁵³ Housing Act 1996, section 200(2); <http://www.legislation.gov.uk/ukpga/1996/52/section/200>
- ⁵⁴ Housing Act 1996, section 200(1) and section 199A(2); <http://www.legislation.gov.uk/ukpga/1996/52/section/200> <http://www.legislation.gov.uk/ukpga/1996/52/section/199A>
- ⁵⁵ Housing Act 1996, section 193(2); <http://www.legislation.gov.uk/ukpga/1996/52/section/193>
- ⁵⁶ Homelessness Code of Guidance for Local Authorities, paragraph 10.44 and 10.49; https://assets.publishing.service.gov.uk/media/5a969da940f0b67aa5087b93/Homelessness_Code_of_Guidance.pdf
- ⁵⁷ Homelessness Code of Guidance for Local Authorities, paragraphs 10.23 to 10.25; https://assets.publishing.service.gov.uk/media/5a969da940f0b67aa5087b93/Homelessness_Code_of_Guidance.pdf
- ⁵⁸ Homelessness Code of Guidance for Local Authorities, paragraph 18.4 https://assets.publishing.service.gov.uk/media/5a969da940f0b67aa5087b93/Homelessness_Code_of_Guidance.pdf
- ⁵⁹ Counselling Skills for Working With Trauma. Healing From Child Sexual Abuse, Sexual Violence and Domestic Abuse, Christiane Sanderson, 2013, page 292.

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VAT registration no: 936 519 988
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