

Supporting EEA Nationals

Guidance for homelessness services

Let's end homelessness together

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FEEDBACK, CORRECTIONS AND SUGGESTIONS

We welcome your feedback on our publications. Please email: tasmin.maitland@homelesslink.org.uk

Introduction

This guidance is for homelessness providers working with adult EEA¹ nationals who do not have dependent children with them. It provides context and general good practice guidance. It should not be used as the basis for advice to individual clients. Refer to links in the text for further information and practical resources.

⚠ Individual immigration advice is regulated:

Immigration advisers (other than solicitors, barristers and legal executives) must be registered or exempted by the Office of Immigration Services Commissioner².

For further guidance and toolkits see: www.homeless.org.uk/our-work/resources

For guidance on working with migrants from outside the EU, please see:

www.homeless.org.uk/our-work/national-projects/strategic-alliance-on-migrant-destitution/resources-for-supporting

EEA homelessness

Some EEA migrants have been in the UK for many years, some for a short time and others have just arrived. The majority of EEA migrants are job seekers, workers or self-employed. Most are successful in securing housing and employment but, for a minority, migration leads to problems and this group needs support.

Homelessness services see people, including migrants, who are:

- Sleeping rough
- Staying in encampments/'tent cities'
- Squatting
- Sofa surfing or in insecure accommodation

Hidden homelessness is a significant issue among migrants – low wages, temporary employment and fewer benefit entitlements can mean that private rented accommodation is inaccessible. Sofa surfing (i.e. staying with friends or family) might be an option but is often time-limited. Squatting is a common and high risk form of hidden homelessness. Squatting in a residential property has become a criminal offence.³

Causes of EEA migrant homelessness include:

- Job offers or support offers that turn out, on arrival, to be short term or non-existent
- Wages too low to afford rent
- Not enough contingency savings e.g. for a deposit or transport home and no support networks
- Relationship breakdown in the UK or in country of origin
- Substance dependency or mental health issues
- Casual or seasonal employment ends, along with any tied accommodation

¹ The EU countries are: Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the UK. The EEA includes EU countries and also Iceland, Liechtenstein and Norway. It allows them to be part of the EU's single market. Switzerland is neither an EU or EEA member but is part of the single market - this means Swiss nationals have the same rights to live and work in the UK as other EEA nationals.

² <http://home.oisc.gov.uk/> For more information, see www.homeless.org.uk/sites/default/files/site-attachments/SAMD%20Toolkit%20Immigration%20advice%20briefing%20for%20homelessness%20services.pdf

³ http://england.shelter.org.uk/housing_advice/eviction/squatters

- Unscrupulous landlords e.g. over-charging, evicting illegally, not returning deposits
- Loss of ID and lack of funds to renew ID
- Employment abuses such as withholding of wages that remain unchallenged
- Escape from trafficking and forced labour

Most EEA migrants are not street homeless before they come to England. However, in the case of groups like the Romanian Roma, their housing might be inadequate and in poor conditions in their home country.⁴ Economic migrants generally become homeless due to practical issues relating to housing, employment, language skills and benefit entitlements. However, some homeless EEA migrants might also have pre-existing support needs such as mental health, substance misuse or gambling addiction. Moreover, as for anyone sleeping rough, practical factors can then be exacerbated by other risk factors such as alcohol use and poor health, particularly if someone is homeless for an extended period. Relationship breakdown in the country of origin might play an important role in an individual's level of motivation to get off the streets.

Therefore, it is important that homeless EEA migrants receive a **full assessment** of their needs and strengths. Assessments should include information on their employment history, family relationships as well as on their preferred route off the street. Providing information and support to **understand their rights and entitlements** in the UK should be a focus. However, linking EEA nationals with specialist immigration advice has also become increasingly relevant in the context of Brexit.

For people with no entitlements in the UK and who are not work-ready, it is also important to support them by managing their expectations, discussing the risks related to long-term homelessness, and exploring entitlements and available support in their home country. Family relationships are very important and they might be a key factor for deciding to return to home country or to stay in the UK. Exploring possible relationship breakdowns, and recognising the relevance of emotional support and mediation when necessary, could be crucial to ending someone's homelessness.

The rights of EEA Nationals and Brexit

At the time of writing (March 2019), the UK is still a full EU member state and thus all the rights and obligations given to EEA nationals remain the same. However, once the UK leaves the EU, all EEA nationals will **need to make an immigration application** within a specific timeframe.



See our **latest briefing on Brexit and the EU Settlement Scheme**:

www.homeless.org.uk/brexit-and-eu-settlement



Not all EEA nationals are NRPF

EEA homeless migrants might have the same entitlements as UK nationals. Although some will effectively have no recourse to public funds (NRPF) at certain times, their entitlements can change through work or family relationships. Organisations should assess on a case by case basis and involve specialist advice when necessary to ensure that support offered to EEA nationals does not discriminate based on nationality.

⁴ "Rough Sleeping Roma in the City of Westminster" (June 2016) report by the Roma Support Group on behalf of St Mungo's and Westminster City Council. It present findings of research carried out with Roma migrants sleeping rough in Westminster:

www.mungos.org/publication/rough-sleeping-roma-city-westminster/

At the time of writing, discussions on Brexit are still ongoing so we cannot know for sure what will happen. However, as it stands now and at least until 12 April 2019 (UK revised planned exit of the EU) or until 31 December 2020 (end of the proposed implementation period)⁵:

1. EEA nationals have the right to enter the UK and a right to live in the UK for the first three months without specific restrictions (initial right to reside).
2. EEA nationals and their family members have a right to work or enter self-employment in the UK at any point.
3. After the initial 3 months, EEA nationals are entitled to remain in the UK if they are exercising their EU Treaty rights (extended right to reside).⁶ They could have a right to reside as:
 - a. a worker or self-employed person⁷
 - b. a jobseeker⁸
 - c. a student
 - d. a self-sufficient person
 - e. a family member of an EEA national with a right to reside⁹
3. After 5 continuous years of having one of the rights to reside explained above, an EEA national would have obtained a permanent right to reside. It is also possible to obtain permanent right to reside in less than 5 years in certain cases where the EEA national had to stop work permanently because of illness, injury or retirement.¹⁰
4. An EEA national can have a right to reside as a family member of another EEA national exercising his/her treaty rights or with permanent residence. After 5 years, they would also gain permanent residence. EEA nationals also have the right to be accompanied or joined in the UK by their non-EEA family members.¹¹
5. Generally, EEA migrants who have permanent residence or an extended right to reside, on their own right or as a family member, have the right to claim benefits. However, there are restrictions and several elements that need to be considered for each case. For more information on benefit entitlements see: www.homeless.org.uk/our-work/resources/entitlements-of-eea-nationals
6. EEA nationals have the right not be discriminated, the right to vote in local elections, they are protected by UK employment law, etc.

⁵ For updates on the transition period and generally on Brexit as it affects EEA citizens in the UK, see: www.gov.uk/guidance/status-of-eu-nationals-in-the-uk-what-you-need-to-know

⁶ Those arriving during the implementation period might need to register after 3 months. See: www.gov.uk/government/publications/eu-citizens-arriving-in-the-uk-during-the-implementation-period/eu-citizens-arriving-in-the-uk-during-the-implementation-period

⁷ People who have worked keep their EEA worker's rights for some time if they lose their job and sign on, or if they are unable to work because of illness, accident or pregnancy/maternity. This also applies to self-employed EEA nationals.

⁸ This is currently limited to a period of 91 days.

⁹ For more information on who can be considered a "family member" for EU law purpose, see: www.housing-rights.info/02_6_EEA_family_members.php

¹⁰ For more information on retired or incapacitated workers see www.housing-rights.info/EEA-workers-retired-and-self-employed.php

¹¹ This is a complex area for which specialist Immigration advice is required.



Illegal immigration advisers

In the current climate of uncertainty, some people might seek to take advantage of worried EEA nationals and offering illegal advice at high fees. The EERC has already heard complaints regarding illegal advisers and they have developed leaflets in several European languages to inform EEA nationals of the risks of unregulated advisers:

www.eerc.org.uk/2018/01/31/we-are-working-with-oisc-to-tackle-illegal-immigration-advice-in-the-eastern-european-communities/

For the latest updates on the implementation period and generally on Brexit as it affects EEA citizens in the UK, see: www.gov.uk/government/collections/uk-leaving-the-eu-what-you-need-to-know.

Assessment and support for EEA Nationals

Service capacity

Services should be realistic about what they can offer in order to use their resources effectively, and so that clients know what to expect. Identify partners that can help to complement your services or local organisations for signposting and referral. Providing only basic services (food, showers etc) will not support people to change their situation and end their homelessness. Moreover, providing advice services with staff who are not well-trained or equipped for complex cases can have detrimental effects on individuals, or even lead to discrimination. These principles apply to all clients, but for many migrants housing options might be limited and their cases can be complex. The likelihood of migrants remaining homeless for long periods, with the associated risks of harm and death, are therefore greater. Exposure in severe weather, substance use and squat fires have all claimed lives. Services that do not seek to advocate for and support individuals to improve their situation are increasing these risks by sustaining homelessness.

In shaping the service offer, managers should ask these questions:

- Are staff/volunteers able to communicate effectively with clients who speak little or no English; can interpreting services or similar be arranged?
- Are staff/volunteers trained and regularly updated on welfare benefits for EEA migrants and the upcoming Brexit changes?
- Are there sufficient staff/volunteer resources for time-consuming support work such as benefit claims?
- Are staff/volunteers OISC registered to provide Immigration advice?
- Are you able to support clients into emergency accommodation while their cases are being explored?
- Are staff/volunteers able to provide employability support and employment law advice?
- Do staff/volunteers know how to refer or signpost to local services where clients can access professional advice on welfare benefits, immigration law etc?
- Is there partnership working in place e.g. with outreach teams, legal advice services, Jobcentre Plus, enhanced reconnection services, immigration advisers, drug and alcohol services, mental health services etc?

Services do their best to work with all presenting clients using limited resources. However, if you can't answer 'yes' to these questions, you should consider whether staff can be trained to the necessary level, whether you

can access help and advice from other agencies, or whether it would be better to signpost elsewhere or to set up in-reach sessions with other services to fill these gaps.

Giving inconsistent or incorrect guidance can cause long delays in receiving benefits, involve people in lengthy processes that do not achieve their intended outcome, or leave clients misinformed about their options – this must be avoided, no matter how good the intent. Please note that once the UK leaves the EU, EEA nationals will have a limited period of time to make an immigration application in order to continue living legally in the country and it is key that they get support to go through that process.¹²

Assessment

Initial Assessment

Rapid assessment and support reduces the risk faced by people who are homeless, particularly those sleeping rough. Services should consider referring to emergency accommodation during assessments when available and appropriate. Services should have a procedure for brief initial assessment with each client. Brief assessments should seek to understand the causes of the person's homelessness, the support they are seeking and the routes off the streets for that particular individual. Rapid assessment is important – waiting for someone to ask for support could mean they remain in a risky or deteriorating situation unnecessarily. It is not uncommon for migrants to join groups of other homeless people quite quickly after they become homeless, mainly for safety or support purposes. However, being part of these groups might significantly increase the risk of becoming entrenched and reduce the engagement with services.

Full assessment

Those individuals who cannot be offered an immediate route off the streets that meets their needs, should be offered a full assessment. An effective assessment establishes a person's situation and what led them to it, their goals, their support needs, any risks and how best to meet their needs. Assessments of EEA nationals should also seek to understand their rights and entitlements in the UK and, when relevant, in their country of origin. Having in-house immigration adviser or linking with external immigration advice is becoming increasingly important to fully understand EEA nationals' entitlements and routes off the street, as well as to comply with legal requirements around provision of OISC regulated advice.

In some cases, your services might not be best placed to determine clients' entitlements or to offer support and should actively refer or signpost clients elsewhere. Staff and volunteers will benefit from training in strength-based assessments. Access to language skills is also important for assessing migrants with little or no English.

Although every individual is different, encouraging cultural awareness among your staff can also enable better assessments and more effective support. For example, there appears to be a common mistrust issue by Eastern Europeans towards the police, which makes them less likely to report a crime, including labour exploitation. The relation of Eastern Europeans with alcohol use is often more normalised and they might not see their alcohol use as a barrier to employment. For some, a role as breadwinner for family in their country of origin may motivate them to stay in uncomfortable or dangerous situations until they find new work or earn enough to be able to continue sending money home while also improving their own situation.

¹² See the latest briefing on Brexit and the EU Settlement Scheme: <https://www.homeless.org.uk/brexit-and-eu-settlement>

See our toolkit for assessment resources:

www.homeless.org.uk/our-work/resources/assessment-and-reconnections-toolkit

For more on the 'no second night out' approach to rapid assessment see:

www.homeless.org.uk/our-work/resources/adopting-no-second-night-out-standard

Accommodation Support

An offer of support should be tailored to the individual and their circumstances. Keeping in mind the serious risks associated with rough sleeping, any other offer of support should always be accompanied by an exploration of the accommodation options linked to that support, including emergency accommodation such as winter shelters.

Accommodation offers might include:

- supported and social housing
- private rented accommodation
- temporary or emergency accommodation
- hosting
- rehab projects

The 2014 changes to Housing Benefit (HB) entitlements has limited which EEA migrants can claim HB and, if they are eligible, how long their claim can be paid. For full details on HB entitlements please see:

www.homeless.org.uk/our-work/resources/entitlements-of-eea-nationals

Access to **supported and social housing** will depend on the person's entitlements to benefits, as well as to their level of support needs and local connection. Most EEA nationals' status can change depending on factors such as length of time and employment in the UK. This should be assessed on a case by case basis. Services will need to approach their local authority to find out what the referral routes and criteria are, and to look at the potential for this support offer on a case by case basis. Some EEA migrants might have time-limited HB entitlement. This could affect the ability of services to find social landlords as well as private landlords who will accept migrants due to concerns about rent payments ending at six months unless the tenant starts work. However, this should be challenged as it can constitute illegal discrimination.

Many 'single'/non-statutory homeless migrants will only be able to access accommodation in the **Private Rented Sector** due to lack of HB entitlements or lack of priority need. Supply varies between regions, but typically it will be a room in a shared house/house of multiple occupation (HMO). In some areas this type of accommodation is in high demand and short supply, with rents outstripping wages. Finding deposit and rent in advance can also be a challenge for people coming out of homelessness. The risk for migrants (and others on low pay) is being exploited by unscrupulous landlords who rent out properties, which may be unlicensed HMOs, in a state of disrepair for which they charge extortionate fees, deposits and rents without regard for tenancy law.

In regards to the Private Rented Sector, Services can offer support:

- Develop bond schemes and build relationships with landlords: www.privatedentedsector.org.uk
- Help with property searches and viewings
- Offer pre-tenancy training and ongoing support

- Make people aware of additional costs e.g. council tax, utilities
- Support people to open Credit Union or bank accounts to manage money and to save
- Hold property searches groups to introduce clients looking to share accommodation
- Inform people about tenants' rights: http://england.shelter.org.uk/get_advice or www.housing-rights.info/index.php

Right to Rent

Both the 2014 and the 2016 Immigration Acts introduced provisions related to the Right to Rent, which requires private landlords to make immigration checks on their prospective tenants under threat of civil or even criminal sanctions. EEA and UK citizens are exempted from the provisions as they automatically have a 'right to rent' based on their nationality.¹³ However, landlords will have to check to make sure that prospective tenants are actually from those nationalities. Supporting clients to get ID proving nationality can be key. See the EEA Consulates and ID guide: www.homeless.org.uk/our-work/resources/working-with-eea-migrants

Moreover, this new scheme may act as a disincentive for landlords to accept migrants as tenants and can lead to cases of discrimination. Services should support their clients suffering from discrimination. For more information on The Right to Rent Scheme and how to challenge discrimination, see JCWI Right to Rent Guides for Tenants & Advisors: www.jcwi.org.uk/policy/reports/jcwi-right-rent-guides-tenants-advisors

Hosting schemes and destitution beds

Hosting schemes link members of the public, who can offer a spare room for free in their house, with destitute migrants. Recent hosting schemes have started to accommodate EEA nationals who are working and need to save money for rent and a deposit or who are in the process of making a benefit claim. However, these schemes are usually only appropriate for clients with low support needs. For more information on hosting see the hosting toolkit developed by NACCOM and Homeless Link: <https://naccomm.org.uk/resources/>

Other services have allocated some of their hostel beds for clients without HB. For more information on other models of accommodation see 'Models of accommodation and support' on this page: www.homeless.org.uk/our-work/resources/resources-on-migrant-destitution-from-our-partners

Workers' hostels

Hostels with dorms are sometimes a temporary solution for workers who might need to save money and/or meet other workers interested in sharing accommodation. You could consider mapping affordable hostels and bed & breakfast in your locality and making this information available to your clients. Housing organisations might also want to consider offering some of their hostel beds at an affordable price for workers as a stepping stone to Private Rented Accommodation.

There are also some accommodation projects (e.g. live/work communities, some hostel bed spaces) that are not publicly funded and may be able to accept migrants with no benefits. For example, Emmaus projects may

¹³ If the UK leaves the EU, and after a transitional period, EEA tenants will no longer be exempted. The Government is planning a system to allow EEA nationals to show their status online: www.gov.uk/government/publications/eu-settlement-scheme-view-and-prove-your-rights-in-the-uk/view-and-prove-your-rights-in-the-uk

have a small number of beds for people with no access to Housing Benefit. Moreover, some evangelical-based free rehab residential projects also accept people without benefit entitlements, e.g. Remar UK and Betel of Britain. More information in 'Access to treatment' below. You can search for services on Homeless England: www.homeless.org.uk/search-homelessness-services

Winter shelters are a temporary accommodation option to be explored with clients while they are being supported towards a route off the street, such as employment or a benefit claim. Many winter shelters are open to those with no recourse to public funds, although some might require Housing Benefit. Most local authorities also operate emergency shelter provision during severe weather, typically triggered by a forecast of temperatures below freezing. This provision should be available regardless of recourse to public funds, as a life-saving measure.

For further information see: www.homeless.org.uk/our-work/resources/guidance-on-severe-weather-emergency-protocol-swap-and-extended-weather-provision



Support for women victim of gender based violence

There are services specialised in supporting women who have been victim of domestic violence, trafficking¹⁴, or other forms of gender based violence. These services can also provide accommodation and support for women with no benefits entitlements. For example, Caritas Bhakita House supports women victim of trafficking who have not been through the NRM. The charity Refuge has an Eastern European Independent Gender Violence Advocacy Service who provides support to women in the boroughs of Brent, Ealing and Hounslow, but can also advise other services. They can be contacted on the phone (077 2524 5777 (M-F 9-5pm)) or by email (EasternEuropeanIDVA@refuge.org.uk or ee.idva@refuge.cjism.net).

Benefits and Employment Support

Supporting EEA nationals to claim benefits or to access employment will be common support offers from services. This support might have to be accompanied by support to replace ID, as many homeless EEA nationals will have lost ID or had ID stolen on the streets. Without ID migrants will not be able to access employment and will normally have issues accessing benefits, unless the DWP has kept a recent copy. For more information on how to support clients to renew ID, see the EEA Consulates and ID guide:

www.homeless.org.uk/our-work/resources/working-with-eea-migrants

Guidance on entitlements: www.homeless.org.uk/our-work/resources/entitlements-of-eea-nationals

Guidance and best practices on supporting EEA nationals to access employment:

www.homeless.org.uk/our-work/resources/working-with-eea-migrants

Access to treatment

Some EEA nationals will have physical and/or mental health issues and/or drug or alcohol issues. Language, local connection and recourse to public funds may be barriers to accessing treatment in the UK. Even if they have access to treatment, lack of local connection or no entitlement to Housing Benefits will in practice block their access to residential treatment and long term support.

¹⁴ www.homeless.org.uk/our-work/resources/trafficking-and-forced-labour

Possible options for detox/rehab for those with no entitlements to benefits:

- Local authority funding for a short-term detox bed in order to facilitate further longer term options.
- GP services remain free of charge for everybody and, although not ideal, GPs might agree to do a community detox with a client who is in temporary or even emergency accommodation if considered appropriate.
- Some evangelical based free rehab projects accept people without benefit entitlements, e.g. Remar UK or Betel of Britain. These projects will generally require total abstinence and volunteering in their businesses. There is often no time limit to their stay. Clients should be made aware of what they can expect so they can make an informed decision about whether a project of this kind is fit for them. These services will often not be able to support with resettlement after the client leaves the rehab, so it would be advisable for homelessness services to maintain contact to avoid a return to the streets.
- When clients would like to reconnect to home country, it might be possible to organise access to treatment upon return. Specialist reconnection services often help with support offers for these clients and might also be able to offer treatment in the UK prior to the reconnection. For further information see the Reconnection toolkit www.homeless.org.uk/our-work/resources/assessment-and-reconnections-toolkit and www.routeshome.org.uk/good-practice-guidelines/



Access to the NHS

Following changes in law regarding NHS restrictions for those from abroad¹⁵, homeless EEA migrants might be denied support from the Community Drug and Alcohol teams in their areas and other secondary care services. However, according to NHS guidance¹⁶, it can be interpreted that EEA nationals ordinarily living in the UK should be entitled to secondary NHS treatment even if they are not exercising Treaty Rights. This interpretation has been successfully argued by Lambeth Law Centre and a hospital agreed that an EU passport and a letter from a Day Centre confirming the client has been regularly attending their centre in the UK should be enough to prove the client was settled in the UK and thus entitled to NHS treatment.

In any case, please note that Emergency services and Primary Healthcare (such as GP practices or dentists) remain free for everybody in England, although for prescriptions and some services those without income will need to get an HC2 certificate- HC1 forms are available in most pharmacies.



AA and NA in different languages

Alcoholics and Narcotics Anonymous groups can provide valuable support for clients with substance misuse issues and they are available free of charge, regardless of benefit entitlements. There are Alcoholics Anonymous groups in Lithuanian, Russian, Spanish and Polish:

www.alcoholics-anonymous.org.uk/AA-Meetings/Find-a-Meeting (input language in the 'where' box)

Polish AA have their own website and advice line: <http://aa-pik-wielkabrytania.org.pl/>

There are also Narcotics Anonymous groups in French, Greek, Hungarian, Italian, Lithuanian, Polish, Portuguese, Russian and Spanish: search by Language in the ukna.org website.

¹⁵ www.citizensadvice.org.uk/health/help-with-health-costs/nhs-charges-for-people-from-abroad/

¹⁶ See paragraph 18 of NHS guidance:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/730141/Ways_in_which_people_can_be_lawfully_resident_in_the.pdf

Gambling

EEA homeless migrants might also suffer from gambling issues and linking them with appropriate services should be part of their support plan. Gambling residential treatments such as those offered by Gordon Moody might not be available to those EEA migrants with no benefit entitlements. However, there are alternative free of charge services such as GamCare which provide free phone and face-to-face counselling. See more information on support services for gamblers here:

www.nhs.uk/Livewell/addiction/Pages/gamblingaddiction.aspx

Reconnection

Reconnection is the process of supporting people to return, in a planned way, to an area where they have family and social networks and/or where they can access accommodation. If someone does not have access to benefits, has no or very limited employment prospects, cannot access private rented accommodation and there are no specialist schemes available, supported reconnection should be explored.

Some EEA migrants may have moved from other areas of the UK where they have better options for employment, housing or support via family or social networks and, as for other rough sleepers, reconnection to those areas should also be considered. However, many migrants might only have family/social networks and/or access to housing in their country of origin. As most migrants have not slept rough in their country of origin, services should not start from the assumption that they will sleep rough on their return. Developing a reconnection offer means exploring what someone's situation will be if they return and putting additional support in place where needed.

For those EEA nationals who seek support with immediate reconnection and have accommodation in the country of origin, it is advisable to support them as soon as possible with the travel costs to avoid them becoming entrenched on the streets. However, a rapid assessment should always be carried out to ensure that there are no risks in the country of origin and to identify immediate support needs that need to be addressed prior to travel.

After Brexit, it will become important to link EEA migrants to immigration advisors prior to return to understand the potential immigration consequences of leaving the UK.

Common barriers to reconnection and possible support options

Some migrants might have broken relationships with family in the home country and feel they have no one to return to and no motivation to change their situation.

- ✓ Exploring possible relationship breakdowns, recognising the relevance of emotional and psychological support and family mediation when necessary could be crucial.
- ✓ This might include practical support to helping people to re-establish contact with family or friends, like access to a phone making international phone calls.
- ✓ Note that consent should always be given to contact their family, except in cases when the client lacks capacity¹⁷.

Some EEA nationals might feel ashamed of returning to their home country without having anything to bring

¹⁷ www.homeless.org.uk/our-work/resources/guidance-on-mental-capacity-act

and having to admit their 'failure'.

- ✓ Once again, short term psychological interventions can prove very effective.
- ✓ Liaising with the client's family might also prove useful.
- ✓ Offering support with small things like new clothes or small presents for his/her kids.
- ✓ If client suffers from a substance misuse issue, sourcing treatment in the UK before returning can be very important for the client and improve their chances to rebuild a life in their home country.

Some EEA nationals might fear that they will get no support in their home country.

- ✓ Establishing entitlement and ability to access benefits, employment and accommodation in the person's home country (or other place of connection).
- ✓ Finding out about support services in their country of origin or another area of the UK. This could mean liaising with the consulate to link with social services or directly contacting other charities.
- ✓ Understanding the legal framework in the country of origin would help services to identify available support on return. Several EEA countries have much more restrictive social assistance and more strict rules to access support than the UK. For example, Slovakian nationals might have debts with the Slovakian state for not paying contributions there while abroad. In Poland, some clients might lose their local connection after long absences and in Spain the equivalent to JSA is time-limited in most cases to up to 2 years. See more information on EEA Consulates and ID:
www.homeless.org.uk/our-work/resources/working-with-eea-migrants

Certain EEA migrants might perceive their homelessness as temporary and something that can be endured in the short term for the opportunity of earning again in the future.

- ✓ Ensuring an in-depth assessment on their entitlements in the UK and their area of local connection has been done and that they understand their entitlements and the risks of rough sleeping. For multilingual materials on EEA rights see Resources below.

Fear of being imprisoned for debt or other reasons. Some clients, mainly from Poland, might be scared of going to prison for not having paid child maintenance.

- ✓ Supporting clients to link to a solicitor in their home country. In the case of child maintenance, it is possible for a solicitor to explain the client's circumstances and restructure their debt. See contact for pro-bono legal assistance in different EEA countries:
www.refugeelaidinformation.org/refugee-resources

The most obvious ones are not having ID documents and no funds to travel

- ✓ Getting ID and travel documents
- ✓ Funding for travel

For more resources see: www.homeless.org.uk/our-work/resources/assessment-and-reconnections-toolkit and the Routes Home guidance for reconnection: www.routeshome.org.uk/good-practice-guidelines/

Other Support

Trafficking and forced labour

Services should make sure their teams are aware that there is a risk to homeless EEA nationals from trafficking and forced labour, either as past or potential victims. Factors such as not speaking English, not knowing their rights, and needing to find work/housing urgently mean that this group are vulnerable to exploitation by traffickers. Homelessness services, in particular soup runs and day centres, are regularly targeted or infiltrated by traffickers. It is advisable to have in place safeguarding procedures and good communication channels with your local police and other local charities in order to respond appropriately to possible threats. EEA migrants might not always see themselves as victims of a crime and questions around exploitation (e.g. feeling exploited, working long hours, not receiving any pay or very small pay, having ID taken away, being scared etc) should be incorporated into assessments when possible.

Here you can find a Homeless Link guidance and poster about trafficking as well as multilingual leaflets for homeless EEA nationals: www.homeless.org.uk/our-work/resources/trafficking-and-forced-labour.

The Passage has recently published a handbook specifically for workers in the homelessness sector: <http://passage.org.uk/publications/the-passage-anti-slavery-handbook/>

The Eastern European Resource Centre is running a temporary project to support Polish and Romanian potential victims of Modern Slavery in London. You can refer here: <http://www.eerc.org.uk/#/page?id=242>

Please note that not all forms of exploitation will be considered trafficking. However, support could still be provided to enforce the person's employment rights. See more information on Employment support for EEA Nationals: www.homeless.org.uk/our-work/resources/working-with-eea-migrants

Hate Crime

*"The number of hate crimes recorded by regional police forces rose by up to 100 per cent in the months following the Brexit vote, new figures show."*¹⁸

Hate crime can leave a strong psychological and emotional impact on the victim and it is important that this is recognised and that they are supported appropriately. Support could be provided to report the crime and/ or to access brief or longer term psychological support.

The Eastern European Resource Centre was commissioned to deliver a project supporting victims of hate crime in London in 2017. They observed that Polish, Romanian and Roma communities are those most disadvantaged and marginalised. They received messages from people saying: "I am afraid of speaking in public because of my accent" and "I am afraid to use public transport". Eastern Europeans are generally reluctant to report hate crime incidents to the police. They often believe that the police will not be able to help or that reporting would put them at further risk of retribution from perpetrators. Moreover, they found that most victims are already in a vulnerable situation and afraid of losing their jobs if they report it to the police. They also find it more difficult because of the language barrier, the lack of support networks and/or the lack of awareness about hate crime. For example, hate crime is not considered a crime in Romania and in the Roma communities is often ignored as it is, unfortunately, a daily occurrence for many them.¹⁹

¹⁸ <http://www.independent.co.uk/news/uk/home-news/brexit-vote-hate-crime-rise-100-per-cent-england-wales-police-figures-new-racism-eu-a7580516.html>

¹⁹ www.eerc.org.uk/2017/03/03/hate-crime-advocates-what-have-we-learned-in-3-months/

Hate crime is “any criminal offence which is perceived by the victim or any other person to be motivated by hostility or prejudice towards someone based on personal characteristics”. There are two elements:

1. The act constitutes a crime (if not, it might be considered a hate incident and should still be reported)
2. Motivation – the perpetrator intentionally targeted the victim because of some protected characteristics shared by a group of people – race or ethnicity (includes nationality), religion or belief, disability, transsexual identity and sexual orientation.

In the UK, the focus is on the perception of the victim, or of any other person who witnessed it, that the crime was motivated by hate. The crime can also be against property not just against a person.

Hate crimes can be reported by anybody witnessing it or even anonymously:

- Reporting to the Police on the phone: emergency 999 / non-emergency 101
- Reporting online: www.report-it.org.uk/your_police_force This is the quickest and most effective form of reporting. It can also be done anonymously, although this will limit the investigation.
- Reporting via support organisations such as:
 - Crime Stoppers 0800 555 111

Home Office removals of EEA nationals

Immigration legislation, policy and processes are regularly revised. Up to date information on EEA/EU nationals can be accessed via the following link: www.ukba.homeoffice.gov.uk/eucitizens/

The former UK Border Agency (UKBA) now sits within the Home Office (HO), and it is the directorate of Home Office Immigration Enforcement and its Immigration Compliance and Enforcement Teams (ICE) which now have the main focus on law enforcement. ICE teams have been involved in the removal of homeless EEA nationals for several years.

EEA nationals might be administratively removed if they have been in the UK for longer than 3 months and do not have a right to reside/if they have committed an “abuse/misuse of rights”/or if its “*justified on grounds of public policy, public security or public health*”.²⁰ Moreover, EEA nationals might be deported if they have been involved in the commitment of a crime. However, UK and EU law provide safeguards to guarantee that decisions are made proportionally and lawfully.

Enforcement operations are usually initiated by individuals or groups in a locality coming to the attention of police for criminal or anti-social behaviour. Enforcement operations have also targeted homeless individuals and been carried out alongside police and outreach teams²¹. As a result of these operations, EEA nationals have been removed from the UK.

Administrative removal

The ICE team has generally followed a staged process prior to administrative removal and prior to administrative detention of EEA nationals. Before June 2013, all EEA nationals were serviced a ‘Minded to Remove’ letter prior to any removal decision being made. This letter invited them to an interview after 10 days to provide evidence of their right to reside. After June 2013, Home Office policy allowed for the ‘Minded to

²⁰ http://www.eearegulations.co.uk/Regs2016/ByPage/regulation_23

²¹ <http://strategiclegalfund.org.uk/Jean%20Demars%20DPG%20rough%20sleeping.pdf>

Remove' letter and 10-day wait for an interview to be omitted for those cases where it is immediately apparent to an immigration officer that an EEA national is not exercising treaty rights. This included the case of a rough sleeper who readily admits that they are not working in the UK or seeking work. After removal documents are served, EEA nationals have generally been given the opportunity to return to their home countries immediately without the risk of being detained or removed by force. This has also been referred to as 'voluntary return'. Otherwise, EEA nationals would have 30 days before an enforced removal could be effected.

Since 1 January 2014, an EEA national who is administratively removed for not exercising Treaty rights (including those who depart voluntarily after the service of removal papers) will be unable to re-enter the UK for 12 months following their removal, unless they can demonstrate at the Border that they will be immediately exercising Treaty rights upon re-admission

Rough Sleeping as a “misuse of rights”

Policy and legal changes

On 4 May 2016, new Home Office EEA administrative removal Operational Guidance version 2.0 were published. This guidance interpreted rough sleeping as an “abuse of rights” in the sense of Regulation 19(3)(c) of the 2006 EEA Regulations. Administrative removal could be enforced on those rough sleeping even if they had been in the country for less than 3 months or if they were exercising treaty rights.

On 1 February 2017 the Immigration (European Economic Area) Regulations 2016²² entered into force and revoked the 2006 EEA Regulations. It introduced a new “misuse of rights” provision. On the same day, new Home Office EEA administrative removal Operational Guidance version 3.0 was published. This guidance interpreted rough sleeping as “misuse of rights” in the sense of the new Regulation 26(3)(c) of the 2016 EEA Regulations. There was an emphasis on the role of Home Office officials to refer vulnerable EEA rough sleepers to local outreach teams. No information/data is available on the existence or nature of those referrals.

During the months when these policies were enforced, there were several Home Office operations targeting EEA rough sleepers, some with outreach teams present. The practice of detaining EEA nationals directly from the streets became widespread. Homeless Link members told us that this approach had an impact on their services, with clients reporting confiscation of ID documents and confusion over removal letters, or simply disappearing from frontline services.

Decision of the High Court: policy declared unlawful

On 14 December 2017 the High Court ruled²³ that the Home Office policy on removing EEA nationals for sleeping rough was unlawful because rough sleeping does not constitute an “abuse of rights”. The court also found that the HO was carrying out a policy of systematically verifying EEA nationals' right to reside. This landmark case was brought by the Public Interest Law Unit and North East London Migrant Action (NELMA) on behalf of three EEA nationals.

On 14 December 2017 new EEA administrative removal Operational Guidance version 4.0²⁴ was published, which removed any reference to rough sleeping.

²² www.legislation.gov.uk/uksi/2016/1052/contents

²³ www.judiciary.gov.uk/wp-content/uploads/2017/12/r-gureckis-v-sshd-ors-20171214.pdf

²⁴ www.gov.uk/government/uploads/system/uploads/attachment_data/file/668093/GI-EEA-admin-removal-v4.0EXT.pdf

Decision of the High Court: implications for the affected EEA nationals

The Court declared that rough sleeping cannot be considered as a “misuse of rights”. Therefore, any removal decision served on an EEA national for rough sleeping is unlawful. Moreover, removal decisions based on not having a right to reside would also be unlawful if they were issued to an EEA rough sleeper as part of a Home Office operation targeting EEA nationals for rough sleeping.

Supporting EEA Nationals affected by Home Office removal

In practice, for all those EEA nationals affected by this policy, this means:

1. If the individual has been **detained**: they should be released immediately.
 - They can Contact Bail for Immigration Detainee helpline (020 7456 9750 (open 10am-12 Monday to Thursday - Fax: 020 3745 5226 enquiries@biduk.org) or NELMA (07459 642 152)
2. If their **identity documents** or other property was taken by the Home Office: everything should be returned to them.
 - They could ask their embassy for support in requesting their documents to the Home Office or send the Home Office a letter asking for the return of their documents to:
complaints@homeoffice.gsi.gov.uk
3. If the individual was given a **removal decision** but was not detained: the Home Office should automatically cancel the removal and provide written confirmation that the removal decision has been withdrawn. After Brexit, it might be very advisable for EEA nationals to ask for a confirmation that their removal decision has been cancelled if this was unlawful. This is because an application under the EU Settlement Scheme (the registration scheme for EEA nationals post-Brexit) can be refused if an EEA national has a removal decision. See more information on Brexit and the EU Settlement Scheme:
www.homeless.org.uk/brexit-and-eu-settlement
 - The EEA national can write a letter to the Home Office asking for confirmation that the decision has been withdrawn to: complaints@homeoffice.gsi.gov.uk
4. If the person has been asked to **report** to the Home Office: the Home Office should cancel any reporting requirement.
 - If reporting obligations have not been cancelled, the EEA national can complain to:
complaints@homeoffice.gsi.gov.uk
5. In all of the above case, EEA nationals might be able to claim **compensation** for unlawful detention or losses suffered – this will depend on individual circumstances:
 - EEA nationals in the circumstances above should speak to a lawyer about compensation. EEA nationals are likely to need support in liaising with lawyers to understand their right to compensation.

NELMA Campaigns have developed leaflets in several European languages explaining the information above. They can be found here: <https://nelmacampaigns.wordpress.com/legalchallenge/>

Decision of the High Court: implications for homelessness charities

The High Court ruled unlawful the systematic verification of EEA rough sleepers by the Home Office. Therefore, it appears that operations where the Home Office targets migrant rough sleepers will be unlikely in the future, as they might also be considered unlawful.

Resources

Advice agencies or public bodies

Citizens Advice Bureau (CAB)

Citizens Advice Bureau offers free, confidential advice on debt and consumer issues, benefits, housing, legal matters, employment, and immigration online and in their local offices.

www.citizensadvice.org.uk/

The Aire Centre

The Aire Centre provides free legal advice on EU law issues.

www.airecentre.org/

Law Works

LawWorks is a charity working in England and Wales to connect volunteer lawyers with people in need of legal advice, who are not eligible for legal aid and cannot afford to pay and with the not-for-profit organisations that support them.

www.lawworks.org.uk/

Law Centres

There are several Law Centres around the country providing advice and representation on Immigration Law, among other areas of law, to people who cannot afford a lawyer

www.lawcentres.org.uk/about-law-centres/law-centres-on-google-maps/geographically

Eastern European Resource Centre

EERC is a charity based in London which provides phone advice as well as face to face advice on several matters including Immigration law. They have a project for Polish and Romanian victims of trafficking.

www.eerc.org.uk/

www.eerc.org.uk/hate-crime/

Office of the Immigration Services Commissioner (OISC) – Advisor finder

This website allows you to search for OISC registered organisations by town or postcode. You can select ‘not fee charging.’

http://home.oisc.gov.uk/adviser_finder/finder.aspx

Doctors of the World

Doctors of the World run clinic and advocacy programmes in London that provide medical care, information and practical support to excluded people such as destitute migrants, sex workers and people with no fixed address.

www.doctorsoftheworld.org.uk

Maternity Action

Maternity Action provides:

- free advice on rights at work, maternity pay and benefits to pregnant women, new mothers and father, trade unions, advisers and employers.
- free expert advice to women worried about being charged for NHS maternity care or who are having difficulties getting a maternity appointment

- advice and training to health professionals, advisers, community workers and volunteers supporting vulnerable migrant women during pregnancy and their child's first year.

Tel: 020 8802 0029

www.maternityaction.org.uk

Refuge

Refuge has an Eastern European Independent Gender Violence Advocacy Service who provides support to women in the boroughs of Brent, Ealing and Hounslow, but can also advise other services. If you would like to make a referral into the service, please call the office on 077 2524 5777 (M-F 9-5pm) or send an email to EasternEuropeanIDVA@refuge.org.uk or ee.idva@refuge.cjsm.net

Bhakita House

Caritas Bakhita House provides women escaping human trafficking with a range of services including emergency support, legal and financial assistance, mentoring, and help with accessing accommodation www.caritaswestminster.org.uk/bakhita-house.php

Gamcare

Gamcare is a provider of information, advice, support and free counselling for the prevention and treatment of problem gambling. They provide Freephone National Gambling Helpline and provide free face-to-face counselling for anyone experiencing difficulty through their own gambling or that of a family member. www.gamcare.org.uk/get-support/yourself

Multilingual resources and useful websites

Law Centres Network

The Law Centres Network has developed multilingual guides on different subjects as part of their Living Rights project for EEA citizens living in the UK. Guides for EEA nationals on topics such as Brexit, Housing Rights, Work Rights, Hate Crime, etc in English:

www.lawcentres.org.uk/lcn-s-work/living-rights-project/know-your-rights

Guidance in other languages:

www.lawcentres.org.uk/lcn-s-work/living-rights-project/your-rights-in-other-languages

Information on events on EU citizens rights and EU settlement scheme:

www.lawcentres.org.uk/lcn-s-work/eu-citizens-rights-information-service/upcoming-eurightsuk-info-events

EU Londoner Hub

Information on Brexit and multilingual leaflets as well as a directorate of services:

www.london.gov.uk/what-we-do/business-and-economy/representing-london-brexite-talks/eu-londoners-hub

The Connections at St Martin's

CSTM has published leaflets for EEA nationals in different languages on Brexit and benefits entitlements

www.connection-at-stmartins.org.uk/our-publications/

Romanian Consulate

Information for Romanians about the UK <http://inforomaniue.dialogsocial.gov.ro/> and Romanian organisations in the UK <http://londra.mae.ro/node/753>

Housing Rights

The Housing Rights website aims to give recent arrivals and housing advisers up-to-date information about entitlements to housing, based on people's immigration status

www.housing-rights.info/03_5_Other_EEA_nationals.php

Migrants Rights Network

A guide for migrants on their rights in the UK:

<https://migrantsrights.org.uk/blog/2018/03/13/know-rights-guide-migrants/>

Grassroots organisations

The3million

The3million is a grass-root organisation of EU citizens from other member states living in the UK. It offers a support network to EU citizens and aims to work with the government to protect the rights of EU citizens in the UK.

www.the3million.org.uk

www.facebook.com/The3Million/

New Europeans

New Europeans is a civil rights organisation which champions freedom of movement, non-discrimination and the principle of solidarity in Europe.

<https://neweuropeans.net/>

Here for Good

Here for Good is a charity established to empower EEA nationals living in the UK. They have made the guide below and are fundraising to be able to provide free advice to EEA nationals

<https://hereforgoodguide.com/>



What we do

Homeless Link is the national membership charity for organisations working directly with people who become homeless or live with multiple and complex support needs. We work to improve services and campaign for policy change that will help end homelessness.

Let's end homelessness together

Homeless Link
Minories House, 2-5 Minories
London EC3N 1BJ

020 7840 4430

www.homeless.org.uk

Twitter: @Homelesslink

Facebook: www.facebook.com/homelesslink

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