

Agenda Item No: 3 **Report No:** 33/17

Report Title: The Council's duties to asylum seekers and refugees

Report To: Housing Working Party **Date:** 6 February 2017

Cabinet Member: Councillor Ron Maskell, Lead Member for Housing

Ward(s) Affected: All

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Purpose of Report:

To provide an explanation of the Council's duties to Asylum Seekers, Refugees and Unaccompanied Minors.

Officers Recommendation(s):

- 1 To note the content of the report

Background

1. The process for dealing with immigration to the UK from households from outside the EU is sometimes misunderstood. The issue of immigration is often the focus in political debate and the recent media coverage of the challenges in Calais and the displaced families from Syria has generated global concern. Local communities are, more than ever, coming forward with offers of assistance and Local Authorities are being instructed to assist the Government in dealing with certain groups of refugees.
2. This report seeks to clarify the responsibilities of the Home Office and Local Authorities when assisting asylum seekers and refugees.
3. **Asylum seekers** are over 18 years old or families with children that come to the UK seeking asylum and fleeing their country of origin outside of the European Union. They are accommodated and supported by the Home Office in private accommodation which is sourced and leased in designated areas in agreement with the Local Authority. These areas are known as 'dispersal areas' which are only in Hastings, Southampton and Portsmouth in the south east. Asylum seekers must remain in the dispersal area accommodation whilst their application for asylum is assessed.

4. Local Authorities do not assist asylum seekers with any type of housing or support. Support is provided by organisations commissioned by the Home Office. In the south east the housing and support service is delivered by Clearspings. Asylum seekers are not able to access any other type of housing, they are not entitled to any public funds and they are not able to take up paid employment whilst their asylum claim is being determined. Contrary to some myths, Local Authorities do not house asylum seekers in social housing.
5. If an application for asylum is refused, an asylum seeker is considered to be a 'failed asylum seeker' and the Home Office will seek to deport the household. There is an option for the household to appeal the decision and they remain supported by the Home Office during this time.
6. **Unaccompanied Children** are asylum seekers under the age of 18. They come to the UK without an adult and are accommodated by the County Council and placed into the care of the Local Authority. East Sussex County Council is responsible for accommodating and supporting all unaccompanied asylum seeking children. Lewes District Council does not have a responsibility to accommodate or support unaccompanied children. As at January 2017, 24 children were accommodated and in the care of East Sussex County Council and will remain in care until they are 18 years old.
7. **Refugees** have completed the asylum process and have been granted leave to remain in the UK. This can be definite leave to remain which entitles them to settle permanently. Alternatively they are given indefinite leave to remain which is time limited and their case is reviewed at the end of the period. Once they are granted refugee status they have the same rights as British citizens. They are free to move around the Country and are not required to inform the Home Office or any other organisation of their whereabouts.
8. The housing and support arrangement is terminated within 28 days of their asylum application decision being granted and confirmed. Refugees can claim benefits, take up employment and access housing assistance from the Local Authority. They can claim homelessness once their accommodation with the Home Office is terminated and are assessed in accordance with the legislation. Refugees' housing and support needs are assessed in the same way as any other British citizen and they do not have an automatic right to access social housing.
9. **Syrian Refugees** can be part of a Government resettlement scheme where they are granted refugee status in the camps they occupy in the surrounding countries of Syria. However not all Syrians coming to Britain are part of the scheme and some come to England independently as asylum seekers.
10. All Local Authorities have been asked by the Government to accommodate a certain number Syrians through the resettlement programme. Lewes District Council has pledged to accommodate and resettle 40 individuals in each area before 2020. Government funding can be drawn down to enable this to happen. Local authorities are expected to locate suitable accommodation and are allocated a family that will match the accommodation. The

accommodation must be fully equipped for the household's arrival with food, clothes, furniture etc. The housing, health, education, language and other support needs are all planned for prior to arrival. This is a new way of dealing with refugees (introduced in 2015) and has been extended to North African countries although Lewes District Council has not committed to participate in any other scheme.