

20 November 2020

Rt Hon Priti Patel MP
Home Secretary
Home Office
2 Marsham Street
London
SW1P 4DF

Dear Home Secretary,

I write further to the [letter](#) of the 6 November 2020 from Crisis and the wider homelessness sector raising their concerns regarding the new Immigration Rules which make rough sleeping grounds for cancelling or refusing permission to stay in the UK for non-UK nationals.

As the Independent Anti-Slavery Commissioner, I also have significant concerns regarding the introduction of these new rules. As you may be aware, recent research and work undertaken by the sector has evidenced the significant links between homelessness and modern slavery^{1 2}. These links are two-fold: those who are rough sleeping are vulnerable to being targeted by traffickers, whilst those who flee their traffickers or exit the support that is provided through the National Referral Mechanism can also find themselves rough sleeping and consequently become at risk of re-trafficking.

I understand that the Government has emphasised that these rules will be used sparingly and only as a last resort where individuals have refused all other support that is offered to them. Whilst this may be the case, the fear of the rules being enforced will remain and may become a barrier to individuals seeking support. Mistrust and fear of authorities is already a control mechanism that is used regularly by traffickers. Furthermore, there is the risk that the new rules will be used as a recruitment tool by traffickers and that they may also force vulnerable individuals to remain in exploitative work in order to avoid becoming homeless and potentially subject to deportation. The Covid-19 pandemic will undoubtedly further exacerbate vulnerability, contributing to both increased unemployment and risk of homelessness.

I therefore urge you to reconsider these changes to the new Immigration Rules. I am aware that the homelessness sector has already offered their support and commitment to work with the Government to achieve an end to rough sleeping, so would encourage engagement and communication on this issue to continue to build on the good work of the 'Everyone In' initiative earlier this year.

¹The Passage (2019) [Responding to modern slavery and exploitation in the homelessness sector](#)

²Hestia (2019) [Underground lives: Homelessness and modern slavery in London](#)

I am very conscious of the time sensitive nature of this correspondence given that the new Immigration Rules are due to come into effect on 1 December 2020, therefore I look forward to receiving your response.

In the interests of transparency, I request that you respond in a way that enables me to publish your letter on my website.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Sam Yuen". The signature is fluid and cursive, with the first name "Sam" being more prominent than the last name "Yuen".

Independent Anti-Slavery Commissioner





Home Office

Home Secretary

2 Marsham Street
London SW1P 4DF
www.gov.uk/home-office

Dame Sara Thornton DBE QPM
Independent Anti-Slavery Commissioner
5th Floor, Globe House
89 Eccleston Square
London, SW1V 1PN

13 January 2021

Dear Dame Sara,

Thank you for your letter of 20 November about the new Immigration Rules.

The Government is committed to ending rough sleeping within this Parliament. The Home Office and the Ministry for Housing, Communities and Local Government are working together with local authorities and approved charities to build trust and confidence in Immigration Enforcement's Rough Sleepers' Support Service. The service allows Local Authorities and the third sector to resolve the immigration status of rough sleepers and unlock access to any benefits and entitlements that rough sleepers may be eligible for. We have also provided funding for various initiatives such as the Everyone In campaign, the Next Steps Accommodation programme, the 'Protect Programme' and Cold Weather Fund to help local authorities provide accommodation over the winter. Taken together the amount we are spending on rough sleeping and homelessness this year alone is over £700 million.


The Government has made clear that the new rough sleeping rule will apply on a discretionary basis where a person refuses offers of support and is engaged in persistent anti-social behaviour. It does not apply to those protected under the Citizens' Rights provisions of the Withdrawal Agreement with the European Union, those granted indefinite leave or those granted leave under a protection route (for example as a refugee or on the grounds of human rights or for humanitarian protection).

We are not intending to criminalise rough sleeping or to deport all rough sleepers. Nor do we intend to penalise those who inadvertently find themselves temporarily without a roof over their head. If a rough sleeper has leave to remain in the UK and does not have a history of serious and/or persistent criminality, then enforcement action cannot be considered.

As you know, consent is required to refer an individual into the National Referral Mechanism (NRM) where they can access the support and accommodation available under the Victim Care Contract. After a Reasonable Grounds decision, adult victims are provided with a period of recovery and reflection of at least 45 calendar days, during which time they will not be removed. A period of recovery and reflection will not be observed where grounds of public order prevent it. Support workers continue to consider the availability of services impacted by Covid-19 and will not facilitate move-on unless it is safe to do so.

As you are also aware, we have embarked on an ambitious NRM Transformation Programme, which will seek to address the challenges that the current system faces. This programme will introduce a series of reforms to ensure victims have their cases settled promptly, receive support tailored to their recovery needs from the outset, and are empowered to move on with their lives. As part of this programme, we are working closely with MHCLG to support local authorities to fully meet their homelessness obligations towards victims of modern slavery.

The Gangmasters and Labour Abuse Authority (GLAA) have also been providing bespoke support and guidance to volunteers and charities who provide support services to the homeless, in partnership with the Church of England and other NGOs in this sector. Practical resources can be found at <https://www.theclewerinitiative.org/letstalk>. Further to this, the GLAA and the Church of England have launched the Farm Work Welfare App which raises awareness of modern slavery indicators and provide information and support to workers on their rights in the farming, horticulture and food production sectors where migrant seasonal workers may be vulnerable. More information can be found at <https://www.theclewerinitiative.org/farmworkwelfare>.

With our good wishes


Rt Hon Priti Patel MP