



# NRPF: Overcoming barriers to support during Covid

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GARDEN COURT CHAMBERS



8 December 2020



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# Asylum support in the age of Covid: Challenging the new regime

Raza Halim & Taimour Lay,  
Garden Court Chambers

8 December 2020



GARDEN COURT CHAMBERS



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# Outline

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1. Accommodation under s95 Immigration and Asylum Act 1999 & s4(2) Immigration and Asylum Act 1999
2. Accommodation under para.9, Schedule 10 Immigration Act 2016
3. Phase one of Covid: Challenging delays in grant and/or provision.
4. Phase two: hotel accommodation: the “new normal”; challenges to subsistence rates; September 2020 “Review”: £8 per week...
5. Interim relief and judicial attitudes



## Phase 1: Covid exposes existing problems

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1. Prolonged stays in “Initial Accommodation” – hostels & hotels
2. Failure to move asylum-seekers into “dispersal accommodation”
3. Low “subsistence” rates
4. Inadequate accommodation (type, location) for certain especially vulnerable groups
5. Failures to provide for “additional needs” under s.96 IAA 1999 (for asylum seekers) or Regulation 9 of The Immigration and Asylum (Provision of Accommodation to Failed Asylum Seekers) Regulations 2005 for those in receipt of s.4(2) support



# Existing issues exacerbated by Covid-19

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These were not new problems. HASC in 2017: *“Initial Accommodation is unsuitable for long-term use and indeed it is not provided for that purpose ... People in hotels have little choice over food, receive no financial support and can have difficulties accessing third sector and advocacy networks”*

1. “Home Office preparedness for Covid-19: institutional accommodation”, Home Affairs Select Committee, 23 July 2020: *“Three years on... limited progress has been made.... So little progress had been made before lockdown ... making it harder to respond to Covid-19..”*
2. National Audit Office: “Asylum accommodation and support”, 3 July 2020: noted a “sharp increase” in numbers remaining in IA for 100 days (longer than 35-day target) from Autumn 2019 owing to poor planning and contractual arrangements.



# Home Office policy shifts during Covid

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1. Decision on 27 March 2020 to “suspend cessations of support due to impact of Covid”;
2. Home Office, via its private providers, seeks to “expand provision”;
3. “General cessation” of dispersals. But also: “Temporary Casework Measures” approved by Public Health England in April 2020 to allow exceptional dispersal of “vulnerable” groups (but barely applied in the individual cases..)



## Phase 2: Home Office policy shifts during Covid

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4. Review of subsistence rates: 8 June 2020: “immediate and exceptional increase” from £37.75 to £39.60 for those in self-contained accommodation (both for s.95 & s.4(2) recipients);
5. But in the hotels and hostels: subsistence rates range from £0 to £10 per week for months on end – deliberate policy or failure to consider long-term implications of staying in IA?
6. Use of barracks as accommodation in Folkestone and Penally in Wales (now subject to challenge...)





## Home Office policy shifts during Covid

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August 2020: Further “review” of asylum support more generally

September 2020: Further review of subsistence rates for those in self-contained accommodation

27 October 2020: Letter to stakeholders from Chris Philp: *“Needs related to food and toiletries will continue to be met by the accommodation provider under existing contractual arrangements. However, we will provide.. A weekly cash payment of £8 per week which reflects our assessment of costs for buying items to meet needs related to clothes, non-prescription medication and travel”*



“... shall be ... reduced accordingly”

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How does the HO justify £0, £5, £8 or £10 subsistence rates for those in “full board accommodation”?

Regulation 10(2) & (5) Asylum Support Regulations 2000

“As a general rule, asylum support in respect of the essential living needs of that person may be expected to be provided weekly in the form of a cash payment of [£39.63]” and “Where the Secretary of State has decided that accommodation is provided in a form which also meets other essential living needs (such as ... full board), the amount specified in paragraph (2) shall be treated as reduced accordingly”



## Essential living needs

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- *Refugee Action v Secretary of State for the Home Department* [2014] EWHC 1033
- *R (Ghulam) v SSHD* [2016] EWHC 2639
- *R (JK) v SSHD* [2017] EWCA Civ 433
- Home Office Report on Review of Cash Allowance Paid to Asylum Seekers: 2017 (January 2018)



# Essential living needs

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## The HO's calculation in June 2020

Food and drink = £26.49

Toiletries = £0.69

Healthcare = £0.35

Household cleaning items = £0.43

Clothing & footwear = £3.01

Travel = £4.70

Communications = £3.56

**= £39.63**



# Essential living needs

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But for a typical claimant in a hotel being provided with three meals a day, some toiletries, internet and laundry, that still leaves the following essential living needs:

Healthcare = £0.35

Clothing & footwear = £3.01

Travel = £4.70

Communications = £3.56

**= £11.62**



# Essential living needs

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The current Home Office calculation for £8 per week is that it should cover:

Healthcare = £0.35

Clothing & footwear = £3.01

Travel = £4.70

**= £8.06**

**Issues: Still not implemented (as of 8 December 2020).**

**Communications. Laundry. Non-prescription medication.**



# JR Challenges

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Early 2020: Judicial review of delays in providing s.4 accommodation the delays in providing suitable accommodation to disabled people; system indirectly discriminates against disabled asylum seekers contrary to s.19 and s.29 of the Equality Act 2010. Hearing in July 2020.



## JR Challenges

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July 2020: Claim brought by “NE”, Palestinian doctor in hotel accommodation under s.95 since November 2019 on £5 per week. Failure to rationally consider and implement subsistence support. Article 8 ECHR breach pleaded. Permission granted. Substantive hearing set for 9 December 2020. Settled shortly before hearing.





## JR Challenges

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*MK v Secretary of State for the Home Department* [2020] EWHC 3217 (Admin): Claimant sought interim relief in form of increased weekly payments for himself and all similarly placed asylum-seekers. Interim relief granted to MK but not the generic relief. Mr Justice Ouseley: “*It does not apply exclusively to MK, because of some peculiar feature of MK, but applies because a broad approach to the way in which 10(5) works for those in full-board accommodation is required...*” Ie. there is an underlying policy issue. Rolled-up hearing in early 2021.



## Overview: Para. 9, Sch.10, IA 2016 Eligibility

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Para. 9 Sch.10 imposes three restrictions on the grant of bail accommodation:

- (1) The person must ‘be on immigration bail subject to a condition requiring him to reside at an address specified in the condition’ (para. 9(1)(a));
- (2) ‘the person would not be able to support him or herself at the address unless’ the power to accommodate were exercised (para. 9(1)(b))
- (3) The power to accommodate may only be exercised ‘if the Secretary of State thinks that there are exceptional circumstances which justify the exercise of the power (para. 9(3)).



# Schedule 10 issues

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## **No clear applications process**

**Delays and “systemic” failings:** *Humnyntskyyi & Ors, R (On the Application Of) v Secretary of State for the Home Department* [2020] EWHC 1912: “The Second Claimant was released on bail without residence condition. He was homeless for a period of 15 months (and street homeless for 10 months). In these proceedings an order was made for interim relief requiring the Secretary of State to provide accommodation. Such accommodation was provided, but A was not moved to the accommodation until 8 days after the final date for compliance with the order... Secretary of State's policy and practice for granting Schedule 10 accommodation to FNOs are unlawful because (a) systemically unfair and (b) fetter the Secretary of State's discretion to consider whether the situation of an individual applicant amounts to exceptional circumstances.. the Second Claimant's street homelessness from 23 March 2019 until 7 February 2020 breached his rights under Article 3 ECHR for which he is entitled to damages...”



## Immigration Bail, v.5, 25 February 2020

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Recent version of the ‘Immigration Bail’ policy guidance describes three categories of person ‘normally’ considered to meet the criterion of ‘exceptional circumstances’:

- (1) Persons granted bail by the Special Immigration Appeals Commission (‘SIAC’);
- (2) ‘Harm cases’ comprising ‘foreign national offenders assessed as posing a high or very high risk of harm’.
- (3) ECHR: Article 3 cases.



## Para. 9, Sch. 10, IA 2016 – Article 3 cases

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### **Article 3 cases:**

The *Immigration Bail* policy provides that it will ‘only normally’ be appropriate to consider using the para. 9 Sch. 10 power where both:

- The person does not have adequate accommodation or the means of obtaining it.
- The provision of accommodation is necessary in order to avoid a breach of their human rights (usually rights under Article 3 ECHR – the policy makes reference to the test in *R (Limbuela) v Secretary of State for the Home Department* [2004] EWCA Civ 540.



## Para. 9, Sch.10, IA 2016 - Article 3 cases

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- Decision-makers will usually consider: (i) other statutory powers to provide accommodation, e.g. s.95, s.4(2), section 17 Children Act 1989, Care Act 2014; (ii) ‘support from charitable or community sources’; (iii) lawful endeavours of family/friends.
- If can access ss4(2) / 95 IAA 1999, Care Act 2014 or s17 Children Act 1989 (migrant families), unlikely to be able to access para 9.
- Exception? significant delays in accessing the alternative support.
- *‘exceptionally, however, accommodation may be arranged temporarily under [para. 9, Sch.10 whilst the case is referred to a local authority and pending a decision...as to whether the duty to provide accommodation under the Care Act 2014 (or equivalent) applies’.*



## Para. 9, Sch 10, IA 2016 - Article 3 cases

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### **Article 3 cases:**

- Policy provides that if the person is able to return to their country of origin then Article 3 would not be breached, relying on R (Kimani v Lambeth LBC) [2003] EWCA Civ 1150; R (W) v Croydon LBC [2007] EWCA Civ 266.
- ‘Genuine obstacle’ would include: ‘physical impediment or other medical reason’; and ‘unable to leave because they do not have the necessary travel document but are raking reasonable steps to obtain one’; ‘legal or practical obstacles that mean the person cannot reasonably be expected to leave the UK’



## Para. 9, Sch. 10, IA 2016 - Applying

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**Applying:** Lack of a clear application process has caused serious difficulties for applicants and legal representatives e.g.:

- No clear application form or process;
- No response to representations on eligibility when made;
- No timeframe within which applications will be decided;
- No means by which to expedite urgent applications;
- Decisions not being served on applicants/advisors.





## Para. 9, Sch. 10, IA 2016 - Applying

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*Immigration Bail*, v5, (28 February 2020) - contains some limited information on how to apply and timescales for decisions:

- Detained cases (incl. FNO and SIAC): applications via the B1 or Bail 401 form;
- Community cases: Bail 409 form.
- Detained cases: No timescale specified in policy.
- For non-detained cases: 5 days but '*decision-makers must give careful consideration to any additional factors that call for the case to be given higher priority*' or 2 days in specified circumstances (e.g. street homeless, physical/mental disabilities, torture, trafficking).
- A decision to refuse accommodation should be made on Bail 203. No information on when or how this will be done.



## Suitability/Adequacy

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- Stark issue as Initial Accommodation becomes “long-term”;
- Substandard dispersal accommodation still an issue: QH v SSHD [2020]EWHC 2691
- Reception Conditions Directive sets absolute minimum standards – may be tactically advantageous to argue “adequacy” implied by statute and new circumstances;
- Bases for future challenges should include domestic standards and rationality and implementation of HO policies



# Local authority powers to support rough sleepers

Connor Johnston, Garden Court Chambers

8 December 2020



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# Context

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- On 26 March 2020 Luke Hall MP, Minister for Local Government and Homelessness, wrote to all local authorities (LAs):

“It is our joint responsibility to safeguard as many homeless people as we can from COVID-19. Our strategy must be to bring in those on the streets to protect their health and stop wider transmission... This approach aims to reduce the impact of COVID-19 on people facing homelessness and ultimately on preventing deaths during this public health emergency... it is now imperative that rough sleepers and other vulnerable homeless are supported into appropriate accommodation by the end of the week.”



# Context

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- One month later, Louise Casey, [email to LAs of 23 April 2020](#):
  - “More than 5,400 rough sleepers – over 90% of those on the streets at the beginning of the crisis and known to local authorities – have been offered safe accommodation in just under a month”
- [Protecting rough sleepers and renters: Interim Report](#) (HCLG Select Committee, 22 May 2020):
  - “...estimated that 900 of the 3,600 rough sleepers accommodated in London had no recourse to public funds.”
  - “...councils need clarity on how and when they can support these people.”



# Context

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- Luke Hall letter of 28 May 2020:
  - “I wanted to take this opportunity to restate the government’s position on eligibility relating to immigration status, including for those with No Recourse to Public Funds (NRPF). The law regarding that status remains in place. Local authorities must use their judgment in assessing what support they may lawfully give to each person on an individual basis, considering that person’s specific circumstances and support needs.”



# Context

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- Current position is that there is a divergence in LA practice on accommodation of those with NRPF.
- What is the “correct” approach? What powers do LAs have?
- Focus on statutory powers. LAs are creatures of statute. The *Everyone In* guidance may direct/influence use of powers but it does not create them.
- *R (Ncube) v Brighton and Hove City Council* may provide answer (to be heard on 15 December 2020).



# Support necessary to avoid a breach of the ECHR

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- Keep in mind ss3 and 6 HRA 1998 and restrictions in Sch 3 NIAA 2002 (which apply to Care Act 2014 and Localism Act 2011 support among others).
- Exceptions to Sch 3 arise where support necessary to avoid breach of EU/ECHR rights.
- E.g. destitution in breach of Article 3 per *Limbuela* [2005] UKHL 66:
  - “...the threshold may be crossed if a late applicant with no means and no alternative sources of support, unable to support himself, is, by the deliberate action of the state, denied shelter, food or the most basic necessities of life.”





# Support necessary to avoid a breach of the ECHR

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- Support may be needed in such cases where individual facing practical/legal impediment to return (see *Clue* [2010] EWCA Civ 460).
- Impact of local lockdowns on freedom of movement may be key to assessing existence of practical/legal barrier to return.
- E.g. [\*PA v MA v SSHD\* AS/20/09/42386](#), FTT (Asylum Support) 23 October 2020 where held that support should be provided to avoid Article 8 breach of those in old-style Tier 3 areas.
- Availability of flights, whether borders open etc. also relevant.



# Support necessary to avoid a breach of the ECHR

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- Articles 2 and 8 may also be relevant during pandemic.
- As to Article 2, it has been estimated that the preventative measures taken by LAs pursuant to *Everyone In* may have avoided 266 deaths up to 31 May 2020. See [\*Covid-19 among people experiencing homelessness in England: a modelling survey\*](#) (Lewer et al, Lancet, 23 September 2020). Those who are clinically extremely vulnerable in particular may face significant risk.
- Article 8 encompasses “physical integrity” (*Pretty v UK* (2002) 35 E.H.R.R. 1) and may require provision of support to mitigate impact of serious illness (*R (de Almeida) v Kensington & Chelsea RLBC* [2012] EWHC 1082 (Admin)).



## Who might need support?

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- Those ineligible for assistance under Part VII HA 1996. See s185 and regs 5-6 Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006.
  - Certain EEA nationals.
  - Illegal entrants and overstayers.
  - Failed asylum-seekers.
  - Those with NRPF condition attached to their leave.
- Some may be eligible for Home Office (HO) support. Others may not. For those that are, LA support may still be needed until HO support provided. See, by analogy, *R (VC) v Newcastle City Council* [2011] EWHC 2673 (Admin) at [91].



## Powers to provide support of relevance during the pandemic

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- s138 Local Government Act 1972, available “[w]here an emergency or disaster involving destruction of or danger to life... occurs... and [LA] are of opinion that it is likely to affect the whole or part of their area or all or some of its inhabitants”. Allows LA to "incur such expenditure as they consider necessary in taking action themselves... calculated to avert, alleviate or eradicate" effect of disaster.
- A general power. Relevant to strategic, policy decisions as to how to deal with rough sleepers during pandemic. May become a duty in an individual case where necessary to avoid breach of ECHR.
- Not subject to immigration based restrictions.



## Powers to provide support of relevance during the pandemic

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- s2B NHS Act 2006 allows LA to “take such steps as it considers appropriate for improving the health of the people in its area” which may include “providing assistance (including financial assistance) to help individuals to minimise any risks to health arising from their accommodation or environment” etc.
- Not subject to immigration based restrictions. Relevant to LA policy.
- Power to meet needs for care and support that do not meet eligibility criteria under s19(1) Care Act 2014. Becomes a duty where support needed to avoid breach of ECHR: *Aburas* [2019] EWHC 2754 (Admin). Covid-19 may mean that needs do not arise “solely” from destitution c.f. s21 Care Act 2014.
- Subject to Sch 3 NIAA 2002.



# Powers of relevance during and beyond the pandemic

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- Power under s180 Housing Act 1996 to “give assistance by way of grant or loan to voluntary organisations concerned with homelessness”.
- Not subject to immigration based restrictions. Relevant to LA policy.
- General power under s1 Localism Act 2011 “to do anything that individuals generally may do”.
- Subject to direct immigration based restrictions in Sch 3 NIAA 2002 and indirect immigration based restrictions under s2 Localism Act 2002. LA cannot do, under s1, "anything" which it is unable to do by virtue of a "prohibition, restriction or other limitation expressly imposed by a statutory provision". Post-commencement limitations must refer to Localism power expressly. Not so for pre-commencement.



## Powers of relevance during and beyond the pandemic

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- *R (AR) v Hammersmith and Fulham LBC* [2018] EWHC 3453 (Admin) (disapproving *R (GS) v Camden LBC* [2017] PTSR 140) held that s185 Housing Act 1996 a pre-commencement limitation on provision of accommodation under Localism Act 2011 to persons ineligible for Part VII assistance. See also *Aburas*.
- Follows from CA decision in *R (Khan) v Oxfordshire CC* [2004] HLR 41 (a) differentiating between limits on scope of power, and restrictions on use of power and (b) holding that relevant (pre-commencement) limitations need not refer to general power and may refer to use of statute in question only. The point being that “Parliament did not intend to override legislative schemes that already existed”.



## Powers of relevance during and beyond the pandemic

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- Is *AR* correctly decided? CA in *R (W) v Lambeth BC* [2002] EWCA Civ 613 had suggested s185 might not be a pre-commencement limitation... I would say yes.
- Can *AR* be avoided by providing funds for accommodation rather than accommodation itself? See *AR* at [30] and *J (Ghanaian Citizen)* [2002] EWHC 432 (Admin). I would say not. Would only work if providing funds ≠ assistance under Part VII.
- However, no consideration of need for a s3 HRA 1998 read-down in *AR*, as he could return to Lithuania to avoid destitution. Where applicant facing breach of ECHR, s2(2) may need to be read down to disapply limitations. Otherwise legislative scheme may be incompatible with ECHR. Point left open in *Aburas*.





# Summary

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- Central government guidance on provision of accommodation to NRPF rough sleepers has been less than clear. Many local authorities have assisted a significant number of this cohort. It would be surprising if they were acting unlawfully.
- General powers to assist (whether directly or indirectly) may be found in s138 Local Government Act 1972 and s180 Housing Act 1996 among others. Relevant to LA policy making. The former may also be relevant in an individual case.
- Support under Care Act 2014 and Localism Act 2011 may also need to be considered, in particular where needed to avoid breach of ECHR. That will require individualised assessment, including consideration (if appropriate) of the practicalities of return to country of origin and whether and when HO support may be available.



# Trafficking support: its sudden cessation and inadequate reinstatement

Miranda Butler, Garden Court Chambers

8 December 2020



GARDEN COURT CHAMBERS



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# Support and assistance for potential victims of trafficking

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- European Convention Against Trafficking

- Article 12: Assistance to victims

*“(1) Each Party shall adopt such legislative or other measures as may be **necessary to assist victims in their physical, psychological and social recovery**. Such assistance shall include at least:*

*(a) standards of living capable of ensuring their **subsistence**, through such measures as: **appropriate and secure accommodation, psychological and material assistance**;*

*(b) access to emergency medical treatment [...]*

*(2) Each Party shall take due account of **the victim’s safety and protection needs**.”*



# Support and assistance for potential VoTs

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- **ECAT explanatory report:**
  - (a) the assistance and support duty is for the **purpose of addressing the trauma** likely to result from trafficking (§146, §150, §156, §159);
  - (b) the purpose of the recovery and reflection period is “*to allow victims to recover and escape the influence of traffickers*” and this “*implies that they have recovered a minimum of psychological stability*” (§173); and
  - (c) in deciding what form of assistance and support is needed, the state must not only consider the general situation of VOTs but **take due account of their individual needs** (§164).



# Support and assistance for potential VoTs

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- EU Anti-trafficking Directive 2011/36/EU
  - Article 11: Assistance and support for victims of trafficking in human beings
    - *“Member States shall take the necessary measures to ensure that assistance and support are provided to victims before, during and for an appropriate period of time after conclusion of criminal proceedings in order to enable them to exercise the rights set out in [...] this Directive”*



# Modern Slavery Act 2015

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## S. 49: Guidance about identifying and supporting victims

*(1) The Secretary of State must issue guidance to such public authorities and other persons as the Secretary of State considers appropriate about —*

*[...]*

*(b) arrangements for providing assistance and support to persons who there are reasonable grounds to believe may be victims of slavery or human trafficking;*

*[...]*

*(2) The Secretary of State may, from time to time, revise the guidance issued under subsection (1).*

*(3) The Secretary of State must arrange for any guidance issued or revised under this section to be published in a way the Secretary of State considers appropriate.*



# Support and assistance for potential VoTs

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- ***K and AM v SSHD [2019] EWHC 2951 (Admin)***
  - The entitlement to trafficking support under the Contract “is ***non-means-tested***. *The victim of trafficking gets these sums irrespective of whether he or she is receiving, for example, voluntary payments from a kindly relative*” [12];
  - “*This surely requires a more expansive view of ‘subsistence’ than the minimum sum needed to stave off destitution*” [27];
  - “*Some money for these purposes [smartphones, travel, recreational items and entertainment] is surely **reasonably required** by a person in the highly vulnerable and distressing position of a victim of trafficking*” [29].



# Support and assistance for potential VoTs

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- **What does this add up to?**
  - Needs-based support (Financial support, accommodation, support worker)
    - To meet victim's individual needs
  - To assist recovery and protect from re-trafficking
  - More than subsistence / essential living needs
- **Modern Slavery Act Statutory Guidance**
  - Current version: 1.02, published August 2020





# Duration of support and assistance for potential VoTs

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- From RG decision to at least 45 days after positive CG decision (9 days after negative)
  - Following *NN & LP v SSHD* [2019] EWHC 1003 (Admin), SSHD introduced a needs-based assessment after CG
  - *Recovery Needs Assessment* policy (v. 2.0, 21 August 2020)
  - NB: very long delays in NRM decision-making means this may last for years



# July 2020: cessation of trafficking support

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## Trafficking support for VoTs in initial accommodation stopped

*“The Defendant accepts that the Claimants, and other PVOTs in their position, namely those accommodated in temporary Initial Accommodation under s. 98 of the 1999 Act, are entitled to financial support”.*

So why the sudden cessation?

*“The Defendant’s policy on financial support to PVOTs has been reviewed and a new provision is to be introduced for PVOTs living in full broad initial asylum accommodation.”*



# Support in the NRM

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- *Modern Slavery Act 2015 – Statutory Guidance for England and Wales (v. 1.02)*

15.36. The current rate of financial support payable by the Home Office to potential victims or victims of modern slavery receiving VCC support depends on the accommodation they are in. Subject to paragraph 15.37 and 15.38 below, the rates are as follows:

- £65 per week for those in self-catered VCC accommodation
- £35 per week for those in catered VCC accommodation (only for exceptional circumstances where the individual is assessed as requiring catered accommodation as they are not capable of preparing their own food due to disability, debilitating illness or ongoing treatment for severe substance use and addiction).
- £39.60 per week for those receiving outreach support in other accommodation
- Subject to 15.38 below, child dependents of potential victims will also receive financial support from the VCC:
  - £39.60 per week for each child dependent
  - Additional weekly payments per child under a certain age:
    - £5 per week for a child until their first birthday
    - £3 per week for a child from the day after their first birthday until their third birthday

Self-catered VCC accommodation:  
£65 pw

Catered VCC accommodation: £35

Other accommodation: £39.60

Dependents: £39.60 per child,  
additional payments for those who  
are pregnant or have children under  
3.



# Support in the NRM

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- **Asylum-seeking VoTs**

If in receipt of support under s. 95, 98 or s. 4 Immigration and Asylum Act 1999:

- Generally housed in asylum accommodation (currently initial accommodation)
- £39.60 for **asylum support**
- VCC support: **£25.40** (“*calculated as £65 per week minus the current essential living rate of £39.60*”)
- Level of support + basis of calculation currently under challenge in *PM & LT v SSHD* (CO/2551/2020)



# Problems in practice

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- 1) Lack of understanding and compliance by SSHD
  - i. E.g. Cessation of support in July 2020; *K and AM*
- 2) Subsistence inadequate
  - i. Not adjusted for inflation
  - ii. Does not cover recovery needs: see *K and AM*
- 3) Inadequate needs assessments
- 4) No right to work or leave to remain
  - i. Exposed to Hostile Environment: see *EOG v SSHD* [2020] EWHC 3310 (Admin)



# Potential solutions

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- 1) Evidencing needs-based assessments
- 2) Challenges to substandard accommodation / support
- 3) One-off requests through support workers
  - 1) For larger items of expenditure
  - 2) Link to need for recovery
- 4) Strategic litigation?



# Thank you

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