



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

Copy: Kevin Foster MP, Will Quince MP

18 February 2021

Dear Secretary of State,

I am writing to you as chair of the Private Rented Sector Resilience group; an independent advisory group to the Scottish Government, established as part of the emergency response to the COVID-19 pandemic. The group informs the Scottish Government about key concerns within the Private Rented Sector (PRS).

I am writing to you as members of the group have raised concerns about the difficulties non-UK nationals are facing in sustaining private rented tenancies and accessing support when they need it. There are a number of changes that would help ensure people do not become homeless and destitute as a result of loss of income, risking increased transmission to themselves and others. These are in relation to reserved matters and as such, I am writing to set out the changes sought:

**1. Suspend the No Recourse to Public Funds conditions and the habitual residence test for at least the time restrictions remain in place.**

For many people who move to the UK and have no access to state support, employment is the only option available to them in order to secure a safe place to live, most commonly in the private rented sector. In the current climate of unprecedented economic uncertainty and fallout from the pandemic, employment opportunities are severely restricted. The most recent report from the Social Renewal Advisory Board agrees that the pandemic has brought the devastating consequences of the No Recourse to Public Funds

(NRPF) policy into sharp focus, and have called for this gap in financial housing support to be addressed<sup>1</sup>.

These NRPF conditions prevent non-UK nationals being able to access financial support to help them to remain in their tenancies, potentially leading to destitution and homelessness among this group. If tenancies are lost, NRPF conditions also restrict national and local government powers to provide accommodation to people with NRPF. However, during the pandemic, the Scottish Government and local authorities have been able to place people with NRPF in hotels and other self-contained accommodation to protect themselves and others due to the public health emergency presented by COVID-19. The PRS resilience group wishes to prevent this happening in the first place and believe that people should instead be supported to remain safely in their private sector tenancies until they can return to their usual employment, rather than causing additional strain on and spending by public services. We are aware that Scottish Government ministers have also made their own, ongoing representations to UK Government ministers in relation to people with NRPF in all tenures. During this health crisis the application of NRPF policy runs counter to public health priorities, which require us all to stay at home. Full compliance with public health regulations and guidance is near impossible for those who are homeless, and this appears a near-inevitability for those with NRPF who are currently building up arrears, unless conditions are lifted so they can access support.

We are therefore asking that you suspend the no recourse to public funds conditions and the habitual residence test throughout and beyond the crisis period, while restrictions prevent people from undertaking their regular employment. This will allow all people living in the UK to access the financial support they need to help them remain in their homes throughout and beyond the pandemic.

## **2. Reverse the decision to make rough sleeping grounds for refusing or cancelling someone's right to remain in the UK.**

This new policy, coupled with the lack of financial support available, makes renters who are non-UK nationals particularly vulnerable if they are unable to sustain their tenancy. As discussed above, this is a particular risk for those with NRPF who may be struggling to keep up with rent without state support

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<sup>1</sup> ["If not now, when?" The Social Renewal Advisory Board Report \(www.gov.scot\)](http://www.gov.scot)



or their usual employment. They are not only faced with losing their home but may also be threatened with deportation if they resort to rough sleeping. the implementation of this during a pandemic is particularly unhelpful due the lack of financial support or employment currently available to this group of people.

These new regulations could also mean that non-UK nationals who lose their tenancy may be unwilling to seek support, as they fear deportation - resulting in further hardship, destitution and public health risks. We therefore urge you to immediately reconsider these changes to the Immigration Rules, so that rough sleeping does not become grounds for refusal or cancellation of permission to be in the UK, thus preventing serious public health risks.

Sincerely,

Nina Ballantyne  
Chair of PRS Resilience Group