



Rt Hon Sir George Howarth MP  
House of Commons  
London  
SW1A 0AA

DECS Reference: MIN/0123180/20

4 December 2020

Dear George,

Thank you for your email of 8 November to the Home Secretary on behalf of a number of your constituents regarding foreign national rough sleepers. I am replying as the Minister for Immigration Compliance and the Courts.

The Home Office is working with the Ministry of Housing, Communities and Local Government, encouraging local authorities and approved charities to resolve the immigration status of rough sleepers and unlock access to any benefits and entitlements that rough sleepers may be eligible for.

Migrants to the UK are expected to be able to support and maintain themselves if they wish to live here. There are restrictions on the support that migrants can access through public funds, benefits, social housing, social care and homelessness assistance. These restrictions serve to maintain the public's confidence in the immigration system and the benefits that controlled immigration can bring to the UK, whilst also protecting the UK's public purse for her own nationals.

The new Immigration Rules laid on 22 October, which make provision for the refusal or cancellation of permission to stay in the UK on the basis of rough sleeping, will be used on a discretionary basis where a person refuses offers of support such as accommodation and engages in persistent anti-social behaviour. This means that every case will be considered individually, and the circumstances of each person will be taken into account before a decision is made on the most appropriate course of action.

If their permission to stay is cancelled or refused, a person is expected to leave the UK, but if they do not choose to leave voluntarily, we may enforce their removal. They will not be subject to deportation action which is reserved for foreign national offenders with serious and persistent criminality as well as for reasons of national security.

The new rule will apply to non-EEA nationals from 1 December 2020 and to newly-arriving EEA citizens from 1 January 2021. It will not apply to those with (or eligible for) leave granted under the EU Settlement Scheme or other cohorts protected by the Withdrawal Agreement, nor will it apply to those who are settled in the UK or to those granted permission to stay on the basis of asylum or human rights. Guidance will be provided for decision-makers to make clear the circumstances in which permission may be cancelled or

refused, and this will also be available on GOV.UK when the new provision comes into force.

A handwritten signature in black ink, appearing to read 'C. Philp', with a long horizontal stroke extending to the right.

**Chris Philp MP**