



UK Visas
& Immigration

Freedom of Information
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FOI Reference: 70222

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Dear Paige Jennings

Thank you for your enquiry of 1 June in which you requested information on asylum seekers in Northern Ireland. Your request has been handled as a request for information under the Freedom of Information Act 2000.

Information Requested

We are seeking to understand the current legal and statutory parameters of the aspects of treatment of asylum seekers in Northern Ireland outlined below. We are aware of the Independent Chief Inspector of Borders and Immigration's May 2022 [report](#) An inspection of contingency asylum accommodation: May 2021 – November 2021, which flagged numerous concerns around conditions, length of stay, blockages in access to services, blockages in communications with local authorities and other serious issues with use of this contingency accommodation across the UK and also, specifically, in Northern Ireland.

Paras. 4.5-4.9 of the same set out an explanation of sorts of the policy basis for the government's expanded use of hotel accommodation for this group.

We are further aware of the recent [Explanatory Memorandum](#) setting out one-year changes to homelessness regulations in England, taking effect from 1 June. We understand that its paras. 2.5 and 7.6 waive the 6-week limit on B&B/hotel accommodation for families, as far as refugees and asylum seekers are concerned; while paras 2.6 and 7.7 waive restrictions on moving people 'out of area', as far as refugees and asylum seekers are concerned.

We also note para. 10.1 of the Memorandum: “No consultation has been carried out and the instrument has not been scrutinised by local authority associations due to the urgency with which it needed to be made. Letters have been exchanged with local authorities and members of relevant Parliamentary committees to inform them of these changes.”

In light of the above, we seek

1) clarification of the current legal and/or policy parameters in Northern Ireland surrounding

a) limitations to the length of stay in hotel / B&B / similar accommodation for homeless families, including refugee families

b) movement of asylum seekers 'out of area'. (In addition please clarify whether moving people to Scotland constitutes, in the Home Office view, 'out of area').

2) if there have been changes with regard to the above, details of the date of implementation of the change in policy and the numbers of asylum seekers (and additionally, of people in asylum seekers' households) affected since said changes were introduced

3) copies of any relevant letters or other correspondence, guidelines, frameworks, legal texts, memoranda of understanding, undertakings, agreements or other form of policy instruction -- whether internal to Westminster or between Westminster and Northern Ireland -- relevant to a) limitations to length of stay in contingency asylum accommodation in Northern Ireland and/or b) movement of asylum seekers 'out of area' in Northern Ireland.

Response

The Homelessness Regulations do not apply to those being housed under any of the provisions of the Immigration and Asylum Act 1999, such as those housed in accommodation inspected by the Independent Chief Inspector of Borders and Immigration (ICIBI) in their recent inspection of Contingency Accommodation.

The Secretary of State is statutorily required to have regard to the general desirability of housing those eligible for accommodation under the 1999 Act in areas where there is a ready supply of housing and is unable to have regard to recipients' personal preferences as to location (Immigration and Asylum Act 1999 s97). There is no legal bar to relocating those in Northern Ireland to other areas of the United Kingdom where there is a ready supply of housing.

Regarding questions 2 & 3, there is no change: this has been policy since inception. Northern Ireland has recently reached the volume cap and so we have started to relocate people out of area. This is not a new policy: relocation was not necessary previously as the asylum support population in Northern Ireland was not sufficiently large to require it.

If you are dissatisfied with this response, you may request an independent internal review of our handling of your request by submitting a complaint within two months

to foirequests@homeoffice.gov.uk, quoting reference 70222. If you ask for an internal review, it would be helpful if you could say why you are dissatisfied with the response.

As part of any internal review the Department's handling of your information request will be reassessed by staff not involved in providing you with this response. If you remain dissatisfied after this internal review, you have a right of complaint to the Information Commissioner as established by section 50 of the Freedom of Information Act.

Yours sincerely

J Slater
Central Operations

We value your feedback, please use the link below to access a brief anonymous survey to help us improve our service to you:
<http://www.homeofficesurveys.homeoffice.gov.uk/s/108105TAZNG>