

# Refugee Integration Best Practice Guide

# Part 2 – Quick Guides

This document provides a summary based on guidance currently made available by the Home Office and other sources. It does not provide legal advice or a detailed guide to asylum and immigration law. All information should be checked with an expert or the Home Office if in doubt.



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## Types of Immigration Status

An individual applying for asylum may receive a number of different outcomes regarding their application. An application for asylum may be accepted, in which case the may be granted refugee status. However, if the asylum application is refused, in some cases they may still be granted another form of leave to remain. When the Home Office decide that the person does not qualify for asylum, they will then consider whether the person qualifies for a grant of Humanitarian Protection, Discretionary Leave or another form of leave granted under or outside the Immigration Rules. Below is an explanation of some of the main outcomes of an asylum application, what they mean and what rights and entitlements they may have obtained.

### Refugee Status

Any person has the right to seek asylum outside their country of origin. All countries that are signatories of the UN 1951 Refugee Convention have a duty to provide protection to those identified as refugees. In order to be considered a refugee and be eligible for a grant of refugee leave to remain, asylum applicants must be able to demonstrate that they *“have a well-founded fear of persecution” as a result of one of 5 reasons: race, nationality, religion, membership of a particular social group or political opinion.*”

Those granted Refugee status receive a grant of leave for 5 years. It carries with it the right to work, access to public funds and right to refugee family union for eligible family members where relationships were established prior to fleeing persecution. Those with refugee status are also entitled to NHS healthcare at all levels and those who previously had NHS debts are able to apply for that debt to be waived. Refugees can also now leave the country and can apply for a Convention Travel Document from the Home Office should they wish to travel. Travel to the country they have sought protection from is not permitted and could lead to a revocation of their refugee status by the Home Office.

### Humanitarian Protection (HP)

Also known internationally as ‘subsidiary protection’. This is a form status awarded where the Home Office does not accept that the person qualifies for asylum as outlined in the 1951 Refugee Convention but where it is accepted that there is a serious risk to life or of harm should the person return their country of origin. These are people who are not fleeing persecution per se, but require protection. All claims should be first treated as an asylum claim before HP is considered. Common examples of cases where one will be granted HP include:

* Risk of death penalty
* Risk of torture or degrading treatment where the individual does not qualify as a refugee
* Risks due to exposure of general violence such as war
* Severe humanitarian conditions such as lack of water, food, shelter

HP is usually granted for 5 years. It includes the right to work, access to public funds and also the right to refugee family reunion. They also have access to free healthcare and can travel via their own national passport or if unable to obtain a passport, can apply for a Certificate of Travel from the Home Office. As of 1 August 2019, they will need to have been resident in the UK for the three years to be eligible for student finance as a home student.

### Limited Leave to Remain (non-asylum/protection grounds)

This is a broad category of people who may have been granted a form of leave to remain under various provision in the Immigration Rules, or in some cases, leave outside the immigration rules following their asylum claim but that the Home Office does not accept that they qualify for Refugee Status or Humanitarian Protection. Leave can be granted for anything up to 5 years but is normally up to 3 years. Common examples of grants of LLTR outside the immigration rules following an asylum application may include:

* Leave granted for family and private life reasons under article 8 of the ECHR (European Convention of Human Rights) such as being the parent of a child who is a British Citizen. Leave under Article 8 of ECHR leave is granted for 30 months.
* Unaccompanied Asylum Seeking Children who are refused asylum (see UASC Leave section below).

Grants may or may not include recourse to public funds. This is usually dependent on whether they were destitute or on Asylum Support at the time of the application. Some individuals may be able to apply to the Home Office to lift the NRPF condition from their grant of leave. Anyone with NRPF status should seek advice from an OISC registered adviser about whether this is possible. If a person has No Recourse to Public funds condition attached to their leave, their Biometrics Resident Permit will state this.

### Discretionary Leave to Remain

Discretionary Leave to Remain (DL) is a form of status granted for reasons outside of the immigration rules and on exceptional or compassionate grounds. The Home Office recognises that some individuals might not be eligible for refugee status or subsidiary protection, may not qualify for leave under the immigration rules but that there may be some exceptional or compelling reasons for why they must remain in the UK. This group does not include leave granted outside of the rules under Article 8 of the ECHR (see Limited Leave to Remain) and no longer includes Unaccompanied Asylum Seeking Children (see UASC Leave). Examples of cases which may qualify for DL following a refusal of asylum may be:

* **Medical Cases** – those critically ill whose life may be at risk should they be returned to their country of origin. May be granted under Article 3 and/or Article 8 of the ECHR.
* **Victims of Trafficking or Modern Slavery** – some victims of trafficking or modern day slavery who have been given a positive decision on their trafficking case may receive a grant of DL.

### UASC Leave

This is a type of leave granted to Unaccompanied Asylum Seeking Children who have been refused asylum, do not qualify for Humanitarian Protection and who have no adequate reception arrangements in their country of origin (no contact with parents or legal guardians to facilitate return). They will normally be granted Limited Leave to Remain for a period of 30 months or until they are 17.5 years (whichever is shorter). At which point they will be expected to either return to their country of origin or seek to regularise their stay in the UK. In the past, these individuals were granted DL but since 2013 have been granted UASC Leave. Grants include recourse to public funds and the right to work.

### Section 67 Leave

This is a grant of leave given to individuals who came to the UK as minors under the Dubs scheme, which aims to relocate some unaccompanied minors to the UK from other parts of Europe (known as the Dubs Amendment). Originally if refused asylum or HP, individuals will qualify for a grant of Section 67 leave (in line with s.67 of the Immigration Act 2016). However, the government have since confirmed that s.67 Leave will now be granted automatically upon arrival, whilst the asylum claim is pending. Leave is granted for 5 years with recourse to public funds and includes the right to work. Unlike refugees, young people granted section 67 leave need to have been ordinarily resident in the UK for 3 years before they qualify for a student loan.

### Calais Leave

This is another category regarding vulnerable unaccompanied minors who were relocated to the UK in 2016 and 2017 following the government’s pledge to take responsibility for processing asylum claims for some vulnerable children affected by the camp clearances in Calais, Northern France. These were individuals who were relocated to the UK to be reunited with qualifying family members in the UK. For those who are refused asylum, they would qualify for a grant of leave, known as Calais Leave. Leave is granted for 5 years, with recourse to public funds and right to work. After 10 years of lawful residence, they may be entitled to Indefinite Leave to Remain**.**

### Understanding Immigration Status

Ascertaining an individual’s immigration status can be complex and rights and entitlements can vary. The Biometric Residence Permit will state whether an individual has leave to remain, has the right to work or has an NRPF condition attached to their leave. However, it may not always tell you the type of immigration status someone has. The information printed on BRPs may also vary and change from time-to-time. Below is a general guide to help you establish someone’s status and conditions from their BRP.

| Status | Description |
| --- | --- |
| Refugee | BRP will state on the front ‘REFUGEE’ then ‘LEAVE TO REMAIN’ and ‘WORK PERMITTED’. Leave will be granted for 5 years. |
| Humanitarian Protection | BRP will state ‘HP’ or ‘HUMANITARIAN PROTECTION then ‘LEAVE TO REMAIN and ‘WORK PERMITTED’. Usually granted 3- 5 years. |
| Limited Leave to Remain | BRP will state ‘LEAVE TO REMAIN’ and ‘WORK PERMITTED’ (can be granted for up to 3 years). It may or may not state ‘OUTSIDE THE RULES’ depending on if leave was granted outside the Immigration Rules. Check the HO decision letter for clarification of status. If there is an NRPF condition attached it will state ‘NO RECOURSE TO PUBLIC FUNDS’ |
| Discretionary Leave to Remain | BRP should state ‘LEAVE TO REMAIN’ and ‘WORK PERMITTED’. Can be granted for up to 3 years). It may or may not state ‘OUTSIDE THE RULES’. To be sure, check the HO decision letter for clarification of status. |
| Refugee Family Reunion | BRP may either state ‘LEAVE TO ENTER or ‘LEAVE TO REMAIN’ and ‘WORK PERMITTED’. May even state ‘INDEFINITE LEAVE TO ENTER’ or ‘INDEFINITE LEAVE TO REMAIN’ if the sponsor had ILR status. The grant can be of any length as it will expire on whatever date the refugee sponsor’s leave expires. Check the FR visa in their passport to confirm that it is a refugee family reunion visa. |
| Section 67 Leave | BRP will state on the front ‘SECTION 67 LEAVE’ then ‘LEAVE TO REMAIN’ and ‘WORK PERMITTED’. Leave will be granted for 5 years. |
| Calais Leave | BRP will state on the font ‘CALAIS LEAVE’ then ‘LEAVE TO REMAIN’ and ‘WORK PERMITTED’. Leave will be granted for 5 years. |

The information on BRPs can vary, or may not always seem clear. If in doubt always check the Home Office decision letter for clarification on the type of status granted. All of the above examples should come with permission to work and state ‘WORK PERMITTED’. If they have been given an NRPF condition such as for some people limited leave to remain, the BRP would state this. If it does not, then the individual will have entitlement to public funds.

### Key Information

[Asylum Policy Instruction: Assessing Credibility and Refugee Status](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/397778/ASSESSING_CREDIBILITY_AND_REFUGEE_STATUS_V9_0.pdf). Home Office.

[Asylum Policy Instruction: Discretionary Leave](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/658372/discretionary-leave-v7.0ext.pdf). Home Office.

[Calais Leave](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/812706/calais-leave-v2.0-ext__003_.pdf). Home Office.

[Humanitarian Protection](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/597377/Humanitarian-protection-v5_0.pdf). Home Office.

[Leave Outside the Immigration Rules](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/684049/lotr-compelling-compassionate-grounds-v1.0ext.pdf). Home Office.

[Section 67 of the Immigration Act 2016 Leave](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/722990/section-67-of-the-immigration-act-2016-leave-v1.0-EXT.PDF). Home Office.

## 28 day ‘grace period’

Asylum seekers may be entitled to asylum support in the form of Section 95 support while they are waiting on a decision on their asylum claim. Additionally, some refused asylum seekers may also be entitled to a type of asylum support known as Section 4 support.

Once an asylum claim has become fully determined, the individual will eventually no longer be entitled to asylum support. In the case of a positive decision on the asylum claim (i.e. grant of refugee status), the individual remains entitled to Section 95 support for a period of 28 days after *‘the Secretary of State notifies the claimant that his decision is to accept the asylum claim’* and this is outlined in Regulation 3 of the Asylum Support (Amendment) Regulations 2002. This period between receiving a positive decision on an asylum claim and the discontinuation of asylum support is effectively known as the ‘grace period’.

### Why does this happen?

In the event that an asylum claim is fully determined, the Home Office no longer has a duty to provide support. Should an individual receive a positive decision on their asylum claim and receive refugee status the individual will usually obtain the right to work and have access to public funds including mainstream benefits and housing.

The Home Office provides 28 days’ notice from the date of decision in order to provide the individual with ample time to leave their asylum support and accommodation and find alternative accommodation and support. Thus safeguarding the individual from destitution.

### How does the process work?

Once an asylum claim has been fully determined and the individual has been granted refugee status by the Home Office, the Home Office will issue a decision letter to the asylum claimant.

Following the issue of the asylum decision, the Home Office will look to issue the following documentation to the claimant to enable them to ‘move-on’ from their asylum support:

* Asylum support discontinuation letter – this letter effectively announcing that the individual’s asylum support will be discontinued within 28 days from the date the asylum claim is fully determined. In the past, this would have been issued within 2 days of the asylum decision. However, the Home Office has outlined its intention to ensure the 28 days’ notice commences only after the BRP is issued. This letter is essential in evidencing the date of pending homelessness to the Local Authority and income when applying for mainstream benefit.
* Biometric Residence Permit – An ID card evidencing refugee status that is essential in applying for benefit, housing, evidencing employment rights and to open a bank account. This must be issued by the Home Office within 10 working days of the asylum decision.
* NASS 35 letter – this shows the final remaining payments of asylum support until the discontinuation date and can show banks evidence of income or the DWP for evidence of pending asylum support payments.
* NINo – this is required to access employment, benefits and public funded housing. Is normally printed on the back of the BRP.

### What if all these documents do not arrive on time?

If the documents do not all arrive on time then it can cause the individual to experience destitution as a result of delays in applying for benefit, accessing accommodation or opening a bank account. However, there may be steps that can be taken with the Home Office to help resolve these issues:

1. Extension of Support Request - It can be argued that the 28 day period should commence from the date the individual receives all the necessary documentation. The ‘grace period’ is designed to enable the newly-granted refugee to make a smooth transition from asylum support to work or mainstream benefits, giving them time to find a job or access accommodation or welfare benefits from the relevant government departments. Without a BRP, NINo or any other relevant document, the ability to access mainstream support is hindered. It is only with access to the necessary documentation that an individual can enjoy the rights and access to services that refugee status entails, therefore making effective use of the grace period. In such cases, individuals may consider writing to the Home Office Asylum Support Cessations Team via ASCorrespondence@migranthelpuk.org or call Migrant Help 0808 8010 503 and request an extension of the discontinuation date of asylum support.
2. Asylum Support Appeal - Another option may be to appeal the asylum support discontinuation. Terminations of asylum support sometimes come with a right of appeal to an independent tribunal. However, discontinuations of support for newly granted refugees do not come with the right of appeal as they are no longer an asylum seeker. Nonetheless, this avenue may still be worth pursuing and an appeal may still be lodged on the grounds that the person is arguably not an asylum seeker if they do not have the documentation to demonstrate that they have refugee status, thus enabling them to ‘move-on’. This is unlikely to succeed but it may be possible that the Asylum Support Tribunal could determine that the discontinuation of support is unlawful in the absence of the necessary documentation. Asylum Support appeal work is not regulated and you do not have to be a lawyer to undertake this work. Most asylum support appeal work is carried out by the voluntary sector. Appeal forms can be found online on the [Government website](https://www.gov.uk/appeal-first-tier-asylum-support-tribunal). For advice filling out an asylum support appeal form or for any advice regarding the refugee move-on period you can contact the [Asylum Support Appeals Project](http://www.asaproject.org/contact).
3. A third option may be to seek legal advice from a community care solicitor over whether any pending eviction is unlawful in the absence of status documentation enabling the individual to ‘move-on’. For more information seek advice from your local public law firm.

### Key Information

[Ceasing Asylum Support Instruction](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/460419/Ceasing_asylum_support_v12.pdf). Home Office.

[Asylum Support (Amendment) Regulations 2002](http://www.legislation.gov.uk/uksi/2002/472/made)

## Bank accounts

A bank account is an essential requirement for all new refugees transitioning from asylum support to mainstream benefits. A refugee needs a bank account in order to receive benefit or pay from any employment undertaken.

Under the Immigration Act 2014, banks are prohibited from opening bank accounts for asylum seekers. However refugees are entitled to open a bank account. A refugee can open a bank account from the date they are granted refugee status, providing they have all the documentation required.

### What documentation is required?

Opening bank accounts can be a real struggle for new refugees, not only because of barriers to accessing services like language and interpretation but also because bank staff may be unfamiliar with the documentation held by refugees, the requirements for opening a bank account and the law around who is entitled to open a bank account. In order to open a bank account a refugee only should need to provide ID (Biometrics Residence Permit) and proof of address. Some banks may ask for proof of income but this is not always required and may be a requirement depending on the type of account one is applying for. If being asked for proof of income and not in receipt of any paid employment or benefit, a refugee may use their NASS 35 letter showing the final payments of asylum support if pending, or if waiting for benefit, the Job Centre may be able to provide a letter showing that they are processing an application for welfare benefits.

### What if the bank refuses to open an account?

Firstly it is important to know what type of account is being refused. A Basic Account may be easier to open than a Current Account. If a refugee is refused a bank account, they should ask for the reasons in writing. Banks are under no obligation to provide reasons for refusals and some banks may say they cannot provide letters to individuals who are not customers. Nonetheless, a complaint can be made to the bank and then subsequently to the Financial Ombudsman Service should the issue remain unresolved.

There are several solutions that may be possible to explore should a refugee struggle to open a bank account. The DWP may be able to issue a payment card via the [Payment Exception Service](https://www.gov.uk/payment-exception-service). This replaced the Simple Payment Card system.

Other alternatives include:

* [Post Office Card Accounts](https://www.postoffice.co.uk/post-office-card-account) which are generally easier to open than bank accounts.
* A Credit Union account is also an option. These are not restricted to individual’s immigration status and is ideal for facilitating the receipt of money where bank accounts are not possible. A Credit Union account can be opened even using an ARC in some cases. You will have to first become a member to the Credit Union to open an account. See the [Money Advice Service website](file:///C%3A/Users/20015544/Downloads/%E2%80%A2%09https%3A/www.moneyadviceservice.org.uk/en/articles/credit-union-current-accounts#how-to-get-a-credit-union-account) for further information.
* **Monzo** is an online bank which has made it a priority to facilitate the opening of [bank accounts for new refugees](https://monzo.com/blog/2018/05/30/getting-bank-account-refugee/). Refugees can open an account online and submit documents electronically. It can be a good solution where accessibility and communication within branches have created a barrier to access an account.

### Key Information

[Immigration Act 2014 (Bank accounts) Regulations 2014](https://www.legislation.gov.uk/ukdsi/2014/9780111119105)

[Getting a Bank Account](https://www.citizensadvice.org.uk/debt-and-money/banking/getting-a-bank-account/#how_to_open_an_account). Citizens Advice.

[Post Office Card Account - Written Question to the DWP](https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2019-03-20/234759/)

## Local Connection

Upon receiving a grant of refugee status, new refugees may often look to relocate to another city or region due to a number of reasons such as family and friends, established communities or employment opportunities.

However, it is important that any new refugees relocating are aware of their rights and entitlements regarding access to housing, particularly in respect to having a “local connection”.

### What is a local connection?

A ‘local connection’ is a concept which was originally established in section 199 of the Housing Act 1996 (HA 1996) in England and in equivalent legislation in Wales. It was created to assist a local housing authority when processing housing applications and to prevent them from being overwhelmed with housing duties to individuals new to the area. It allows authorities to make referrals to other relevant authorities where an individual does not have a local connection.

In order to have a local connection an individual must have lived in the area for 6 of the last 12 months or 3 out of the last 5 years.

However, there are some other circumstances which might establish a local connection. According to s199 (1) of the Housing Act 1996, a local connection may be established if the individual has been resident in the area, is employed in the area, has family connections, or has special circumstances. Additionally, Section 199(8) also adds to this list care leavers to whom the authority owes a duty to.

‘Family connections’ refers to the presence of immediate family members such as parents, adult children or siblings who have been living in the area for at least 5 years. A council may accept a local connection based on other family members but this is at their own discretion. For care leavers, they must be under the age of 21 and have been under the care of the LA for at least 2 years.

### What about refugees or those granted Humanitarian Protection?

Any newly granted refugee who was supported in Section 95 Asylum Support accommodation will have a local connection to that area they were last supported regardless of how long they lived in the area. This duty is outlined in Section 199(6) of the Housing Act.

However, refugees who were supported in Section 95 accommodation in Scotland do not necessarily have a local connection to the authority in Scotland due to Scottish legislation differing from England. Therefore a receiving authority in England would not be able to refer to the applicant back to the Scottish authority on the basis of established local connection. For those supported under Section 4 support they should technically follow the same assessment as anyone else under s199 (1) of HA. However, there may also be scope to present homeless elsewhere due to the absence of ‘choice’ in the provision of Section 4 accommodation by the Home Office.

### What does the Local Connection mean in practice?

Essentially, any new refugee who decides to move to another area following a grant of refugee status may not be eligible for housing from the authority as they do not have a local connection. This means that they will not be eligible for council housing or any other public funded housing until they have established a local connection.

### What duties do the LHA have?

An individual is entitled to present as homeless and make an application for housing in any area. An authority will initially assess whether an applicant is eligible for housing assistance and make relevant enquiries under s184 (2) of the Housing Act to establish a local connection.

Should the authority establish that the applicant has a local connection elsewhere, they can refer the case back to the relevant authority who possesses the housing duty. Referrals can be made at 2 stages – at the relief duty stage (initial emergency accommodation) or for the main housing duty. Referrals cannot be made to authorities in Wales or Scotland for the relief duty. This area can be complex and it is always recommended that individuals seek housing advice.

*This page should be treated as information only and must not be considered as advice. For advice on any housing matters individuals can contact* [*Shelter*](https://england.shelter.org.uk/get_help)*.*

*Local Authorities or organisations supporting individuals around housing matters may be able to access specialist advice from* [*NHAS*](https://www.nhas.org.uk/contact) *if their organisation is a member.*

### Key Information

[The Housing Act 1996](http://www.legislation.gov.uk/ukpga/1996/52/section/199)

[Homelessness Code of Guidance for Local Authorities](https://www.gov.uk/guidance/homelessness-code-of-guidance-for-local-authorities/chapter-10-local-connection-and-referrals-to-another-housing-authority)

[Asylum and Immigration (Treatment of Claimants) Act 2004](https://www.legislation.gov.uk/ukpga/2004/19/section/11)

## Welfare Benefits and Finance

For new refugees access to income is likely going to be a challenge during the initial weeks and months. For those transitioning from asylums support to mainstream support, they will find that their Home Office support will be discontinued as they have now gained the right to undertake employment and have recourse to public funds. Below is a brief introductory guide looking at different finance options, key issues and some useful facts specific to new refugees.

### National Insurance Number (NINo)

Before being able to access any welfare benefits or undertake employment, a new refugee must first possess a NINo. The Home Office should be responsible for applying for the NINo on the refugees behalf before issuing their refugee status documents. NINos should be printed on the back of the Biometric Residence Permit. In the absence of a NINo, it is recommended that new refugees request an extension of asylum support from the Home Office in order to avoid destitution. Information on how to apply for a new NINo can found on the [Government website](https://www.gov.uk/apply-national-insurance-number).

### Universal Credit (UC)

Universal Credit has replaced a number of income-related benefits such as Job Seekers Allowance, Employment Support Allowance, Income Support, Child Tax Credits, and Housing Benefit etc. For new refugees applying for benefit they will now almost always need to apply for UC whether as a jobseeker, lone parent or are unable to work due to health reasons. Where individuals have health issues they should seek advice from their local Job Centre or Citizens Advice as they may be entitled to other benefits.

Technically, a new refugee can claim UC from the date they receive their refugee status (the receipt of relevant ID and NINo documentation permitting). They do not have to wait until the end of their Asylum Support to be eligible for welfare benefits. Any pending Asylum Support payments will be taken into consideration with the DWP issuing a ‘Top Up’ payment on top of the asylum support to take it to the level of UC.

UC can take a minimum of 5 weeks or 35 days to process from the date the application to the date of first payment. Therefore new refugees are likely to experience a period of destitution as their asylum support is terminated within 28 days from the date the Home Office notify them of the decision to grant them refugee status. UC applicants can apply for an Advance Payment and can borrow up to 1 month of their UC entitlement. Advance Payments can be processed and issued within 3 working days. An Advance Payment is a loan and will be repaid via deductions from regular UC payments.

### Habitual Residence Test (HRT)

The DWP may undertake a HRT in order to assess whether someone is resident in the UK and therefore is entitled to claim benefits. The HRT contains consists of 2 stages: an assessment of the individual’s legal right to reside in the UK and an assessment of their factual habitual residence. Refugees and those granted Humanitarian Protection are exempt from the 2nd stage of the HRT. Upon applying for benefit, a refugee will be asked to provide documentation which confirms their legal right to reside in the UK. The Biometric Residence Permit should satisfy the right to reside element of the HRT and they should then be exempt from the remainder of the test. There should be no added delay to processing benefit claims from refugees as a result of the HRT.

### Child Benefit

Any refugees with children under the age of 16 or up to 20 and in full-time education will be able to apply for Child Benefit to help with the costs of being a parent. Applications for Child Benefit can take up to 12 weeks to process, therefore there may be a delay in receiving income. As with Child Tax Credits previously, refugees can request that Child Benefit is backdated to the date the claimed asylum. However, in order to be eligible for this backdated payment, an application for Child Benefit must be submitted within 1 month from the date they were granted refugee status.

### Section 17 Support

Where families with children are not in receipt of adequate income, the Local Authority may have a duty to provide support under Section 17 of the Children’s Act 1989 where there is a “*child in need”*. If a family is awaiting benefit such as Universal Credit or Child Benefit and are struggling to meet their basic needs, a referral to Children’s Social Services may be a solution. Under Section 17 (6) of the Children’s Act, the Local Authority has a duty to *“safeguard and promote the welfare of the child”* and this may include the provision of financial assistance. The Local Authority will carry out a Child in Need Assessment in order to establish if they have any duties. Such referrals should be discussed carefully and sensitively with new refugees to ensure they fully understand the process and potential outcomes.

### Refugee Integration Loan

All new refugees and those with Humanitarian Protection are entitled to apply for a Refugee Integration Loan from the Home Office. A minimum amount of £100 can be borrowed in order to help with costs of integrating into UK society. Use of the loan is restricted and so it cannot be used for general living costs. The loan can be used for items such as housing deposits, work equipment or education and training costs for work. Payment and repayment is managed through the DWP with repayment coming through deductions from regular benefit payments if on benefits. There are no specified processing times for applications but Home Office aim to respond to all applications within 30 days. Individuals can apply by filling out the form, which can be downloaded from the [Government website](https://www.gov.uk/refugee-integration-loan), and submitting to the Home Office.

### Budgeting Loan

A budgeting loan may be an option to cover the costs of a number of items including rent, moving house, furniture. However, to be eligible you need to be in receipt of one of the qualifying benefits for at least 6 months.

### Local Welfare Assistance Scheme

Individual Local Authorities may have their own emergency options to support individuals who are moving home and are experiencing financial instability. Local Authorities may have funds to help with moving costs, furnishing a new household or with emergency needs like food and heating costs. Each Local Authority is responsible for its own scheme so the type of help may vary. Contact your Local Authority to find out what might be available as new refugees settling into new accommodation may be able to benefit from this fund.

### Key Information:

[Budgeting Help](https://www.gov.uk/budgeting-help-benefits). Gov.uk.

[Cash In A Crisis](https://england.shelter.org.uk/housing_advice/money_problems_and_energy_costs/cash_in_a_crisis). Shelter.

[Claiming Universal Credit and Other Benefits If You Are a Refugee](https://www.gov.uk/government/publications/claiming-universal-credit-and-other-benefits-if-you-are-a-refugee/refugee-guide-urgent-things-you-need-to-do). Gov.uk.

[Child Benefit](https://www.gov.uk/child-benefit). Gov.uk.

[Help Available From The Department For Work and Pensions For People Who Have Been Granted Leave To Remain In The UK](https://www.gov.uk/government/publications/refugees-guidance-about-benefits-and-pensions/help-available-from-the-department-for-work-and-pensions-for-people-who-have-been-granted-leave-to-remain-in-the-uk). DWP.

[Refugee Integration Loan](https://www.gov.uk/refugee-integration-loan). Gov.uk.

[National Insurance Number](https://www.gov.uk/apply-national-insurance-number). Gov.uk.

[Section 17 of the Children’s Act 1989](http://www.legislation.gov.uk/ukpga/1989/41/section/17)

[Universal Credit](https://www.gov.uk/universal-credit). Gov.uk.

## Education for refugees

Accessing education is often a top priority for new refugees seeking to obtain skills and formal qualifications that will be recognised in the UK labour market. Additionally, learning English is central to successful integration and many refugees find they must first seek to improve their ability to speak, read and write English in order to obtain employment, access services or settle into their new community. Below is a summary of the key information regarding entitlements and access to different levels of education for both adult and child refugees.

### Higher Education

Access to student finance for higher education can depend on your immigration status as well as where you live. Course providers may charge different fees for different applicants depending on their immigration status. In England, there are 2 main fee rates – home fees and overseas fees. However in Scotland, there is also middle status fee for those moving from different parts of the UK to study.

For undergraduate courses, refugees qualify for Home Fees as long as they are ordinarily resident i.e. they live in the UK. For those with Humanitarian Protection, they must be resident for at least 3 years before the first day of the academic course in order to be eligible for Home Fees. This is also case for some other grants of leave such as Section 67 Leave.

Refugees, asylum seekers and those granted Humanitarian Protection may be able to apply for a sanctuary scholarship to enable them to study both undergraduate and postgraduate courses. In order to be eligible for a Sanctuary Scholarship they will need to have an academic offer. What they receive will be dependent on what student finance is available to them.

### ESOL

Access to ESOL provision can be restricted due to limited funding available from the government. As a result, waiting lists may often be very long. Refugees should be able to access free ESOL classes, however barriers to access this include availability dependent on location, long waiting lists and the absence of childcare. Other barriers may include having no English at all meaning that individuals have an English level too low to be allowed entry to Level 1 ESOL.

Due to long waiting lists, refugees may wish to consider accessing non-accredited English language classes. Although dependent on location, there are often many English language classes offered through the Voluntary and Community sector or from faith institutions.

Migration Yorkshire have been working with MESH to deliver a regional website listing all ESOL provision in Y&H. The site enables users to find their nearest ESOL class wherever in the region.

### Children’s Education

Access to education for children is an essential part of the integration process for refugee families. This is more likely to be an issue for those families arriving in the UK via refugee family reunion as refugees who have come through the asylum process will have most likely already registered their children in schools whilst their asylum claims were being processed and those coming through refugee resettlement programs will already have school places arranged prior to arrival.

Section 7 Education Act 1996 requires that parents have a legal duty to ensure that their children of compulsory school age receives a ‘suitable’ education. All children aged 5-16 must be in ‘suitable’ full-time education, meaning either in school or receiving appropriate home schooling. The school leaving age differs in different parts of the UK, but in England children are expected to remain in school until they are 18, but can leave school at 16 as long as they are then going into full-time education elsewhere or an apprenticeship/trainee programme.

Unauthorised absence from school can become a legal matter as schools have a duty to inform the Local Authority of prolonged periods of unauthorised absence (more than 10 days). Parents can receive a Fixed Penalty Notice for a child’s non-attendance.

To apply for schools whether primary or secondary, applications are normally made via the Local Authority. The Local Authority will have their own procedures in place and may even advise to apply directly to schools. Where a school place has been refused, applicants can request to be put on a waiting list or can contact the Local Authority for a list of schools with available places. Applicants also have the [right to appeal](https://www.gov.uk/schools-admissions/appealing-a-schools-decision) against any refusal to offer a school place.

Young people aged 16-19 and in full-time education are entitled to receive a bursary to help with education related costs like books purchasing books and other course materials.

### Key Information

[Access to education for refugee and asylum seeking children](https://www.unicef.org.uk/publications/access-to-education-refugee-asylum-seeking-children/). Unicef.

[Student finance for refugees and asylum seekers](https://www.ucas.com/finance/additional-funding/student-finance-refugees-and-asylum-seekers). UCAS.

[Student finance eligibility](https://www.gov.uk/student-finance/who-qualifies). Gov.uk.

## Refugee Family Reunion

Refugee family reunion refers to the process whereby the dependent family members of a refugee can apply to be reunited with them in the country they have been granted protection. It’s important to be aware of this category as these individuals will obtain a status mirroring the refugee sponsor who they applied to be reunited with in the UK.

### Background

The notion of refugee family reunion is absent from the 1951 Refugee Convention which lays the framework of obligations for host countries offering protection to refugees. However, the UNHCR handbook recommends that at a minimum signatories to the Refugee Convention offer family reunion rights for refugees to sponsor their spouses and dependent children to join in them in the host country. The creation of family reunion rights for refugees has arisen in response to the fact that families can often become separated as a result of the nature of the experiences of persecution or conflict.

### UK Family Reunion

The UK consequently offers a special visa category for the family members of refugees to apply for a family reunion visas to join the refugee sponsor in the UK. The refugee acts as the sponsor on the visa application. The UK immigration rules allows for refugees to bring over their spouse, partners and dependent children under the age of 18. However, not all families are nuclear families and so individuals may seek to make applications outside of the immigration rules to bring over dependent family members not specified in the immigration rules. Relationships must have been established before the refugee sponsor fled their country of origin. In order to be eligible for refugee family reunion, the sponsor must possess either Refugee status or Humanitarian Protection and will continue to have family reunion rights if they acquire Indefinite Leave to Remain. However, if an individual obtains British Citizenship, they will no longer qualify for refugee family reunion. Refugee family reunion is not covered by legal aid and so applications can be costly as a result of private legal fees.

### Rights and entitlements

When an applicant is granted a refugee family reunion visa, they will be granted leave in line with the sponsor. This means they will obtain the same conditions, rights and entitlements as the refugee sponsor, although they are not recognised by the Home Office as having refugee status. They will have the right to work, recourse to public funds and access to free healthcare at all levels. Their visa will expire on the same date as the refugee sponsor’s and so will be able to apply for indefinite leave to remain as when the sponsor is eligible.

Upon arrival, the family reunion visa holder will receive their Biometric Residence Permit within 10 working days. They will also have to apply for a NINo in order to work or claim benefit.

Ascertaining immigration status of family reunion arrivals can be tricky. The BRP will not state that they are a refugee family reunion arrival. It will either state ‘Leave to Enter’, ‘Leave to Remain’, ‘Indefinite Leave to Enter’ or ‘Indefinite Leave to Remain’ and will be valid as long as the sponsor’s leave, therefore the length of leave can vary. To be sure of their status, it’s necessary to check the family reunion visa document in their passport.

### Post-Arrival Support Needs

Refugee family reunion arrivals may often require a lot of integration support. Families who have joined the sponsor may need to access income, appropriate accommodation, school places and access to support around healthcare and wellbeing.

* Housing:

There are no accommodation and maintenance requirements as part of the refugee family reunion visa, therefore upon arrival, accommodation that was suitable for the refugee sponsor may no longer be suitable for the family as a whole. Families may need to approach the Local Authority to request housing if their current living conditions are not appropriate and below standards set in the Housing Act 1985 e.g. around room sharing. Refugee sponsors may benefit from being in contact with Local Housing Authorities prior to the family’s arrival, in order to aid better planning.

* Welfare and Income:

If the refugee sponsor is on welfare benefits such as Universal Credit, they will need to amend their current claim to include the arrival of their spouse and/or children. If they have children, they may also apply for Child Benefit. See our Welfare & Finance guide for more information.

Destitution is common for families arriving via refugee family reunion due to delays in processing benefit claims and amendments. As the processing of benefit claims can take time, families who have arrived via family reunion often find themselves without adequate income during this initial period of integration. Where a family has insufficient income to support the children, the Local Authority may have a legal duty to provide subsistence support under Section 17 of the Children’s Act as a child may be assessed as a “child in need”. Families should consider a referral to the Local Authority Children’ Social Services with a view to providing emergency, temporary subsistence support during this interim period. The Local Authority will at a minimum have a duty to carry out the appropriate assessments under the Children’s Act and to provide emergency support whilst these assessments are ongoing.

* Integration support:

Families may have a variety of other support needs such as around help applying for schools, mental health and wellbeing, ESOL and education, homework support for children, the experience of isolation and adapting to a new environment etc. The voluntary and community sector may play an essential role of support for some families arriving through this process.

It is important to be aware that often the family reunion arrivals themselves have also experienced trauma and in many cases they too have fled persecution from their country of origin, just like the refugee sponsor. Often families become separated on journey to a safe country and so many families have been resident in a third country (which may itself be unsafe) awaiting reunification. Often they may be in the country of origin but also may be in danger. Consequently, refugee family reunion arrivals often possess support needs and vulnerabilities similar to their refugee sponsors.

*The* [*British Red Cross*](https://www.redcross.org.uk/about-us/what-we-do/how-we-support-refugees/family-reunion-integration-service) *offer a variety of different support and advice around refugee family reunion. However, support may vary from area to area.*

### Key Information

[UNHCR Guidelines on the Reunification of Refugee Families](https://www.unhcr.org/3bd0378f4.pdf). UNHCR.

[Family Reunion Guidance](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/787275/family-reunion-guidance-v3.0ext.pdf). Home Office.

## Health access for refugees

Access to healthcare is essential for new refugees to re-build their lives in the UK. Many refugees and asylums seekers will have health needs whether physical, mental or both, and these may often be associated with their experience of trauma and persecution. However, access to healthcare can sometimes be challenging for new refugees. This briefing outlines the key areas of healthcare, rights, and how to address any barriers that refugees may encounter.

### Eligibility

The UN Convention on the Status of Refugees, states that refugees should be able to access the same quality of healthcare as the host population, and this is very much the case in the UK. The UK is a signatory to the UN Convention, meaning it is bound by international law to provide certain rights and protections to new refugees.

In the UK one of the major obstacles to accessing healthcare is the NHS Overseas visitors charging regulations which set out the guidance for which migrants should be chargeable for secondary healthcare. Healthcare in the UK is divided into two tiers - primary and secondary. Whilst some migrants are chargeable for secondary healthcare, primary healthcare is free for all people. Refugees are eligible for both free primary and secondary healthcare so there should be no charges for access to healthcare for refugees.

### GP services

Access to GP services is the essential first point of access to healthcare services for everyone. It is through GP registration that individuals can also access referrals to secondary healthcare services. However, migrants like asylum seekers and refugees can often struggle to access GP services. Although, most refugees who have been in the UK through the asylum process will likely have already registered with a GP, there will always be some who will have not registered. GP services are considered primary healthcare services and are free for all. Yet, some of the difficulties that refugees may encounter when accessing GP services are a lack of proof of address or ID. For example those in the refugee move-on period have not yet obtained documentation from the Home Office. A lack of proof of address or ID is not a valid reason for a GP to refuse registration and the NHS GP Registration Guidance 2015 makes this clear. Subsequently, NHS have produced a useful [leaflet](http://www.nhs.uk/NHSEngland/AboutNHSservices/doctors/Documents/how-to-register-with-a-gp-leaflet.pdf) for refugees and asylum seekers, which can be used when registering with GP services and makes clear their rights. Other issues may include the need for support to fill out registration forms or access to interpretation. Where individuals are refused registration at a GP service, they should ask for the reasons in writing.

### Dental care

Dental services can be difficult to access due to the lack of capacity from services to register new patients. The [Find a dentist](https://www.nhs.uk/service-search/find-a-dentist) facility on NHS website allows users to search practices by postcode with information on whether the practice is accepting new patients. [My Dentist](https://www.mydentist.co.uk/dentists) offers a similar service.

Similar to GP services, other difficulties accessing services may be linked to filling out registration forms and an access to interpreters. As with all NHS services, interpretation services should be offered.

Dental services are chargeable, however, for those on low incomes who have a valid HC2 certificate, this should cover the costs of basic dental treatment.

For anyone needing access to emergency dental treatment and who is not registered with a dentist, they can access the emergency dentist by contacting 111. This service is chargeable unless the individual possesses a valid HC2 certificate.

### Mental health services

Support around mental health and wellbeing will be imperative for many new refugees coping with the effects of trauma, displacement and the challenges of adapting to living in a new place. Whilst refugees may be able to benefit from counselling and other therapeutic services offered through the NHS such as IAPT, some may require more specific support for refugees. GPs should be a good first contact to access mainstream mental health and wellbeing support.

A number of national and regional charities specialising in mental health support for refugees and asylum seekers exist, such as the Helen Bamber Foundation, Freedom from Torture and Solace. Such support can be in high demand with long waiting lists and some organisations may have specific criteria such as being a survivor of torture.

The importance of psychosocial support such as through support groups and activities can play an important role in improving and maintaining wellbeing. Check the local voluntary and community sector to see if there are any activities or projects that can be of benefit. Refugee sector charities often deliver services focussed around wellbeing for refugees and asylum seekers.

### Medication and other health costs

Prescription costs can be very expensive and a challenge for those on low incomes. The NHS Low Income Scheme enables those who earn below a certain threshold or those on specified welfare benefits, or who are pregnant to access free prescriptions and other health costs. The Scheme is accessed through obtaining a HC2 certificate via submitting a HC1 application form. Asylum seekers will have received these automatically when entering the asylum process, however these must be renewed every 6 months so any new refugee may no longer hold this and may need support to apply.

A HC2 certificate also covers free access to eye tests, dental treatment and some other essential health services.

See NHS website for more information on the Low Income Scheme.

### Interpreter and translation

Access to interpretation will be essential for those who do not speak English or have limited English. NHS services must legally provide access to interpretation services to patients and this duty is found in several pieces of UK primary legislation and international law such as the Equality Act 2010, the European Convention for the Protection of Human Rights and Fundamental Freedoms 1950, The Human Rights Act 1998 and The Health and Social Care Act. The NHS Constitution 2012 also highlights this right.

Meanwhile, NHS England’s [Guidance for Commissioners for Interpretation and Translation Services in Primary Care](https://www.england.nhs.uk/wp-content/uploads/2018/09/guidance-for-commissioners-interpreting-and-translation-services-in-primary-care.pdf) makes clear the need for patient’s to be able to access interpretation services and how services must facilitate this. It states that patients should be offered personalised interpretation services, i.e. whether the interpretation offered is face-to-face, over the telephone for example, depends on the needs of the patient. It also states that interpretation and translation services should be offered at the “point of delivery”, however, this doesn’t make explicit whether services should be offered to facilitate registration. Therefore, for individuals seeking to register with a GP for example, one of the major hurdles may be accessing an interpreter to assist with filling out registration forms.

### Key Information

[UN Convention on the Status of Refugees](https://www.unhcr.org/uk/health.html)

[Doctors of the World](https://www.doctorsoftheworld.org.uk/publications/)

[Maternity Action](https://maternityaction.org.uk/women-from-abroad/)

[Patients Not Passports](https://patientsnotpassports.co.uk/)

[NHS: How to register with a GP – asylum seekers and refugees](https://assets.nhs.uk/prod/documents/how-to-register-with-a-gp-asylum-seekers-and-refugees.pdf)

## Children and young people

### Education and childcare

### Children’s Education

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Section 7 Education Act 1996 requires that parents have a legal duty to ensure that their children of compulsory school age receives a ‘suitable’ education. All children aged 5-16 must be in ‘suitable’ full-time education, meaning either in school or receiving appropriate home schooling. The school leaving age differs in different parts of the UK, but in England children are expected to remain in school until they are 18, but can leave school at 16 as long as they are then going into full-time education elsewhere or an apprenticeship/trainee programme.

Unauthorised absence from school can become a legal matter as schools have a duty to inform the local authority of prolonged periods of unauthorised absence (more than 10 days). Parents can receive a Fixed Penalty Notice for a child’s non-attendance.

### Early education

Some limited [free childcare](https://www.gov.uk/help-with-childcare-costs/free-childcare-and-education-for-2-to-4-year-olds) is available to 3 and 4 year olds in England. All children of this age can access 15 hours per week, however most families can claim up to 30 hours free childcare if they meet the eligibility criteria such as they earn below the £100,000 per year.

### School admissions

To apply for schools, whether primary or secondary, applications are normally made via the local authority. The local authority will have their own procedures in place and, dependent on their procedures or the status of the school, may even advise to apply directly to schools. Where a school place has been refused, applicants can request to be put on a waiting list and / or can contact the local authority for a list of schools with available places. Applicants also have the [right to appeal](https://www.gov.uk/schools-admissions/appealing-a-schools-decision) against any refusal to offer a school place.

### Free school meals

Free school meals are a useful option for families on low incomes. Free school meals are available to families who are in receipt of one of the qualifying welfare benefits. They are available to children in full-time education at primary and secondary school and infants in reception. [Applications](https://www.gov.uk/apply-free-school-meals) can be made through the local authority.

### Transport assistance

Some families may be able to access some help with transport costs for their children to travel to school such as if they are on a low income and live far away from the school. Such support schemes offered vary and so more information on what’s available can be accessed through the local authority.

### Bursaries

Young people aged 16-19 and in full-time education are entitled to receive a bursary to help with education related costs like books purchasing books and other course materials.

### Special Needs

Where a child has special educational needs then, dependant on the nature of those needs, it may be that an Education, Health and Care Plan (EHCP) can be written by the local authority with the family in order to ensure that they are receiving the support they need in order to be able to access individualised support to access appropriate education.

### Family support

### Children and family centres

Children’s centres can be a useful resource for refugees integrating into a new community. They are there to provide extra support for struggling families. Support on offer can include one-to-one and group support, parenting support, play groups, homework clubs and other activities for children. A range of support will be available through local authorities but the local voluntary and community sector may also be able to assist families and children with a range of services. Enquire through the local authority to find out what is available.

### Family support workers

Family support workers may be accessed through local authority children’s social services where families are struggling and could benefit from extra support. New refugees often face multiple challenges simultaneously such as moving house, applying for benefit, accessing schools as they settle in a new community. Where families are identified as having particular difficulties or support needs, casework support through local authorities may be of benefit.

### Health visiting service

The Health Visitors service is another useful resource for families. It offers families with young children one-to-one support around their children’s health and development needs, and is delivered by trained nurses or midwives. They offer support from until children reach the age of 5. Support is accessed through local GP surgeries.

## Private renting guide for new refugees

### Refugee move-on accommodation

New refugees transitioning from asylum support accommodation may be looking at accommodation options in 3 areas – council housing, social housing and privately rented accommodation. The former two are largely dependent on availability and this can vary dependent on location. Therefore, access to the private accommodation market may be necessary for new refugees to avoid periods of homelessness.

The private accommodation market may provide specific challenges for new refugees and so some may be reluctant to indulge in entertaining this option. With the right support and information, new refugees can access suitable and affordable privately rented accommodation. This quick guide aims to provide an overview of the key things to be aware of when searching for private accommodation as a new refugee. Many local authorities have voluntary codes of standards for landlords and / or work with landlords to ensure that they provide safe, quality accommodation and abide by legal requirements. It can be worthwhile approaching them to see if they offer registers of potential properties.

### The Right to Rent

The Immigration Act 2014 introduced the right to rent, limiting some migrants’ ability to rent property in the UK. It introduced right to rent checks whereby private landlords and agents must check whether a prospective tenant is legally allowed to rent. If a tenant fails the checks, the landlord cannot legally let the property to that person. Checks are carried out through submitting ID documents to landlords and can be done via an online checking service on [gov.uk](https://www.gov.uk/check-tenant-right-to-rent-documents).

Refugees have the right to rent, therefore should always pass these checks.

### Finding property

Rental properties may be advertised via websites like Right Move, Zoopla; by individual letting agents; or privately through shop windows, newspapers or word of mouth.

Under the Homelessness Reduction Act 2017, local authorities have a duty to prevent homelessness and so must help applicants find alternative accommodation where they cannot support. This may include support accessing private accommodation.

Once a property has been found, there may be various documents to provide and stages to pass before renting the property. It’s normal to be asked for ID or proof of income. ID docs like passports or Biometric Residence Permits will be needed for right to rent checks.

[Shelter](https://england.shelter.org.uk/housing_advice/private_renting/how_to_rent_from_a_private_landlord_or_letting_agent) has some useful guidance on private renting which includes advice like always visiting properties before agreeing tenancies, ensuring deposits are placed in a tenancy deposit scheme etc.

### Bonds

The absence of finances for a deposit can be real challenge for new refugees as all private accommodation will likely always require that some rent in advance and a deposit is provided before letting property to a tenant. New refugees transitioning from asylum support will have limited income to be able to provide this. If still on the final payments of asylum support (which is capped at £39.60 per week per person) or having recently received Universal Credit, it’s likely that they won’t have been able to save money for a deposit and upfront rent payments.

There are some options to support new refugees with deposits for private renting. If approaching the local authority seeking housing and homelessness assistance, where the LA is unable to offer permanent accommodation, they may be bound by duties under the Homelessness Reduction Act 2017 to provide some support to access accommodation elsewhere. This may include financial support to cover the costs of a bond or the offer of a bond guarantee to landlords in lieu of the payment of a bond, should a property be found.

Some charities like St Martin’s Vicarage, National Zakat Foundation or Positive Action in Housing offer grants for new refugees to cover the costs of a deposit for new accommodation.

Refugees can also apply for a Refugee Integration Loan from the Home Office which can also be used to cover the costs of a housing deposit.

Deposits should be held under a [tenancy deposit protection scheme](https://www.gov.uk/deposit-protection-schemes-and-landlords) and not by a landlord or letting agent.

### Other upfront costs

It’s normal for landlords to also request a month’s rent in advance alongside a deposit when agreeing a new tenancy. It is however, no longer legal for them to ask tenants to pay for checks like credit checks, references and other administration costs.

### Tenancies

Most tenancies are assured shorthold tenancies.

When a property is let, the landlord must provide a copy of the [how to rent](https://www.gov.uk/government/publications/how-to-rent) guide. Before letting a property, we recommend refugees read this and their tenancy agreement. For those that do not speak English, it’s important that they access language support to ensure that they understand the agreement they are undertaking, what their rights and responsibilities are.

### Rights and responsibilities

Tenants have certain rights and responsibilities when renting property. These include the right to know who their landlord is, the return of deposits and to be protected from unlawful evictions. Any evictions have to be legal so advice should always be sought when there is a dispute and or eviction threat.

However, tenants have responsibilities too such as to maintain and clean the property and it is recommended that they should allow access to the property to the landlord within 24 hours’ notice. Other responsibilities include that the rent is paid and that the tenant is responsible for paying for any damage they caused to the property.

Landlords also have a number of responsibilities such as ensuring gas safety checks are carried out on appliances and certificates are available, electrical and fire safety checks. When landlords rent out a property, it is the tenant’s home and they have a right to quietly enjoy the property without harassment or threat of unlawful eviction which can be criminal and civil offences. Landlords are also responsible for carrying out any repair or maintenance work where the damage was not caused by the tenant.

Landlords are required to give a notice period (ranging from 2 weeks to 2 months depending on the type of tenancy) before they can terminate a tenancy. Where the tenant refuses to leave at the end of the notice period, the landlord must apply to the courts for a possession order and, if the tenant will not leave at that time, a warrant to be enacted by the courts before they can enact an eviction.

### Resident landlords

Tenants who live with landlords may have a different tenancy agreement known as excluded tenancies or licences. This means they will have some different rights and responsibilities such as that landlords do not require a possession order to evict someone.

### Housing advice and disputes

The local authority housing department may be able to offer some advice on housing issues and should be alerted if there are concerns that the property is unsafe. Local authority environmental health teams can also be alerted to any unresolved repair work.

Shelter operate a helpline offering advice on a variety of housing issues. Other organisations like Citizens Advice may be able to offer housing advice. For more complex matters like disputes, a housing solicitor may be able to assist.

Refugees who do not speak English or have limited English should be able to access interpretation services from the above to ensure they can access advice. Local authorities are bound by duties under the Public Sector Equality Duty from the Equality and Diversity Act 2010 to ensure services due not discriminate.

### Key Information

[Check your tenant's right to rent](https://www.gov.uk/check-tenant-right-to-rent-documents). Gov.uk

[Deposit protection schemes and landlords](https://www.gov.uk/deposit-protection-schemes-and-landlords). Gov.uk.

[How to rent guide](https://www.gov.uk/government/publications/how-to-rent). Gov.uk.

[How to rent from a private landlord or letting agent](https://england.shelter.org.uk/housing_advice/private_renting/how_to_rent_from_a_private_landlord_or_letting_agent). Shelter.

[Renting privately](https://www.citizensadvice.org.uk/housing/renting-privately/). Citizens Advice

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