

# Refugee Council

## help and advice



September 2008

English

## Refugees' guide to housing

This leaflet is written mainly for refugees who have just got their permission to stay, and explains some of their housing rights and options. Information in this leaflet is not designed to be comprehensive as each person's circumstances are different and will need different types of advice. You can find more specific advice on your individual circumstances from an adviser through:

- Citizens Advice Bureau (CAB) – <http://citizensadvice.org.uk>
- A refugee agency such as the Refugee Council - <http://languages.refugeecouncil.org.uk>
- A housing advice centre – [http://www.shelter.org.uk/get\\_advice/advice\\_services\\_directory](http://www.shelter.org.uk/get_advice/advice_services_directory)

## What are my housing rights and entitlements?

If you have been granted refugee status, humanitarian protection or discretionary leave you have broadly the same rights and entitlements to services as other UK residents and citizens.

You have no automatic right to housing in the UK. Everyone can get free housing advice and local councils (which run local government services) have special services for some homeless people, which may include providing temporary and longer term housing. You can also apply to go on council and housing association waiting lists or look for private rented accommodation. You can find out more about these from the places listed above.

Information on welfare benefits and training and employment support is available on this website at <http://languages.refugeecouncil.org.uk>

## I have been given permission to stay and need to find somewhere to live

Before you received permission to stay you may have been living in accommodation provided by the UK Border Agency (UKBA). You may now have to leave this within **28 days** of UKBA giving you permission to stay. You can look for accommodation with a private landlord or apply for social rented housing – see the section 'What is social housing?' below. Some people can get emergency help from the council.

## How do I apply to the council as homeless?

You should contact the council's housing department to make an appointment if possible, but you can simply go there and ask to see a person dealing with homelessness. You should take with you:

- NASS 35 form – this is a form which UKBA issues to people granted a positive decision. It confirms that a person is no longer an asylum seekers and so will lose their accommodation if UKBA are providing it

- Immigration Status Document (Letter granting status)
- A document confirming your identity with your photo (this can be the Immigration Status Document that you should get when you get your new status)
- Documents confirming the identity of any other people in the family and their relationship to you
- A letter confirming when you have to leave your accommodation (the landlord will give you this if you ask)
- Letters and other papers about health problems anyone in the household has that are relevant

### What will the council do if I apply as homeless?

If you are homeless, you should be offered at least temporary accommodation if you are

- **Eligible** - because of your immigration status. So people with refugee status, humanitarian protection and discretionary leave are eligible, but asylum seekers are not (they get help from the UKBA instead). If you are not sure about who in your family is eligible you should get advice or you can find out about eligibility (in English) at [http://www.housing-rights.info/02\\_0\\_New\\_arrivals.html](http://www.housing-rights.info/02_0_New_arrivals.html)
- **In priority need** - because you have a child or a pregnant woman as part of your household, if you are under 18, or because you are vulnerable because of age (over 60 or young and vulnerable), illness, disability or other special reason. People made homeless because of fire, flood or other disaster are also in priority need

The law on vulnerability is complex: get advice if you think you may be vulnerable but are not sure. If you qualify for homelessness assistance, the local council may decide to make further enquiries but it must make sure you have somewhere to live while it investigates your situation. It does not have to provide accommodation from its own properties; it can refer you to a housing association or arrange accommodation with a private landlord.

You can apply to any council in the country, and whichever council you contact should give you temporary accommodation, but they will refer you to another area if you have no local connection with them. You have a local connection with an area if you

- Work there
- Have lived there for at least six months in the last year or three years out of the last five (but not in UKBA accommodation)
- Have a close family member who has lived there for five years
- Were accommodated by the UKBA there when you got your status decision

The rules on local connection are complicated and you should get advice if you are thinking of applying as homeless in a new area.

### What is social housing?

Social housing is housing for people in housing need, offered at affordable rent. It may be offered by local councils or housing associations (which are independent non-profit organisations that provide housing for people in need and often get government grants to do so).

In most areas, there is a lot of demand for social housing, and so many people applying for it will not get housed, and even those that do will have to wait.

Social housing may be flats or houses, and includes some housing specially adapted for people with disabilities. Only people who are eligible because of their immigration status can apply **for social housing from the council**. If you want to apply to a council for social housing you must be eligible. So people with refugee status, humanitarian protection and discretionary leave are eligible, but asylum seekers are not (they get help from the UKBA instead). If you are not sure about whether you are eligible you should get advice or you can find out about eligibility (in English) at [http://www.housing-rights.info/02\\_0\\_New\\_arrivals.html](http://www.housing-rights.info/02_0_New_arrivals.html) Only the person who makes the application has to be eligible: the status of the rest of the family does not matter. If you want to apply direct to a **housing association**, you do not have to be eligible, but they will want to know how you will be able to pay your rent and how long you want to stay in the area.

### How can I apply to the council for social housing?

You can apply to any council for social housing, but you will get higher priority in areas where you have a local connection such as living there or work. All councils have leaflets or information sheets about their systems and how they work and you should be able to find this on their website. Through the council system, you can apply for housing owned by the council and also some housing association houses and flats. You will have to fill in a form to go on to the council's allocation system, which may be called the housing waiting list or housing register. You can get the form from council offices, or it may be available from the council website. If you find it difficult to fill in the form, the council should help you, and should also provide an interpreter if you need one. The form asks for all the information needed to assess your priority, so you should include details of any medical problems, disabilities, or other reasons that might affect your need for housing. Once the council has processed the form, it will decide if you are eligible and put you on to the scheme.

### How can I apply to a housing association for social housing?

You must contact the association directly and ask if you can apply. Many associations only offer housing to people sent to them by the local council, so you will need to apply to the council list or register. Associations that have their own waiting lists will give you information about the list, and who may get housed through it. You can get lists of local housing associations from the Housing Corporation at <http://www.housingcorp.gov.uk/server/show/nav.489>

### How do I find private sector housing?

Private sector housing is accommodation (rooms, flats or houses) owned by private landlords (individuals or commercial companies) and rented to individuals or families. There are laws that regulate the type of contract that should be offered, the rents that can be charged, the state of repair of the accommodation and the safety of the people living in it.

Landlords may advertise available properties, or let them through an agency or estate agent. In some areas councils or voluntary organisations may run schemes to help people get private rented homes. Advice agencies should know about these. You also need to find out how much Local Housing Allowance (LHA) you can get to help pay the rent – see the section 'Will I get help with rent?' below.

The tenancy agreement sets out the terms of agreement between you and the landlord. There are different types of tenancy and you will have different rights according to the type of tenancy. You should keep a copy of the tenancy and proof of rent payments you make.

Most private landlords ask for a deposit to cover any possible future damage to the home or rent arrears. They must protect this deposit through a government-backed scheme, so that you can get it back at the end of the tenancy. You have a legal right to this protection, and if the landlord has not given you information about the scheme within two weeks of you paying the deposit, you should seek advice. It is also usual to pay rent in advance (often a month's rent) at the start of a tenancy.

If you do not have money to cover a deposit or rent in advance you may be able to get help with this. There may be a rent guarantee or rent deposit scheme in your area - an advice agency can tell you about this. You can also apply for a refugee integration loan to help pay the deposit - see 'Integration loans' leaflet at: <http://languages.refugeecouncil.org.uk>

### Will I get help with rent?

Social housing tenants on low incomes can claim Housing Benefit to help pay the rent. Private tenants who are not working or on low incomes can claim Local Housing Allowance (LHA) to help pay their rent. The LHA is the new name for Housing Benefit for tenants in privately rented accommodation. This is based on

- The size of accommodation you need
- The area you live in - the allowance is based on the median rent charged in each area
- Your income and savings - if you are not working you will get the full allowance but it is reduced if you work or have other income or savings
- The actual rent you pay - if you pay less than the Local Housing Allowance then you can only keep up to £15 of the difference. If you pay more you will have to pay the difference yourself.

You can find out how to calculate the Local Housing Allowance at <http://lha-direct.therentservice.gov.uk>

***This leaflet was produced with the support of the Housing Associations' Charitable Trust (HACT).***