



**NEIGHBOURHOOD, SOCIAL COHESION
AND HOUSING STRATEGY CABINET
MEMBER MEETING
THURSDAY 21 FEBRUARY 2008**

ITEM 6

Report of the Corporate Director –
Corporate and Adult Services

Delayed Eviction Scheme for Refugees

RECOMMENDATIONS

- 1.1 To implement a Delayed Eviction Scheme, as detailed in Appendix 2, for those asylum seekers families given leave to remain, as a consequence of the Boarder and Immigration Agency – BIA – Case Resolution Programme.
- 1.2 Authorise the Assistant Director of Housing and Advice Service to claim any “unavoidable additional costs” from the BIA resulting from the implementation of a Delayed Eviction Scheme.

SUPPORTING INFORMATION

Background

- 2.1 The BIA have advised that they intend to clear their backlog of older asylum claims as a matter of urgency. This Case Resolution Programme begins with determining claims made by families by mid-March 2008. In Derby, officers are in discussion with both the BIA and Refugee Support to clarify which asylum seeker families their process relates to, but we believe there to be 91 families involved. Refugee Support are the only provider of Asylum Support in the city. The BIA estimate that approximately 90% of the families will be given positive decisions and, therefore, refugee status.
- 2.2 Under normal circumstances, once a family is given a positive decision on their asylum claim, they are given 28 days notice by the Asylum Support provider to vacate their property and, at this point, the family will be statutorily homeless and may well present at the Housing Options Centre. In reality, only very few decisions have been made on asylum claims over the last two years and, as such, this has had a minimal impact on the Council’s homelessness services or waiting list. However, the BIA recognise that their Case Resolution Programme will result in a significant number of decisions all being made at one time, and that this could put an untenable strain on the Council’s homelessness services. The BIA have, therefore, been working with both CLG and local authorities in exploring how this impact can be mitigated. It is through this joint working that the Delayed Eviction Scheme – DES – has been developed.

How the Delayed Eviction Scheme works

- 2.3 Under the DES, the Council agrees to lease the accommodation occupied by the asylum seeker household from the private BIA provider – Refugee Support – for a six month period, when asylum support from the BIA ends in March 2008. The property is then sub-let under a non-secure Tenancy Agreement to the former asylum seeker – refugee – for the lease period. At the end of the lease, the former asylum seeker may be allowed to stay under a direct private Tenancy Agreement, or offered alternative accommodation, or may well address their own housing needs. The effect of the DES is to prevent homelessness and ‘buys’ the Council and the refugee family, the time needed to find a permanent solution for their housing needs.
- 2.4 During the period of the lease, the Council pays Refugee Support a lease charge equivalent to the rent charged by the Council to the tenant, which, in most cases, will be covered by Housing Benefits. The weekly rent negotiated with Refugee Support will be £159.50 per week. Housing Benefits colleagues have confirmed that this amount can be covered by Benefit and have also confirmed that for short-term lease arrangements such as this, the whole amount will be recoverable through the subsidy system.
- 2.5 Housing Benefit have confirmed that they will fast-track claims for Housing Benefit arising from this scheme. It should, therefore, be possible to run the scheme at no cost to the Council.
- 2.6 During negotiations with Refugee Support, it has been agreed that the leases should be for six months, but that there will be flexibility to allow the lease to end sooner in cases where the refugee family secure permanent housing, or that the leases can be extended if the Council needs longer to find a permanent solution.
- 2.7 The key to the DES working is that the tenancy between the family and the Council is a non-secure Tenancy Agreement, which implies no rights of security of tenure for the family. To make sure that this happens, the Council must have vacant possession at the time it leases the property from Refugee Support. Officers will be working closely with Refugee Support to make sure vacant possession is achieved, even if only for a short period of time, to protect the Council from entering into a protected tenancy.
- 2.8 The BIA, in conjunction with CLG, have provided Council's with model Lease Agreements that can be easily adapted for the DES.
- 2.9 The BIA has offered to pay “unavoidable additional costs” for setting up a DES. We are currently negotiating with the BIA to cover the costs of additional staff in Housing Options and Housing Benefits in implementing such a scheme. The BIA has also agreed to pay Refugee Support £600 as a finder fee for any property which the owner agreed to rent directly to the refugee family. The Council may have to claim this and forward the payment on to Refugee Support.

Other options considered

- 2.10 The BIA have made it clear that they intend to give asylum seekers decisions on their claims before 31 March 2008. If the Council does not develop the DES, it is certain that the majority of those families will present to the Council as homeless and the Council will be duty bound to provide them with bed and breakfast or other temporary accommodation. The cost of providing such temporary accommodation is likely to be in excess of £500k before more permanent solutions can be found.
- 2.11 Another option would be to suspend the Housing Allocations Policy and make available all new lets to the refugee families until such time as they are all satisfactorily housed. This option would be unfair to all other families on the waiting list and would be open to legal challenge.

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Background papers:	List all
List of appendices:	Appendix 1 – Implications Appendix 2 -

IMPLICATIONS

Financial

- 1.1 The working assumption is that 50 families will require accommodation through the DES, for a period of six months. The cost to the Council of leasing the properties from Refugee Support will be £207,350. However, the whole of this amount should be recovered by the rent payable by the refugee families and will be eligible for Housing Benefit with no loss of subsidy. This figure does not include any rent liability under the head lease for periods when the properties may be void.
- 1.2 In cases where refugee families are not eligible for full Housing Benefit, some rent will be payable directly by the tenant. The tenants may also need to come to an arrangement with the Council for the direct payment for ineligible service charges such as those for the provision of utilities. In these cases, the Council will carry the risk of arrears and bad debt.
- 1.3 The BIA have invited claims from Council's for any "unavoidable additional costs" resulting from implementing a DES. For Derby, this is considered to be additional staffing costs at Housing Options and Housing Benefit.

Legal

- 2.1 Legal Services have confirmed that Schedule 1 Housing Act 1985 provides the power to enter into a local authority lease and provide a non-secure tenancy for this accommodation.

Personnel

3. As previously mentioned in this report, there will be a need for additional staffing for both Housing Options and Housing Benefit to implement this scheme. We are currently in negotiations with the BIA in relation to recovering these costs.

Equalities impact

4. The DES should allow the transition of asylum seeker families awarded leave to remain in the country, into permanent housing solutions.

Corporate priorities

5. **Build healthy and independent communities** by managing the housing transition from asylum seeker status to refugee status.