

One Minute Guide

Accommodation for asylum seekers with care needs



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Overview

In the Home Office guidance on accommodation for asylum seekers with care needs, Home Office staff and asylum accommodation providers are advised to ensure that asylum seekers with urgent care needs are referred to the local authority immediately, although those with non-urgent needs can be referred once they are dispersed to their asylum accommodation.

Headline:

A local authority is required to meet the eligible care and support needs of a person who is present in the area. An asylum seeker living in initial or dispersal Home Office accommodation is to be treated as ordinarily resident in that local authority's area.

Home Office staff are directed not to provide initial accommodation to asylum seekers with urgent care needs until a local authority assessment has been carried out.

The local authority should undertake a needs assessment in the usual way when an asylum seeker is referred.

Providing accommodation and meeting care needs

When an asylum seeker is not already accommodated by the Home Office and has no other housing available to them, then the local authority would need to provide interim accommodation whilst the needs assessment is being carried out.

If the local authority establishes that an asylum seeker has eligible care and support needs under the Care Act 2014, it must determine how to meet those needs, including what type of accommodation is required to enable the person's care needs to be met. This will determine whether the Home Office or local authority will be responsible for providing accommodation.

Assessment outcome Responsibility for providing accommodation examples

- Asylum seeker has eligible needs and requires a care home placement/ residential care - Local authority
- Asylum seeker has eligible needs and requires care that can be provided within the community, needs a specific type of property or adaptations to a property - Home Office
- Asylum seeker does not have eligible care and support needs - Home Office

If the asylum seeker requires care within the community, then the Home Office will be responsible, through the asylum accommodation provider, to source appropriate accommodation with the necessary adaptations or a property in which care can be provided. With regards to location requests, the guidance states that:

‘..any request for accommodation to be provided in a particular area, for example, for continuity of care, should be considered on its merits’.

If the asylum seeker is receiving care from the local authority whilst they are living in Home Office accommodation, and they are dispersed to a different area, then their care would need to be transferred to the second local authority in the usual way in order to maintain continuity of care. In England, local authorities would need to follow the Care and support statutory guidance.

Commentary

The Home Office guidance is clear about what is expected of the local authority with regards to providing care to new arrivals and people who have recently claimed asylum. However, there will be many cases where local authorities are already providing ordinary accommodation to asylum seekers, and ‘appeal rights exhausted’ asylum seekers, in order to enable their care needs to be met. In such cases, the guidance does not specify to what extent the Home Office would assist with a transfer to asylum support and sourcing appropriate accommodation. Local authorities therefore need to try to engage with the Home Office when making referrals to them for accommodation and support (when the local authority is withdrawing its Children Act or Care Act support following a human rights assessment), and must consider how any potential change of accommodation and location would impact on the individual’s well-being.