

## SUPPORT NOT DEPORT CHARTER:

### Why do we need a Support Not Deport Charter?

#### Rough sleeping has become grounds for 'removal' from the UK

- From the 1st December 2020, changes to the Immigration Rules have made rough sleeping grounds for refusal or cancellation of permission to stay in the UK. This will render thousands of homeless migrants vulnerable to removal from the UK - simply because they are, or have been, homeless.
- For the Home Office to succeed in removing migrants on the basis of 'rough sleeping', they will need data and co-operation from the homelessness sector. There is precedent for such cooperation: [reports](#) found that in between 2010 and 2017 homelessness charities including St Mungo's and Thames Reach collaborated with the Home Office to facilitate the deportation of migrants experiencing homelessness.
- We believe that this must never happen again. This charter asks organisations to commit to taking all necessary steps to safeguard migrants experiencing homelessness from removal or deportation by the Home Office.

#### Core principles of the charter:

- We believe that homelessness workers, charities, and council departments should never facilitate, or be made to facilitate, the removal or deportation of destitute migrants by providing data or other forms of cooperation to the Home Office.
- Instead, we believe that the homelessness sector must adopt a trauma-informed and rights-based approach to non UK-national homelessness. This should include commissioning immigration advice and specialist accommodation accessible to those with NRPF. As well as advocating for the scrapping of immigration policies (e.g. NRPF regime) that are among the systemic causes of non UK-national homelessness.
- We believe that the Home Office represents a threat and potential harm to many destitute migrants. The homelessness sector must have robust strategies to protect destitute migrants from this.
- We believe, in line with a 2020 IPPR report, that the 'hostile environment' and associated policies "*foster racist practice*" and should be resisted by the homelessness sector as part of a wider commitment to anti-racism.

#### Key demands:

1. The employer commits to not sharing data with the Home Office.
2. The employer commits to not cooperating with the Home Office to facilitate the removal, deportation or loss of rights of individuals experiencing rough sleeping.

3. The employer commits to ensuring that all clients are supported to access independent immigration advice.
4. The employer commits to providing regular training to workers on immigration legislation and relevant policies and protocols. Including, welfare support options for non-UK nationals e.g. Asylum Support, Section 17 Children Act 1989, Care Act 2014.
5. The employer commits to this being upheld through working with workplace unions to establish scrutiny panels, and respecting the rights of whistleblowers and of workers to down tools to avoid breaking this charter.
6. The employer will work with the scrutiny panel to devise protocols for protecting migrants rights in response to developments that affect them, including in regards to data practices.

### **Worked examples:**

#### **Data:**

1. [Organisation] resolve not to share data with the Home Office directly, or via third party organisations, e.g. via the Combined Homelessness and Information Network (CHAIN) system.
2. In cases where it is necessary for personal data to be shared with the Home Office or an associated third party organisation for the purposes of providing accommodation, [Organisation] commits to the following:
  - i) Explaining the purposes of the disclosure to Service Users: providing information on why the disclosure is necessary; the risks associated with the disclosure; and any alternative options available to the Service User;
  - ii) Seeking active and informed consent from Service Users before contacting the Home Office or associated third party organisation;
  - iii) Supporting Service Users to obtain independent immigration advice before any disclosure is made;
  - iii) Where consent is sought for disclosures to the Home Office, consent should be sought for each discrete piece of data that will be shared;
3. Organisation commits to not sharing any information with the Home Office that could identify rough sleepers, including location data e.g. sleep sites.
4. In situations where data will be shared, or stored, with an external agency or on an external database, [Organisation] will require a commitment that this information will not be passed to the Home Office.
5. [Organisation] commits to not sharing data which could identify rough sleepers or facilitate loss of rights, removal, or deportation in any forums or bodies that the Home Office has access to.

#### **Raids and Enforcement activities:**

1. [Organisation] will not comply with, or facilitate, immigration enforcement/raids being exercised without a legal warrant.
2. [Organisation] recognises that their function, and charitable objectives, are to promote the wellbeing and rights of Service's User. To this end, [organisation] commits that if it is exposed to immigration enforcement activities, its sole role will be to support Service Users to access independent immigration advice.

**Transparency and Whistleblowing:**

1. [Organisation] commits to establishing a scrutiny panel, with representation from the WorkPlace Trade Union, that meets regularly to review the organisation's commitments and practices towards destitute migrants.
2. If [Organisation] is made aware that data sharing with the Home Office is occurring internally, or within a forum that they attend, [organization] commits to the following:
  - i) Immediately notifying the scrutiny panel of the breach
  - ii) Challenging the Home Office's presence at any external forum. If the Home Office is not removed, [Organisation] will withdraw from the forum.

**Right to down tools:**

1. [Organisation] acknowledges the rights of workers to refuse to engage in practices that they believe would endanger Service User's or undermine the Charter.
2. [Organisation] will not pursue disciplinary action against workers that refuse to engage in practices for these reasons
3. [Organisation] respects the right of workers to join trade unions, and engage in workplace organising. [Organisation] will not victimise workers, or engage in anti-union practices.

**Equality and Diversity:**

1. [Organisation] acknowledges the Equality and Human Rights Commission's findings that elements of the Hostile Environment breached Equalities Law.
2. [Organisation] is committed to upholding its responsibilities under the Equalities Act (2010). To this end, [Organisation] commits to:
  - i) Undertaking research with migrant service user's to better understand their needs and experiences, and to identify specific service barriers.
  - ii) Using this research to develop a strategy for improving support for migrant service users.
  - iii) Undertaking an equality impact assessment before implementing any changes to service provision that might affect migrant clients.
  - iv) Lobbying and campaigning for an end to the Hostile Environment and to the No Recourse to Public Funds conditions.

