

## StrEEt Aware: Challenging Destitution and Homelessness for EEA Nationals in Edinburgh

A Social Justice Collaboration between  
JustRight Scotland and Shelter Housing Law Service

### What Did We Do?

From Nov 2018 to May 2019, supported by funding from The Access to Justice Foundation and Scottish Government we have provided:

- (1) **Two free awareness raising sessions** to over 50 frontline homelessness advocacy staff on the rights of EEA nationals – in Edinburgh and Aberdeen – covering immigration and EU law, trafficking, homelessness and entitlement to benefits.
- (2) **Twelve free, confidential legal outreach surgeries** – staffed by experienced immigration and housing solicitors – to 30 EEA Nationals who were rough sleeping or at risk of rough sleeping, at Streetwork Edinburgh’s Holyrood Hub.

### Why Did We Do It?

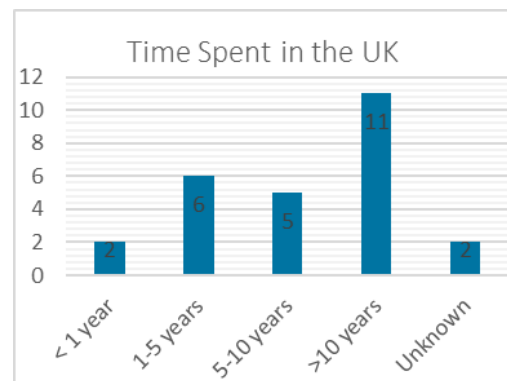
Our initial joint pilot (Oct 2017 – Jan 2018) was a crisis response to evidence that **EEA nationals across the UK were being detained** following an unlawful Home Office policy, and our **concerns about trafficking and potential exploitation**.

The next stage focused on **the challenges facing EEA nationals post-Brexit**, in particular, barriers faced by EEA nationals who are homeless or at risk of rough sleeping in securing their rights through the EU Settlement Scheme, and the need for specialist projects to overcome those barriers.

### What Did We Learn?

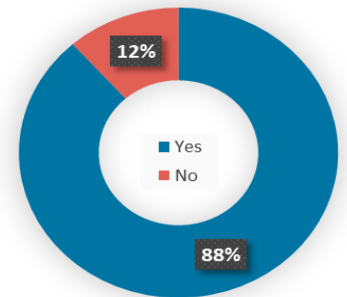
Through our legal surgeries, we learned that:

- Most seeking advice were eastern European males
- There has been **an improvement in the Council’s dealing with homeless applications** by EEA nationals, as such, the **impact of Brexit** on their rights and immigration status was the main concern.
- Most had been resident in the UK **for over five years**



- Over half suffered from **mental or physical illnesses or injuries, or were vulnerable** in some other way
- By definition, all the EEA nationals we saw were eligible to apply for pre-settled status, although some would face barriers to a successful application on grounds of suitability or criminality.
- The majority were eligible to apply for settled status, but **faced a range of barriers to applying** including lack of documentary evidence, financial barriers to securing evidence (such as, passport fees), lack of access to technology, or ability to use technology, language barriers, vulnerability, lack of documentary evidence, and history of criminality.

Barriers to Settled Status Application



Through our awareness raising sessions, we learned that:

- EEA nationals and frontline professionals supporting them receive **conflicting and misleading advice** on their rights – particularly due to lack of clarity about the link between settled and pre-settled status and access to benefits
- Government departments (UKVI, local authorities and HMRC) continue to make **conflicting and inconsistent yet overlapping decisions** about rights

## Case Study

Jakub **has lived in Scotland for 15 years**. He worked for the first 8 years, but then found it increasingly difficult to get steady work. He **collapsed due to ill health** last year and has been unable to work since.

He is street homeless and relies on charities for food and essential items. He has previously been advised that he is not eligible for housing or any financial support from the local authority or the Scottish or UK governments.

Jakub suffers from epilepsy and a brain aneurysm and is receiving treatment from the NHS. There is a possibility that he will require brain surgery in the very near future. He **needs advice on his entitlements to housing and financial support**.

An application for settled status will help Jakub secure his rights in the UK and ensure his access to the help he needs. However, Jakub also **faces barriers to the settled status application process** as his passport is now invalid and he cannot afford to renew it. He also does not have documentary evidence of the most recent period during which he was in and out of work.

## So What Next?

Based on our joint project, we recommend:

- Funding for provision of **free, specialist and targeted legal advice**, in the areas of immigration and housing law, not only in Edinburgh, but also in other major cities in Scotland with large at-risk EEA national populations, such as Glasgow and Aberdeen
- **A collaborative cross-sector approach to providing legal advice.** This proved an effective response to the challenge of advising **in an area with complex and overlapping legislation and administrative decisionmaking.** Our model was human rights-based, and client-centred
- Funding for delivery of **training and second-tier advice** to frontline advice sector and local authority workers on immigration law, trafficking and exploitation, and the rights and entitlements of EEA nationals at risk of destitution and homelessness
- An analysis of the **time and resources required** to fully assist those facing barriers to the settlement scheme application process that aren't possible to resolve in the context of a surgery
- Increased access to **specialist benefits advice and employability support** targeted to meet the needs of EEA nationals
- A funded programme to assist at-risk EEA nationals who require **to make applications for settled status**, but will struggle because of vulnerability, criminality, lack of documentation and/or language barriers
- **A review of legislation and guidance covering eligibility for homelessness accommodation** and assistance and **effective legal protection** for those who are not eligible for homeless accommodation and assistance to prevent destitution
- Targeted resource to **investigate the scale of trafficking and exploitation** amongst at risk EEA nationals and to **address the gap** by providing specialist advice and support

### Want to learn more? Get in touch:

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