

Fact Sheet for European Rough Sleepers

What's the issue?

In 2016 the Home Office introduced a new policy saying that rough sleeping (sleeping on the streets) is an “abuse of EEA rights”.

What does the policy mean?

The policy means that the Home Office can force a European citizen to leave the UK if they are homeless.

People can be forced to leave ('removed') even if they have just arrived in the United Kingdom, or they are working, or have 'permanent resident' status.

The policy was slightly changed in February 2017. The Home Office now has to consider people's personal circumstances when deciding whether to remove them

What does it mean in practice?

The Home Office is working with the police and some homelessness charities to find European citizens who are “rough sleeping”.

Immigration officers who find European citizens sleeping rough give them “removal decisions”.

If you are given a “removal decision”, this means the Home Office wants you to leave the United Kingdom within one month.

Sometimes immigration officers detain homeless people immediately and put them in 'immigration removal centres' (detention centres).

Is it legal?

Many people think not. In June 2017 Lambeth Law Centre was given permission to challenge the policy in court. There will be a court case later this year.

But for the moment the policy is still being carried out.

What can I do if it happens to me?

If the Home Office wants to remove you for rough sleeping, they should give you two documents:

- 1) "Notice to a Person Liable to Removal" (with the number "IS.151A(EEA)" in the top right corner)
- 2) "Decision to Remove" (with number "IS.151B(EEA)" in the top right corner)

You might be detained (arrested) straightaway. Alternatively, you might be allowed to go free if you agree to leave the United Kingdom.

Can I appeal?

You can challenge the decision to remove you by appealing to the Immigration Tribunal.

It does not cost anything to appeal.

You have to fill in an "IAFT-1" appeal form (available online at <https://formfinder.hmctsformfinder.justice.gov.uk/iaft001-eng.pdf>).

In the "Grounds of Appeal" section on the appeal form, you should write:

"Rough sleeping cannot constitute an abuse of rights under the Citizen's Directive 2004/38/EC and Immigration (EEA) Regulations 2016."

You should also write on the form (or in a separate letter) all the reasons why you have a right to stay in the UK.

These can include:

- You have been working for more than 5 years (called "permanent residence");
- You are no longer rough sleeping (give your address);
- You are working (give the employer's name and proof of work);
- You have close family in the UK.

What evidence do I need?

When you send your appeal form to the Immigration Tribunal, you should also send:

- (1) copies of the documents the Home Office gave you;
- (2) any proof that you have worked in the UK
- (3) any proof that you have studied in the UK

You should also send a copy of the Judge's order from the Public Interest Law Unit's case (attached to this Factsheet).

Ask the Tribunal **not to hear your appeal until after the Lambeth Law Centre's case**. Write the following on the form:

"I ask the Tribunal to stay my appeal pending the judicial review hearing of the cases of Gunars Gureckis (CO/1440/2017) and Mariusz Perlinski (CO/2384/2017). The outcome of the judicial review hearing will have an impact on my appeal as it will confirm whether the removal decision I am appealing is lawful."

When should I appeal?

You must send the appeal form to the Immigration Tribunal within **14 days** of being given the Decision to Remove

If you do not send the appeal form to the Tribunal within 14 days, you must explain on the form why your appeal form is late. Give as much detail as you can.

What happens next?

If you appeal within 14 days, of being given the removal decision (or the Immigration Tribunal agrees to hear your appeal even though you appealed late), you do not have to leave the United Kingdom until the case is finished. Even if you told the Home Office you would leave the country, you do not have to.

The Home Office might make you report to them every week. If you do not report, they can arrest you and send you to an Immigration Removal Centre.

If you are in an Immigration Removal Centre, you can apply for bail. Bail for Immigration Detainees (www.biduk.org; telephone 020 7456 9750) might be able to help you for free.

What if my appeal is late?

You should submit your appeal even if 14 days have passed. You will have to give reasons why you have submitted your appeal late.

If the Immigration Tribunal refuses your appeal because it is late, you might be able to challenge the removal decision by “judicial review”.

You will need a solicitor to do this for you.

The following solicitors firms may be able to help:

- [Public Interest Law Unit at Lambeth Law Centre](#) (0207 840 2000)
- [Wilsons](#) (020 8808 7535)
- [Lupins](#) (020 3503 0880)
- [Duncan Lewis](#) (033 3772 0409)
- [Deighton Pierce Glynn](#) (020 7407 0007)