

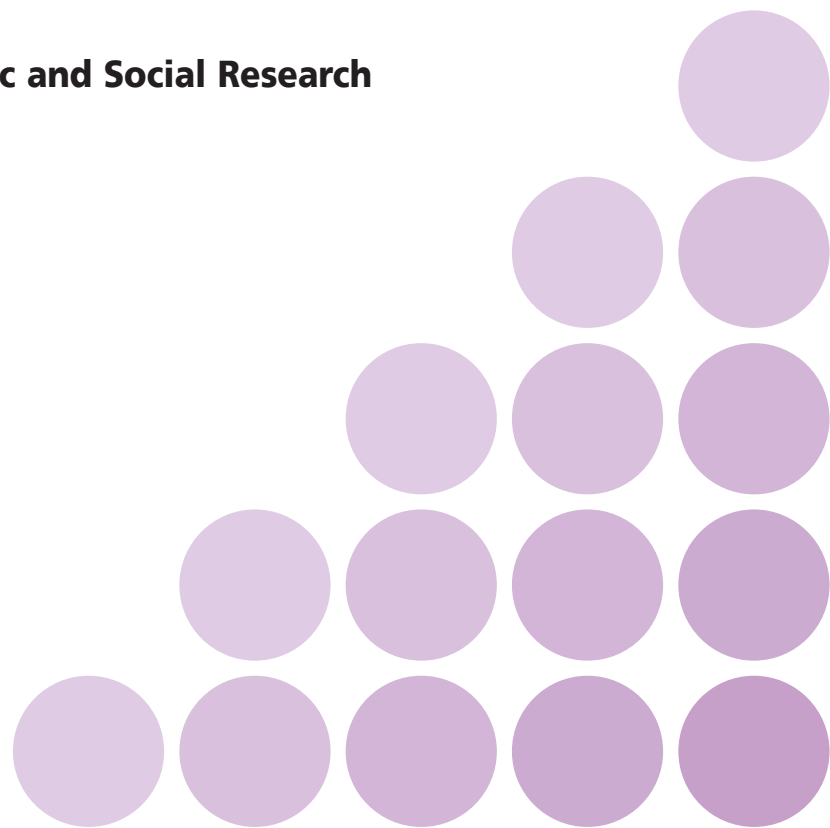


*Local Government Association*

# new immigrants and migrants in social housing in England

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**April 2008**



# **new immigrants and migrants in social housing in England**

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## **key findings**

- The eligibility of foreign nationals to an allocation of social rented housing is limited by statutory regulations. Refugees are eligible for an allocation of social housing, but most other foreign nationals are required to be a registered worker or to have secured habitual residence in order to be deemed eligible for an allocation of social housing.
- Little is known about the experiences of new immigrants and migrants in the allocation process. However, what little is known, together with accumulated evidence regarding the discrimination and disadvantage that minority ethnic and immigrant households have encountered in the social housing allocation process, points to a series of barriers that are likely to restrict access to the sector for new immigrants and migrants.
- Available evidence suggests that new immigrants and migrants are rarely skilled players of the welfare system and often unaware of their legal rights, unclear about the opportunities afforded by the social rented sector and unsure how to access social housing.
- Available data suggests that relatively small numbers of new immigrants and migrants are accessing the social rented sector. According to CORE data, in 2006/07 only 4.54 per cent of new lettings made by social landlords in England were to foreign nationals and according to the Labour Force Survey only 6.7 per cent of all social tenants in England were foreign nationals in the fourth quarter of 2007.

## 1. introduction

Housing - and the question of who gets what, where - has emerged as a central issue within this intensifying debate about the social consequences of immigration and its impact on public spending and service provision, as well as social harmony and cohesion. In particular, the perception that migrants are unfairly advantaged in the allocation of social housing has emerged as one of the most frequently alleged injustices of new immigration, despite the lack of any reliable evidence to substantiate such claims (Phillips, 2007). This short report summarises the findings of a review that set out to move beyond supposition and presumption and uncover what is currently known about the allocation of social housing to new immigrants and migrants.

Discussion focuses on foreign nationals who have a legal right to reside in the UK and have either moved to the UK to take up permanent residence (immigrants) or have come to live in the UK on a temporary basis, for example, to work (migrants). Social housing is defined as accommodation managed by a housing association, local authority or an Arms Length Management Organisation (ALMO) on behalf of a local authority.

Discussion is organised into three sections:

- *the eligibility of foreign nationals to and allocation of social housing* – this section reviews the statutory regulations that determine the eligibility of a foreign national to an allocation of social housing;
- *accessing social housing* – this section pieces together a picture of the experiences of new immigrants and migrants within the social housing allocation process, reflecting on available evidence regarding new immigrant experiences in the allocation process and drawing on insight from the wealth of accumulated evidence regarding the experiences of minority ethnic households;
- *foreign nationals in social housing in England* – this section profiles the number of foreign nationals currently accessing and residing in the social rented sector in England, drawing on data from the Continuous Recording (CORE) database of new lettings made by social landlords in England and the Labour Force Survey.

## **2. the eligibility of foreign nationals to an allocation of social housing**

### **2.1 introduction**

The eligibility of a foreign national to an allocation of social housing is governed by statutory regulations. This section reviews these regulations and distinguishes between the eligibility of different groups to an allocation of social housing associated on the basis of immigration status.

### **2.2 the statutory regulations**

In 2006, all previous regulations governing eligibility for an allocation of housing under part 6 of the Housing Act 1996 were consolidated by the Allocation of Housing and Homelessness (Eligibility) (England) regulations, which came into force on 1 June 2006. The regulations concerned eligibility for an allocation of social housing by persons subject to immigration control and by other persons who are not subject to immigration control but who are treated as persons from abroad. These regulations were subsequently amended by the Allocation of Housing and Homelessness (Eligibility) (England) (No.2) regulations 2006, which came into force on 1 January 2007.

These regulations were introduced in response to the accession of 12 new states to the European Union (EU) and were designed to assert the UK government's policy that "*EEA<sup>1</sup> nationals working lawfully in the UK should have access to an allocation of accommodation*" (CLG, 2006a) but that "*EEA nationals should not be able to come to the UK with no intention of supporting themselves and then have access to benefits and housing assistance funded by the UK taxpayer*" (CLG, 2006b).

Under the regulations, the right of a foreign national to an allocation of social housing is dependent upon the immigration controls to which they are subject and their resident status. On this basis, three broad groupings of foreign nationals can be identified, each with distinct eligibility rights:

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<sup>1</sup> The contracting parties to the European Economic Area (EEA) Agreement are three of the four EFTA states - Iceland, Liechtenstein and Norway - and the 27 members of the European Union.

- *nationals of a European Economic Area (EEA) state* - all EEA nationals are eligible for an allocation of social housing if they are working legally in the UK. For nationals of the A2<sup>2</sup> and A8<sup>3</sup> EU accession states, working legally in the UK involves registering with the Home Office, under the conditions of transitional arrangements laid down by the UK government with the intention of limiting the circumstances in which nationals of these states can access the UK labour market. EEA nationals not in work are only eligible for an allocation of social housing if they are habitually resident in the Common Travel Area (CTA)<sup>4</sup>. In addition, nationals of the A2 and A8 accession states who are not in work must have worked for a continuous period of at least 12 months as a registered worker in order to secure resident status;
- *refugees* - refugees who have passed through the asylum system in the UK, people who are recognised as a refugee by the UNHCR in their first country of asylum and deemed in need of resettlement to ensure their protection, and people who are part of a refugee's family, and on that basis classed as a refugees themselves are all eligible for an allocation of social housing;
- *other non-EEA state nationals* - non-EEA nationals are eligible for an allocation of social housing if they are habitually resident in the UK and their right to reside in the UK is not subject to limitations or condition. This serves to exclude most non-EEA nationals in the UK on time-limited work visas. People who have been given leave to remain in the UK on the basis of an undertaking by a sponsor (such as a person entering the UK on a Spouse Visa) is not eligible for an allocation of social housing if they have been resident in the UK for less than five years and their sponsor is still alive.

Full details of the eligibility of each of these three groupings of foreign nationals for an allocation of social housing is detailed in Table 2.1.

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<sup>2</sup> The A2 states - Romania and Bulgaria - became full members of the EU in January 2007.

<sup>3</sup> The A8 states - Poland, the Czech Republic, Slovakia, Hungary, Slovenia, Latvia, Lithuania and Estonia - joined the EU in 2004. Malta and (Greek) Cyprus also joined in 2004, but became full members of the Free Movement of Workers agreement immediately upon entering the EU.

<sup>4</sup> Habitual residence is tested by assessing whether a person's residence in the UK is of a settled nature. This involves considering length and continuity of residence, employment or prospects of work, family ties, history, and the individual's long-term intentions as demonstrated by actions (such as registering for services, joining organisations, establishing a home). No person is treated as habitually resident unless he or she has a right to reside in the United Kingdom, the Channel Islands, the Isle of Man, or the Republic of Ireland (the Common Travel Area).

**table 1 foreign nationals and eligibility for an allocation of social housing:**

status		eligibility for an allocation of social housing
<b>EEA nationals</b>	EEA nationals from the 'A8' Accession States	<ul style="list-style-type: none"> <li>• eligible for an allocation of social housing if registered with the Home Office under the workers registration scheme and in work or self-employed (1)</li> <li>• eligible for an allocation of social housing if working history includes a period of continuous work lasting at least 12 months when registered with the Home Office under the workers registration scheme</li> <li>• ineligible if out of work or in work and not registered under the workers registration scheme (unless working history includes a period of continuous work lasting at least 12 months when registered under the workers registration scheme)</li> </ul>
	EEA nationals from Romania and Bulgaria	<ul style="list-style-type: none"> <li>• eligible for an allocation of social housing when employed and an authorised 'worker' (2)</li> <li>• eligible for an allocation of social housing after working as an authorised 'worker' without interruption for 12 months</li> <li>• ineligible for an allocation of social housing if looking for work</li> </ul>
	All Other EEA nationals	<ul style="list-style-type: none"> <li>• eligible for an allocation of social housing if in work</li> <li>• eligible for an allocation of social housing if habitually resident in the UK</li> <li>• not eligible for an allocation of social housing if not habitually resident in the UK or if right to reside in the UK is derived from his/her status as a jobseeker or the initial right to reside for a period not exceeding three months</li> </ul>
<b>Refugees</b> Asylum process, resettlement and family refugees		<ul style="list-style-type: none"> <li>• eligible for an allocation of social housing</li> </ul>
<b>Other non-EEA nationals</b>		<ul style="list-style-type: none"> <li>• eligible for an allocation of social housing if habitually resident in the UK and right to reside in the UK is not subject to limitations or condition</li> <li>• not eligible for an allocation of social housing if granted leave to enter or remain in the UK upon an undertaking given by a sponsor (for example, spouse) and resident in the UK for less than five years and sponsor is still alive</li> </ul>

**Notes**

1. In most cases, A8 nationals must register with the Worker Registration Scheme within 30 days of finding work. Working in the UK without being registered is illegal. Some categories of people do not have to register with the scheme: people with leave to enter or remain before 30 April 2004 with no restriction on employment; people who had leave to enter or remain before 30 April 2004, had a restriction on employment and worked within these restrictions; and people who worked legally in the UK for at least 12 months before or after 30 April 2004.

2. Under the Worker Authorisation Scheme, put in place as part of the transitional arrangement developed by the UK government, nationals from Bulgaria and Romania must obtain an accession worker card before starting work in the UK. It is illegal to work without a card. To qualify for a card, a person must have an offer of work. There are some categories of people who do not have to get authorisation under the scheme: people who had leave to enter or remain in the UK on 31 December 2006 without any restriction on employment, or who were given leave after that date; and people who had been working legally in the UK without interruption from 1 January to December 2006. Workers offered employment through the seasonal agricultural workers scheme (SAWS) get a SAWS card. SAWS jobs only last for 6 months and workers on the scheme cannot get the 12 months continuous employment required to qualify as an EEA work.

### **2.3 conclusion**

The statutory regulations governing eligibility to an allocation of social housing serve to restrict the right of foreign nationals to reside in the sector. In particular, the eligibility of migrant workers from the EU Accession States (who represent the majority of recent migrants to the UK) is restricted by conditions requiring them to either be in registered work or to have secured habitual residence in order to be considered for an allocation of social housing. As we will see, many migrant workers fail to satisfy this eligibility criteria and rely on the private rented sector for a place to live. In contrast, statutory regulations grant refugees eligibility for an allocation of social housing.

### **3. accessing social housing**

#### **3.1 introduction**

Strict eligibility criteria govern the rights of foreign nationals to an allocation of social housing. While refugees are eligible for an allocation of social housing, most other foreign nationals are required to have secured habitual residence or to be a registered worker in order to be deemed eligible for an allocation of social housing. However, eligibility for an allocation of social housing does not constitute a right to a tenancy. Access is dependent upon a household being aware of the opportunities afforded by the social rented sector, knowing how to go about making an application and subsequently being deemed to be in housing need and deserving of an allocation by a social landlord. The wealth of accumulated evidence regarding the experiences of minority ethnic households in the allocation process suggests that new immigrants and migrants are likely to encounter numerous obstacles passing through this allocation process.

The housing green paper of 2000 officially recognised racialised inequalities in housing, pointing out that minority ethnic groups are more likely to live in poor-quality housing and *“run-down areas where there are concentrations of housing that is in substantial disrepair, empty or derelict, and where there are other forms of neglect or misuse.”* (p20). The subsequent action plan for meeting the needs of minority ethnic people in England, launched in 2001 (DTLR, 2001), went on to acknowledge the corrosive effect of racial harassment on housing choices and experiences and the fact that some groups struggle to access social housing, under-utilise housing support services and are prone to relatively high levels of official homelessness. More recently, a government sponsored review of the research evidence on minority ethnic communities and housing concluded that minority ethnic households have often faced problems accessing social housing and, when able to enter the sector, have tended to be allocated less desirable properties in the poorest areas (Harrison with Phillips, 2003).

Two key explanations have been provided to explain the disadvantages experienced by minority ethnic households in the allocation of social housing. First, despite the Race Relations Act 1968 outlawing more overt forms of discrimination, subjective discrimination, exercised through the action or inaction of individual housing officers remained central to council housing allocation processes during the 1970s and 1980s (CRE, 1984; Henderson and Karn, 1987; Sarre et al., 1989; Simpson, 1981). More recently, race equality and



equal opportunities expectations have served to limit the potential for the racism of individual officers to impact on the allocation process. However, even landlords with well-developed equality programmes and non-discriminatory operating systems have been revealed to be operating allocation processes that provide scope for, and even rely upon, staff drawing on stereotyping of minority ethnic households to inform decision-making. In some cases, such practices can be underpinned by good intentions, such as the attempts of housing officers to make 'sensitive' lettings by directing minority ethnic applicants away from areas where racist harassment is presumed likely (Robinson et al., 2002).

The second key explanation for the problems that minority ethnic households have encountered accessing social housing are the institutional processes of social landlords. Various institutional practices were documented during the 1970s and 80s as causing minority ethnic applicants for council housing to wait longer than white applicants for an offer of, what often turned out to be, inferior housing (CRE, 1984; Phillips, 1986; Henderson and Karn, 1986). Practices spotlighted included the failure to provide accommodation appropriate to the needs of minority ethnic households; date order schemes and other schemes that prioritise waiting time, producing discrimination against incomers; management pressure put on staff, for example, to reduce relet times, which led staff to direct minority ethnic applicants to inner city areas, in a bid to meet the preference of white applicants for more suburban locations, a policy that also served to minimise the difficulties of managing multi-ethnic estates; and the failure of landlords to tackle harassment by white tenants, thereby reducing the locational choices of minority ethnic applicants (Henderson and Karn, 1986).

Many of these policies have now been abandoned, but research has continued to highlight allocation policies and practice that, although appearing fair and impartial, limit the responsiveness of the social rented sector to the housing needs of minority ethnic communities. In light of the limited evidence regarding the particular experiences of foreign nationals in the allocation process, this section draws on this rich evidence base regarding the experiences of minority ethnic groups to reflect on the challenges that foreign nationals are likely to encounter in the allocation process. Discussion is divided into three sections, that trace the allocation process from application, through assessment and choice, to outcome.

### **3.2 application**

Social landlords have tended to presume that people are aware of the opportunities provided by the social rented sector and know how to go about applying for social housing. Analysis, however, has revealed that many vulnerable households are unfamiliar with the sector and unsure how to go about making an application. In the past, some landlords relied on this fact to limit demand for their stock, for example, drawing applications through word of mouth rather than openly advertising available opportunities. Such practices were revealed to impact disproportionately on minority ethnic households and have largely been abandoned, in light of their discriminatory consequences. However, the assumption that people in need are aware and understand what opportunities are available within the social rented sector and how they might go about accessing social housing remains implicit in many allocation systems. This assumption particularly disadvantages people new to an area and people without access to informed advice and support (Robinson, 2002) and therefore appears likely to impact disproportionately on new immigrants and migrants.

Recent analysis of the housing pathways of new immigrants and migrants in Sheffield found that most respondents possessed limited knowledge regarding the opportunities afforded by different tenures or the access routes into different sectors of the housing system (Robinson et al., 2007). Polish and Pakistani respondents, who had arrived into the UK as migrant workers or on a Spouse Visa and were all currently residing in private housing, admitted knowing little about the social rented sector. A degree of understanding and awareness did appear to accumulate with time, but many of these respondents remained convinced that they had no right of access, even when they appeared to meet eligibility criteria. Knowledge and understanding of the social rented sector was also found to be patchy among the refugees interviewed, but in contrast to the experience of Polish and Pakistani respondents, they reported that the pathway into social housing had been clearly signposted. Somali respondents, for example, reported that they were required to leave National Asylum Support Service (NASS) accommodation within 28 days of being granted leave to remain in the UK, at which point they were directed to the city council by NASS staff and advised to apply for social housing. In addition, Somali respondents also reported being able to tap into the advice and support provided by, often long-established, Somali-led organisations in the city, as well as friends and relatives.

There is some evidence to suggest that the introduction of choice-based lettings systems<sup>5</sup> has addressed some of the inequalities present in other allocation systems, including the tendency for advertising strategies to exclude households with less knowledge and understanding of the application and allocation process. A recent review of the impacts of choice-based lettings, for example, found that minority ethnic applicants fluent in English did not differ from white British applicants in their understanding and use of choice-based lettings (Pawson et al., 2006). However, minority ethnic applicants with little or no English were reported to find it difficult to use choice-based lettings systems without assistance from family and friends or community or voluntary groups, a resource not available to many immigrants (Pawson et al., 2006).

The potential for language proficiency to impact on access to social housing is a finding of particular significance to new immigrants and migrants, many of who possess only limited English language skills. For example, one recent study reported that more than two-thirds of 388 Eastern European migrants interviewed in London and Brighton described their English on arrival as 'none' or 'basic', although this was reported to improve with time (Markova and Black, 2007). A separate study of Central and Eastern European migrants, involving more than 500 interviews with migrant workers in England, found that almost half of Bulgarian respondents and more than a third of Polish respondents reported speaking only basic English, with similar levels of proficiency in reading English also reported (Spencer et al., 2007). This picture is reinforced by evidence from Scotland, a survey of 904 migrant workers in Fife reporting that most respondents only had basic English language skills, while a survey of 262 A8 nationals in Glasgow found that more than one-third had only poor or basic written and spoken English. Limited proficiency in English has also been identified as common among asylum seekers and refugees, raising problems for refugees and service providers alike and leading to a deliberate policy of housing asylum seekers in language clusters in a bid to facilitate support (Phillips, 2006).

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<sup>5</sup> Choice-based lettings systems allows applicants for social housing (and tenants who want to transfer) to apply for vacancies which are advertised, for example, in a local newspaper or on a website. Applicants can see the full range of available properties and can apply for any home to which they are matched (for example, a single person would not be eligible for a three-bedroom house). Priority is given to those with urgent needs, but where possible properties are allocated on the basis of who has been waiting the longest. Authorities are expected to provide feedback that allows applicants to assess their chances of success in subsequent applications.

### 3.3 access and choice

Being recognised as eligible for an allocation of social housing under the statutory regulations does not convey an automatic right to social housing, merely the opportunity to access the housing register (or waiting list). It is a first step toward a social tenancy. It is a first step, however, that many migrant workers from the EU Accession States will never take. Available evidence suggests that many migrant workers from the Accession States are not registered with the Workers Registration Scheme (Anderson et al., 2006). These people are therefore ineligible for an allocation of housing even when in work and are unable to secure eligibility by working continuously for more than 12 months.

Applicants deemed eligible for an allocation of social housing can often wait many months or even years for a tenancy offer, even if they fall into a needs category that landlords are required to give 'reasonable preference' in the allocation process, under the Housing Act 1996<sup>6</sup>. Indeed, in tight housing markets, such as London, where demand for affordable housing outstrips supply, access to social housing is largely limited to homeless applicants recognised as in priority need<sup>7</sup>. The legislation, however, allows a degree of local discretion in the interpretation of the 'reasonable preference' and 'priority need', particularly in relation to the assessment of homelessness vulnerability. Local authorities seeking to limit demand for social housing can therefore use the needs criteria as a rationing device. More draconian interpretations of the legislation are therefore evident in 'tighter' housing markets, such as London (Pearl, 1997; Robinson with Coward, 2003; Reeve with Coward, 2004). This can present particular problems for single people, including refugees, whose only chance of being recognised as in priority need for housing is on the basis of the highly subjective issue of 'vulnerability'. Homelessness among successful (as well as failed) asylum seekers is therefore not uncommon (ICAR, 2006). This experience was uncovered in the study of new immigrant housing pathways in Sheffield (Robinson et al., 2007). Upon being granted leave to remain in the UK and required to leave NASS accommodation within 28 days, most of the Somali people interviewed approached and were accepted as homeless and in priority need of housing

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<sup>6</sup> Under the Housing Act 1996, an allocation scheme must give 'reasonable preference' to persons who: are homeless; are living in insanitary, overcrowded or unsatisfactory housing; need to move on medical or welfare grounds; or need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship to themselves or to others.

<sup>7</sup> A homeless person is deemed to be in priority need if a pregnant woman; a person with whom dependent children reside; a person who is vulnerable as a result of old age, mental illness or handicap or physical disability or other special reason; or a person who is homeless or threatened with homelessness as a result of an emergency such as flood, fire or other disaster.

by the local authority, under the terms of the homelessness legislation. Two respondents (a 19 year old single man and a 22 year old single woman) were not recognised as homeless and in priority need, despite being required to leave NASS accommodation and having nowhere else to live. Consequently, both ended up homeless, the 18 year old man sleeping rough for two weeks before accessing temporary accommodation.

Although an exceptional case within the sample of new immigrants interviewed in this study, there is no reason to believe that the experiences of these Somali refugees are unique among the refugee population. Asylum seekers granted leave to remain in the UK are eligible for an allocation of social housing but are not recognised as in priority need for housing by mere virtue of being a refugee. Like all other homeless applicants, their needs are assessed against a series of priority need categories and unless they are deemed to fall into one of these categories their chances of accessing social housing are limited.

Moving on to consider the management of housing register (or waiting list), concerns have been raised about the discriminatory effects of housing registers managed on the basis of ability to wait. A frequently cited example is Jeffers and Hoggett's (1995) study of housing allocations in Lambeth and Haringey, which revealed that the ability to wait produced discriminatory effects on an institutional basis because minority ethnic households were disproportionately present amongst the homeless and poorly housed, while transfer applicants, who were overwhelmingly white households, were able to wait longer for an offer of better-quality accommodation. Refugee households could very well experience similar problems by virtue of being disproportionately represented amongst homeless applicants (Phillips, 2006).

It has been suggested this situation could be exacerbated by the introduction of choice-based letting schemes, that formalise the process through which households who are in desperate circumstances, such as in bed and breakfast accommodation, are encouraged to opt for accommodation in any area, and to do so willingly (Cowan and Marsh, 2004). Cowan and Marsh argue that this is achieved by providing information that allows 'customers' to assess the popularity of different properties/areas and make decisions accordingly. The more desperate applicants, they argue - which will include asylum seekers required to vacate NASS accommodation within 28 days of receiving a positive decision granting them leave to remain the UK and approaching a local authority as homeless - are always more willing (and if not are sometimes forced through institutional practice, such as reduced bidding rights for homeless applicants) to widen their choice of area and property type, leading to concerns about institutional racism. This prompts them

to conclude that not all approaches to choice-based lettings sit comfortably with local authority and Housing Corporation obligations to eliminate unlawful racial discrimination.

The impact of such practices on new immigrants was revealed by the research into the housing pathways of refugees and migrant workers in Sheffield (Robinson et al., 2007). This study included a small sample of Somali asylum seekers who had been granted leave to remain in the UK. Required to vacate their NASS accommodation within 28 days of receiving this decision, all had approached the local authority as homeless. As already discussed, most (but not all) were recognised as in priority need for housing and were placed in temporary accommodation while awaiting an offer of permanent accommodation. In most cases, an offer of permanent accommodation was forthcoming relatively quickly. However, despite Sheffield City Council running a choice-based lettings system that, in theory, allows housing applicants to view details on, choose between and apply (or 'bid') for currently available properties to let, the Somali new immigrants interviewed had received an offer of accommodation on a peripheral estate that was largely unknown to them and which had not been identified as a preferred location. Having 'gone through the motions' of selecting areas of preference – Somali respondents were often keen to remain in the locations where they had been living while in temporary accommodation, with which they had become familiar and where they had built up a network of friends or associates – only to be allocated a property in a completely different neighbourhood, respondents were cynical about the process. However, advised that turning down the first tenancy that they are offered would result in them losing their 'priority need' status and their eligibility for housing under the terms of the homelessness legislation, respondents typically accepted such an offer. The result, however, was a real sense of injustice, which was compounded by the racist harassment and abuse that some of these respondents experienced upon moving into their new home.

### **3.4 outcomes**

Available evidence suggests that refugees who secure an allocation of social housing often end up in less popular parts of the social rented stock – deprived estates in low demand areas, characterised by poverty, community tensions and crime – that have been left behind or avoided by households able to exercise a greater degree of choice in the allocation process (Carter and El-Hassan, 2003; Onofrio and Munk, 2003; Phillips, 2006). Living in such locations can also expose new immigrants to racist harassment, which can have a corrosive effect on quality of life and well-being and serve to curtail housing options.

The experiences and expectation of harassment can promote racialised notions of space, that serve to drive minority ethnic households away from particular places that are regarded as 'white' spaces or 'no-go' areas (Phillips et al., 2008; Reeve and Robinson, 2007). These perceived 'no-go' zones have, in some instances, been found to correspond with concentrated areas of social housing, leading some minority ethnic households to regard the tenure itself as out of bounds (Robinson et al., 2007). Such perceptions were apparent in the comments of some of the Somali respondents in the Sheffield study, who talked about actively seeking to leave or avoid peripheral estates less familiar with accommodating diversity and difference and wanting to live in more multi-ethnic inner-city locations. Indeed, there were examples of refugees being forced to flee their accommodation by racist harassment, as well as people pursuing a transfer to a different part of the city in a bid to escape harassment. Liberian refugees who had encountered similar problems also reported approaching their landlord in a bid to transfer to another part of the city.

Notions of particular neighbourhoods being 'out of bounds' or 'no-go' areas can be reinforced by the failure of landlords to actively tackle racial harassment and adequately support households subject to abuse (Bowes et al., 1998; Ratcliffe et al., 2001; Robinson et al., 2007). Racial harassment can also influence the actions of social landlords, examples including the active steering of minority ethnic applicants away from particular areas deemed more racist and dangerous, and the tendency to situate new schemes intended to provide opportunities for minority ethnic households in traditional areas of settlement (Robinson et al., 2002). The effect of such policies, however well intentioned, is to restrict the residential choices of minority ethnic households, including new immigrants and migrants.

### **3.5 conclusion**

There is currently little available evidence regarding the policy or practice of social landlords in processing applications from new immigrants or migrant workers. Neither is there much evidence regarding the experiences of these households within the allocation process. What little we do know, however, suggests that new immigrants and migrants are likely to encounter many of the well-documented disadvantages encountered by minority-ethnic households in the allocation process, resulting in restricted access to the sector for some households and allocation to less desirable stock for others.

## **4. foreign nationals in social housing in England**

### **4.1 introduction**

The right of access to social rented housing for foreign nationals is restricted by statutory regulations. Refugees are eligible for an allocation of social housing and many access the sector under the homelessness route, having nowhere to live upon being required to leave NASS accommodation after receiving a positive decision to remain in the UK (Phillips, 2006; Robinson et al., 2007). In tighter housing markets, where affordable housing is in short supply, this process can involve a lengthy wait in temporary accommodation before receiving a tenancy offer. To be deemed eligible for an allocation of social housing, most other foreign nationals are required to either have secured habitual residence or to be a legally registered worker, a requirement that many migrant workers from the EU accessions states fail to meet, evidence suggesting that many are not registered with the Workers Registration Scheme (Anderson et al., 2007). Together with the fact that many migrant workers are unaware of their rights, unfamiliar with the opportunities afforded by social housing and unclear about how to access the sector, the result is the reliance of migrant workers on the private rented sector for a place to live, particularly in the early years of settlement (Markova and Black, 2007; Robinson et al., 2007; Spencer et al., 2007).

It is therefore surprising that the perception that migrants are unfairly advantaged in the allocation of social housing has emerged as one of the most frequently alleged injustices of new immigration, particularly given the absence of any reliable evidence to substantiate this claim (Phillips, 2007). There are, however, data sources that allow the veracity of this claim to be put to the test. In particular, CORE data and the Labour Force Survey allow the 'flow' of foreign nationals into social housing and 'stock' of foreign nationals resident within the sector to be profiled. What emerges is a pattern of access and residency reflective of the restricted rights of access revealed above.

### **4.2 CORE data**

CORE details the general and supported housing lettings of 600 housing associations (all associations with more than 250 properties are required to submit details of lettings) and more than 80 per cent of all local authorities in England (all stock-owning authorities will soon be required to complete a CORE log). Completion of the CORE log is part of the



new tenant sign-up procedure, resulting in the collection of information about the household and the property every time a letting is made. Standard forms are used for recording tenant, household and property information, with questions primarily relating to the named tenant. Information is collected regarding a range of variables, which include nationality, allowing analysis of the lettings made to UK and foreign nationals. The framing of the nationality question restricts detailed analysis, but it does permit analysis of allocations made to nationals of the A8 states, from where the vast majority (more than 80 per cent according to National Insurance number data) of recent migrants have arrived into the UK.

This data source was recently analysed in a bid to profile the lettings made to A8 migrants in 2006/07 (Robinson, 2007). According to this analysis, there were 191,185 general needs social rented lettings across England in 2006/07. The nationality of the named tenant was recorded for 170,363 of these lettings. Less than five per cent (4.54 per cent) of these 170,363 lettings were recorded as being to foreign nationals and less than one per cent (0.9 per cent or 1,544 lettings) were to A8 nationals (Table 2). This finding is clearly at odds with the common perception that new immigrants and migrants are gaining access to the social rented sector in large numbers and at the expense of British citizens.

CORE data also hints at the important distinction to be drawn between refugees and migrant workers. Despite the bulk of recent immigration into the UK involving the arrival of migrant workers from within the EU, more than half (60 per cent) of all lettings to foreign nationals were to people from outside the European Economic Area. This finding likely reflects the fact that refugees with the right of access to social housing are likely to be captured in the 'any other country' category.

**table 2 nationality of new social renting tenants (2006/07)** (Robinson, 2007)

<b>Nationality</b>	<b>Frequency</b>	<b>Percentage</b>
UK nationals	162,635	95.46
Czech Republic	262	0.15
Estonia	94	0.05
Hungary	134	0.08
Latvia	116	0.07
Lithuania	177	0.1
Poland	674	0.4
Slovakia	59	0.03
Slovenia	28	0.02
Other European Economic Area country	1,552	0.91
Any other country	4,631	2.73
Total	170,363	100

A further point of note revealed by the CORE data is the relatively even distribution of lettings to foreign nationals across England, reflecting the settlement of large numbers of migrants beyond London and the other metropolitan centres that have traditionally served as the destination for new immigrants in England (Audit Commission, 2007). Indeed, as table 3 reveals, the number of new lettings to A8 nationals as a proportion of the total number of lettings by social landlords varied little across the regions. This picture of dispersal is reinforced by the analysis presented in table 4, which reveals that many of the lettings to A8 nationals were in smaller towns and rural areas.

**table 3 A8 new tenants as a proportion of all new tenants (by region)** (Robinson, 2007)

Government office region	A8 tenants	% of all new tenancies	All new tenants
North East	35	0.2	17,093
Yorkshire and the Humber	185	1.0	18,129
East Midlands	143	0.9	15,358
East of England	243	1.2	20,539
London	168	0.9	17,723
South East	92	0.4	22,743
South West	55	0.3	16,782
West Midlands	168	0.6	27,122
North West	455	1.3	35,676
England	1,544	0.8	191,165

**table 4 distribution of new lettings to A8 nationals by location type** (Robinson, 2007)

Location type*	A8 tenants	All new tenants
Major urban	45.3	36.5
Large urban	11.9	16.7
Other urban	20.0	16.2
Significant rural	10.4	10.9
Rural-50	7.0	9.4
Rural-80	5.4	10.3
Total	1,544	191,185

\*Note: The DEFRA classification of the rurality of local authority districts in England defines six categories:

- Major urban: districts with either 100,000 people or 50 per cent of their population in urban areas with a population of more than 750,000.
- Large urban: districts with either 50,000 people or 50 per cent of their population in one of 17 urban areas with a population between 250,000 and 750,000.
- Other urban: districts with fewer than 37,000 people or less than 26 per cent of their population in rural settlements and larger market towns.
- Significant rural: districts with more than 37,000 people or more than 26 per cent of their population in rural settlements and larger market towns.
- Rural-50: districts with at least 50 per cent but less than 80 per cent of their population in rural settlements and larger market towns.
- Rural-80: districts with at least 80 per cent of their population in rural settlements and larger market towns.

### 4.3 the Labour Force Survey

The Labour Force Survey (LFS) is a quarterly sample survey of 60,000 households living at private addresses in Britain. The LFS is based on a systematic random sample design, making it representative of the whole of Britain. Although its principal purpose is to provide information on the UK labour market that can then be used to develop, manage, evaluate and report on labour market policies, the questionnaire design includes questions on nationality and housing tenure. It is therefore possible to generate an estimate of the 'stock' of foreign nationals in the social rented sector, to complement the estimate of 'flow' into the sector provided by the CORE data.

Analysis of the LFS reveals a similar picture to the CORE data. Less than one in ten (6.7 per cent) of people living in the social rented sector in England were recorded as foreign nationals in the fourth quarter of 2007. However, the data reveals that the sector is playing an important role in accommodating refugees, 27 per cent of 'other European' nationals (a category including refugees from the conflict in the former Yugoslavia) and 24 per cent of people from the 'rest of the world' (a category including most conflict zones from where refugees have arrived into the UK in recent years) recorded as living in social rented accommodation. However, people in these two broad nationality groups only represent a small fraction of the total number of people living in social housing (4.2 per cent).

**table 5 nationality of social tenants in England (fourth quarter 2007)**

Nationality	Percentage of all social tenants	Percentage in social housing	Base number of people
UK	93.3	17	92,164
European Union	1.9	12	2,595
A12	0.5	8	1085
Other Europe	0.4	27	241
South Asia (Bangladesh, India and Pakistan)	0.6	14	776
Rest of the world	3.8	24	2,684
Total	100		98,460

Source: Office of National Statistics, Labour Force Survey, 2007

In contrast, only eight per cent of nationals of the 12 new EU Accession States (A12) in England are living in the social rented sector, representing only 0.4 per cent of all people living in social housing. The vast majority (79 per cent) of these migrants are reliant on the private rented sector for a place to live (table 6), reflecting restricted right of access to social housing and the availability of financial resources associated with the right to work

in the UK. However, this relationship between work and housing security raises the possibility of migrant workers becoming homeless if they lose their job, a scenario revealed to be relatively common in locations with ‘tighter’ housing markets characterised by affordability problems (Briheim-Crookall, 2006; Coote, 2006; Shaw, 2006; CRC, 2007).

**table 6 tenure of UK and foreign nationals in England (fourth quarter 2007)**

<b>Nationality</b>	<b>Owner occupation</b>	<b>Social rented housing</b>	<b>Private renting</b>	<b>Base number of people</b>
UK	74	17	10	92,164
European Union	36	12	51	2,595
A12	13	8	79	1085
Other Europe	35	27	37	241
South Asia (Bangladesh, India and Pakistan)	43	14	42	776
Rest of the world	34	24	42	2,684
<b>Total</b>				<b>98,460</b>

Source: Office of National Statistics, Labour Force Survey, 2007

#### **4.4 Conclusion**

Relatively small numbers of foreign nationals are moving into and living within the social rented sector. The profile of foreign nationals who are accessing the sector appears to reflect the rights and opportunities associated with different immigration situations. Many refugees appear to be reliant on the social rented sector for a place to live upon being granted leave to remain in the UK. In contrast, migrant workers (who represent the vast majority of foreign nationals arriving into the UK) are reliant on the private rented sector to meet their housing needs, reflecting their restricted rights access to the social rented sector.

## **5. conclusion**

Discussion and debate about new immigrants and migrants in social housing in England has generated far more heat than light. For all the comment, little has actually been revealed about the housing situations of immigrant households and migrant workers or the institutional practices and individual actions informing these outcomes. What evidence is available, however, points to the fact that access to the sector for foreign nationals is restricted by statutory regulation, landlord policy and practice and their own awareness and understanding of the social housing sector. The result is that relatively small numbers of new immigrants and migrants are currently living in social housing. The sector does, however, appear to play an important role in accommodating refugee households. Migrant workers, however, who represent the vast majority of foreign nationals to have migrated to the UK in recent years, are typically reliant on the private sector for a place to live.

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