

NEW IMMIGRATION RULES ON ROUGH SLEEPING: GLA'S POSITION AND CHAIN

Due to extremely concerning new Immigration rules relevant to rough sleeping coming into force on 1st of December, we are sending this communication to all London boroughs and relevant partners to clarify the GLA's position and expectations on CHAIN users.

NEW RULES

On 22nd October 2020, Government announced [changes](#) to the Immigration Rules including **making rough sleeping a legal ground to cancel or refuse permission to stay in the UK**. Despite numerous calls from local government and charities to reverse those changes, the new rules will be coming into force on 1st of December 2020. The new rules read as follows:

9.21.1. Permission to stay may be refused where the decision maker is satisfied that a person has been rough sleeping in the UK.

9.21.2. Where the decision maker is satisfied that a person has been rough sleeping in the UK any permission held by the person may be cancelled.

Initial [analysis](#) of the changes by a legal charity indicate that the new rules will not affect all types of immigration applications, for example it would not apply to applicants to the EU Settlement Scheme. However, these exceptions are complex and are unlikely to be fully understood by rough sleepers and many support services.

GLA'S POSITION

In early November, the Mayor, with 27 borough and charity signatories, wrote to Robert Jenrick and Priti Patel asking Government to **immediately reverse these changes** to the Immigration Rules to ensure people are not subject to removal on the basis of not having a home. Unfortunately, we have not yet received a reply.

The GLA believes the new Immigration Rules will deter already vulnerable people from seeking help and will put them at greater risk of exploitation. Rather than supporting people to come off the streets, **these new rules will punish rough sleepers simply for not having a home**. Therefore, the **GLA and its commissioned services will not collaborate** with such draconian measures.

CHAIN

In light of the new Immigration Rules on rough sleeping, and the GLA's position regarding this, we would also like to offer a reminder of the purposes, and acceptable use, of the CHAIN system.

All organisations with access to the system are required to agree to the CHAIN Data Protection Agreement (DPA).

Section 4.2 of the DPA is as follows:

4.2. The purpose of processing data on CHAIN is **to support the achievement of outcomes that benefit rough sleepers** and the wider street population, and thereby to reduce or eliminate rough sleeping in London.

Article 5.1 (b) of GDPR requires that information should not be processed in a manner which is incompatible with the originally stated purpose for which it was collected. The GLA believes that using information to detain, remove or deport migrant rough sleepers or to cancel or refuse their permission to stay in the UK, as the Home Office are likely to do in some cases, would not fall within the purpose of “the achievement of outcomes that benefit rough sleepers”, and so **data from CHAIN cannot be shared with the Home Office..**

The main part of the CHAIN DPA that covers the sharing of information with agencies who are not party to the agreement (such as the Home Office) is section 10. This states:

10.2. Any sharing of data from CHAIN with agencies which are not party to the CHAIN Data Protection Agreement should be done according to a clearly stated objective, which is consistent with the purpose and legal basis for processing data on CHAIN [i.e. 4.2].

Again, as the likely objective of the Home Office is not considered to be consistent with the legal basis for processing data on CHAIN, this means that **information from the CHAIN system should not be shared with the Home Office.**

Please note that **access to the CHAIN system could be reviewed and withdrawn** for users who are found not to be acting in accordance to the CHAIN Data Protection Agreement.

Of course, data can continue to be shared with immigration advisers with the person’s informed consent when the purpose is to benefit the individual person.

If you are in any doubt about whether information on the CHAIN system can be shared with another party you are advised to exercise an abundance of caution, and seek the advice of the CHAIN team:

CHAIN@mungos.org
CHAIN Helpdesk: 020 3856 6007

If you believe you are aware of a breach of the CHAIN DPA please contact the CHAIN team using the details above, or the GLA Rough Sleeping Team:

Roughsleepingcommissioning@london.gov.uk

ALTERNATIVES TO THE NEW RULES

Through the Everyone In initiative we have seen that great results can be achieved for migrant rough sleepers with the right specialist support and accommodation available. However, as stated by the Mayor in his letter to Robert Jenrick and Priti Patel, **compassionate and**

exceptional policy changes are needed to address rough sleeping among migrants and end rough sleeping in London. Please see the full text of the letter here: https://www.london.gov.uk/press-releases/mayoral/mayor-calls-for-compassion-for-homeless-migrants#x x_ftn1
