

A protocol for effective joint working between City Of Cardiff Council,
South Wales Police and Immigration Compliance & Enforcement to
address the issues surrounding Non-UK/ROI European Economic Area
(EEA) Nationals sleeping rough

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Introduction

Rough sleeping is considered to be an abuse of free movement rights, therefore EEA nationals or their family members encountered rough sleeping may be subject to administrative removal by Immigration Compliance & Enforcement. See Appendix A – Home Office European Economic Area administrative removal: consideration and decision.

This protocol has been created in accordance with Home Office best practice for homeless services to work in partnership with enforcement agencies to reduce the numbers of Non-UK/ROI EEA Nationals sleeping rough in Cardiff.

Background

In November and December 2015, Immigration Compliance & Enforcement, the Metropolitan Police and Westminster City Council with its partner agencies, trialled the changes to rough sleeping in the Immigration (European Economic Area) (Amendment) Regulations 2013.

Using the results of the trial and feedback from partner agencies, the Home Office made changes to EEA administrative removal. This has been agreed by Ministers and the intention is to roll it out across the UK.

The regulations and guidance state that enforcement action must be proportionate and, with the sensitivities and potential reputational impact of this work, it is important that the protocol includes:

- a fully collaborative approach
- that social care is at the heart of the activity
- clear operational guidance
- an overarching approach to achieve positive outcomes
- approval at Cabinet level within the Local Authority
- senior management approval across all partner agencies

Partnership Work

Each organisation recognises the growing concern regarding the number of Non-UK/ROI EEA National rough sleepers. Unfortunately, the risk of harm to the individuals can only increase the longer they remain rough sleeping with very limited probability of accessing suitable accommodation.

Where it appears that an individual's circumstances relates only to homelessness, Cardiff Council will coordinate the case. This will ensure that a full assessment has taken place to establish that there are no issues that require immediate intervention and there are no realistic prospects of ending their rough sleeping.

If there is any indication of another abuse of free movement rights or activities that could indicate criminality, appropriate action will be carried out by the enforcement agencies e.g. low-level persistent offending.

Meetings will discuss and implement action plans as required, and ensure that the strategy is regularly monitored and reviewed. Any changes to protocol must be agreed by all parties.

Procedure

1. Non-UK/ROI EEA Nationals sleeping rough would be identified under the existing Outreach arrangements.
2. Support services from the Council, Wallich, Salvation Army or Huggard will engage with the rough sleeper at the first opportunity.
3. In accordance with the level of cooperation, support staff will carry out an assessment of the service user's situation and support needs. This will include a referral to welfare benefits advice to establish eligibility and to healthcare professionals and / or Adult Services if required. Any immediate and serious physical or mental health and / or other social care concerns must be addressed before administrative removal is considered (and safeguarding issues if a child is involved).
4. Part of the assessment will also include the desire and readiness of the service user to gain employment, and where this is a realistic possibility staff can provide direct assistance and / or make a referral to the Salvation Army Project.
5. The assessment must also include consideration of any indication of suspected trafficking and if present, the appropriate procedure for this will be instigated.
6. Where it is apparent that a pattern of rough sleeping has developed and there is no realistic prospect for intervention to end this situation, staff will encourage the individual to engage with voluntary reconnection to their country of origin.

This will not be presented as a negative step. Instead, staff will outline the support that will be available to them on their return to be able to better prepare and plan any future return to the UK to take up employment.
7. If a service user is cooperating with the above measures, temporary emergency accommodation may be provided until the matter is resolved. Staff will need to explain throughout that administrative removal is a possibility if they continue to sleep rough. Furthermore, they will need to make sure this is understood using internal staff with language skills or an interpreter if necessary.
8. At the point that a service user disengages from the process or where it is assessed that they are unlikely to break the pattern of rough sleeping and will not agree to voluntary reconnection, details will be shared with Immigration using the agreed Information Sharing Protocol (see Appendix B – Information Sharing Protocol). Where they are the lead agency, other support services should share their information with the Council to initiate the referral to Immigration.
9. The information given to Immigration will include the following:

- a) Location of the site
 - b) Known details of the individual including name, DOB, nationality, ID number and date of arrival
 - c) Any known risk issues
 - d) Activities undertaken to date with that individual
10. Immigration will look at any information on their own systems and request information from the Police systems if this is thought necessary.
 11. Immigration will coordinate a site visit during which they will confirm the existing findings and proceed to serve administrative removal papers on the individual where they are satisfied the criteria has been met. The site visit may include Police, Outreach and interpreter as necessary.
 12. The administrative removal paper provides a 30 day period for voluntary departure prior to removal which Immigration will arrange. The notice may also include conditions on residency and reporting during that period.
 13. If the person is still sleeping rough at the end of the 30 day notice, Immigration will enforce the administrative removal and reconnection to home country.
 14. Service users will be subject to re-entry restrictions for 12 months following their removal or voluntary departure.
 15. If necessary, the Council will arrange for the location used to sleep rough to be clean and cleared.

Outcomes

The measured outcomes of the protocol will include information on people assisted into employment and accommodation and those who voluntarily reconnect. The intention is that it will be demonstrable that all other options have been exhausted prior to taking the step to carry out an administrative removal.

Approval

The following personnel within each agency have approved the protocol and their organisation's participation.