



Home Office

# Homelessness Escalations Service User Agreement

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# Contents

The Homelessness Escalations Service	3
Purpose of this document	3
Background	3
How the Homelessness Escalation Service can help tackle Rough Sleeping	3
What does the HES do?	4
User Requirements	4
Sharing data with other parts of the Home Office	5
Making a referral	5
Immigration checks	6
Roles and Responsibilities	7
Annexes	8
Annex A - Data Sharing in the HES and Home Office Data protection statutory Guidance	8
Annex B – HES process flowchart	9
Annex C – HES process flowchart in plain text	9
Annex D – Frequently Asked Questions	11

# The Homelessness Escalations Service

## Purpose of this document

This document is provided for charities, legal representatives and local authorities who wish to use the Homelessness Escalations Service (HES) in support of non-UK national individuals who are homeless, rough-sleeping or at risk of homelessness. Those organisations are hereafter referred to as 'HES users'. This document sets out the purpose of the HES, its intentions, and how referrals are processed. It also explains the roles and responsibilities of all parties involved.

## Background

In August 2018 the Government published the Rough Sleeping Strategy pledging to eradicate rough sleeping by 2027. This strategy launched a range of cross-government initiatives within Migration and Borders, including the Rough Sleeping Support Service (RSSS).

The Department for Levelling Up, Housing and Communities (DLUHC) own the strategy, with the HES working alongside to provide a national point of contact for users working with rough sleepers, the homeless and those at risk of homelessness, to confirm if they have legal status (henceforth referred to as **Permission To Stay [PTS]** in the UK) and to progress any outstanding applications already submitted to the Home Office.

The Rough Sleeping Support Service (RSSS) and a supplementary interim 'Escalation' process previously operated by Immigration Enforcement was transferred to UK Visas and Immigration (UKVI) on 31 October 2022. Following a review of both services UKVI merged both to form the Homelessness Escalation Service in June 2023.

## How the Homelessness Escalation Service can help tackle Rough Sleeping

The government is committed to a fair and compassionate immigration policy which welcomes people here legally, but which tackles and deters illegal immigration and prevents misuse of benefits and services.

It is important that service providers are able to distinguish between those that are eligible to receive their services, and those that, due to their immigration status, are not eligible.

Using a dedicated resource (the HES team) we will be able to promptly identify those non-UK national rough sleepers who, on the basis of their immigration status, qualify for public funding but are unable to prove it.

For those non-UK national rough sleepers with an ongoing application for PTS the HES team will request for the case to be expedited due to the risk presented by their situation. In cases where the prioritisation of an individual's application results in a grant of PTS that

individual will likely then be able to access public funding, but decisions will be made a case-by-case basis.

## What does the HES do?

The HES provides immigration status information and an escalation service designed to help non-UK national rough sleepers, (or those at risk of such) to access services and support to which they are entitled (where they are granted PTS), or otherwise to allow those supporting them to decide what actions to take in the full knowledge of their immigration status. Following referrals from HES users, the actions taken by HES staff fall into two key parts:

- The HES will identify whether the individual has an ongoing or outstanding immigration case and contact the appropriate department within Migration and Borders to request progression and prioritisation.
- Where there is no open application - HES can confirm whether the customer does or does not hold PTS. This is usually completed in one day and allows users to quickly identify where customers could have and an entitlement to public funds if they hold PTS status, or alternatively plan next actions where they do not. Customers can then access appropriate support or be directed to appropriate services they are entitled to access.

As well as the above the HES can provide signposting to HES users to assist them in finding information on the GOV.uk website which may assist them in supporting a particular individual.

## User Requirements

Depending on the type of organisation a user represents there are different requirements which must be met in order to access this service:

- For Local Authorities and other government departments no written authority is required as this process falls under the 'Public Task' exception of the General Data Protection Regulations (GDPR), although referrals must clearly indicate this as well as stating why information has been requested or why escalation is needed (see Article 6(1)(e) of the GDPR).
- All other users – a signed letter of authority to act on behalf of the individual must be provided

The HES does not have a caseworking function. It does not consider applications itself and users should understand that arranging for immigration cases to be prioritised will not influence the outcome of the application. The purpose is to reduce the risks to non-UK national rough sleepers, the homeless and those at risk of becoming homeless, who may be unable to access services whilst their application is in progress by seeking to make a decision on their application sooner. Case outcomes will not be altered by use of the HES.

Case outcomes may include (but are not limited to):

- Confirmation of PTS in the UK,

- A grant of PTS in the UK,
- A refusal of PTS in the UK, either with or without a right of appeal

**Please note the HES is not able to provide immigration advice. The focus of the HES is on safeguarding and to enable eligible individuals to promptly access the support to which they are entitled.**

For further information on Immigration advice, you may wish to view the following:

<https://www.gov.uk/find-an-immigration-adviser>

<https://www.gov.uk/government/publications/immigration-assistance>

## Sharing data with other parts of the Home Office

As noted above, the focus of the service is safeguarding and enabling eligible vulnerable customers to access appropriate support. The service itself does not make casework decisions and is not involved in removing or deporting foreign nationals with no PTS.

Where an individual does not have a pre-existing digital footprint on any of our systems we will not create a case record purely for the purposes of noting a status request, and can therefore guarantee that individuals previously known to the Home Office will not be contacted by Immigration Enforcement as a direct result of a check on current status being carried out.

There are however certain circumstances where there is an obligation to share data across the Home Office. Full details of how the Home Office treats customers personal data and our statutory obligations can be found in **Annex A** below.

If, at any stage you are unable to fulfil these requirements, users should contact the HES to discuss appropriate alternative arrangements.

A process map of the HES process is shown in [Annex B](#) towards the end of this document.

## Making a referral

Individuals referred must be non-UK nationals who are homeless or experiencing rough sleeping, or who are at imminent risk of such, and also:

- Their immigration status is unknown or cannot be appropriately evidenced in order to access necessary support, or
- They have no PTS in the UK but have an open application or appeal for such lodged with the Home Office.

It will usually be best practice to fully inform your clients about your intent to make a referral to the HES, setting out why this has been done and to explain the content of this User Agreement.

If you are a legal representative, a charity or an individual representing the customer, you should provide a signed letter of authority demonstrating that you are authorised to act on the customer's behalf. Failure to provide this will lead your referral being rejected. Such

authority need only be provided the first time you send representations on an individual's behalf.

In general, the more information you can provide the greater the likelihood that the person's identity can be accurately verified. All referrals must include, as a minimum:

- Confirmation that the customer you are referring is genuinely homeless or a rough sleeper or at imminent risk of homelessness, including details of their situation.
- The customer's full name, date of birth and nationality (as well as the details of any aliases they have used in past dealings with the Home Office)
- A clear request for what you would like from the service – Are you asking if the customer has status already, checking if they have an open application, or seeking to have a specific open application prioritised?
- Any factors which add to the urgency of the case – whilst we cannot promise that this will speed up a decision, we will convey any such details to caseworking teams for their consideration.

Please provide electronic copies of images of any relevant documentation which you refer to in representations

Referrals should be submitted to: [UKVIHomelessnessEscalations@homeoffice.gov.uk](mailto:UKVIHomelessnessEscalations@homeoffice.gov.uk)

[Please note this service operates within normal office hours.](#)

The HES aims to provide a response on our actions within one working day, but this will be dependent on a number of factors and will not always be possible. There is no agreed timescale for cases prioritised through the HES but the team works with other departments to highlight the associated vulnerabilities of Rough Sleepers, and those at risk of homelessness in order to encourage expedited resolution of any open applications.

## Immigration checks

Your referral will be screened to ensure that:

- Where submitted by a Local Authority HES user or other government department, the referral is received from the expected email domain.
- The referral correspondence has been appropriately completed and contains sufficient information for us to identify the customer.
- Where appropriate, users have the authority to act on the customer's behalf.

We will complete full immigration checks and, if the individual is lawfully present and is able to access public funds, we usually respond with the outcome within 1 working day. No further action will take place. Details held by the Home Office which demonstrates any PTS individuals hold (such as document images, serial numbers or personal identity numbers) will also be provided on the return. Please note the HES does not provide status documents, and these must be requested from the department which granted the PTS in question. Written communications from the HES advising of status are not legal evidence of status and it is the responsibility of the customer to obtain such evidence, for example in the form of a Biometric Residence Permit (BRP), in order to demonstrate their right to remain in the UK and eligibility to access support.

The HES is not a caseworking team and its primary focus is on providing status updates and securing priority consideration for existing applications. HES staff are able to contact the casework team responsible and obtain updates or convey requests for further information/evidence where required. However, requests for updates on applications should usually be directed to the relevant team in the first instance.

Given that individuals with open asylum claims are eligible to receive Section 98 or 95 accommodation, the service will not usually seek prioritisation of such applications, unless additional factors apply. Although we can request that applications for asylum support are prioritised.

A process map for how referrals are considered and progressed is shown in [Annex B](#) towards the end of this document.

## Roles and Responsibilities

The following table sets out the roles and responsibilities of HES users and the Home Office with regard to the Homelessness Escalations Service:

What is required of Users	What the HES will do	What the HES will not do
<ul style="list-style-type: none"> <li>• Refer only cases for those who are Rough Sleeping or at imminent risk of such.</li> <li>• Refer only individuals where they require evidence of the PTS which is held or where there is an open application for PTS which requires prioritisation.</li> <li>• Explain the service to those being referred and obtain consent where possible.</li> <li>• Provide signed authority to act (except in the case of Local Authorities).</li> </ul>	<ul style="list-style-type: none"> <li>• Conduct checks to ensure that referrals from known organisations come from domains which reflect that organisation to safeguard personal data when there are concerns.</li> <li>• Screen and reject referrals where there is no evidence that users are authorised to act on the customer's behalf.</li> <li>• Respond promptly to enquiries regarding immigration status information, usually within one working day.</li> <li>• Escalate open PTS applications for customers to appropriate departments or teams, usually within one working day.</li> </ul>	<ul style="list-style-type: none"> <li>• Decide open applications.</li> <li>• In any way influence the outcome of any application with the deciding unit.</li> <li>• Pro-actively share customer details with enforcement units unless there is a statutory obligation to do so.</li> <li>• Create digital case records purely for the purposes of noting a status requests which could be noted for enforcement or removal action.</li> </ul>

# Annexes

## Annex A - Data Sharing in the HES and Home Office Data protection statutory Guidance

The approach from the HES to data sharing and usage fully complies with the Home Office's personal information charter and privacy information notice.

If a customer is subsequently identified as being subject to criminal proceedings, deportation or other enforcement action, the Home Office reserves the right to share information as appropriate with Home Office or Government partners". Other than in these instances, the HES will not proactively share data for the purposes of having a customer removed from the UK.

Customer data is accessible on Home Office casework databases to authorised users across the whole immigration system who hold the relevant clearance and legal justification to view a person's records. Any refused application (regardless of any HES activity or not) could lead to a customer without leave to remain in the UK being independently identified by Immigration Enforcement colleagues as liable to removal from the UK. HES referred individuals could also come to the notice of the Home Office through interaction with services, police, Other Government Departments, employers, landlords, the NHS, on Enforcement visits or following subsequent refused applications for leave.

The Home Office's personal information charter ([Personal information charter - Home Office - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/personal-information-charter-home-office)) states the following:

*"We may disclose your information to other organisations so that we can carry out our functions, or to enable others to perform theirs. Other organisations include, but are not limited to:*

- *other government departments and agencies*
- *local authorities*
- *police and other law enforcement agencies*
- *courts and other judicial bodies*
- *foreign governments and other authorities*
- *foreign law enforcement and judicial bodies*
- *fraud prevention bodies"*

The use of personal information also complies with the Borders, Immigration and citizenship: privacy information notice ([Borders, immigration and citizenship: privacy information notice - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/borders-immigration-and-citizenship-privacy-information-notice)). This sets out how the Home Office uses, gathers and shares personal information on immigration systems. This is where the Home Office has an appropriate legal basis to do so under the UK General Data Protection Regulations (UK GDPR) or the Data Protection Act 2018. The Home Office collects and processes personal information to fulfil its legal and official functions. We will only use personal information when the law allows us to and where it is necessary and proportionate to do so.



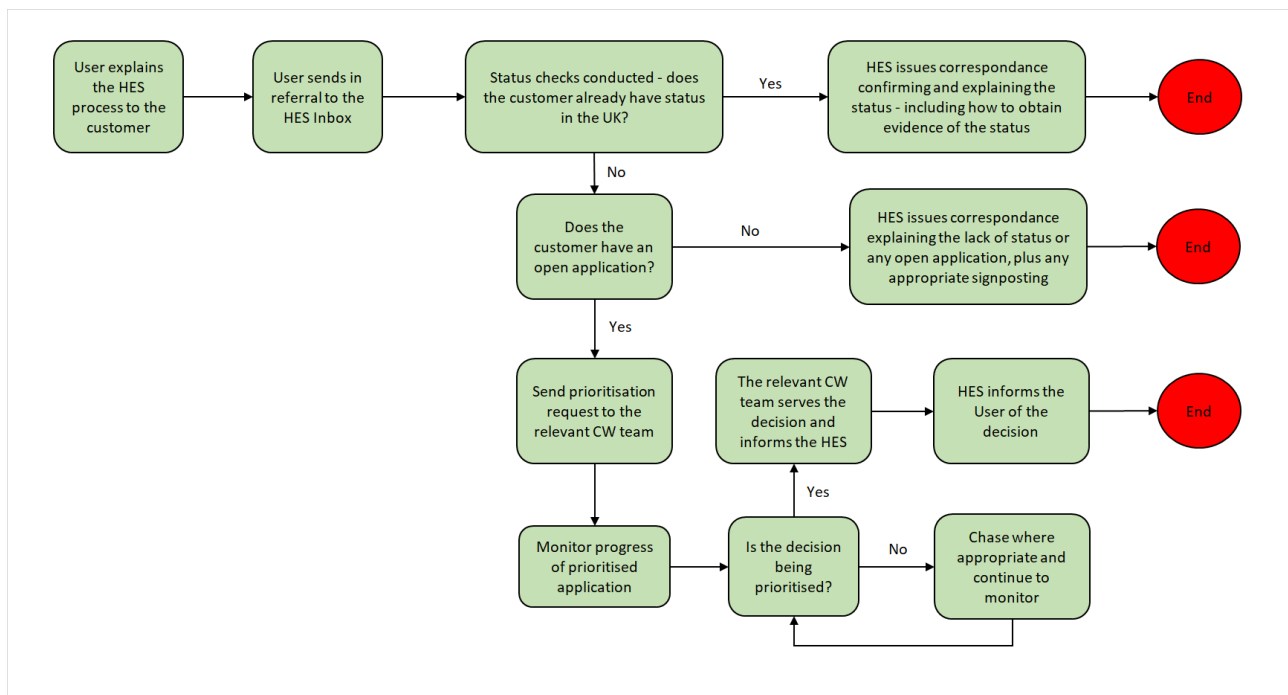
The legal basis for the processing of data will, in most cases, be Article 6(1)(e) of the (UK GDPR) – that is, that the processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

We may also process personal data under Part 3 (law enforcement processing) of the Data Protection Act 2018, such as for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public or national security.

The legal basis for processing law enforcement data is section 31 of the Data Protection Act 2018 in that it is necessary for the performance of our statutory functions, which include crime prevention, prosecution and bringing offenders to justice.

We will also share data for law enforcement purposes and to prevent fraud and to assist other organisations in delivering their statutory functions.

## Annex B – HES process flowchart



## Annex C – HES process flowchart in plain text

Step 1

HES User explains the service to customer, and that they will be making an application on their behalf (optional)

Go to Step 2

Step 2

Referral completed and submitted.

Go to Step 3

Step 3

Immigration checks conducted

Go to Step 4

Step 4

Does the customer already have status in the UK?

If yes, go to Step 5

If no, go to Step 6

Step 5

Confirmation of lawful status sent to HES User

Go to Step 6

Step 6

Does an open Home Office application exist?

If no, go to Step 7

If yes, go to Step 8

Step 7

Correspondence issued to HES User explaining the lack of status/open application, with signposting to further actions provided as appropriate

Step 8

HES requests that the casework department responsible prioritises application

Go to Step 9

Step 9

Progress of the prioritised application monitored

Go to Step 10

Step 10

Is the decision being prioritised?

If no, go to Step 11

If yes, go to Step 12

Step 11

Progress of application chased (if appropriate) followed by further monitoring

Go back to Step 10

Step 12

The team responsible serves the decision to the customer

## Annex D – Frequently Asked Questions

### **Why is the application still on hold when I requested prioritisation via the HES months ago?**

The HES is not responsible for completing or progressing decisions on open applications. Whilst the HES will endeavour to escalate applications to the and request prioritisation, this may not result in immediate decisions. Waiting times across departments may vary and this may affect the speed at which any escalated case will be resolved.

### **Can we contact the HES periodically to obtain progress updates on applications, if a customer's case is blocked for some reason?**

Users should normally approach the team in question. HES staff do not make decisions and cannot unblock delays that exist on the team who are responsible for making them. More information will be available directly from the decision-making team and requests for updates should be sent to them directly. However, if you do encounter issues in corresponding effectively with the team responsible for a decision, HES staff can be contacted to try and improve lines of communication.

### **My client believes they have status under the EUSS and would like confirmation, can you provide this?**

**A.** All enquiries of this types should be directed to the EUSS portal on Gov.uk which can provide the required confirmation ([View and prove your immigration status: get a share code - GOV.UK \(www.gov.uk\)](#)). Your client should access the portal before making a referral to the HES.

### **My client has tried to access the EUSS portal, but their 'share code' does not work. Can you resolve this or issue them with a working code?**

**A.** The HES is not able to answer technical queries regarding the EUSS portal on Gov.uk. If your client's 'share code' is not working, they can request a replacement: ([View and prove your immigration status: get a share code - GOV.UK \(www.gov.uk\)](#)). If you have any further technical queries regarding access to the EUSS portal, they can be directed to: [Contact UK Visas and Immigration for help - GOV.UK \(www.gov.uk\)](#). Staff within the HES have no access to the EUSS portal and cannot resolve access issues.

### **I am not happy with the decision I have received following escalation by the HES – can I send you additional evidence so that the application can be reviewed? Can you intervene in the decision outcome?**

**A.** All queries about why application have resulted in a specific outcome, or requests to challenge that outcome, must be addressed to the casework team who made the decision. The HES simply seeks to have applications prioritised so that users and their clients can receive a decision faster and so access appropriate support (if they qualify). HES staff do not have input into the decisions which are made.