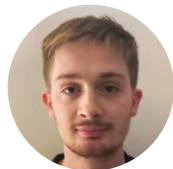


AN UNCERTAIN FUTURE FOR ROMA ROUGH SLEEPERS IN A POST-BREXIT UK

Over the the last ten years Roma rough sleepers in the UK have been extensively targeted with arrest, detention, and deportation. Now Brexit threatens to undo the few protections UK Roma rough sleepers have. In this article, the Roma Support Group call for more support for Roma rough sleepers, from altering the discourse that underpins discrimination against Roma to standing up for their human rights.



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THE UK'S ROMA ROUGH SLEEPERS

Over the past decade, Roma rough sleepers in the UK have been extensively targeted - facing arrest, detention, and deportation. Now Brexit threatens the few protections UK Roma rough sleepers have. Removal of protections in EU law, combined with the criminalisation of rough sleeping and new immigration penalties, increase the risk to rough sleepers of being removed from the UK. The Covid-19 pandemic places further pressure on rough sleepers, and there is little Roma-specific support. In an increasingly 'hostile environment', and with the government pursuing aggressive immigration enforcement, it is vital to defend the fundamental rights of Roma rough sleepers, not least their right to remain in the UK.

WHO ARE THE UK'S ROMA ROUGH SLEEPERS?

A 2013 report estimated there were 200,000 migrant Roma living in the UK.¹ Many migrated after European integration, following the accession to the EU of 8 countries in 2004, and of Bulgaria and Romania in 2007.

Roma people have migrated to the UK in response to systemic discrimination and racism. After a thousand-year history of slavery, persecution, and prejudice, the Roma now face multiple, harsh disadvantages. A 2014 World Bank report found that in Romania "merely 'being a Roma' remains a key determinant of living in poverty," and that few factors have an impact of similar magnitude on the likelihood of being in poverty.² Roma people face poorer health, lower education outcomes and high unemployment.

Brexit threatens the few protections UK Roma rough sleepers have. Removal of protections in EU law combined with the criminalisation of rough sleeping and new immigration penalties increase the risk to rough sleepers of being removed from the UK."

A 2016 Roma Support Group (RSG) report found Roma people who became homeless had come to London to find employment but experienced a lack of support upon entering the UK.³ Almost all had difficulty securing a job and 87% had limited interaction with homelessness services.

Government data shows an 141% overall increase in UK rough sleeping from 2010-2019.⁴ Covid-19 has seen many of those who had been brought off the streets return.⁵ More than a quarter of rough sleepers are thought to be foreign nationals. Determining the exact number of Roma rough sleepers is difficult, but it is clear they are among those at the centre of the UK's growing homelessness crisis.⁶

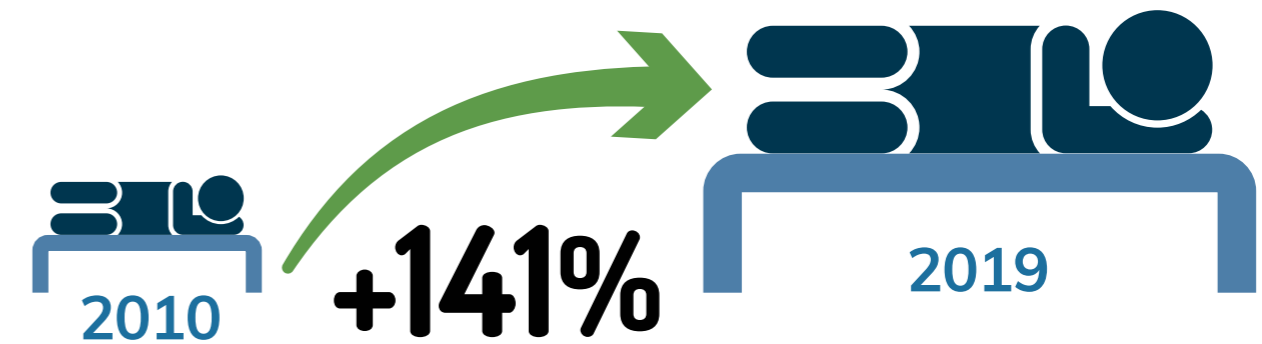
Roma rough sleepers have been pervasively criminalised in UK public debate. The media has represented them as transgressive public nuisances, as dangerous organised mafiosos or as helpless victims of crime.⁷ As with elsewhere in Europe, public discourse and policy have been framed by popular, unsubstantiated myths. The true nature of the Roma's mobility is far more complex.

A DECADE OF DETENTION AND DEPORTATION

Rough sleeping has a long history in UK criminal legislation. The Vagrancy Act of 1824, still in use today, criminalises rough sleeping and begging under certain conditions.

Recently, the government has used the criminalisation of rough sleeping – embedded in both legislation and public discourse – to justify the detention and deportation of EEA nationals. Between 2010 and 2017, the Home Office introduced a succession of policies aimed at removing EEA rough sleepers from the UK, coordinated with some local councils and homelessness charities. The Home Office accused

UK rough sleeping from 2010-2019

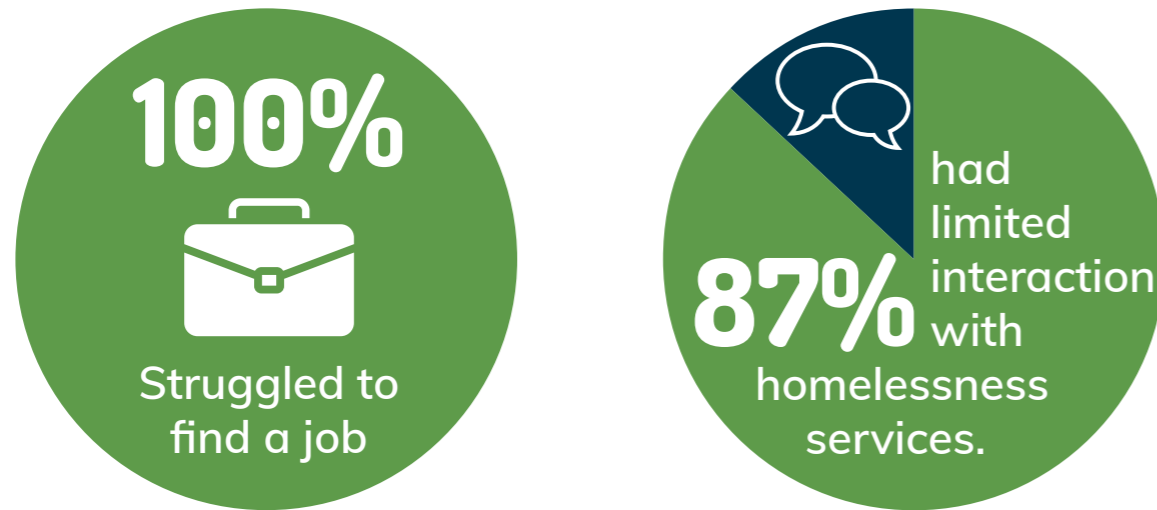


rough sleepers, mainly Eastern Europeans, of abusing their EU free movement rights, and subjected them to administrative removal from the UK, often holding them in a detention centre for months prior to deportation. Many of those detained were in work.

In December 2017, the High Court ruled in favour of a Judicial Review by the Public Interest Law Unit (PILU) that the Home Office's policy of detaining and deporting EEA-national rough sleepers was unlawful.⁸ The court concluded rough sleeping was not an 'abuse of rights' under EU legislation, and the policy therefore discriminated against EEA nationals and rough sleepers. The Home Office quickly updated its guidance to remove references to rough sleepers and stopped targeting rough sleeping EU citizens for removals in "immigration raids." The number of EU citizens in detention fell from 5,319 in 2017 to 4,185 in 2018.⁹ Some homeless people successfully claimed compensation.

London's rough sleeping Roma community faced the brunt of these policies of detention and deportation. Many Roma rough sleepers spoken to during a 2018-2020 outreach project run by RSG and PILC (Public Interest Law Centre, former PILU) knew people who had been arrested, detained, or deported. There have been only limited

Homeless Roma people in the UK



improvements for Roma rough sleepers since the Judicial Review. The RSG/PILC project found support services remain inadequate, with a lack of community outreach and a specific shortage of Romanes-speaking advocates. Many rough sleepers have regular engagement with police and council enforcement but are still not directed to support.

Another concern is the 'reconnection' policies of some local authorities and support services. They insist these offers of help to return rough sleepers to their place of origin are voluntary. However, there have been reports of them being presented as the only viable option, with no offer of alternative support.¹⁰

From 2014, the UK government has also cultivated a 'hostile environment' which makes living in the UK extremely difficult for migrants,¹¹ including among other policies restricting access to welfare through 'no recourse to public funds' and access to housing through 'right to rent'. The 'hostile environment' has undermined fundamental

rights whilst also decentralising immigration enforcement – border patrol has effectively been extended to police, to local authorities, to landlords and employers, and even to some homelessness charities.

THE IMPACT OF BREXIT ON ROMA ROUGH SLEEPERS

Brexit has highlighted the vulnerability of Roma rough sleepers, bringing major new challenges.

Firstly, EEA nationals must apply to the EU Settlement Scheme (EUSS) to secure pre-settled or settled status – the right to lawfully remain in the UK. Roma rough sleepers often fall through the gaps, frequently failing even to apply. A principal challenge is that it is applied for and held digitally; a lack of digital access and literacy are significant problems for Roma rough sleepers.¹² Additionally, Roma rough sleepers often only possess national ID which must be sent to the Home Office to be checked. Many are sceptical of this, worried both about losing their only identification and that the information might be used to identify and deport them.

RSG/PILC interviews found that although many Roma rough sleepers were now aware of the need to secure status from a 'residence system' (few knew its name), the majority hadn't applied. Some have given up, articulated one interviewee:

This government wants to get rid of us anyway. It doesn't matter if we apply or not. I will stay here and work and save money as much as I can until the very last day. And when they ask me to go, I will go.

Covid-19 has exacerbated these problems. More people are at risk of homelessness because of loss of income amongst self-employed and informal sector workers, some migrants have been refused Universal Credit, and the government has rescinded the 'Everyone In'¹³ support offered to rough sleepers during the first lockdown. Providing support under social distancing and lockdown restrictions is also much more difficult.

If these issues persist, many Roma rough sleepers and informal workers will be left without legal status after June 2021, when the EUSS deadline closes. Many organisations are campaigning for an extension of the EUSS deadline and are seeking clear guidelines on acceptable grounds for late application.

The second major implication of Brexit is that the few legal protections which Roma rough sleepers have are now under threat. In the absence of the EU legislative umbrella which protected them in the 2017 High Court ruling, new immigration rules have been announced that re-introduce immigration enforcement for rough sleeping migrants, including those EU citizens who arrive after 31 December 2020.¹⁴ From December 2020, Home Office caseworkers can refuse or cancel permission to stay for those who have been rough sleeping. While this won't compromise EUSS applications, it is unclear whether past or current rough sleeping may result in future revocation of EUSS status.

Moreover, EEA nationals will be subject to a policy of deportation for people with criminal convictions with sentences of over 1 year.¹⁵ The full implications of these changes remain unclear; however, they will enable further deportations.

FACING AN UNCERTAIN FUTURE

For the last decade, local authorities, successive governments and public debate have treated Roma rough sleepers as a problem. Immigration enforcement has combined with 'hostile environment' policies to undermine the lives of migrant rough sleepers, simultaneously restricting access to welfare and housing as well as eroding trust in the limited existing systems of support.

The Home Office used detention and deportation to remove EEA rough sleepers until these policies were deemed unlawful in 2017. 'Reconnection' has continued to be exercised alongside extensive police and council enforcement presence. With the loss of EU legislative protection resulting from Brexit, Roma rough sleepers are at increased risk of being targeted and deported in future.

It is crucial to continue to provide support to Roma rough sleepers, to challenge the government over draconian immigration policies, and to fight for the fundamental rights of Roma rough sleepers. The discourse surrounding Roma rough sleepers must change, to use the government's own words, "no-one should be criminalised simply for having nowhere to live."¹⁶

In an increasingly ‘hostile environment’, and with the government pursuing aggressive immigration enforcement, it is vital to defend the fundamental rights of Roma rough sleepers, not least their right to remain in the UK.”

ENDNOTES

- 1 <http://hub.salford.ac.uk/care-shusu/projects-migration-and-integration/migrant-roma-in-the-united-kingdom-population-size-and-experiences-of-local-authorities-and-partners/>
- 2 The World Bank Group, Diagnostics and Policy Advice for Supporting Roma Inclusion in Romania, 2014, p.6
- 3 <https://www.mungos.org/app/uploads/2017/07/Rough-sleeping-Roma-in-the-City-of-Westminster.pdf?x74044>
- 4 <https://www.gov.uk/government/publications/rough-sleeping-snapshot-in-england-autumn-2019/rough-sleeping-snapshot-in-england-autumn-2019>
- 5 <https://hansard.parliament.uk/commons/2020-11-11/debates/680C8511-FCCE-411F-858E-D595F6EB94F7/Covid-19LockdownHomelessnessAndRoughSleepers>
- 6 Taking London for example, the CHAIN report 2019/2020 recorded that 6% of those sleeping rough self-identified as Gypsy, Roma or Traveller. 15% of those sleeping rough also identified as Romanians. RSG’s experience indicates that the majority of those identified as Romanians are actually of Roma heritage. This makes the Roma the biggest cohort of non-UK rough sleepers in London. <https://data.london.gov.uk/dataset/chain-reports>
- 7 <https://www.mungos.org/app/uploads/2017/07/Rough-sleeping-Roma-in-the-City-of-Westminster.pdf?x74044>
- 8 <https://www.judiciary.uk/judgments/gunars-gureckis-and-others-v-secretary-of-state-for-the-home-department/>
- 9 <https://www.gov.uk/government/publications/immigration-statistics-year-ending-december-2018/how-many-people-are-detained-or-retained>
- 10 <https://ukandeu.ac.uk/deportation-and-reconnection-of-homeless-eu-nationals-in-the-uk/>
- 11 <https://www.freemovement.org.uk/home-office-targets-rough-sleepers-again/#:~:text=From%201%20December%202020%20Home,9.21.>
- 12 https://www.romasupportgroup.org.uk/uploads/9/3/6/8/93687016/statement_on_the_impact_of_the_eu_settlement_scheme_digital_only_status_on_roma_communities_in_the_uk_final_oct_2020.pdf
- 13 <https://www.insidehousing.co.uk/insight/insight/rough-sleeping-in-lockdown-20-is-the-governments-everyone-in-policy-on-the-way-out-68594>
- 14 <https://www.theguardian.com/uk-news/2020/oct/21/foreign-rough-sleepers-face-deportation-from-uk-post-brexit>
- 15 <https://www.freemovement.org.uk/eu-settled-status-criminal-convictions/>
- 16 [Written questions and answers - Written questions, answers and statements - UK Parliament](#)