

24th November 2023

CAP ON SAFE AND LEGAL ROUTES CONSULTATION

Purpose

1. To consider a consultation paper from the UK Government on the Cap on Safe and Legal Routes, as part of the Illegal Migration Act 2023, and to seek initial views on key principles to be reflected in a WLGA response.

Background

2. The Minister of State for Immigration, Robert Jenrick, wrote to all Local Authorities on 20th October 2023 to launch the Home Office consultation which will inform the level at which the cap on safe and legal routes for refugees is set for 2025. The cap will ensure the UK is able to welcome, accommodate, integrate, and support those arriving via these routes in an orderly, planned and appropriate way.
3. The consultation, which provides the basis upon which the Home Office will propose the cap to be agreed by Parliament, will close on 15th December 2023. The responses will be reviewed and considered at a national and regional level before a total is recommended and debated in Parliament.
4. The consultation includes: the UK Resettlement Scheme (UKRS), the Afghan Citizens Resettlement Scheme (ACRS) Pathways 2 and 3 (stage 2), and Community Sponsorship. It does *not* include the Ukraine schemes, Hong Kong (BNO) route and the Afghan Relocation and Assistance Policy (ARAP). The consultation is open to local authorities in England, Wales, Scotland and with the Executive Office of Northern Ireland.
5. The consultation paper confirms that funding to support those arriving through safe and legal routes will continue to be provided through the resettlement tariff. The tariff is provided on a per capita basis to councils to help the families they have pledged to support. It includes a core tariff of £20,520 per person (provided over a period of 5 years for UKRS and 3 years for ARCS and ARAP) as well as additional tariffs in the first year of up to £4,500 per child to cover education costs and £850 for adults requiring English language support. An additional tariff of £2,600 is made available to local health boards to cover healthcare costs in the first year.
6. All local authorities are encouraged to respond to the consultation, as the Home Office has said it will assume any authorities which do not reply have no desire or ability to resettle refugees in their areas (a copy of the consultation questions is attached at Appendix 1). However, authorities will also need to consider wider pressures and issues, as below and other current asks, including:
 - Dispersal accommodation for asylum seekers

- Contingency accommodation for asylum seekers in use in some areas
- Unaccompanied Asylum Seeking Children
- UK Resettlement Scheme (UKRS)
- Afghan Relocation and Assistance Policy (ARAP)/ Afghan Citizen Resettlement Scheme (ACRS)
- Communities for Afghans (a new scheme, further detail awaited); and
- Homes For Ukraine/Super Sponsorship Scheme

Considerations

7. **Timelines:** the 8-week consultation period is short and may not give local authorities sufficient time to consult and agree on responses as is suggested, that is, engage with local partners including the voluntary and community sector, health, and education partners; work within and across regions; and achieve political sign off. The consultation is also running in parallel with a range of other urgent challenges and pressures for councils which may impact on their capacity to respond.
8. **Calculating a figure:** the Home Office highlight that councils will be expected to commit to a figures in 2023 to be delivered in and from 2025. This means councils will have to provide on a number based on a number of assumptions of how future pressures could impact on local capacity, including projections of arrival numbers from asylum and resettlement schemes not included in the cap. There is also limited information and advice about how local authorities should calculate that capacity.
9. **Reputational risks:** there are concerns about councils being asked to determine annual arrival numbers or, by not replying due to the challenges above, being allocated a zero response and thus be held responsible for limiting the safe and legal routes available.
10. **Housing pressures:** Wider housing and homelessness pressures are well known and will need to be considered in determining a number. The bridging hotel closure/ Find your own accommodation for Afghans over the Summer was a success due to the flexible funding attached to each family. However, when this funding is no longer available, it will likely result in many families not being able to afford or secure accommodation within the private rental sector. The importance of the review on and increase to Local Housing Allowance rates has been raised on several occasions, without any uplifts yet being introduced.
11. **Clarity on the place-based approach:** it is not clear how the cap will interact with other programmes, nor how commitments made as part of the cap will interact with and impact on numbers of new arrivals via other routes being placed in local areas, or how areas with unsustainable pressures across asylum and resettlement will have those pressures addressed. The consultation is running in parallel but separately with the forthcoming review of regional dispersal plans for asylum. This could have provided an opportunity to join up the approach across central and local government to all programmes that currently welcome new arrivals to the UK and to inform councils' responses to the consultation.

Proposed principles to inform consultation responses

12. Following the Minister for Social Justice's attendance at the last Executive Board where this consultation was highlighted, on 16th November the Wales Strategic Migration Partnership (WSMP) and Welsh Government held a consultation event on this issue, inviting Chief Executives, Directors of Housing, and resettlement leads to attend and the Home Office attended to introduce the consultation paper and answer any questions participants raised.

13. There were a number of key issues raised at this event that have informed the proposed principles set out below that could be reflected in a WLGA response to the consultation as well as helping to inform individual responses from councils:

- Any offer of a number of people to be resettled in an area is made by councils is done so on the basis of 'good faith' basis and using their best endeavours within the time available.
- There needs to be confirmation of long-term commitment to funding. Resettlement takes longer than a year and this must be reflected in sustainable funding for councils to undertake the role expected of them.
- There is shared concern that Local Housing Allowance (LHA) rates remain unchanged for a number of years and this means accessing the Private Rented Sector is extremely difficult given recent increases in rent. While it can be used in this way, the tariff is not meant to cover the difference between LHA rates and market rental costs and Discretionary Housing Payments are not a long-term solution to this issue. An uplift to LHA rates is urgently required.
- Existing pressures, across the board including the financial context, will impact on any number offered, including the ongoing support required for those previously resettled in areas, for example, many families resettled will likely not be self-sufficient when those arriving under ACRS or ARAP reach their 3 year mark and funding ends, or any increase in international students as these will also have an impact on housing and other pressures in local areas.
- Councils noted the difficulty in developing pledges towards the cap in the absence of a range of forecasting data which would help inform this, including confirmed asylum numbers and uncertainty around the future of the Ukraine schemes when current Visas may run out. A more informed Place Based Approach across all different migration cohorts but also
- Timescales in compiling fully considered positions, and engage fully with key partners, has been extremely challenging, particularly in relation to any plans existing community sponsorship groups may have. More time is needed for future consultations (as it is anticipated this will be come an annual process) to ensure they can be meaningful and more informed.

14. There were also a number of areas where further clarity is sought, for example, what will be the ramifications for councils in the event of unmet pledges and uncertainty around future humanitarian crisis, requests for assistance and any impacts this may have on council capacity and resources.

Next steps

15. At the last Executive Board meeting, members expressed interest in considering whether an all Wales response could be compiled. Unfortunately, each council will need to respond to the consultation and confirm the number of people they may need to resettle as local political agreement is required.
16. However, officers have asked all councils to share their consultation responses with the WLGA and WSMP (emme.maher@wlga.gov.uk) and share what number they have included and, subject to members approval, a further report will be provided for the Executive Board meeting in December (the day the consultation closes) with a draft response from the WLGA and also providing an overview of what the offer to the cap that has been made from Wales.

Recommendations

17. Members are asked to:

- 17.1 **Note and comment the contents of the report, in particular the proposed principles and key issues to help inform responses; and**
- 17.2 **Task officers to draft a WLGA response and provide a further update and overview of the offer to the cap from Wales at the next meeting.**

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Appendix 1

Home Office Cap on Safe and Legal Routes Consultation Questions

Q1: What organisations (including VCS organisations, and community sponsorship groups) in your area have you engaged with while compiling your response and have you included the responses received from these organisations in your local authority consolidated response?

Q2: What is your capacity to house and support those coming through safe and legal routes under the cap in calendar year 2025? (numerical figure, either as a proportion of your local population, or as an absolute number)

Q3: What evidence can you provide to support this (for example, number of properties that you have available or can procure)?

Q4: Of the above number, in 2025, how many of the following groups do you anticipate being able to accommodate, and ensure appropriate support is in place for: Complex cases; single people; large families.

Q5: Of the above number, how many of these do you expect to come through the community sponsorship scheme in your area?

Q6: The Resettlement Tariff and Community Sponsorship Funding provide the local authority with access to central funding for the purpose of supporting refugee integration. What impact has this funding had on your ability to resettle refugees in your area?

Q7: There is no additional funding being introduced with the cap. How could the funding instructions be changed to maximise the existing funding, enabling innovation and increased delivery of services in your area?

Q8: What impact do you assess the local provision of public services such as education, social care (adult and children) and healthcare has on your ability to resettle refugees in your area? Why do you assess this to be the case?