

## **Enforcement Policy for EU and NON EU nationals not engaging with Outreach Team**

### **Local Protocol for Outreach working with CEU and non EU Nationals**

Outreach will assess all CEU and non EU Nationals presenting as rough sleeping. Check if the client is known to outreach, do they have a history of rough sleeping, and if so does their name appear on the data for homeless people (Chain) How long the person has they in the UK and are they exercising their Treaty Rights. If client is unsure of Treaty Right and where there is no language barrier, outreach to explain the term of the Treaty Right to remain in the UK. Were there is a language barrier outreach to make other provisions

Below is the procedure to be followed by the Outreach Team -

### **Referrals to Outreach**

- 1.1 All CEE and Non EU nationals will be treated with the same equality and diversity as all others referrals. First contact as a rough sleeper outreach will assess current situation and provide further information.
- 1.2 Those eligible for NSNO will be referred via the outreach team
- 1.3 Those individuals seen on the street who are excising their Treaty Rights will be asked to present to the Day Centre, outreach will assess their current situation further. All information will be check on CHAIN. Following this outreach with implement an action plan and identify any risk.
- 1.4 All other individuals NOT Eligible for NSNO and not exercising their Treaty Rights will be provided with information on a reconnection back to their country of origin, whether this is via LRT or Refugee Action
- 1.5 All individuals will be made aware of the risk to person (violence, theft, etc) whilst rough sleeping, and the debilitating effect on their general health and wellbeing.

### **Engagement**

- 2.1 All Individuals will have opportunity to access the Day Centre
- 2.2 Individuals will have the opportunity to discuss any ID concerns.
- 2.3 Individuals will have opportunity to apply for NINO number
- 2.4 Individuals will be signposted to work related agencies e.g. Job Centre plus, Upper Room, Progression Services etc.

### **Sign Post client to services**

- 3.1 Provide information on local Day Centres, West London Churches etc.
- 3.2 Job Centre for a NI No to access employment.
- 3.3 Health Services etc.

### **After 8 weeks Period**

- 3.1 If individual show no signs of adhering to the Treaty Rights e.g. not interested in work, training, or applying for their national insurance number, and continue to sleep rough they will be given a letter reminding them of EU Treaty Protocol and expectation that they are adhere to these.
- 3.2 Individuals will be given a further opportunity to consider a voluntary reconnection.

### **After 12 weeks period**

Individuals will be made aware that within this time frame if no progress has been made by themselves then their names will be forwarded to the UKBA.

### **CEE National who do not adhere to the UK Treaty Rights after 3 months**

Action to be taken when CEE National do not exercise their Treaty Rights for example -

- Refuse to accept assistance from the outreach team and other agencies.
- Not demonstrating that they are seeking Employment or Further Education.
- Don't have access to Public Funds.
- Clients who refuse a single service offer of reconnection etc.

**These individuals' details will be passed on to the ICE by the outreach team. Following this a joint shift will be agreed with outreach, ICE, Parks Police to target/tackle these individuals.**

**In some cases where there is cause for concern outreach may defer some CEE National to ICE before the three months period, this could be due to ongoing ASB, non engagement with services etc.**

### **Summary of procedure of Action:**

**Immigration officer will speak to the CEE National and determine whether admin removal criteria are met.**

- 4.1 If the EEA national is not exercising Treaty Rights or there is reasonable grounds to suspect abuse of rights or fraud.
- 4.2 Where further evidence is required, the Immigration Officer will serve a reminder to remove letter and interview the CEE National.
- 4.3 The Immigration officer then considers, whether evidence suggests a criminal prosecution in case of abuse of rights or fraud, and whether the case should be referred for deportation action.
- 4.4 If Voluntary Departure has been requested, the Immigration Officer will consider if this is appropriate.
- 4.5 Where administrative removal criteria is met, the officer will seek authorisation for removal from a senior officer before serving administrative removal paperwork

### **Action Taken**

- 5.1 Arrange removal Directions Placing the individual on reporting restrictions.
- 5.2 Detaining where appropriate - attempting to participate in or facilitating a marriage of convenience or trying to fraudulently acquire residence rights.
- 5.3 For conduct designed to circumvent residence requirements (e.g. exiting) re-entering to re-set in the UK

### **On 1st January 2014 the Home Office approach to deportation and removal of EEA nationals changed:**

Re-entry restrictions following administrative removal: EEA nationals who are administratively removed for not exercising Treaty Rights (under the current provisions) will not be able to re-enter the UK for twelve months following removal unless they can demonstrate that they will immediately be exercising Treaty Rights upon re-entry.

Removal following abuse of rights or fraud: EEA nationals can now also be administratively removed from the UK for the abuse of free movement rights or fraud where it is appropriate and proportionate, namely: clock for the initial unconditional right of residence, or attempting, to enter)

### **Further action:**

Failure to comply: If the EEA national fails to provide sufficient evidence or fails to attend an interview at least twice, then the Immigration Officer can infer that the person does not have the right to reside and pursue Removal action.

From 1/1/14, an EEA national can be refused admission to UK if removed from the UK and tries to re-enter the UK within 12 months of removal unless the EEA national can prove that they will be immediately exercising Treaty rights upon re-entry.

### **An EEA national is a qualified person exercising Treaty rights if they are:**

- 6.1 Work (work must be meaningful and effective not marginal and ancillary)
- 6.2 Self-Employed person (work must be meaningful and effective not marginal and ancillary)
- 6.3 Self-sufficient person (must also have comprehensive sickness insurance e.g. a private policy or EHIC)  
student (must also have comprehensive sickness insurance)
- 6.4 Jobseeker (the person must be actively seeking work and have genuine chance of getting a job in UK)
- 6.5 All individuals have to provide a proof of address which can be (Bank statement ,tenancy agreement, utility bill)

**All individuals who are assess by NSNO and refused their SSO (Reconnection back to home country)  
Outreach will reiterate the SSO for no more then 28 days. After this time outreach will refer client to  
Immigration Office West ICE Team. Outreach will NOT support EEA nationals with any support letters OR  
any translations if needed.**

**Hammersmith and Fulham  
Outreach Team**