

**Grenfell Tower immigration cases
(Home Office guidance as annotated
by Liberty)**

**Grenfell Tower immigration cases
(guidance on handling cases
involving survivors and other
individuals directly affected by the
fire)**

Version 1.0

1. This policy is a trap. The Home Office is pulling people in, collecting their personal data and offering a 12-month reprieve before they are treated like any other undocumented migrant: denied access to services, and liable for detention and removal.
2. It is not possible for survivors to receive the care and support they need without a complete amnesty. The Grenfell tragedy has been made yet worse by cruel immigration policies which reach into every part of the community, creating obstacles to basic services such as healthcare and housing.
3. The Home Office guidance contains redactions and secrecy over vital information.
4. Anyone considering taking the Home Office up on their offer may want to consult organisations who can help survivors of Grenfell Tower:
Doctors of the World: Outreach clinic – Fridays at the North Kensington Law Centre from 10am – 12 midday (for July). Tel: 07732 067 445. Advice line – Weekdays 10am – 12 midday. Tel: 0207 515 7534 to book an appointment at their regular Mon/Wed/Fri clinic in Bethnal Green.
North Kensington Law Centre Daily Legal Advice Drop-in: Legal support – (Monday to Friday 10am-5pm) Clients from Grenfell and residents with other urgent queries can contact them on 07375 920 460 Together with Kensington and Chelsea Citizens Advice, JCWI: Legal advice – call on 0207 553 7472 or 0207 251 8708 to speak to an adviser, or email legal@jcwi.org.uk.

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About this guidance

This guidance tells UK Visas & Immigration and Immigration Enforcement staff how to consider the immigration status of those directly affected by the Grenfell Tower fire who need to regularise their immigration status in the UK or obtain a change in the conditions of their existing leave, or whose existing leave to remain is due to expire within 12 months of the publication of this policy.

This policy is intended to assist those directly affected by the fire.

This guidance does not cover:

- anyone outside the UK
- relatives of those directly affected by the fire, or
- those who do not fall within one of the categories set out in [‘who will be considered under this policy’](#)

These individuals will be considered under existing policies as appropriate.

This guidance is intended as a short-term policy for the purposes of granting leave outside the Immigration Rules to provide support and stability whilst those directly affected by the fire deal with its immediate aftermath. It will be kept under review and will be withdrawn on 31 August 2017.

Contacts

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Clearance and publication

Below is information on when this version of the guidance was cleared:

- version 1.0
- published for Home Office staff on 5 July 2017

Changes from last version of this guidance

- first issue

Related content

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Leave outside the Immigration Rules policy for Grenfell Tower cases

Background

The devastating fire which took place in the early hours of 14 June 2017 at Grenfell Tower in West London is a national tragedy. The Home Office will not use this as a reason to carry out immigration checks on those receiving support or providing vital information to identify victims or otherwise assist the authorities investigating the fire. However, we recognise that not all those directly affected may be in the UK lawfully and some may be concerned about their immigration status. Some may have valid leave which is about to expire in circumstances where there is no current basis under the Immigration Rules for it to be extended, or may have conditions attached to their existing leave that might hinder their access to the support they need.

This policy covers leave granted outside the Immigration Rules to individuals directly affected by this tragedy. The leave granted will be temporary (for 12 months) and granted on an exceptional basis to allow those directly affected by the fire (as defined within this policy) time to deal with the immediate aftermath of these terrible events, and to consider their future options. This is intended as a time-limited policy and any further leave sought on the expiry of leave granted under the policy will be considered in accordance with the Immigration Rules in force at the time.

Policy intention

The policy allows those who have been directly affected by the fire to be granted a temporary period of lawful residence in the UK, or if they have valid leave, to have the no recourse to public funds condition lifted where the leave is currently subject to this, or if their existing leave to remain is due to expire within 12 months of the publication of this policy with no opportunity to extend that leave to switch to 12 months' leave under this exceptional policy. This will give them a firm legal footing to ensure they can access ongoing support, including social assistance, local authority housing support or any welfare benefits they may be eligible for.

The Government has already stated publicly that the Home Office will not use the tragedy as a reason to carry out immigration checks on those involved, and that all victims, irrespective of their immigration status, will be able to access the services they need. Public authorities (including local authorities and the NHS) are assisting those directly affected by the fire notwithstanding their immigration status. The Secretary of State has the power to grant leave on a discretionary basis outside the Immigration Rules under the Immigration Act 1971.

Unless extended, this policy will remain in place until 31 August 2017.

At best this is compassion lite with a question mark over residents' futures – at worst a trap to pull people into the immigration system.

But survivors will remain subject to immigration control and their personal information may be shared under Home Office / NHS data-sharing agreements.

Who can be considered under this policy

This policy will apply to:

- individuals in the UK with no immigration status (including illegal entrants and overstayers);
- EEA nationals in the UK not exercising treaty rights;
- individuals in the UK with limited leave to remain that is due to expire within 12 months of the date of the announcement of this policy;
- failed asylum seekers who do not have outstanding further submissions; and
- individuals with a current immigration status which is subject to a condition of 'no recourse to public funds',

who:

- were a resident of Grenfell Tower on the date of the fire, whether or not they were there at the time of the fire. This includes those who were renting unlawfully through an illegal sub-let or informal arrangement; or
- were living close to Grenfell Tower and have been significantly affected by the fire because they have been displaced from their place of residence, which was destroyed or made uninhabitable by the fire. We anticipate that those living close to the Grenfell Tower that are significantly affected in this way are those residents living in Grenfell Walk at the date of the fire.

Dependants of those in the above groups will qualify under this policy if they were ordinarily residing with the qualifying individual on the date of the fire, providing they do not fall into one of the ['categories excluded from the policy'](#).

Caseworkers will first consider whether an individual qualifies for leave to remain for 12 months or more under another immigration route with recourse to public funds before considering whether to apply this policy. There will not be a refund for an outstanding application being considered under another policy where a fee or any other related charges have already been paid.

These are lax and broad exemptions that could force some Grenfell survivors to choose between services and deportation.

Categories excluded from the policy

The following categories are excluded from the policy, because it is in the public interest to apply this approach in order to maintain confidence in the immigration system:

Many parts of an undocumented migrant's life are criminalised.

- any **Foreign National Offender (FNO)**, i.e. those subject to deportation proceedings or whose continued presence in the UK has been determined by the Home Office to be **not conducive to the public good**;
- any person who, if they were to apply for asylum, would fall for exclusion under Article 1F of the Refugee Convention;
- any person subject to **Terrorism Prevention and Investigation Measures - TPIMs**;
- any person currently subject to a Deportation Order (including those appealing a Deportation Order); **Those without a criminal record could still be covered.**
- any person for whom there are concerns about criminality, character or associations, including extremist behaviour;

If the Home Office takes issue with a person's character and associations, they might be removed.

How does the Home Office define 'extremism'? Vaguely, as: 'Opposition to British values'.

TPIMs were called 'control orders' in an earlier version of this document. They are a regime of punishment without charge or trial.

- any person who has failed security checks; and
- any person who has refused to supply their biometrics.

Related content

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**The Government are demanding
people's personal data for use in
future immigration control.**

Consideration process

The current immigration status of the individual should be considered when determining whether and how to grant leave under this policy.

Caseworkers will first consider whether an individual qualifies for leave to remain for at least 12 months under another immigration route, for example where the person has an outstanding claim or application. If they qualify under the Immigration Rules, any such grant of leave will be given with recourse to public funds.

Individuals with current valid leave

A person directly affected by the fire who has valid leave to remain and who meets the requirements of this policy will be invited to consider whether they would like:

- their existing valid leave to remain to continue but with the condition of no recourse to public funds lifted where that leave is subject to that condition (allowing them access to public funds) and with permission to work where they do not already have this
- or
- to accept in its place a grant of leave to remain outside the Immigration Rules under this policy for 12 months with access to public funds and permission to work.

Individuals with leave on an existing route to settlement under the Immigration Rules should consider the impact of switching to a grant of leave outside the Immigration Rules on the length of time it will take to reach settlement. Individuals cannot hold more than one type of leave to remain.

Individuals with no current valid leave

For the purposes of this policy, this includes individuals in the UK with no immigration status (including illegal entrants and overstayers), EEA nationals in the UK not exercising treaty rights and failed asylum seekers with no outstanding further submissions.

A person directly affected by the fire who has no current valid leave to remain will be invited to consider accepting a grant of leave to remain outside the Immigration Rules under this policy for 12 months with access to public funds and permission to work.

Those with an outstanding asylum claim or further submissions

Where an asylum claim is currently being considered, this policy will not apply. Asylum seekers qualify for Home Office **asylum support** and accommodation if they would otherwise be destitute.

Asylum support has faced devastating cuts. There will be no exception to these cuts for the Grenfell survivors. This means some traumatised people will be left living on £5 per day, with no right to work, having lost everything they own.

This policy does not apply to failed asylum seekers with an outstanding appeal against their refusal, or who have lodged further submissions which are outstanding, as they may qualify for asylum support.

However, where, before 31 August 2017, a failed asylum seeker has become appeal rights exhausted, or their further submissions have been rejected without a right of appeal, and no other form of leave is being granted, then consideration must be given to whether a grant of leave to remain outside the Immigration Rules under this policy for 12 months with access to public funds and permission to work is appropriate.

How we will consider if this policy applies

There is no application form or fee required for a person to be considered under this policy. Home Office staff will invite individuals to complete a short proforma in order to provide the necessary details. Subject to the completion of the relevant security checks, the decision on whether a person qualifies for leave under this policy will be made as soon as possible by a dedicated team dealing with these cases.

This invitation must be taken up in person at a designated location by 31 August 2017. Consideration of cases will continue but no further invitations will be made after this date. The Home Office will not consider written correspondence from those who consider that this policy may apply to them.

Details of the designated location can be found by checking the Grenfell Tower Immigration pages of GOV.UK. This location may be subject to change.

<https://www.gov.uk/government/publications/grenfell-tower-fire-handling-immigration-cases>

Individuals can also contact the Home Office helpline on 0300 222 000 for further information.

The Home Office has an interest in getting people's information for future immigration enforcement.

Providing evidence

As part of the consideration process, Home Office staff will assist individuals in providing relevant information and evidence and completing a brief proforma.

Staff must bear in mind that those directly affected by the fire are unlikely to be able to provide documentary evidence of their address.

Staff considering cases under this policy will be looking for evidence that the person was either a resident of Grenfell Tower on the date of the fire, or was living close to Grenfell Tower and was significantly affected by the fire because they were displaced from their place of residence, which was destroyed or made uninhabitable by the fire. This may include, but is not limited to:

- checking any evidence held by the Home Office to establish the last recorded address on a previous immigration application;

- official correspondence with the address, e.g. from DWP, HMRC, the local authority or from an energy supplier;
- evidence that individuals have been receiving support as a result of the fire;
- evidence that individuals were living close to Grenfell Tower and the fire has resulted in their home being destroyed or made uninhabitable;
- **Official sensitive: start of section:** The information on this page has been removed as it is restricted for internal Home Office use. **Official sensitive: end of section**
- checking with other agencies, such as the police, the local authority and the Department for Communities and Local Government as to whether they can confirm whether a person has provided information about their links to Grenfell Tower or Grenfell Walk;
- evidence of a payment from the Grenfell Fire Emergency Fund such as a bank statement or BACS transfer;
- evidence provided on their behalf by a leading member of the community or recognised support group setting out what they know about the person;
- evidence they were hospitalised as a result of the fire; and
- evidence from a local school or GP records.

This is an ominous omission. How will the Home Office gather evidence of people's residence at Grenfell? What are they not telling us?

Noting the difficult circumstances in which survivors and others directly affected by the fire find themselves, once the caseworker is satisfied that a person is eligible for consideration under the policy they do not need to obtain further evidence.

The local authority may be contacted for information required in order to assess whether the person falls within the scope of this policy.

Biometric enrolment

Biometric data collected will mean people can be subject to immigration enforcement action after the 12 months is up.

All persons and any dependants considered under this policy will need to enrol their biometrics. No charge will be made for this. The results of the biometric checks will be used to determine whether the individual falls to be excluded from consideration under this policy. Biometrics will be retained.

Home Office staff will notify the individual of the location where biometrics can be provided. This is usually the local post office and Home Office staff will provide the person with an acknowledgement letter confirming that they have accepted an invitation to be considered under this policy.

Granting leave to remain

The granting of leave to remain under this policy is conditional on the relevant security, identity, biometric and eligibility requirements being met.

Length of leave and conditions

Leave to remain under this policy will be for a period of 12 months. Leave will be granted with recourse to public funds and permission to work in the UK for the duration of the leave. The Immigration Health Surcharge is not applicable to cases considered under this policy.

A person granted leave to remain under this policy will also be able to enter higher education. However, those with limited leave are not eligible for higher education student finance under the Student Support Regulations. In addition, a study condition applies to all adult temporary migrants granted leave outside the Immigration Rules which prohibits studies in particular subjects without first obtaining an Academic Technology Approval Scheme clearance certificate from the Counter-Proliferation Department of the Foreign and Commonwealth Office. Those granted leave to remain under this policy who are aged 18 or who will turn 18 before their limited leave expires will be subject to the relevant requirements set out in Part 15 of the Immigration Rules.

Change of conditions

Where an individual with existing valid leave to remain has the conditions of that leave to remain changed to enable recourse to public funds, it will not result in any extension of the current period of leave. Existing leave will expire on the date currently set out in the Biometric Residence Permit (BRP). The conditions on recourse to public funds and permission to work will be lifted for the period of leave remaining.

Where an individual has existing valid leave to remain that is due to expire within 12 months of the date of publication of this policy and they are unable to qualify for further leave to remain under the same immigration route, they may be considered under this policy for a grant of leave to remain outside the Immigration Rules.

Further leave

This is intended as a time-limited policy and any further leave sought on the expiry of leave granted under the policy will be considered in accordance with the Immigration Rules in force at the time.

Refusing leave under this policy

All cases will be considered on their individual merits in line with this policy. Where an individual fails to meet the requirements for a grant of leave under this policy, they will be advised in a letter of the reasons for this.

Appeal rights and administrative review

Refusal to grant leave under this policy is not an appealable decision and cannot be considered for an Administrative Review.

There's no way to challenge poor and consistently unreliable Home Office decision making.

Individuals who are overseas

This policy only applies to persons currently in the UK. Separate provision exists for entry clearance applications to be considered outside the Immigration Rules.

Family reunion

A person granted leave under this policy may not sponsor a person to enter the UK.

Survivors can't be joined by their family members. This mirrors broader, unfair rules which keep families apart.

Removal action

Immigration Enforcement will not pursue removal action against an individual without leave to remain who is being considered under this policy.

False claims

Any person who makes a false claim for leave under this policy must be referred to Immigration Enforcement to consider next steps in line with existing policies and procedures for those trying to use deception to obtain leave. Making a false claim in order to obtain leave by deception is a criminal offence and may lead to prosecution.

Recording statistics/CID

Cases granted and refused under this policy should be reported weekly to the Immigration Minister.

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What are the Home Office not telling us? How will they record the data?

Review

This guidance will be kept under review and will remain in place until 31 August 2017.

Related content

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