



UK Visas
& Immigration



Memorandum of Understanding between Local Government and the Home Office as of October 2019

1. Parties and objectives

All parties agree to act in good faith to support the objectives and principles of this Memorandum of Understanding (MoU). The Parties to the MoU are in the first instance:

- Home Office
- Local Government Associations

The overriding purpose of this MoU is to transform the relationship between local and central government, recognising each other as partners along with the accommodation providers in the delivery of asylum dispersal. Underpinned by a set of principles of joint working, this partnership will work collaboratively to deliver a more equitable and place based asylum dispersal system which meets the demands of the UK's international obligation to asylum seekers and refugees and improves outcomes for asylum seekers and the communities in which they reside.

2. Governance

The work directed by this Memorandum of Understanding will be overseen by the Home Office and Local Government Chief Executive Group on Asylum (the Group). Its terms of reference can be found [here](#). The Group will provide leadership to ensure that the key objectives contained in this MoU are being met and will agree and progress key work streams arising from this MoU. The Group will be supported by arrangements at national, regional and local levels.

3. Priorities

The four priorities underpinning this overarching objective are to develop:

- partnerships based on the principles of co-production, parity of esteem, trust, transparency and joint evaluation to achieve effective engagement and oversight nationally and regionally
- a place-based approach to a fair and equitable asylum dispersal system in the UK.
- a review of the costs, pressures and social impact of asylum dispersal in the UK to achieve a better understanding of the resources needed locally
- systematic sharing of all data and information on asylum dispersal in real time wherever possible, within agreed data sharing arrangements and legislation

The Group will support and monitor a work plan on the following priority areas:

3.1 Engagement and oversight

The Group will achieve improved joint engagement through:

- effective partnerships between Local Authorities, the Home Office and providers locally and regionally, based on a recognition of each other being equal partners in the delivery of AASC/AIRE and underpinned by effective contract oversight and meaningful engagement
- governance arrangements that support early warning mechanisms to promote and encourage genuine tripartite dialogue across central, local government and providers during transition and into the new contracts and on-going through delivery of the contracts, ensuring that concerns are addressed as they arise.
- strengthening the role of local and regional partnerships to support and capture good practice in partnership working local and regionally
- clear escalation process if issues are not resolved via the agreed governance structures.

3.2 Equity and influence

The Group will work collaboratively to achieve a more equitable and place-based asylum dispersal system in the UK. This will be achieved via a Change Plan agreed by the Group. This plan will develop a clear pathway to equity with set milestones across the life of the contracts and will be delivered in partnership, and acknowledge regional and local contexts.

This MoU is based on the willingness across central and local government to support this process, with every part of the system having a part to play. This commitment to change requires tripartite relationships across providers, central and local government at a national and regional level.

A more equitable and place based approach to dispersal will require:

- a change plan which will result in redistribution across and within contract regions. This will be based on the recognition that redistribution will not be achieved on day one of the new contract but through a commitment to develop a steady pathway with set milestones
- a place-based approach to a fair and equitable asylum dispersal system in the UK that must consider all parts of the system that have a direct impact on Local Government, including the processes that are an impediment to wider Local Government participation, and those that are in place for people who are at the end of the asylum journey.
- identifying and addressing the barriers and challenges to widening dispersal, including extending dispersal to new areas and areas that have volunteered but have not yet had any procurement and ensuring that the necessary infrastructure is in place to enable wider dispersal.
- taking account of local pressures in relation to other Home Office programmes and other pressures such as homelessness, deprivation, cohesion and the impact of failed asylum seekers

- strengthened local and regional partnerships in jointly delivering asylum dispersal, including mutually agreeing contingency arrangements resulting from any pressures in the system, with pressures and issues notified and where possible addressed in advance
- a recognition the short term focus is to ensure an effective and safe transition, but that there may be opportunities to source new and better quality accommodation which might reduce high concentrations in some areas during the transition period

This will result in:

- redistribution across and within devolved administrations and regions where that is appropriate
- an allocation process that reflects local intelligence relating to deprivation, availability of suitable housing and support services, cohesion and the impacts of the whole asylum process including returns
- leadership on asylum dispersal nationally and regionally, sharing good practice and working collaboratively to address challenges across the asylum system

The Home Office, its providers and councils will work together to co-design and deliver place-based approach with mutually agreed levels of dispersed population that supports community cohesion and prevents destitution of vulnerable asylum seekers.

The Home Office have to fulfil their duty to accommodate asylum seekers. The prevention of destitution amongst vulnerable asylum seekers is the overarching priority and it is accepted that pressures in the system may result in contingency arrangements.

Unless there is mutual and ongoing agreement to operate otherwise or if there is a change with a return to agreed levels within an agreed timeline, the Group has agreed that the 1:200 cluster limit should be the maximum within a council and ward level.

Contingency planning and pausing also both require a tripartite conversation based on the principles of flexibility, transparency and collaboration. This will require early and effective information from the Home Office to the Group and to regional and local representatives in order for all partners to actively participate. In the spirit of co-production, contingency plans should be shared and agreed at a national, regional and local level.

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If contingency plans are utilised, the Group should be kept informed of levels, turnover and exit strategies in order to perform national oversight of the system. This will provide assurances that capacity and contingency are operating to the principles of equity and that the needs of asylum seekers and communities are being prioritised by applying flexibility to commercial boundaries during periods of extreme pressure in the system.

Reflecting all the above, large scale and long term use of hotel accommodation as a contingency arrangement should only be utilised once capacity across the estate has been exhausted, and only with the advance agreement of the council.

3.3 Funding

The Group will review the costs, pressures and impacts of asylum dispersal across local areas across the UK, which the Home Office has committed supporting. Any review should:

- identify the cost of asylum dispersal to councils over and above costs covered through existing funding streams where they are available
- agree the scope of an independent review to include all elements of the process: unsupported population, rough sleeping, NRPF, cohesion and integration
- address any restrictions to accessing resources across the UK
- commit to an outcome focused and place based approach in delivering improved services for asylum seekers and refugees
- capture learning from pilots and bespoke funding streams to inform the spending review
- provide results that be used to inform spending reviews across Government

3.4 Data and information

The Group will progress greater access to information that:

- provides the group with adequate information to inform the aims of the MoU particularly to enable the Group to provide effective oversight at a national and regional level
- will be based on the principle that all data and information be shared wherever possible in real time unless prohibited under GDPR legislation
- ensures access to the data needed to enable councils and SMPs to carry out their functions at a strategic and operational level, ensuring consistency in access across LAs subject to appropriate data sharing arrangements
- operates local level data sharing pilots will commence in summer 2019 to inform national roll out

4. Context

The MoU aims to maintain and develop the voluntary nature of the asylum dispersal scheme through collaborative working and joint commitment for widening dispersal. This is in the context set out in the following legislative background:

- The Immigration and Asylum Act 1999 introduced new measures to alleviate the pressure on local authorities in London and the South East of England who accommodated the majority of asylum seekers at that time. The effect of the 1999 Act was to pass the support responsibility to the Home Office
- Regional dispersal policy (2000) provides that, as a general rule, asylum seekers should be accommodated in areas where there is a greater supply of suitable accommodation
- The Home Secretary has reserve powers (under sections 100 of the Immigration and Asylum Act 1999) to ensure that local authorities cooperate in the provision of accommodation for asylum seekers
- Local Authorities participation in the dispersal process is voluntary

5. Monitoring and Review

This MoU will:

- be iterative and flexible, dependent on the detailed work as it emerges, and subject to review and change on account of the wider policy and legislative landscape
- incorporate additional aspects where required and agreed through the Home Office and Local Government Chief Executive Group i.e. other asylum, resettlement and wider migration issues
- allow for the inclusion of other parties to discuss issues escalated from the other parts of the governance structure e.g. providers

In order to achieve momentum and traction on agreed priorities within agreed timescales, the Group will support and monitor the delivery of a work plan. This sets out the key changes to be delivered by Local Authorities and the Home Office representatives based on the four priority areas. Updates on the work plan will be tabled at each Group meeting to assure attendees of progress.