

# MAYOR OF LONDON

**Rt Hon Priti Patel MP**

Home Secretary  
The Home Office  
2 Marsham Street  
London SW1P 4DF

**Date:** 28 April 2020

Dear Priti,

I am writing to raise a number of concerns in regards to the impact of the Government's immigration policies on Londoners during this COVID-19 pandemic.

As you will know, evidence has been emerging of how black, Asian and minority ethnic (BAME) communities may be disproportionately affected and I look forward to the outcome of the Government's review into the disproportionate number of deaths in the BAME community from COVID-19.

I am concerned that health inequalities are being compounded by immigration policies that can create destitution and perversely encourage discrimination against BAME and migrant Londoners. I have long been an advocate for Londoners with insecure immigration status and I am committed to tackling structural inequalities in our city.

The World Health Organization has called on the world to ensure that everyone, including all migrants and refugees, has equal access to health services and is effectively included in national responses to COVID-19. I recognise and welcome some of the changes your Department has already made to meet the needs of migrants, refugees and asylum seekers in the UK, however, I remain deeply concerned that some policies are risking Londoners' public health and I am writing today to ask you to go further.

## **NHS Charging Regulations**

I urge you to suspend the NHS Charging Regulations and all associated immigration checks and data sharing, which are undermining our efforts in London to stop the spread of COVID-19. These policies help create a hostile environment and are leaving many of our key workers and their families exposed and unable to afford the treatment and care that they need.

The exemption for COVID-19 does not go far enough. Patients with pre-existing conditions are still being charged for treatment. You will be aware that these very policies left members of the Windrush Generation without access to essential health care, including cancer treatment, as outlined in Wendy Williams' Windrush Lessons Learned Review. We are now seeing evidence that they are failing Londoners who are fearful of coming forward for support during a global pandemic and hearing devastating reports of people dying in their homes or suffering in silence.

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## Visas and immigration

On 31 March, the Government rightly committed to extend visas for frontline NHS staff. However, there has since been confused communication from the Home Office about whether this support is available for NHS staff on all visa routes beyond a Tier 1 visa. I am sure you will agree that this is not the time for NHS and care workers to be worrying about their future in the country, especially when they are risking their lives to protect our communities. I urge you to extend all non-UK national visas for those working in the frontline; this will help to support NHS staff and other key workers including NHS cleaners, porters and carers, who are playing vital roles in our response to COVID-19.

The Government has rightly listened to businesses in extending visas on the Tier system, but this extension needs to be applied fairly to all visa routes. People who have lived in the UK for many years and are on a route to permanent settlement are now unable to pay fees after losing their jobs or being furloughed and they are struggling to access legal advice and the online Home Office application forms to renew their leave. In fact, I would encourage you to go further and offer full citizenship rights to NHS and care workers who have risked – and continue to risk on a daily basis – their lives during the COVID-19 crisis.

## Immigration Detention

I am extremely concerned to hear that there have already been confirmed cases of COVID-19 in immigration detention centres. The Government has limited recourse to hold people in detention when there is no realistic prospect of them being returned to their country of origin. Detainees – who are currently in cramped conditions which risk the uncontrolled spread of COVID-19 – are unable to practice social distancing and maintain the hygiene necessary to prevent infection. I would ask you to consider that those held in immigration detention centres who aren't any danger to the public should be released without delay, freeing up space within the system to allow social distancing for those who are higher risk.

While many will be able to be reunited with their families and communities, the Government should work in a joined-up way to ensure all those released from immigration detention have access to suitable accommodation and support when they are released.

## No Recourse to Public Funds (NRPF)

Last month, I wrote to the Prime Minister asking that he suspend the NRPF condition and I repeat this ask again. As a result of this policy, Londoners with NRPF are facing homelessness and denied access to Universal Credit support when they lose their income and/or housing assistance. Their children are refused access to child benefit, free school meals and other welfare support because of their immigration status. There has been a collective call to suspend the NRPF condition from across local government, to enable people to get the support they need, but, crucially, to help stop the spread of COVID-19 by those still who feel they have no choice but to go out to work.

I have already written to you regarding the additional challenges and burdens placed upon victims of domestic abuse with NRPF and would be grateful for an urgent response on what you are doing to help these very vulnerable people and their children.

This affects people who have lived in the UK for many years, often with children born and brought up here. While some can apply to have the NRPF condition lifted to access welfare support, many are not aware of this, or they cannot access agencies for support during lockdown.

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## Pre-settled status – Habitual Residence Test

I am particularly concerned about the hundreds of thousands of Londoners who have been granted pre-settled status under the EU Settlement Scheme and face limitations on their access to benefits. The Habitual Residence Test should be suspended so that EEA citizens do not need to prove their 'right to reside' in order to access much-needed benefits such as Universal Credit or assistance under homelessness legislation.

These commitments are essential, to ensure that we can offer appropriate move-on support for the many rough sleepers with limitations on their access to benefits who have been accommodated in hotels in London, and I am writing to the MHCLG Secretary of State to discuss how we work together to do this.

I would be grateful for a response to how you will be progressing these issues, and those in my previous letter on domestic abuse, as soon as possible please.

Yours sincerely,

Personal Data

**Sadiq Khan**

Mayor of London

Cc: Paul Scully MP, Minister for London  
Sir Edward Lister, 10 Downing Street