

Situation in Sudan – Briefing for councillors (May 2023)

What is happening?

War has broken out in Sudan, and conditions there are reported to be terrible. There is a large Sudanese population in the UK (one estimate in 2020 was 24000 Sudanese citizens in the UK but community sources reckon there are at least double that), and many British citizens of Sudanese origin, or with family in Sudan. The government offered evacuation flights for the estimated 4,000 UK citizens in Sudan, 2,000 registered for them, but no more are currently planned. They were only available to British citizens and any of their family members who had leave to remain in the UK, plus parents caring for British children, although the last flight was also belatedly opened to Sudanese NHS doctors (there are many Sudanese working in the NHS: the first two doctors to die from frontline exposure to Covid were Sudanese).

The UNHCR is planning on the basis that 800,000 people may flee from Sudan to neighbouring countries. Hundreds have already been killed, and flight is difficult and dangerous. Those who are able to leave who have connections with the UK are likely to try to make their way here, as has already happened: in most years there are about 2,000 asylum applications from Sudanese nationals.

The government has indicated it may organise further flights, and there is growing pressure for those to include a wider selection of family members of Sudanese people settled in the UK as well as British citizens still stranded there. So, more evacuees may arrive.

Sudanese communities in the UK

Most areas have an established Sudanese community, with larger numbers in London (particularly north and west), the south-east (Brighton and Kent especially), Bradford, Leeds, Manchester, Birmingham, Newcastle and the north-east. There are Sudanese communities in Scotland and Wales as well. There are many flourishing and well organised Sudanese community groups, ranging from small local meetings to national associations of professionals like doctors and lawyers. There are also many asylum seekers stuck in the system backlog, most in hotels and temporary accommodation: in most years Sudan is one of the top ten countries of origin of people applying for asylum, and these applications are very likely to succeed as over 80% of them do.

What are the problems?

- 1. Concern for family members and others in Sudan**

The evacuation has been chaotic, and many people did not “qualify” or could not get on the planes. UNHCR says there is a catastrophic humanitarian situation in Sudan and neighbouring countries. Their relatives and friends in the UK are understandably very worried for them. Some are trying to arrange travel to safety, lobbying MPs, asking about visas, pushing for more and wider evacuation programmes.

2. Uncertainty for asylum seekers and others on limited leave in the UK

Although Sudanese nationals are not among the 12,000 asylum seekers who have been sent a questionnaire with a view to clearing the asylum backlog, there are several thousand Sudanese people in the asylum backlog waiting for a decision (which is likely to be positive as 84% of them are). Others are in the UK as students, on work permits or visiting. They clearly cannot return home currently, but meanwhile face huge uncertainty, and may also be unable to work and potentially facing destitution.

3. Arrival of traumatised and vulnerable people

People have left a chaotic and dangerous war situation, and some have been forced to leave family behind. Some may be injured; most are likely to have some level of trauma. There are no proper reception or assessment arrangements. Councils have been told:

“Welcome Points at ports of entry are providing some immediate support, e.g., the opportunity to rest, welfare or health checks, and advice about onward travel. Onward rail transport from arrival airports will be free to those who do not have funds for travel. In some cases, immediate overnight accommodation is being provided – e.g., where a flight has arrived late.

In order to manage the pressures at ports of entry, we are encouraging people to move on quickly. In cases where people do not have accommodation arrangements, they are being encouraged to travel to where they have existing connections in the UK and seek to make arrangements with family and friends where possible. Where this is not possible, councils may start to receive homelessness applications and other requests for assistance from households returning from Sudan.”

4. Difficulties with accessing services

Those dealing with physical and psychological trauma will obviously need specialist help, and health services are not geared up for this. While most local authorities now have specialist teams helping Syrians, Afghans and Ukrainians, some funded specifically for this by central government, this is a new group with different needs and also different statuses. Some benefits and housing services are only available to those who are eligible, and British citizens and some others must pass or be exempted from the habitual residence test to access them. The government has now amended the relevant benefit and housing regulations to exempt those who were “residing in Sudan before 15th April 2023 and left Sudan in connection with the violence which rapidly escalated on 15th April 2023 in Khartoum and across Sudan” from the habitual residence test. These changes came into effect on 15th May 2023.

What can councils do?

1. Make contact with local Sudanese communities and groups

Local groups may know of new arrivals who need services, and may also be willing to offer information about expected arrivals to assist with planning. They may also be able to offer help with translating, contact with Sudanese professionals for advice and expert knowledge and informal but vital interpersonal support.

Not all Sudanese people are involved with community organisations, and it is important to reach out to those who are not, especially asylum-seekers in hotels who are already facing many problems and will now be worrying about family members and friends in Sudan as well as the progress of their asylum applications.

Some of those evacuated will stay with family members or friends, at least initially, and some may already have homes in the UK, and so not approach local councils for help. However, their circumstances may have changed significantly. Apart from their own physical and psychological state, which may need attention, they may now be living in overcrowded conditions, or dealing with complex family issues and concerns. They may have significant financial pressures from the need to support family or get them out. Consultation and contact with community groups and individuals can alert the council to these and also provide guidance about how best to ensure that they know what is on offer to help.

2. Brief all frontline staff

Community groups may be able to assist with this. Staff need to understand the background to new requests for help and the pathways to appropriate services. Ideally this should be done with local partners, particularly health, education and the voluntary and community sector.

Human resources staff should also be briefed since Sudanese council employees may be under enormous stress and may face specific difficulties. Councils should check that employee assistance programmes know about the situations they may be facing and have appropriate referral resources available.

3. Ensure that new arrivals have a proper referral pathway to services they need

Services will include housing, social services, welfare benefits/cost of living support, education, health. The current teams working with Syrians/Afghans/Ukrainians are likely to have all the relevant information at hand and be the best to coordinate this.

There are, as noted above, many Sudanese professionals working in the NHS and other services: many of them offered advice about their community and organised access during the pandemic. Councils should consider liaising with Sudanese professional associations and relevant health and care services to release some, especially those specialising in mental health, children's services and other relevant areas, to work with traumatised newcomers and those in the settled communities finding it difficult to cope.

All new arrivals should be signposted to education, health, social services and cost of living support as appropriate, but there may be an issue with eligibility for some housing and benefits services.

British citizens must usually pass the habitual residence test to get housing and homelessness services and universal credit and some other benefits. Regulations exempting anyone "residing in Sudan before 15th April 2023 and (who) left Sudan in connection with the violence which rapidly escalated on 15th April 2023 in Khartoum and across Sudan" from the Habitual Residence Test came into effect on 15th May 2023. However, in the month before

the regulations were changed, many people have been refused benefits and housing help. Local authorities should identify these people (some of whom may now be accommodated by social services), contact them and invite them to make a new application and seek help with applying for benefits as appropriate.

Non-British citizens will only be eligible for benefits and housing if they have certain types of immigration status or rights to reside. The [Housing Rights Info website](#) provides information on this. Many families will include people with different citizenships and status.

From 15th May 2023 a new class of person is eligible for housing allocation (class P) and homelessness assistance (class Q)¹:

“a person who—

(i) was residing in Sudan before 15th April 2023;

(ii) left Sudan in connection with the violence which rapidly escalated on 15th April 2023 in Khartoum and across Sudan;

(iii) has leave to enter or remain in the United Kingdom given in accordance with the Immigration Rules⁽²⁾;

(iv) is not a person whose leave is subject to a condition requiring that person to maintain and accommodate themselves, and any person who is dependent on that person, without recourse to public funds; and

(v) is not a person (“P”)—

(aa) who has been given leave upon an undertaking given by P’s sponsor;

(bb) who has been resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland for less than five years beginning on the date of entry or the date on which P’s sponsor gave the undertaking in respect of P, whichever date is later; and

(cc) whose sponsor, or where there is more than one sponsor, at least one of whose sponsors, is still alive.”

This new class therefore covers anyone (Sudanese and others) who left Sudan having lived there before 15th April 2023, who has limited leave with no bar on recourse to public funds (and those evacuated who are not British citizens and have no other leave are being given limited leave to remain, outside the immigration rules, with recourse to public funds), or indefinite leave granted within the last five years on the basis of an undertaking to support by a sponsor.

The DLUHC has sent circulars to all local authorities encouraging them to deal appropriately with Sudanese arrivals: the latest one was sent on 10th May 2023. A copy is attached at the end of this note.

Some Sudanese people may have visitor, spousal or other visas, and be ineligible because they are barred from recourse to public funds. They should be referred to social services for accommodation and support if there are any children or adults with care needs in the

¹ The Allocation of Housing and Homelessness (Eligibility) (England) and Persons Subject to Immigration Control (Housing Authority Accommodation and Homelessness) (Amendment) Regulations 2023 SI 2023/530

household. The NRPF Network <https://www.nrpfnetwork.org.uk/> provides guidance and resources on this.

Asylum-seekers are supported by the Home Office, but if they get full refugee status via the backlog clearance programme will then be eligible for housing and benefits. If they applied for asylum after 28th June 2022, they may be classed as a “group 2” refugee which means they may be barred from access to benefits and housing. There is guidance on this on the [NRPF Network website](#).

One service that may prove more difficult is the need for legal advice and help. Unless and until we get new schemes to allow Sudanese people to come to the UK, family and friends here will need to get legal advice and advocacy to see how they can get people to safety. Currently there is no legal aid for most non-asylum immigration cases or for advice and help for people outside the UK, other than in exceptional cases.

4. Lobby government

The evacuation of citizens from Sudan has been hasty and is incomplete. However, there are also already many Sudanese citizens in the UK facing an uncertain future and extreme concern for those left behind as the humanitarian crisis unfolds. Local councils are already very hard pressed and need support and action from government to enable them to work with their residents. Council leaders and local authority associations should lobby government for

- **Sudan schemes to mirror the Ukraine schemes:** the UK’s links with Sudan are at least as close and longstanding as with Ukraine. We need to have the same schemes, all of which offer three years’ leave with access to work, benefits and housing:
 - A **Sudan family scheme** to allow those settled here to bring the same wider family members to join them here as we have encouraged Ukrainians to do, including particularly the elderly and vulnerable. We have seen the disgraceful scenes of grandparents turned away in their wheelchairs, and we do not want our residents to go through this anguish.
 - A **Sudan extension scheme** to cover all Sudanese nationals currently in the UK with no long-term leave. This would, of course, assist with the asylum backlog clearance, but would also cover students and others on temporary stays or with no leave. Since they clearly cannot return to Sudan, this will clarify their status as quickly and easily as possible.
 - A **Homes for Sudan** scheme: the significant public response to the Homes for Ukraine scheme has shown how this can work. There are many in the UK who will offer homes to Sudanese nationals fleeing war in the same way. In addition to those already working with existing hosting schemes, many living in the UK have links with Sudan, via the professions, friendships, aid, academic contacts etc. Offering a home as a way to allow their friend or contact to escape could be popular. But of course, it will need local authorities to support and monitor it.
- **Funding for local authorities to support people from Sudan:** again, to mirror that on offer for Ukrainians. This can be used to provide necessary services, preferably in partnership with Sudanese communities and groups and commissioning them where possible.

Update regarding the Habitual Residence Test

Dear Colleagues

This is an update on support for people fleeing the war in Sudan, who are homeless on arrival in the UK, and may be referred to your local authority for assistance.

Last week we circulated an email that DLUHC has sent to all Chief Executives to advise that families and individuals arriving from Sudan would be encouraged and supported to join family and friends wherever possible, and if this is not possible assisted to make homelessness applications to local authorities around the country. LAs were advised to treat requests for support in the same way as other homelessness applications, and not consider the LA at the port of entry as responsible for those that have arrived and been provided with emergency hotel accommodation and support. We are hearing of LAs that have and provided immediate support to homeless applicants, which is much appreciated, but also of LAs that have been contacted for assistance but have not accepted applications or provided the right help on various grounds.

Through this email we aim to update LAs on the situation and provide a reminder of HA96 responsibilities in this scenario.

- **Eligibility:** British Nationals arriving from Sudan to resume residence here may satisfy the Habitual Residence Test (HRT) from day one, whereas those who have not lived in the UK will do so from the point that Government is able to waive HRT by statutory instrument, **which will be within the coming few days.** People arriving who are not British Nationals will have been granted 'Leave Outside the Rules' with access to public funds (with a code 1A on their passport) unless they already have an entry visa where recourse to public funds will need to be checked. Contact the Home Office if you are unsure. Where eligibility is not clear cut, for example on HRT, then LAS may provide interim accommodation duty whilst carrying out further enquiries.
- **Priority Need:** It is for LAs to assess whether somebody who has fled after experiencing war in Sudan and arrived without funds, family support etc has priority need; but the full assessment is not required at the point of accepting a relief duty. The immediate requirement is consideration of whether a S188 duty is owed because there is reason to believe the person **may** be homeless, eligible and have priority need; which has a lower threshold. LAS that do not provide interim TA in this situation are reminded that reasonable steps would include linking the individual to alternative sources of support - including from family and friends -and providing help to secure accommodation.
- **Local connection:** LAS have a power, rather than a duty, to assess Local Connection (LC) after accepting a relief duty and not before. If the conditions for referral are met than a S198 referral can be made, but the duty to provide interim accommodation will arise in the meantime. LAs cannot reject an application on LC grounds. If a household are referred to you by an LA that has provided emergency support but there is a clear local connection elsewhere in the country then it would be reasonable to point that out and ask the referral be made to that LA so as to avoid families moving from one place to another and reduce the administrative burden; but this is unlikely to arise in many cases, if at all.

One of the barriers reported for people arriving from Sudan and LAs supporting them at the airports, has been gaining access to services to even have an application considered; and some of the responses that we have seen suggest frontline staff may not be aware of the above information. ***Please do circulate this and previous information to all staff that may be responding to enquiries now or in the coming days.***