# Exploring all Options for Individuals with Unclear or Limited Entitlements

# Note for staff

# This checklist must be completed in line with St Mungo’s policy B35 ‘Working with Non UK nationals’. The checklist must be followed exactly. If you are unsure about any part of this process, always speak to a manager.

**Date completed \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Staff member completing checklist \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

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| --- | --- | --- | --- |
|  | Steps  | Yes/no | Notes |
| 1.  | **Confirm the client is on the caseload of an immigration advisor*** Date advice received
* Name of adviser
* Application working towards
* Actions for client and homelessness professional

Note: situations can change quickly so advice should be provided within the last 6 months. If not, please refer. |  | Type of application working towards  |
| 2 | **Has an immigration application been submitted?**Go to Q3 |  |  |
| 3 | **Confirm if the immigration application has been escalated for decision making with the Home Office**Immigration applications should only be escalated by the immigration adviser. St Mungo’s should never escalate immigration applications  |  |  |
| 4 | **Review if there are indicators of modern day slavery?** Refer to the modern day slavery procedure and escalate any concerns with a manager and make sure to complete an incident report  |  |  |
| 5 | **Is the client eligible under The Care Act?** If yes, speak with a manager and then make an application. Where individuals do not meet the criteria under section 18 of the Care Act but are still vulnerable it may be possible for the client to be accommodated under section 19 of the Care Act via a discretionary power that can be utilised by local authorities. There is a low threshold for assessment and you should request the results of the assessment in writing. For more information click [here](http://guidance.nrpfnetwork.org.uk/reader/practice-guidance-adults/introduction/) |  |  |
| 6 | **Does the client have a route to benefit?** Benefit legislation for non UK nationals is complex so check this with the Welfare Rights Team if you are unsure.If your client has Pre Settled Status or a pending application you can check if they have a qualifying right to reside for benefits [here](https://www.citizensadvice.org.uk/benefits/check-if-you-have-the-right-to-reside-for-benefits/)If your client has Pre Settled Status, does not have a qualifying right to reside and is unable to work due to their support needs, they may be able to access UC due to the *SSWP v AT* judgement. More information [here.](https://cpag.org.uk/welfare-rights/test-cases/test-case-updates/destitute-eu-nationals-pss-can-rely-eu-charter-fundamental-rights-obtain)If the client is a Non EEA national and has a no recourse condition attached to their status, ensure the immigration adviser has explored whether this can be lifted.If no, go to Q5 |  |  |
| 7 | **Confirm with the immigration adviser if an application can be made for Home Office Accommodation**Remember to always follow the policy B35 Working with Non UK nationals when supporting clients to access Home Office Accommodation If the client is a survivor of domestic abuse and eligible for Home Office Accommodation, they may be able to access a Home Office funded space in a refuge, more details [here.](https://www.asaproject.org/uploads/FS_18_-_June_2023.pdf) |  |  |
| 8 | **Is the client eligible specialist services including ‘immigration support beds’, hosting or specialist women’s services?** If no or no immediate option, go to Q9 |  |  |
| 9 | **Confirm with the relevant Local Authority if options are available locally.** If no, go to Q10 |  |  |
| 10 | **Explore with client if they have friends or family they can stay with elsewhere in the UK.** Speak to the client to understand if there are any risks or safeguarding concerns about returning to friends and family. You should ask* How is there relationship with this person?
* Have they been in regular contact?
* Have there ever been any issues with the relationship?
* Has the person ever made them feel uncomfortable or unsafe

If friends and family looks like a potential option you should discuss with a manager. If you need further support contact safeguarding@mungos.orgIf no, go to Q11 |  |  |
| 11 | **Keep a record of where there is no option** Please keep a record of cases where no option is available and share these with Head of Migrant and Advice services so the need can be communicated with partners and evidence can be used to feed into our influencing work. |  |  |