

Mandate of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context

Ref.: OL GBR 13/2026

(Please use this reference in your reply)

7 August 2026

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, pursuant to Human Rights Council resolution 61/16.

Following the information received, migrants in the United Kingdom on visas, undocumented migrants, and many people seeking asylum are generally excluded from mainstream welfare benefits and social housing under the **“no recourse to public funds”** policy. While asylum seekers may receive accommodation and limited financial support through the asylum support system, they do not have access to mainstream welfare benefits and social housing on the same basis as UK residents. I **call on the new Prime Minister and the Government to review this policy and stop the blanket exclusion of migrants and people seeking asylum from the necessary protection from the State to make the right to housing real for everyone living in the country and requiring society’s support.**

“No recourse to public funds” has been a standard visa condition since the 1980s. Under the Immigration and Asylum Act 1999, families and individuals with “no recourse to public funds” are excluded from social security benefits, tax credits and housing assistance. Some migrants might be granted a discretionary exception, as was the case with the Hong Kong humanitarian visas in recent years. Other factors that might be considered are evidence of destitution or child welfare concerns. “No recourse to public funds” strains the resilience of local authorities, which have a statutory duty to protect and support children in families that are affected by “no recourse to public funds”. It is estimated that around 3.6 million people held visas with a “no recourse to public funds” condition at the end of 2024. Having said that, according to information brought to my attention, the Home Office does not know precisely how many people are affected by this policy.

In 2025, the Committee on Economic, Social and Cultural Rights urged the UK to “review the ‘no recourse to public funds’ rule to prevent an increase in poverty and precarity among migrants and asylum-seekers”.¹ Similarly, in 2023, the Committee on the Rights of the Child called on the UK to “stop the designation of children without a regular residence status and their families to administrative categories that prevent them from accessing certain services, such as the ‘no recourse to public funds’ provision”.²

¹ CESCR, Concluding Observations: United Kingdom, E/C.12/GBR/CO/7 (2025), para. 27.c.

² CRC Committee, Concluding Observations: United Kingdom, CRC/C/GBR/CO/6-7 (2023), para. 51.b.

Observations based on international human rights law

As observed by a previous Special Rapporteur on the right to housing, Raquel Rolnik, “the realization of the right of migrants to adequate housing is often limited owing to a number of factors, such as marginalization and intolerance, inadequate housing policies or inadequate coverage of social housing schemes, cultural barriers and obstacles stemming from the legal status of migrants”.³ More recently, my immediate predecessor, Balakrishnan Rajagopal, observed with concern that “the lack of access to social housing often relegates migrants to inadequate housing in overcrowded, underdeveloped urban areas, perpetuating segregation and exclusion.”⁴

As a matter of international human rights law, public authorities are expected to make use of the “maximum of available resources” at their disposal “with a view to achieving progressively the full realisation” of the right to adequate housing and other Economic, Social and Cultural Rights (ESCR; article 2(1) ICESCR). Public authorities bear the responsibility to prove that they are putting in place the most “appropriate” policies, and allocating their resources in the most strategic way, in order to fulfil the right to adequate housing progressively.⁵ There is an expectation that they will “move as expeditiously and effectively as possible towards” the improvement of the enjoyment of the right to housing among the population; consequently, it is presumed that deliberate retrogressive measures in principle are not in compliance with social rights.⁶ To comply with human rights standards, policy adjustments that may result in lowering protection of the right to housing and other ESCR, ought to be temporary, necessary and proportionate, adopted after meaningful engagement with people most affected by them, must not be discriminatory, mitigate inequalities and ensure that the rights of the most disadvantaged people are not disproportionately affected.⁷

States ought to undertake to guarantee that the right to housing and other ESCR will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (article 2(2) ICESCR).

As observed by the Committee on Economic, Social and Cultural Rights (CESCR) in its general comment No. 20, ESCR “apply to everyone including non-nationals, such as refugees, asylum-seekers, stateless persons, migrant workers and victims of international trafficking, regardless of legal status and documentation”.⁸

The CESCR defines discrimination in relation to ESCR as “any distinction, exclusion, restriction or preference or other differential treatment that is directly or indirectly based on the prohibited grounds of discrimination and which has the intention or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of” the right to adequate housing and other ESCR.⁹

³ Special Rapporteur on the Right to Housing, Report to the General Assembly, A/65/261 (2010), para. 10.

⁴ Special Rapporteur on the Right to Housing, Towards a just approach to the global housing crisis and migrants, A/HRC/58/50 (2025), para. 39.

⁵ CESCR, general comment No. 3: The nature of States Parties’ obligations, E/1991/23 (1990), para. 4.

⁶ Ibid, para. 9.

⁷ CESCR, Public debt, austerity measures and the ICESCR: Statement, E/C.12/2016/1 (2016), para. 4; Independent Expert on Foreign Debt and Human Rights, Guiding principles on human rights impact assessments of economic reforms, A/HRC/40/57 (2018), principle 10.

⁸ CESCR, general comment No. 20: Non-discrimination in ESCR, E/C.12/GC/20 (2009), para. 30.

⁹ Ibid, para. 7.

The 1951 Convention relating to the Status of Refugees establishes the principle of the widest favourable treatment in relation to refugees' access to housing: States "shall accord to refugees lawfully staying in their territory treatment *as favourable as possible* and, in any event, *not less favourable than that accorded to aliens* generally in the same circumstances" (article 21, emphasis added).

While States may set reasonable, transparent and carefully designed criteria to rationalise the allocation and delivery of their social services, including public housing,¹⁰ nationality and migration status are not, per se, sufficient grounds to exclude individuals under a State's jurisdiction from the enjoyment of their human rights.¹¹

Differential treatment merely on the basis of nationality or migration status can amount to unjustifiable discrimination unless the reasons for such differential treatment are prescribed in the law, pursue a legitimate aim in accordance with international human rights law, and are necessary, reasonable and proportionate in the specific circumstances.¹² States bear the burden to prove that these standards are being met.

It is my opinion that the reasonableness and proportionality assessment should include an evaluation of whether and how national authorities pursue policies to drastically curtail speculative practices in the housing sector. Specifically, I would enquire whether national authorities aim to restrict or impede the purchase of residential properties by foreign investors, corporate or not, that show no intention to reside in the local communities and would yet contribute to make housing unaffordable in the area.

Conclusions and recommendations

I wish therefore to reiterate the call for the equal enjoyment of the right to adequate housing without discrimination for all migrants, regardless of nationality and administrative or documentation status, in conformity with international human rights and refugee law, and calls for human rights-based approaches to the nexus between migration and housing.¹³

It is incumbent upon States to articulate the necessary justification for public policies that impose restrictions on access to housing for foreigners, undocumented or not. Such justification should be guided by the principles of legality (including international human rights law), reasonableness, necessity, proportionality, transparency and impact assessment.

I also call on States to put in place effective mechanisms to combat discrimination on the basis of national origin or immigration status both in access to private rental accommodation and in public housing.¹⁴

¹⁰ CESCR, Ben Djazia and Bellili v. Spain, communication No. 5/2015, E/C.12/61/D/5/2015 (2017), para. 17.2.

¹¹ CESCR, Infante Díaz v. Spain, communication No. 134/2019 (2023), para. 7.6.

¹² CESCR, general comment No. 20: Non-discrimination in ESCR, E/C.12/GC/20 (2009), para 13.

¹³ Special Rapporteur on the Right to Housing, Towards a just approach to the global housing crisis and migrants, A/HRC/58/50 (2025), para. 103.

¹⁴ Ibid, para. 104(m).

As it is my responsibility, under the mandate provided to me by the Human Rights Council, to seek to clarify all cases brought to my attention, I would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above observations.
2. Please provide any additional information on the extent to which the policies restricting access to housing on the basis of the migration status are guided by the principles of legality (including compliance with international human rights law), reasonableness, necessity, proportionality, transparency and assessment of the impact on particularly vulnerable groups.

While awaiting a reply, I call on the Government to review this policy and stop the blanket exclusion of migrants and people seeking asylum from the necessary protection from the State to make the right to housing real for everyone living in the country and requiring society's support.

This communication, as a comment on pending or recently adopted legislation, regulations or policies, and any response received from your Excellency's Government will be made public via the communications reporting [website](#) after 48 hours. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

I would kindly request your Excellency's Government that this communication is shared widely with parliamentarians and other relevant stakeholders, including National Human Rights Institutions and regional authorities.

Please accept, Excellency, the assurances of my highest consideration.

Koldo Casla

Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context