

A Detailed Guide to Recording Immigration Status on NRPF Connect

Local authorities have a statutory responsibility to safeguard vulnerable children and adults, responsibilities that may lead to the provision of financial support (accommodation and / or subsistence) to destitute adults and families. The three groups of people who will fall to be provided with financial support are:

- Families – where children are assessed as being in need due to the parent's financial circumstances.
- Single adults – where a person has eligible care needs arising from or related to a physical disability, illness or mental health impairment.
- Care Leavers – children formerly looked after by the local authority who are now 18 or older.

Social services support is – however - limited by the exclusions under Schedule 3 Nationality Immigration and Asylum Act (NIAA) 2002. If a person is in one of the excluded groups listed under Schedule 3 (see Figure 2, pages 3-4) then support is restricted to that which is deemed necessary for the purpose of avoiding a breach of Human Rights or Community (EU) Treaty rights (in the case of European Economic Area (EEA) nationals). In order to determine whether it can provide support to a person in an excluded group, the local authority must undertake a Human Rights Assessment and have regard for:

1) Whether a person can reasonably be expected to return to their country of origin, including whether there are legal barriers in place preventing a return (i.e. an application to the Home Office that is outstanding – see Figure 4, page 9).

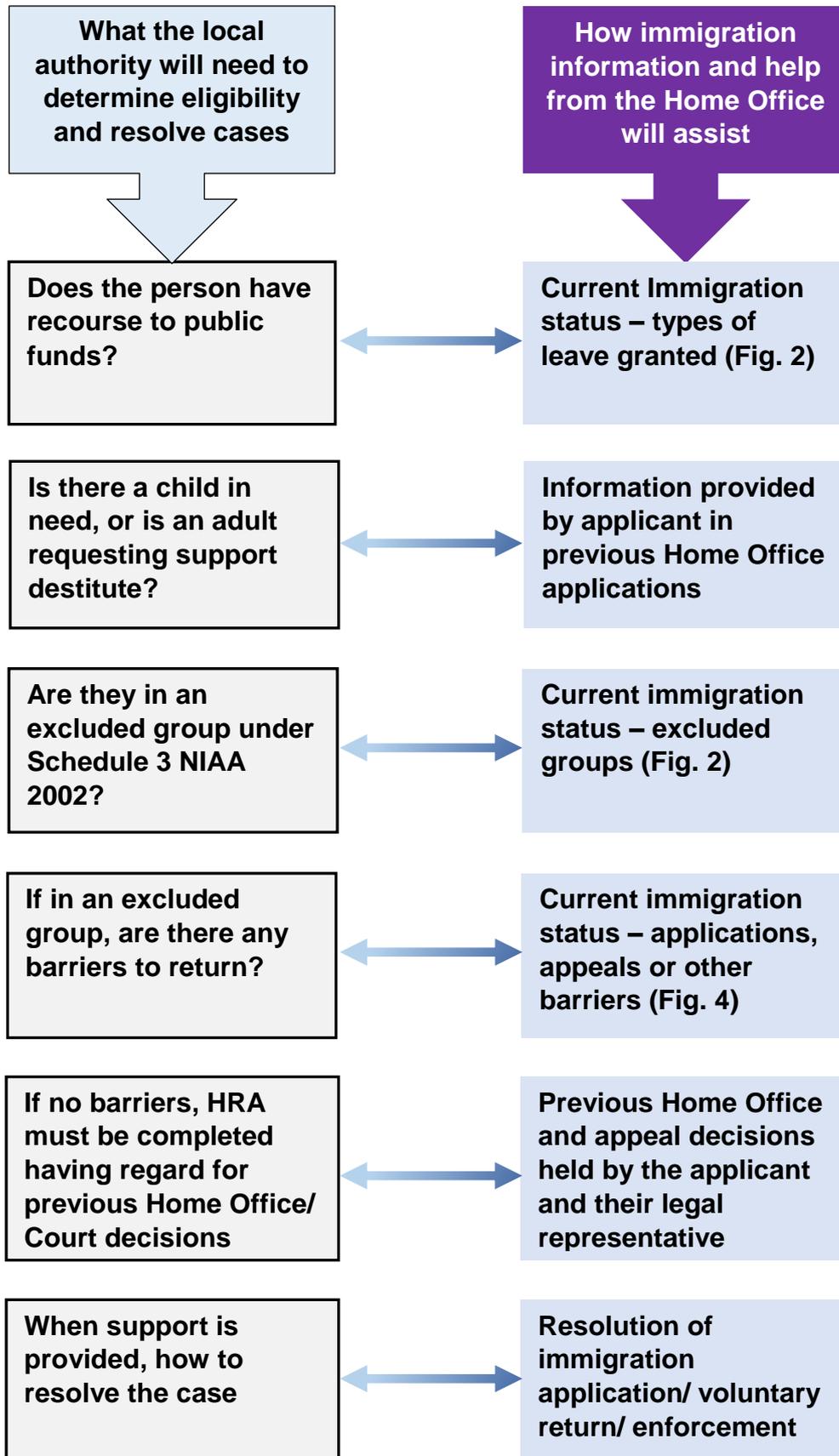
2) The impact of leaving the UK on the individual, including regard for the challenges of living in the UK without immigration status, outcomes of previous applications made to the Home Office and the situation that awaits them on return to their country of origin.

The social service's decision making process is intrinsically linked to a person's immigration status (see Figure 1. page 2) and the specialist input from the Data and Sanctions Team (DAST) Team, Intervention & Sanctions Directorate (ISD), over NRPF Connect helps the local authority adhere to statutory duties in this field.

This guide does not replace the other resources available on assessment responsibilities for social services or how to use NRPF Connect; the guide can therefore be read in conjunction with the following additional information:

- [NRPF Connect user guide](#)
- [Service Level Agreement](#)
- [Practice Guidance for local authorities](#)
- [Migrant Families Web Tool](#)

Fig.1: NRPF Service Provision – decision making flow chart



IMMIGRATION STATUS

The page will reflect the person’s current immigration status, a date of status check is created when changes are saved, past information is available via the History. Local authorities will ensure date of status check is up-to-date and request up-dates via Queries.

* Denotes a mandatory field

Date of status check *

IMMIGRATION STATUS *

Date entered the UK

Date leave granted

Expiry date of leave

Foreign National Offender? Yes: No:

The immigration page captures the date leave is granted and when that leave expires. It is good practice for local authorities to ensure that people are aware of their responsibilities to extend or renew leave as the expiry date is approached.

When the expiry date of leave has passed, please refer to the ‘immigration / EEA application’ section (below) to confirm whether ‘continuing leave’ has been granted (i.e. in time application submitted and conditions of previous leave remain in place).

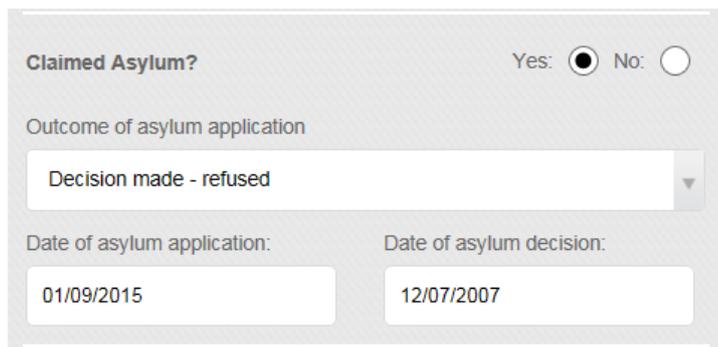
Fig.2: Full list of immigration status values and relevance for the local authority

Values that determine that a person is caught by Schedule 3 NIAA 2002	
Over-stayer / Deception / Breach	Includes people who have overstayed a visa and those who had leave (e.g. UASC leave) but failed to successfully extend their leave.
Illegal entrant	Entered without correct immigration permission, has used deception to gain entry, or has not passed through immigration control. Subject to deportation order who returns to the UK before this is revoked.
EEA national	European Economic Area national.
EEA national – no record on HO systems	Home Office can find no trace on Home Office systems because no application for documentation of right to reside has been made.
Dependant of EEA national	Home Office has confirmed that the person is the spouse, partner or adult dependant relative (e.g. parent) of an EEA national.
Dependant of EEA national – no record on HO systems	Person claims to be spouse, partner or adult dependant relative (e.g. parent) of an EEA national but not confirmed.

Home Office outcome reached & Closure Required Alert triggered to the LA	
Limited leave with recourse to public funds (10 year route)	LTR granted for 30 months under family or private life rules, or outside of the rules, on a 10-year route to settlement, with recourse to public funds.
Limited leave with recourse to public funds (following COC)	LTR varied to provide recourse to public funds after originally granted for 30 months under family or private life rules, or outside of the rules, on a 10-year route to settlement with the NRPF condition.
Limited leave with NRPF (10 year route)	LTR granted for 30 months under family or private life rules, or outside of the rules, on a 10-year route to settlement with the NRPF condition.
Limited leave with NRPF (other)	LTR granted on any basis not specified here e.g. student, spouse, visitor.
Indefinite leave	No time limit on stay in the UK. Home Office notes must specify on what basis leave is granted; if leave granted on basis of adult dependant relative, then the no recourse condition applies for first 5 years.
Humanitarian Protection	Granted following asylum claim if risk of serious harm or persecution but not for convention reason, 5 year route to settlement.
Refugee Status	Granted following asylum claim well-founded fear of persecution for convention reason, 5-year route to settlement.
Trafficking leave	Discretionary leave granted following a conclusive grounds decision confirming the person is a victim of trafficking or modern day slavery.
DDV Concession	Destitution Domestic Violence Concession.
Home Office outcome has been reached, LA to consider next steps	
UASC Leave	Refused asylum / humanitarian protection and no adequate reception arrangements in country of origin, 2.5 years limited leave until 17.5 years old – no route to settlement. Recourse to public funds granted.
EEA derived right of residence (Zambrano) – documented	Derivative residence card issued by to confirm that person is a primary carer of a dependant British/EEA child. No access to public funds.
EEA derived right of residence (other)	Derivative residence card issued to confirm person is primary carer of a child of a worker in education or self-sufficient child, may have recourse.
Additional values for the local authority to consider	
Port case	A person who has claimed asylum at port of entry.
EEA derived right of residence (Zambrano) – not documented	Facts of the case indicates person has derivative right to reside as the primary carer of a British/EEA child. May have access to public funds.
No record held by HO	Match not found by Home Office.
British	British citizens should not be uploaded onto NRPF Connect.

CLAIMED ASYLUM?

Where asylum has been claimed, the local authority must consider whether asylum support from the Home Office can be accessed as an alternative to social services funding. For Unaccompanied Asylum Seeking Children (UASC), it is important to ensure that an initial decision on an asylum claim is made as expediently as possible and before the child reaches 17.5 years of age.



Claimed Asylum? Yes: No:

Outcome of asylum application
Decision made - refused

Date of asylum application: 01/09/2015
Date of asylum decision: 12/07/2007

It is necessary to record the outcome of the **first decision** made by the Home Office and the date of that decision.

Whether the person has an active appeal against an initial refusal will be covered by the fields relating to 'appeal' and 'barrier to return' (see below) and through the detail of the Home Office notes provided.

IMMIGRATION OR EEA APPLICATION?

Many of the families and adults supported by local authorities will pursue immigration (non-asylum) applications with the Home Office. European Economic Area (EEA) nationals are not subject to immigration control but may wish to formalise their rights through an application process to the Home Office.



Immigration or EEA application? Yes: No:

Type of application:
Immigration - Human Rights (Inc. Article 8)

Outcome of immigration application:
Awaiting decision on validity (including fee waiver)

Continuing Leave - 3C granted? Yes: No: N/A:

If an immigration application is refused with a right of appeal, it will be necessary to refer to 'appeal' and 'enforcement' fields to ascertain whether a legal barrier to return remains in place (see below).

Further detail on the process and outcome of a claim will be provided by the Home Office in the notes.

Continuing Leave – 3C granted – general considerations

If 3C leave is granted, then the type of leave previously obtained should be retained in the 'Immigration Status' field (above) with the original grant and expiry dates of leave shown. The local authority will have regard for 1) the fact that the Home Office has yet to make a decision on whether a new form of leave will be granted 2) whether the condition of the original leave allows continuing access to public funds.

If the Immigration Status is a value that triggers the 'Closure Required' (see page 3 table), the 'Closure Required' alert will be active on local authority view – *even though the Home Office has not yet reached a decision on the new application received.*

At the end of the 3C period, the Home Office will update the Immigration Status with the new status granted, including new start and end dates. If, however, leave is revoked or expires, the Home Office will update immigration status to 'overstay / deception / breach' (or other value where applicable).

Fig. 3: Full description of immigration / EEA applications and outcome values:

Immigration or EEA application made	
Immigration – Human Rights (Inc. Article 8)	Family or private life (Article 8), medical (article 3), other non-asylum human rights claims.
Immigration – other	Any other category of leave, e.g. spouse, student, visitor.
Immigration – DDVC	Destitution Domestic Violence Concession.
Change of conditions	Person has LTR with NRPf (10-year route to settlement), application made for recourse on grounds of destitution or other exceptional circumstances.
EEA registration certificate	EEA national confirming their right to reside in the UK.
EEA residence card – family member	Non-EEA national family member confirming right to reside in the UK.
EEA derivative residence card	Application on the basis of a derivative right as the primary carer of a child of a worker in education, self-sufficient child or British child (Zambrano) – please specify which in the notes section.
EEA permanent residence	EEA national or non-EEA national confirming their permanent right of residence in the UK.
Outcome of Immigration or EEA application	
Awaiting decision on validity (including fee waiver)	Home Office has not yet made a decision whether to process the application, including granting a fee waiver if this has been applied for.
Accepted as valid – awaiting decision	Decision pending – case should be prioritised by the Home Office for resolution.
Decision made – refused with Right of Appeal	Refer to appeal / barrier to return fields to ascertain whether appeal process is being followed.
Decision made – refused with no right of appeal	Likely to be no barrier in place preventing return to country of origin.
Decision made granted	Immigration status field will be updated with the type of leave granted.
Withdrawn by applicant	Consider whether there are any other barriers preventing return.
Rejected as invalid	Consider whether there are other barriers preventing return.

APPEAL ONGOING?

Appeal processes can involve many procedural stages, for the purpose of the fields on NRPF Connect the matter is simplified to whether, at the date of the status check, an appeal is ongoing or not. Where a person’s immigration status indicates that they are caught by Schedule 3 (see Figure 2, pages 3-4) an active appeal confirms a legal barrier to return remains in place even if the initial application made was refused.

Date of appeal hearing will make it clear to the local authority when a hearing date is set. Please note that the Home Office will not be able to provide further information on the case until after the hearing.

Appeal Rights Exhausted (ARE) date is confirms the date procedural rights are exhausted.

IMMIGRATION REPRESENTATIVE

The Immigration Representative is the legal advisor for the case.

The user can either create a new solicitor or – if the value is already in the drop down - select from list of available options.

HOME OFFICE INVOLVEMENTS

Home Office Allocated User can be set from the search results table (my case tick box), the summary page of a record (allocate / deallocate button) and on the Immigration Page. The Home Office user will then be able to filter alerts, queries and cases by the ‘my cases filter’.

Home Office File Ownership enables the Home Office to record the location of the applicant’s file.

ASYLUM SUPPORT

ASYLUM SUPPORT

Type of asylum support (last provided):
 Section 95

Start date: 05/06/2016 End date: 04/07/2017

Status of support:
 Ended

Start date of grace period: []

Reason asylum support ended / due to end:
 Breach of support conditions

Details of asylum support last provided will be recorded in the Asylum Support section of the page.

The values that reflect the changes proposed in the Immigration Act 2016 will not be used until such time the Act is in force.

ENFORCEMENT ACTION

The barrier to return field enables the Home Office user to record whether there is – according to Home Office systems - a legal or practical barrier preventing the applicant from returning to their Country of Origin.

If the value for Immigration Status (see Figure 2, pages 3-4) indicates that the person is in an excluded category under Schedule 3 NIAA 2002 then it follows that the Home Office value entered for 'barrier to return' (see Fig 4 – below) will help determine whether the local authority should consider return to country of origin through the Human Rights Assessment.

If the barrier to return indicates that a Home Office decision remains outstanding and the case is recorded on NRPF Connect as financially supported, then DAST will endeavour to prioritise the case within Home Office decision-making teams.

ENFORCEMENT ACTION

Barrier to return:
 Outstanding application / appeal

Has a removal decision been made? Yes: No: N/A:

Date of return: []

It is important for the Home Office to ensure that the barrier to return is in line with other sections of the Immigration page that relate to Immigration Status, Asylum or Immigration / EEA applications and appeals.

If the barrier to return field is not completed or does not match with other information provided, the local authority will raise a Query to clarify.

Fig. 4: Full explanation of Barrier to Return values

Legal barriers preventing enforced or voluntary return	
Outstanding application / appeal	A legal barrier is in place preventing return to country of origin. For cases caught by Schedule 3, the local authority will have regard for Birmingham City Council V Clue (2010) & KA V Essex (2013), support to eligible cases will continue.
Outstanding judicial review / injunction	As above – a legal barrier to return is in place. The Home Office will use this value when 1) a pre-action letter against Home Office decision is recorded 2) permission to pursue JR is provided by the courts 3) proceedings are ongoing.
Outstanding reconsideration	As above – a legal barrier to return is in place. The value is used by the Home Office when a request for reconsideration of a previously refused immigration application has been allowed.
Further submissions	As above – legal barrier to return is in place. The value is used when an asylum case has been refused as appeal rights exhausted but then further submissions to support the original claim are received and considered by the Home Office.
Potential Victim of Trafficking	Referred through the National Referral Mechanism but has not yet received a conclusive grounds decision.
Practical barriers preventing enforced or voluntary return	
Documentation	For the purpose of NRPF Connect, <u>this will only be used by the Home Office in exceptional cases where a person cannot get documentation</u> , with explanation available in the notes.
Pregnancy	Later stages of pregnancy.
Medical	Person medically <u>certified by the Home Office</u> as unfit to travel.
Country Specific	<u>Only used in exceptional cases</u>
Removal decision not yet served	Used sparingly - <u>voluntary return remains an option</u> , no reason why removal decisions cannot be issued.
No practical or legal barriers preventing enforced or voluntary return	
No barrier to removal	Used by the Home Office to confirm no practical or legal barriers are in place to return. Return to country of origin will be considered by the local authority if Schedule 3 applies.
Non-compliance	Enforcement action undertaken but person has not complied.
Outstanding VRS applications	Complying with voluntary return programmes; local authority support will likely continue until return enabled.
Absconder	Person not reporting; Home Office to re-issue reporting instructions.

VOLUNTARY RETURNS SERVICE (VRS)

Home Office will record current or previous involvement with the VRS service.

If outcome is that the person is returned, it is expected that a 'Date of Return' is then added to Enforcement Action section of the page (see above).

FAMILY RETURNS UNIT (FRU)

Home Office will record current or previous involvement with the FRU service.

As with VRS, if the outcome is that the person is returned, it is expected that a 'Date of Return' is then added to Enforcement Action section of the page (see above).

The intention of adding VRS and FRU fields to NRPF Connect is to begin the process of monitoring interaction between local authority support and Home Office return services.

If local authorities enact Schedule 3 NIAA 2002 as it is intended – which may include withholding or withdrawing financial support - it is envisaged that 1) people will engage with return services as an alternative to staying in the UK destitute 2) that the Home Office will be active in helping local authorities to ensure that people engage with such services, rather than going missing.

Reason for local authorities ending support (as recorded on the Closure page) will also assist in monitoring caseload trends with respect to voluntary return.